

ESTTA Tracking number: **ESTTA86324**

Filing date: **06/20/2006**

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	JAKKS Pacific, Inc.
Granted to Date of previous extension	06/28/2006
Address	22619 PACIFIC COAST HIGHWAY Malibu, CA 90265 UNITED STATES

Attorney information	Larry Miller Feder, Kaszovitz, Isaacson, Weber, Skala, Bass & Rhine LLP 23rd Floor 750 Lexington Avenue New York, NY 10022 UNITED STATES lmiller@fkiwsb.com
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Applicant Information

Application No	76510643	Publication date	02/28/2006
Opposition Filing Date	06/20/2006	Opposition Period Ends	06/28/2006
Applicant	THREE DOG BAKERY, INC. 1843 N. TOPPING AVE. KANSAS CITY, MO 64120 UNITED STATES		

Goods/Services Affected by Opposition

Class 028. All goods and services in the class are opposed, namely: ELECTRIC TOY COOKING OVENS

Attachments	barknbakeoven.pdf (3 pages)(6974 bytes)
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Signature	/larry miller/
Name	Larry Miller
Date	06/20/2006

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

In the matter of trademark application Serial No.: 76/510643
For the mark: BARK'N BAKE OVEN
Published in the Official Gazette on: February 28, 2006

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JAKKS Pacific, Inc.,

Opposer,

Opposition No.

v.

THREE DOG BAKERY, INC.

Applicant.
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Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

NOTICE OF OPPOSITION

Opposer, JAKKS Pacific, Inc., a Delaware corporation, located and doing business at 22619 Pacific Coast Highway, Malibu, California 90265 (hereinafter "Opposer") believes that it will be damaged by the registration of the mark shown in the above-identified application, and hereby opposes it.

The grounds for opposition are as follows:

1. On or about April 30, 2003, Applicant, Three Dog Bakery, Inc., filed for the mark BARK'N BAKE OVEN for "electric toy cooking ovens" in International Class 28.

2. Opposer requested and was granted a ninety day extension of the deadline to file an opposition by the U.S. Patent and Trademark office trademark Trial and Appeal Board (“TTAB”), which extended the deadline to file an opposition to June 28, 2006.

3. Opposer is a leading multi-line, multi-brand toy company that designs, develops, produces and markets toys and related products. Opposer focuses its business on acquiring or licensing well-recognized trademarks and brand names with long product histories. Opposer is further engaged in the manufacture, sale, or pet toys and pet food products.

4. Opposer owns application Ser No. 78/228360 for the mark BARK 'N BAKE OVEN for “toy ovens” in class 28. Said application was filed on March 21, 2003. As such, Opposer has superior rights to the mark.

5. The mark BARK’N BAKE OVEN proposed for registration by Applicant is identical in sound, appearance, and commercial impression to Opposer’s mark.

6. The goods in class 28 of Opposer and Applicant are similar or identical or highly related.

7. As a result of the confusing similarity between Opposer’s application for the BARK 'N BAKE OVEN and Applicant’s BARK’N BAKE OVEN mark and because the goods of Applicant and Opposer are very similar or identical or related, registration of Applicant’s mark in connection with Applicant’s goods is likely to cause confusion or mistake or is likely to deceive purchasers as to the source or sponsorship of such goods.

WHEREFORE, Opposer, JAKKS Pacific, Inc. prays that Applicant's application for the mark BARK'N BAKE OVEN be rejected and that the registration for that mark be refused.

Respectfully submitted,

JAKKS PACIFIC, INC.

Dated: 6/20/2006

By: /Larry Miller/

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