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Filing date: **03/24/2006**

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	Toho Co., Ltd.
Granted to Date of previous extension	04/02/2006
Address	2029 Century Park East Suite 1150 Los Angeles, CA 90067 UNITED STATES

Attorney information	Joan Kupersmith Larkin Seyfarth Shaw LLP 2029 Century Park East Suite 3300 Los Angeles, CA 90067 UNITED STATES jlarkin@seyfarth.com, jjacobs@seyfarth.com Phone:310-277-7200
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Applicant Information

Application No	78513729	Publication date	10/04/2005
Opposition Filing Date	03/24/2006	Opposition Period Ends	04/02/2006
Applicant	Hurd, William / Downs, Christina / Keith, Justin 9 Green Road Raymond, NH 03077 UNITED STATES		

Goods/Services Affected by Opposition

Class 035. First Use: 1999/01/28 First Use In Commerce: 2004/03/01 All goods and services in the class are opposed, namely: Providing a website at which users can offer goods for sale and arrange to purchase goods offered for sale by others

Attachments	TOHO CO., LTD., Notice of Opposition.pdf (18 pages)
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Signature	/Joan Kupersmith Larkin/
Name	Joan Kupersmith Larkin
Date	03/24/2006

upon which Applicant can rely, Opposer has been engaged in the production and distribution of a series of motion pictures starring a character called Godzilla (the "Godzilla Character"). The Godzilla Character is a large, two-footed green lizard-like/reptilian creature with fins on its back and the ability to breath fire, and has been represented visually in several depictions.

5. Numerous motion pictures featuring the Godzilla Character have been distributed in the United States. In 1998, Opposer's licensee, TriStar Pictures, Inc., released a GODZILLA motion picture in the United States and numerous foreign countries. The 1998 GODZILLA motion picture received extensive publicity in the United States and grossed many millions of dollars in the United States alone.

6. For many decades, Opposer and its various licensees have extensively advertised, promoted, and sold in the United States a wide variety of goods and services under and in connection with the GODZILLA mark, various derivative marks, and design marks featuring the Godzilla Character. The GODZILLA marks and the Godzilla Character are famous in the United States and became famous in the United States long before the filing date of the Opposer Application, or any earlier date of actual use of the mark shown in the Opposed Application upon which Applicant can rely.

7. Opposer owns the following United States Trademark Registrations for the mark GODZILLA:

(a) Reg. No. 1,161,858 for the mark GODZILLA for comic books;

(b) Reg. No. 1,163,122 for the mark GODZILLA for entertainment services in the nature of a continuing motion picture film series;

(c) Reg. No. 1,174,377 for the mark GODZILLA for toys and games, namely, plastic model/hobby kit consisting primarily of molded plastic pieces used to assemble lizard-like monster with display base;

(d) Reg. No. 1,858,403 for the mark GODZILLA for cinematographic and motion picture films featuring entertainment; pre-recorded video tapes and cassettes featuring entertainment, and toys and games, namely, video and computer game programs; video and computer game software; electronic game programs; video and computer game cartridges; vinyl toy figures; plastic inert figures; and plastic action figures;

(e) Reg. No. 2,134,696 for the mark GODZILLA for toys and games, namely, painted toy figures; playsets with toy figures; toy vehicles; plush toys; and stuffed toys;

(f) Reg. No. 2,211,328 for the mark GODZILLA for comic books; greeting cards; clothing, namely, sweatshirts; t-shirts; shirts; and tops; and

(g) Reg. No. 2,360,489 for the mark GODZILLA for non-electric doorbells; metal clothes hooks; boards containing metal clothes hooks; metal key chains; and metal key fobs; watches and clocks; clocks incorporating radios; and lapel pins; pre-printed paper stickers and pre-printed sticker collector albums; party game books; chalk boards; magnetic boards; pencil-top ornaments; paper table cloths; invitation cards; paper name badges; door and yard signs made of paper; confetti; non-Halloween paper loot bags; paper gift bags; blow outs, namely, paper toys that unfurl when blown into and cellophane loot bags; party meal box and centerpieces made of paper; clinger and printed crepe paper; blank and printed theme books; stationery-type portfolios; binders; study kits comprised primarily of plastic pouch, pencil, ruler and eraser; blank and printed assignment books; scribble drawing and writing tablets; construction paper; ABC writing and art tablets; memo pads; doodle pads; art pads; paper sign-in sheets; crayon-by-number kits comprised primarily of crayons and pictures for coloring; rub and color line drawing sets comprised primarily of crayons, paper and plastic panels with raised images used to create and color drawings; stamp and roller sets comprised primarily of stamps and rollers made of rubber and plastic; temporary paper and removable tatoos; lap boards for reading and writing; light up

