

TTAB

11/6/07

To: Karl Cochersperger
Trademark Trial and Appeals Board
PO Box 1451
Alexandria, VA. 22313

Hello Karl,

Per our conversation today I am following up my verbal request to change the address for
The Heart Stuff LLC/ Judy Karel Managing Partner from 3636 Francis Ave N # 203,
Seattle, WA 98103 to 3020 NW Market St # 2, Seattle WA 98107.

Thank you,

Judy Karel



11-13-2007

11/6/07

To: Karl Cochersperger
Trademark Trial and Appeals Board
PO Box 1451
Alexandria, VA. 22313

Attn: Karl,

Per your request, I have enclosed the Answer to Notice of Opposition # 91179452.

Thank you,


Judy Karel

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

Build-A-Bear Workshop, Inc.

vs.

The Heart Stuff, LLF

I hereby certify that on October 18th 2007, I mailed a true and correct copy of the Answer to plaintiff's Notice of Opposition to plaintiff's attorney at the following address:

Gary Pierson
Blackwell Sanders LLP
720 Olive Street, Ste. 2400
St. Louis, MO 63101

**I SWEAR UNDER PENALTY OF PERJURY UNDER THE
LAWS OF THE STATE OF WASHINGTON THAT THE
FOREGOING IS A TRUE AND CORRECT STATEMENT.**

Dated this 18 day of October, 2007.


Judy Kafel, Managing Partner
The Heart Stuff, LLC

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

Build-A-Bear Workshop, Inc.

vs.

The Heart Stuff, LLC

ANSWER TO NOTICE OF OPPOSITION

In the matter of trademark application
Opposition No.
For the mark The Heart Stuff

Serial No. 78973975
Opposition No. 91179452

The Heart Stuff, LLC hereby answers Build-A-Bear Workshop, Inc.'s notice of opposition to the registration of The Heart Stuff, Inc. As follows:

1. Build-A-Bear Workshop, Inc. Is a company focused strictly upon children building a stuffed bear and provides services which involve mail order services, retail sales and catalog services featuring stuffed toy animals and plush toy animals, dolls and accessories together with compact discs, audio cassettes, jewelry, ceramic figurines, key chains, novelty buttons, clothing, toys, candies and promotional literature designed for children.
2. The Heart Stuff, LLC is a small company doing business in Washington with its only focus on providing smoking cessation techniques and literature to adults who are addicted to cigarettes. They provide no product similar in nature to that which Build-A-Bear Workshop, Inc. provides and markets to children. There is no issue with respect to the likelihood of confusion or dilution in product name to anything Build-A-Bear Workshop, Inc. markets.
3. The likelihood of confusion determination under Trademark Act Section 2 (d), 15 U.S.C. 1052(d) is based on an analysis of all the probative facts that are relevant to the factors set forth in *In re E.I. du Pont de Nemours and Co.*, 476 F.2d 1357, 177 USPQ 563 (CCPA 1973) which stands for the proposition that the fundamental inquiry goes to the cumulative effect of differences in the essential characteristics of the goods and differences in the marks. See *Federated Foods, Inc. v. Fort Howard Paper Co.*, 544 F.2d 1098, 192 USPQ 24, 20 (CCPA 1976) Build-A-Bear Workshop, Inc.'s goods and those provided by The Heart Stuff, LLC are so dissimilar in nature and are targeted to completely different types of consumers that there is absolutely no likelihood of confusion.
4. Build-A-Bear Workshop, Inc.'s opposition to the registration of The Heart Stuff, LLC should be denied.

Dated this 18 day of October, 2007.



Judy Karel, Managing Partner
The Heart Stuff, LLC