

ESTTA Tracking number: **ESTTA202406**

Filing date: **04/02/2008**

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	MATTEL, INC.
Granted to Date of previous extension	04/02/2008
Address	333 CONTINENTAL BLVD.M1-1518 EL SEGUNDO, CA 90245-5012 UNITED STATES

Attorney information	David Ehrlich Fross Zelnick 866 UN Plaza New York, NY 10017 UNITED STATES dehrlich@fzlj.com Phone:2128135920
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Applicant Information

Application No	77022572	Publication date	12/04/2007
Opposition Filing Date	04/02/2008	Opposition Period Ends	04/02/2008
Applicant	Gotham Licensing Group, LLC Suite 506 1407 Broadway New York, NY 10018 UNITED STATES		

Goods/Services Affected by Opposition

Class 025. First Use: 2006/09/01 First Use In Commerce: 2006/09/01 All goods and services in the class are opposed, namely: (Based on Section 1(a)) Capri pants; Cargo pants; Denim jackets; Denims; Jackets; Jeans; Knit shirts; Open-necked shirts; Pants; Polo shirts; Rugby tops; Shirts; Vests; (Based on Section 1(b)) Bathing suits; Footwear; Hosiery; Short-sleeved or long-sleeved t-shirts
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Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Marks Cited by Opposer as Basis for Opposition

U.S. Application No.	76597531	Application Date	06/14/2004
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	NONE		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 025. First use: CLOTHING, HEADWEAR AND FOOTWEAR, NAMELY, SHIRTS, PANTS, SKIRTS, SHORTS, HATS, SHOES, SOCKS, BELTS, UNDERGARMENTS, PAJAMAS, SCARVES, GLOVES AND MITTENS

U.S. Registration No.	3283578	Application Date	03/07/2005
Registration Date	08/21/2007	Foreign Priority Date	NONE
Word Mark	NONE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 018. First use: First Use: 2005/06/02 First Use In Commerce: 2005/06/02 BAGS, NAMELY, HANDBAGS, PURSES, BACKPACKS		

U.S. Registration No.	3307764	Application Date	06/14/2004
Registration Date	10/09/2007	Foreign Priority Date	NONE
Word Mark	NONE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 028. First use: First Use: 2007/01/23 First Use In Commerce: 2007/01/23 TOYS, GAMES AND PLAYTHINGS, NAMELY, DOLLS, DOLL CLOTHING AND DOLL ACCESSORIES		

Attachments	76597531#TMSN.gif (1 page)(bytes) 78582052#TMSN.jpeg (1 page)(bytes) 76597530#TMSN.gif (1 page)(bytes) Scan of Notice of Opp aganist Gotham Licensing Group (F0251401).PDF (6 pages)(827083 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/dwe/
Name	David Ehrlich
Date	04/02/2008

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

Opposer's Ref: MATL 08/06844

In the Matter of Application Serial No. 77/022,572

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Mattel, Inc.,	:	
	:	
Opposer,	:	Opposition No. _____
	:	
- against -	:	
	:	
Gotham Licensing Group, LLC,	:	
	:	
Applicant.	:	
-----X		

NOTICE OF OPPOSITION

Opposer believes that it would be damaged by the issuance of a registration for the trademark as applied for in the above Application, "dollhouse & design" for various articles of clothing in Class 25, based on use for some goods and ITU for other goods, and therefore opposes same in both classes. As grounds for its opposition, Opposer, by its attorneys, Fross Zelnick Lehrman & Zissu, P.C., alleges as follows:

- 1) The applicant's mark consists of the word "dollhouse" in stylized print and a silhouette of a tall, slim woman, in the nude, except for high-heel shoes, with a ponytail hairstyle.

- 2) Opposer is the owner of the famous trademark BARBIE for dolls and is the producer of BARBIE dolls, sold long prior to any date on which the applicant can rely. Opposer and its licensees have also widely used an animated version of the BARBIE character depicted in the doll, a tall, slim young woman with a child-like face and a pug nose.
- 3) The BARBIE doll is typically sold with removable clothing, so that consumers can change the doll's clothing and see the doll unclothed. The doll is sold with various hairstyles, including a ponytail. Attached, as Exhibit A, is a picture of a BARBIE doll with a ponytail. The BARBIE doll (when unclothed) is very similar in appearance to the design portion of the opposed mark.
- 4) The word "dollhouse" and the silhouette image resembling an unclothed BARBIE doll in the opposed mark create an association between the applicant's clothing and the opposer, leading to likely confusion of consumers.
- 5) In addition to selling versions of the BARBIE doll with a ponytail, opposer also owns U.S. trademark application SN 76/597,531 for a mark consisting of a silhouette of the head and shoulders of the BARBIE character, with a ponytail, for various articles of clothing -- including clothing identical in type to clothing in the opposed application -- and headwear and footwear. This application was filed on June 14, 2004, well prior to both the filing date of the opposed application, October 17, 2006, and the first use date claimed in that application, September 1, 2006, for the clothing in the application based on use. Opposer also owns prior U.S. Trademark Reg. No. 3,283,578 for the same mark for handbags, purses and

backpacks and Reg. No. 3,307,764 for that mark for dolls, doll clothing and doll accessories.

- 6) Opposer's mark consisting of a silhouette of the head and shoulders of the BARBIE character, with a ponytail, or marks consisting of similar depictions of the head of the BARBIE character, with a ponytail, have been used on a variety of authorized BARBIE merchandise, including clothing.
- 7) Use of the mark by Applicant in connection with the goods named in the application is likely to cause confusion, or to cause mistake or to deceive, and cause consumers to believe that these goods emanate from or are otherwise sponsored by or endorsed by Opposer, in violation of Section 2(d) of the Lanham Act, 15 U.S.C., § 1052(d).
- 8) Opposer will be damaged by the registration of the mark because it will cause confusion and adversely affect Opposer's valuable goodwill in its mark.

WHEREFORE, it is respectfully requested that this opposition be sustained.

Dated: New York, New York
 April 2, 2008

Respectfully submitted,

FROSS ZELNICK LEHRMAN
& ZISSU, P.C.

By: 

David Ehrlich

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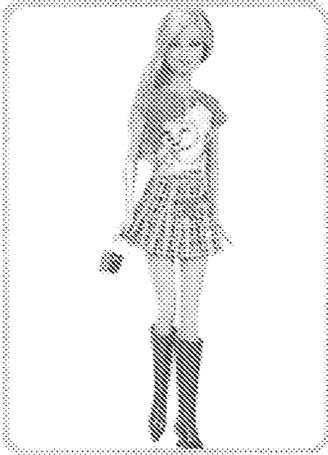


EXHIBIT A