desks comprised primarily of battery-operated desks that glow, art sheets and colored pencils for drawing and tracing; flicker rulers, namely, drawing rulers with image of character on backside that appears to move as image changes; water-filled plastic placemats; and vinyl placemats; backpacks; knap sacks; luggage; carry-on bags; shoulder bags; handbags; clutch bags; rucksacks; canvas carry on bags; school bags; book bags; pocketbooks; purses; fanny packs; waist packs; beach tote bags; all-purpose sport bags; athletic bags; duffel bags; golf bags; gym bags; tote bags; mesh, leather and textile shopping bags; wallets; beach umbrellas; and key cases; beach chairs; drinking straws with play motion; non-metal clothes hooks; boards containing non-metal clothes hooks; window shades; throw pillows; non-metal key chains and key fobs; and desks; paper cups and paper plates; thermal insulated containers and thermal insulated vinyl bags for holding food or beverages; sports bottles with molded character heads and printed sports bottles with or without sound making capabilities sold empty; squeeze sports bottles; battery powered toothbrushes and battery powered toothbrushes with voice emitting capabilities sold with and without stands; battery powered toothbrush stands; bathroom organizers, namely, plastic shelves with compartments for storing toiletries; plates; bowls; cups; beverage ware; beverage glassware; mugs; and canteens; bed linens; bed sheets; pillow cases; pillow shams; comforters; bed spreads; quilts; bed blankets; jacquard throws, namely, throw blankets with a jacquard weave; window treatments, namely, swags and valances; curtains; draperies; fabric "door defenders" hanging cloth and fabric bannerettes, namely, cloth banners; beach towels; bath towels; hand towels; washcloths; kitchen towels; tea towels; oven mitts; potholders; textile place mats; and table cloths not of paper; clothing and footwear, namely, baseball, painters and biking caps; long and short sleeve T-shirts; polo shirts; woven shirts; henley shirts, namely, collarless T-shirts with buttons; golf shirts; neckties; ties; nightgowns; slippers; athletic shoes; and canvas shoes, boots and sandals; and toys, games and playthings, namely, toy paper cut-out figures; toy city play sets

of paper for demolition; blow-molded toy figures with an electronic sound mechanism; molded toy figures with articulated arms, legs and tail; plastic monster toys figures; play basics, namely, spring loaded jumping figures, eggs and miniature mountains containing toy figures, and vinyl sheets that inflate into characters upon impact; toy action hurling figures; toy action figures with sound or light functions; toy action figures that shoot missiles and/or water; metallic balloons, latex balloons; electronic toys, namely, electronic action figures, toy vehicles and toy walkie-talkies; molded toy figures with battery operated electro-mechanical motor with roaring sound; toy pick-up trucks with inflatable or inflated tires; articulated toy figures that emit orange-colored liquid; toy foam heads mounted on soft plastic handles; toy walking figures driven by wind-up or battery operated motors; play kits for growing monster pods in water, comprised primarily of condensed plastic toy figures that grow in water and vacuum-formed tray decorated with city scape; free-flowing play gel and toy dispensers sold therewith; toy candy dispensers; toy pocket play arenas using free-flowing play gel cases; hobby craft sand art kits; sonic controlled toy monster trucks; foot bags used in a kicking action game; toy snap bracelets; playsets and accessories therefor, consisting primarily of toy figures, vehicles and neighborhoods; toy city play sets for demolition; toy action figure carry cases; wind-up/walking and friction driven toy figures; slide manipulative puzzles; micro machine scale toy vehicles; toy banks; toy gum ball banks; toy rotational molded figure banks with or without sound making moveable capabilities with moveable parts; hobby craft kits for making toy figures with air drying component; toy talking sculpted head; character toy figures with voice-emitting capabilities; stand alone computer output game machines and hand held units for playing electronic games; plastic toy figures, eggs, vehicles, playset cities and scenes for use therewith; mini-playface, namely, stuffed toy head that depicts character face; plastic, vinyl and soft sculpture toy figures; die cast miniature vehicles; plastic eggs consisting of action figure toys;

wind-up powered action toys; playground and rubber action balls; foam balls; basketballs; toy basketball hoop sets consisting primarily of a basketball, basketball backboard and basketball hoop; basketball backboards; party favors in the nature of small toys, namely, paper games, paper and plastic card games, model and toy cars, toy jewelry; toy party noisemakers, horns, whistles and rattles; dolls and puppets; inflatable swimming toys; latex squeeze toys; musical toys; skateboards; bath tub toys; children's multiple activity toys; and balloon paste used to make balloons or plastic bubbles.

8. All of these registrations are valid and subsisting and belong to Opposer, and Registration Nos. 1,161,858, 1,163,122, 1,174,377, and 1,858,403 have become incontestable. Registration No. 2,211,328 has become incontestable as to “comic books”. Copies of Opposer's registrations are attached hereto as Exhibit 1 and are incorporated by reference herein as if set forth in full.

9. Upon information and belief, Applicant was aware of Opposer's famous “GODZILLA” marks when Applicant selected the “BOOKZILLA” mark shown in the Opposed Application, and intended and intends to use the same in such a manner as to trade on the goodwill of the “GODZILLA” marks in the United States.

FIRST CLAIM FOR RELIEF
(Likelihood of Confusion With Registered Trademarks and Service Marks)

10. Opposer repeats and realleges the allegations contained in preceding paragraphs 1-9, inclusive, as if fully set forth herein.

11. The mark shown in the Opposed Application so resembles Opposer's registered GODZILLA marks as to be likely, when used in connection with the services identified in the Opposed Application, to cause confusion, to cause mistake, or to deceive, and Applicant's mark is thus unregistrable under § 2(d) of the United States Trademark Act, 15 U.S.C. § 1052(d), as amended.

12. Opposer will be damaged by registration of the mark shown in the Opposed Application because registration of the mark would give Applicant prima facie evidence of its ownership of, and exclusive right to use in commerce, a mark that is confusingly similar to Opposer's marks.

SECOND CLAIM FOR RELIEF
(Likelihood of Confusion With Previously-Used Marks)

13. Opposer repeats and realleges the allegations in preceding paragraphs 1-9, inclusive, as if fully set forth herein.

14. The mark shown in the Opposed Application so resembles Opposer's GODZILLA Marks previously used in the United States and not abandoned as to be likely, when used in connection with the services identified in the Opposed Application, to cause confusion, to cause mistake, and to deceive, and Applicant's mark is thus unregistrable under § 2(d) of the United States Trademark Act, 15 U.S.C. § 1052(d), as amended.

15. Opposer will be damaged by registration of the mark shown in the Opposed Application because registration of the mark would give Applicant prima facie evidence of its

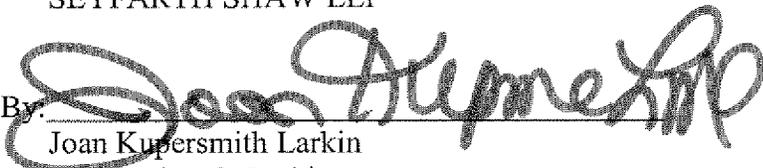
ownership of, and exclusive right to use in commerce, a mark that is confusingly similar to Opposer's previously-used and not abandoned marks.

WHEREFORE, Opposer prays for the entry of judgment sustaining this opposition and refusing registration to Applicant of the mark shown in the Opposed Application. Please charge the \$300 filing fee to Deposit Account No. 50-2291 and direct all correspondence in connection with this opposition to the undersigned.

Respectfully submitted,

Dated: March 24, 2006

SEYFARTH SHAW LLP

By: 

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Christopher C. Larkin
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TOHO CO., LTD.

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EXHIBIT 1

Int. Cl.: 16

Prior U.S. Cl.: 38

United States Patent and Trademark Office

Reg. No. 1,161,858
Registered Jul. 21, 1981

TRADEMARK
Principal Register

GODZILLA

Tobco Co., Ltd. (Japan corporation)
2049 Century Park East
Los Angeles, Calif. 90067

~~For COMIC BOOKS AND COLORING SETS
CONSISTING PRIMARILY OF BLACK AND
WHITE PAPER WITH COLOR STAMPERS, in
CLASS 16 (U.S. Cl. 38).~~

First use May 1, 1977; in commerce May 1, 1977.

Sec. No. 217,732, filed May 30, 1979.

HENRY S. ZAK, Primary Examiner

JOHN M. WILKE, Examiner

Int. Cl.: 41

Prior U.S. Cl.: 107

United States Patent and Trademark Office

Reg. No. 1,168,122
Registered Jul. 28, 1981

SERVICE MARK
Principal Register

GODZILLA

Toho Co., Ltd. (Japan corporation)
2049 Century Park East
Los Angeles, Calif. 90067

For ENTERTAINMENT SERVICES IN THE
NATURE OF A CONTINUING MOTION PIC-
TURE FILM SERIES, in CLASS 41 (U.S. Cl. 107).
First use 1956; in commerce 1956.

Sec. No. 217,718, filed May 30, 1979.

J. C. DEMOS, Deputy Director

GARY L. SHAFFER, Examiner

TRADEMARK
Principal Register

GODZILLA

Toho Co., Ltd. (Japan corporation)
2049 Century Park East
Los Angeles, Calif. 90067

For TOYS AND GAMES—NAMESLY, BOARD
~~GAME, TOY, HOBBY, MODEL KIT, HOBBY KIT, HOBBY KIT,~~
~~TOY, HOBBY, HOBBY KIT, HOBBY KIT, HOBBY KIT,~~
~~TOY, HOBBY, HOBBY KIT, HOBBY KIT, HOBBY KIT,~~
MODEL/HOBBY KIT CONSISTING PRIMARI-
LY OF MOLDED PLASTIC PIECES USED TO
ASSEMBLE LIZARD-LIKE MONSTER WITH
DISPLAY BASE; IN CLASS 28 (U.S. CL. 22).
First use: Mar. 26, 1974; in commerce Mar. 26,
1974.

Sec. No. 212,719, filed May 30, 1979.

Myra K. Kuczbard, Primary Examiner

Gary L. Staffer, Examiner

Int. Cls.: 9 and 28

Prior U.S. Cls.: 22 and 38

Reg. No. 1,858,403

United States Patent and Trademark Office Registered Oct. 18, 1994

TRADEMARK
PRINCIPAL REGISTER

GODZILLA

TOHO CO., LTD (JAPAN CORPORATION)
2049 CENTURY PARK EAST
LOS ANGELES, CA 90067

FOR: CINEMATOGRAPHIC AND MOTION
PICTURE FILMS FEATURING ENTERTAIN-
MENT; PRE-RECORDED VIDEO TAPES AND
CASSETTES FEATURING ENTERTAINMENT,
IN CLASS 9 (U.S. CL. 38).

FIRST USE 0-0-1956; IN COMMERCE
0-0-1956.

FOR: TOYS AND GAMES; NAMELY, VIDEO
AND COMPUTER GAME PROGRAMS; VIDEO
AND COMPUTER GAME SOFTWARE; ELEC-
TRONIC GAME PROGRAMS; VIDEO AND
COMPUTER GAME CARTRIDGES, ~~DISCS AND~~

~~TAPES; VINYL TOY FIGURES; FRICTION-
POWERED ACTION TOYS, PLASTIC INERT
FIGURES; PLASTIC ACTION FIGURES;
BUBBLE BLOWING TOYS; INFLATABLE TOY
FIGURES AND INFLATABLE BOB DODGERS, IN
CLASS 28 (U.S. CLS. 22 AND 38).~~

FIRST USE 0-0-1985; IN COMMERCE
0-0-1985.

OWNER OF U.S. REG. NOS. 1,163,122, 1,174,377
AND OTHERS.

SER. NO. 74-322,225, FILED 10-13-1992.

M. L. HERSHKOWITZ, EXAMINING ATTOR-
NEY

Int. Cls.: 16 and 28

Prior U.S. Cls.: 2, 5, 22, 23, 29, 37, 38, and 50

United States Patent and Trademark Office

Reg. No. 2,134,696

Registered Feb. 3, 1998

TRADEMARK
PRINCIPAL REGISTER

GODZILLA

TOHO CO., LTD. (JAPAN CORPORATION)
2049 CENTURY PARK EAST
LOS ANGELES, CA 90067

~~FOR THE CLASSIFIED IN CLASS 28
(U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND 50)
FIRST USE IN COMMERCE
12-0-1993~~

FOR TOYS AND GAMES, NAMELY, ~~MAN-OPERATED ACTION TOYS, KIND OF TOYS, MANUALLY OPERATED ROBOT ACTION TOYS, GRABBING TOYS, PAINTED TOY FIGURES, MODEL SETS FOR MAKING TOY MONSTERS; PLAYSETS WITH TOY FIGURES; TOY VEHICLES; TOY WEAPONS, PLASTIC TOYS~~

~~AND TOY CARRY CASES FOR CHILDREN;
PLUSH TOYS; MANIPULATIVE TOYS;
STUFFED TOYS; MECHANICAL ACTION
TOYS, AND HOBBY CRAFT MADE OF WOOD
OR PLASTIC FOR ASSEMBLING INTO TOYS,
IN CLASS 28 (U.S. CLS. 22, 23, 31 AND 50).
FIRST USE 12-0-1993; IN COMMERCE
12-0-1993.
OWNER OF U.S. REG. NOS. 1,163,122,
1,174,371, AND OTHERS.~~

SN 74-322,029, FILED 10-13-1992
M. L. HERSHKOWITZ, EXAMINING ATTORNEY
NBY

Int. Cls.: 16 and 25

Prior U.S. Cls.: 2, 5, 22, 23, 29, 37, 38, 39, and 50

Reg. No. 2,211,328

United States Patent and Trademark Office

Registered Dec. 15, 1998

TRADEMARK
PRINCIPAL REGISTER

GODZILLA

TOHO CO., LTD. (JAPAN CORPORATION)
2049 CENTURY PARK EAST
LOS ANGELES, CA 90067

FOR: ~~PAPER BAGS, PAPER BANNERS, COMIC BOOKS, COLORING AND CHILDREN'S EDUCATIONAL PICTURE BOOKS, CALENDARS, TRADING CARDS, GREETING, NOTE AND BLANK CARDS; PEN AND PENCIL CASES, BOOK COVERS, CRAYONS, DECALS; PAPER NAPKINS, PEN AND PENCIL HOLDERS, RUBBER STAMPS, PENS AND PENCILS; ERASERS, NOTEBOOKS, PAPER PARTY HATS, POSTERS, WRAPPING PAPER, NOTE PADS, SERIES OF FICTION BOOKS FOR ENTERTAINMENT AND AMUSEMENT, FICTION MAGAZINES FOR ENTERTAINMENT AND AMUSEMENT, IN CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND 50).~~

FIRST USE 8-0-1987; IN COMMERCE 8-0-1987.

FOR: CLOTHING, NAMELY, ~~HATS, SWEAT SHIRTS; GYM SHORTS; MASQUERADE AND HALLOWEEN COSTUMES; T-SHIRTS; KNIT SHIRTS, PJAMAS; SLEEVWEAR, RAIN COATS, RAINWEAR, FOOTWEAR, HEADWEAR, NECKWEAR, HOSIERY AND SOCKS; PANTS AND SLACKS, SHORTS; SHIRTS; TOPS; PLAYSUITS, COATS; BRIEFS, UNDERPANTS; AND BOXER SHORTS, IN CLASS 25 (U.S. CLS. 22 AND 39).~~

FIRST USE 12-0-1994; IN COMMERCE 12-0-1994.

OWNER OF U.S. REG. NOS. 1,163,122, 1,174,377, AND OTHERS.

SN 74-525,545, FILED 5-17-1994.

MELVIN AXILBUND, EXAMINING ATTORNEY

Int. Cls.: 6, 14, 16, 18, 20, 21, 24, 25, and 28

Prior U.S. Cls.: 1, 2, 3, 5, 12, 13, 14, 22, 23,
25, 27, 28, 29, 30, 32, 33, 37, 38, 39, 40, 41,
42, and 50

Reg. No. 2,360,489

United States Patent and Trademark Office Registered June 20, 2000

TRADEMARK
PRINCIPAL REGISTER

GODZILLA

TOHO CO., LTD. (JAPAN CORPORATION)
2029 CENTURY PARK EAST, SUITE 1150
LOS ANGELES, CA 90067

FOR: NON-ELECTRIC DOORBELLS; METAL CLOTHES HOOKS; BOARDS CONTAINING METAL CLOTHES HOOKS; METAL KEY CHAINS; AND METAL KEY FOBS, IN CLASS 6 (U.S. CLS. 2, 12, 13, 14, 23, 25 AND 50).

FIRST USE 5-20-1998; IN COMMERCE 5-20-1998.

FOR: WATCHES AND CLOCKS; CLOCKS INCORPORATING RADIOS; AND LAPEL PINS IN THE NATURE OF JEWELRY, IN CLASS 14 (U.S. CLS. 2, 27, 28 AND 50).

FIRST USE 5-20-1998; IN COMMERCE 5-20-1998.

FOR: PRE-PRINTED PAPER STICKERS AND PRE-PRINTED STICKER COLLECTOR ALBUMS; PARTY GAME BOOKS; CHALK BOARDS; MAGNETIC BOARDS; PENCIL-TOP ORNAMENTS; PAPER TABLE CLOTHS; INVITATION CARDS; PAPER NAME BADGES; DOOR AND YARD SIGNS MADE OF PAPER; CONFETTI; NON-HALLOWEEN PAPER LOOT BAGS; PAPER GIFT BAGS; BLOW OUTS, NAMELY, PAPER TOYS THAT UNFURL WHEN BLOWN INTO AND CELLOPHANE LOOT BAGS; PARTY MEAL BOX AND CENTERPIECES MADE OF PAPER; CLINGER AND PRINTED CREPE PAPER; BLANK AND PRINTED THEME BOOKS; STATIONERY-TYPE PORTFOLIOS; BINDERS; STUDY KITS COMPRISED PRIMARILY OF PLASTIC POUCH, PENCIL, RULER AND ERASER; BLANK AND PRINTED ASSIGNMENT BOOKS; SCRIBBLE DRAWING AND WRITING TABLETS; CONSTRUCTION PAPER; ABC WRITING AND ART TABLETS; MEMO PADS; DOODLE PADS; ART PADS; PAPER

SIGN-IN SHEETS; CRAYON-BY-NUMBER KITS COMPRISED PRIMARILY OF CRAYONS AND PICTURES FOR COLORING; RUB AND COLOR LINE DRAWING SETS COMPRISED PRIMARILY OF CRAYONS, PAPER AND PLASTIC PANELS WITH RAISED IMAGES USED TO CREATE AND COLOR DRAWINGS; STAMP AND ROLLER SETS COMPRISED PRIMARILY OF STAMPS AND ROLLERS MADE OF RUBBER AND PLASTIC; TEMPORARY PAPER AND REMOVABLE TATOOS; LAP BOARDS FOR READING AND WRITING; LIGHT UP DESKS COMPRISED PRIMARILY OF BATTERY-OPERATED DESKS THAT GLOW, ART SHEETS AND COLORED PENCILS FOR DRAWING AND TRACING; FLICKER RULERS, NAMELY, DRAWING RULERS WITH IMAGE OF CHARACTER ON BACKSIDE THAT APPEARS TO MOVE AS IMAGE CHANGES; WATER-FILLED PLASTIC PLACEMATS; AND VINYL PLACEMATS, IN CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND 50).

FIRST USE 5-6-1998; IN COMMERCE 5-6-1998.

FOR: BACKPACKS; KNAP SACKS; LUGGAGE; CARRY-ON BAGS; SHOULDER BAGS; HANDBAGS; CLUTCH BAGS; RUCKSACKS; CANVAS CARRY ON BAGS; SCHOOL BAGS; BOOK BAGS; POCKET-BOOKS; PURSES; FANNY PACKS; WAIST PACKS; BEACH TOTE BAGS; ALL-PURPOSE SPORT BAGS; ATHLETIC BAGS; DUFFEL BAGS; GOLF BAGS; GYM BAGS; TOTE BAGS; MESH, LEATHER AND TEXTILE SHOPPING BAGS; WALLETS; BEACH UMBRELLAS; AND KEY CASES, IN CLASS 18 (U.S. CLS. 1, 2, 3, 22 AND 41).

FIRST USE 5-20-1998; IN COMMERCE 5-20-1998.

FOR: BEACH CHAIRS; DRINKING STRAWS WITH PLAY MOTION; NON-METAL CLOTHES HOOKS;

BOARDS CONTAINING NON-METAL CLOTHES HOOKS; WINDOW SHADES; THROW PILLOWS; NON-METAL KEY CHAINS AND KEY FOBs; AND DESKS, IN CLASS 20 (U.S. CLS. 2, 13, 22, 25, 32 AND 50).

FIRST USE 5-20-1998; IN COMMERCE 5-20-1998.

FOR: PAPER CUPS AND PAPER PLATES; THERMAL INSULATED CONTAINERS AND THERMAL INSULATED VINYL BAGS FOR HOLDING FOOD OR BEVERAGES; SPORTS BOTTLES WITH MOLDED CHARACTER HEADS AND PRINTED SPORTS BOTTLES WITH OR WITHOUT SOUND MAKING CAPABILITIES SOLD EMPTY; SQUEEZE SPORTS BOTTLES; BATTERY POWERED TOOTHBRUSHES AND BATTERY POWERED TOOTHBRUSHES WITH VOICE EMITTING CAPABILITIES SOLD WITH AND WITHOUT STANDS; BATTERY POWERED TOOTHBRUSH STANDS; BATHROOM ORGANIZERS, NAMELY, PLASTIC SHELVES WITH COMPARTMENTS FOR STORING TOILETRIES; PLATES; BOWLS; CUPS; BEVERAGEWARE; BEVERAGE GLASSWARE; MUGS; AND CANTEENS, IN CLASS 21 (U.S. CLS. 2, 13, 23, 29, 30, 33, 40 AND 50).

FIRST USE 5-20-1998; IN COMMERCE 5-20-1998.

FOR: BED LINENS; BED SHEETS; PILLOW CASES; PILLOW SHAMS; COMFORTERS; BED SPREADS; QUILTS; BED BLANKETS; JACQUARD THROWS, NAMELY, THROW BLANKETS WITH A JACQUARD WEAVE; WINDOW TREATMENTS, NAMELY, SWAGS AND VALANCES; CURTAINS; DRAPERIES; FABRIC "DOOR DEFENDERS" HANGING CLOTH AND FABRIC BANNERETTES, NAMELY, CLOTH BANNERS; BEACH TOWELS; BATH TOWELS; HAND TOWELS; WASHCLOTHS; KITCHEN TOWELS; TEA TOWELS; OVEN MITTS; POT-HOLDERS; TEXTILE PLACE MATS; AND TABLE CLOTHS NOT OF PAPER, IN CLASS 24 (U.S. CLS. 42 AND 50).

FIRST USE 4-0-1998; IN COMMERCE 4-0-1998.

FOR: CLOTHING AND FOOTWEAR, NAMELY, BASEBALL, PAINTERS AND BIKING CAPS; LONG AND SHORT SLEEVE T-SHIRTS; POLO SHIRTS; WOVEN SHIRTS; HENLEY SHIRTS, NAMELY, COLLARLESS T-SHIRTS WITH BUTTONS; GOLF SHIRTS; NECKTIES; TIES; NIGHTGOWNS; SLIPPERS; ATHLETIC SHOES; AND CANVAS SHOES, BOOTS AND SANDALS, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 2-10-1995; IN COMMERCE 2-10-1995.

FOR: TOYS, GAMES AND PLAYTHINGS, NAMELY, TOY PAPER CUT-OUT FIGURES; TOY CITY PLAY SETS OF PAPER FOR DEMOLITION; BLOW-MOLDED TOY FIGURES WITH AN ELECTRONIC SOUND MECHANISM; MOLDED TOY FIGURES WITH ARTICULATED ARMS, LEGS AND TAIL; PLASTIC MONSTER TOYS FIGURES; PLAY BASICS, NAMELY, SPRING LOADED JUMPING FIGURES, EGGS AND MINIATURE MOUNTAINS CONTAINING

TOY FIGURES, AND VINYL SHEETS THAT INFLATE INTO CHARACTERS UPON IMPACT; TOY ACTION HURLING FIGURES; TOY ACTION FIGURES WITH SOUND OR LIGHT FUNCTIONS; TOY ACTION FIGURES THAT SHOOT MISSILES AND/OR WATER; METALLIC BALLOONS, LATEX BALLOONS; ELECTRONIC TOYS, NAMELY, ELECTRONIC ACTION FIGURES, TOY VEHICLES AND TOY WALKIE-TALKIES; MOLDED TOY FIGURES WITH BATTERY OPERATED ELECTRO-MECHANICAL MOTOR WITH ROARING SOUND; TOY PICK-UP TRUCKS WITH INFLATABLE OR INFLATED TIRES; ARTICULATED TOY FIGURES THAT EMIT ORANGE-COLORED LIQUID; TOY FOAM HEADS MOUNTED ON SOFT PLASTIC HANDLES; TOY WALKING FIGURES DRIVEN BY WIND-UP OR BATTERY OPERATED MOTORS; PLAY KITS FOR GROWING MONSTER PODS IN WATER, COMPRISED PRIMARILY OF CONDENSED PLASTIC TOY FIGURES THAT GROW IN WATER AND VACUUM-FORMED TRAY DECORATED WITH CITY SCAPE; FREE-FLOWING PLAY GEL AND TOY DISPENSERS SOLD THEREWITH; TOY CANDY DISPENSERS; TOY POCKET PLAY ARENAS USING FREE-FLOWING PLAY GEL CASES; HOBBY CRAFT SAND ART KITS; SONIC CONTROLLED TOY MONSTER TRUCKS; FOOT BAGS USED IN A KICKING ACTION GAME; TOY SNAP BRACELETS; PLAYSETS AND ACCESSORIES THEREFOR, CONSISTING PRIMARILY OF TOY FIGURES, VEHICLES AND NEIGHBORHOODS; TOY CITY PLAY SETS FOR DEMOLITION; TOY ACTION FIGURE CARRY CASES; WIND-UP/WALKING AND FRICTION DRIVEN TOY FIGURES; SLIDE MANIPULATIVE PUZZLES; MICRO MACHINE SCALE TOY VEHICLES; TOY BANKS; TOY GUM BALL BANKS; TOY ROTATIONAL MOLDED FIGURE BANKS WITH OR WITHOUT SOUND MAKING MOVEABLE CAPABILITIES WITH MOVEABLE PARTS; HOBBY CRAFT KITS FOR MAKING TOY FIGURES WITH AIR DRYING COMPONENT; TOY TALKING SCULPTED HEAD; CHARACTER TOY FIGURES WITH VOICE-EMITTING CAPABILITIES; STAND ALONE COMPUTER OUTPUT GAME MACHINES AND HAND HELD UNITS FOR PLAYING ELECTRONIC GAMES; PLASTIC TOY FIGURES, EGGS, VEHICLES, PLAYSET CITIES AND SCENES FOR USE THEREWITH; MINI-PLAYFACE, NAMELY, STUFFED TOY HEAD THAT DEPICTS CHARACTER FACE; PLASTIC, VINYL AND SOFT SCULPTURE TOY FIGURES; DIE CAST MINIATURE VEHICLES; PLASTIC EGGS CONSISTING OF ACTION FIGURE TOYS; WIND-UP POWERED ACTION TOYS; PLAYGROUND AND RUBBER ACTION BALLS; FOAM BALLS; BASKETBALLS; TOY BASKETBALL HOOP SETS CONSISTING PRIMARILY OF A BASKETBALL, BASKETBALL BACKBOARD AND BASKETBALL HOOP; BASKETBALL BACKBOARDS; PARTY FAVORS IN

THE NATURE OF SMALL TOYS, NAMELY, PAPER GAMES, PAPER AND PLASTIC CARD GAMES, MODEL AND TOY CARS, TOY JEWELRY; TOY PARTY NOISEMAKERS, HORNS, WHISTLES AND RATTLES; DOLLS AND PUPPETS; INFLATABLE SWIMMING TOYS; LATEX SQUEEZE TOYS; MUSICAL TOYS; SKATEBOARDS; BATH TUB TOYS; CHILDREN'S MULTIPLE ACTIVITY TOYS; AND BALLOON PASTE USED TO MAKE BALLOONS OR

PLASTIC BUBBLES, IN CLASS 28 (U.S. CLS. 22, 23, 38 AND 50).

FIRST USE 7-0-1997; IN COMMERCE 7-0-1997.
OWNER OF U.S. REG. NOS. 1,161,858, 1,858,403,
AND OTHERS.

SN 75-181,532, FILED 10-15-1996.

JANICE O'LEAR, EXAMINING ATTORNEY