

ESTTA Tracking number: **ESTTA510571**

Filing date: **12/12/2012**

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	Geoffrey LLC
Granted to Date of previous extension	12/12/2012
Address	One Geoffrey Way Wayne, NJ 07470 UNITED STATES

Attorney information	Timothy D. Pecsénye Blank Rome LLP One Logan Square, 8th Floor Philadelphia, PA 19103-6998 UNITED STATES pecseny@blankrome.com Phone:215-569-5619
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Applicant Information

Application No	85569835	Publication date	08/14/2012
Opposition Filing Date	12/12/2012	Opposition Period Ends	12/12/2012
Applicant	Lemchen, Marc S. 553 Park Avenue New York, NY 10065 UNITED STATES		

Goods/Services Affected by Opposition

Class B. All goods and services in the class are opposed, namely: Customer-service services and customer relationship management

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	2442370	Application Date	12/20/1999
Registration Date	04/10/2001	Foreign Priority Date	NONE
Word Mark	R US		

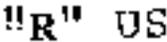
Design Mark	“R” US		
Description of Mark	NONE		
Goods/Services	Class 016. First use: First Use: 1999/10/00 First Use In Commerce: 1999/10/00 Gift cards		

U.S. Registration No.	1215353	Application Date	12/17/1980
Registration Date	11/02/1982	Foreign Priority Date	NONE
Word Mark	TOYS "R" US		
Design Mark	TOYS "R" US		
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use: 1960/00/00 First Use In Commerce: 1960/00/00 Retail Department Store Services		

U.S. Registration No.	2364201	Application Date	03/18/1999
Registration Date	07/04/2000	Foreign Priority Date	NONE
Word Mark	TOYS "R" US		
Design Mark	TOYS “R” US		
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 1960/00/00 First Use In Commerce: 1960/00/00 Retail department store services		

U.S. Registration	2362269	Application Date	08/26/1999
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No.			
Registration Date	06/27/2000	Foreign Priority Date	NONE
Word Mark	TOYS "R" US		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 1999/07/00 First Use In Commerce: 1999/07/00 Retail department store services		

U.S. Registration No.	2282394	Application Date	08/08/1996
Registration Date	10/05/1999	Foreign Priority Date	NONE
Word Mark	"R" US		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 1960/00/00 First Use In Commerce: 1960/00/00 retail department store services		

U.S. Registration No.	2063369	Application Date	06/27/1996
Registration Date	05/20/1997	Foreign Priority Date	NONE
Word Mark	TOYS "R" US		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 036. First use: First Use: 1995/09/00 First Use In Commerce: 1995/09/00 credit card services		

U.S. Registration No.	2046673	Application Date	11/13/1995
Registration Date	03/18/1997	Foreign Priority Date	NONE
Word Mark	BABIES "R" US		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use: 1996/04/30 First Use In Commerce: 1996/04/30 retail department store services		

U.S. Registration No.	2494425	Application Date	11/09/2000
Registration Date	10/02/2001	Foreign Priority Date	NONE
Word Mark	BABIES "R" US		
Design Mark	<p style="text-align: center;">BABIES "R" US</p>		
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 1996/05/03 First Use In Commerce: 1996/05/03 Gift registry services		

U.S. Registration No.	3724926	Application Date	04/15/2009
Registration Date	12/15/2009	Foreign Priority Date	NONE
Word Mark	BABIESRUS		
Design Mark			
Description of Mark	The mark consists of the word "BABIESRUS" with a backwards letter "R" with a star in the center.		
Goods/Services	Class 035. First use: First Use: 2007/09/30 First Use In Commerce: 2007/09/30 Retail store and on-line retail store services all featuring toys, games, playthings, natural wooden toys, natural plush animals, organic cotton dolls, dolls, doll houses, doll accessories, doll house furniture, furniture, clothing, baby clothing, children's clothing, maternity clothing, outdoor toys, play sets, sandboxes, play swimming pools, swimming aids, pool rings, life jackets and arm floats for recreational use, outdoor play sets, sporting goods and equipment, roller skates, in-line skates, toy cars, toys trucks, toy airplanes, toy vehicle play sets, toy race tracks, toy action figures and play sets, toy activity tables for children with storage, toy boxes, board games, hand-held electronic games, puzzles, dolls, doll accessories, plush toys, educational toys, microscopes, telescopes, binoculars, science experiment kits, nature kits, magic sets, remote control vehicles and toys; retail store and on-line retail store services all featuring dress-		

up sets, Halloween costumes, books, cassettes, videos, CDs, DVDs, portable digital media players, musical instruments, toy musical instruments and microphones, computers, toy computers, educational computers, computer and video games, computer and video game consoles and accessories, home and car electronics, baby safety items, baby monitors, humidifiers, vaporizers, baby food and formula, food, beverages, utensils and accessories; retail store and on-line retail store services all featuring diapers, medicine, skin and hair care products, bedding and room decor, baby furniture, children's furniture, adult furniture, rocking chairs, lamps, light fixtures, safety gates, safety night lights, rear view mirror attachments, car seats, high chairs, step stools, booster seats, carriages and strollers; retail store and on-line retail store services all featuring bicycles, tricycles, toy motorized vehicles, ride-on toys, playpens, portable playpens, baby travel systems, play yards and beds for children, bed linen, comforters, pillow cases, rugs, wall paper, swings and bouncers, diaper bags and carriers, bath products and bibs; retail store and on-line retail store services all featuring, pens, paper, crayons, stationery, school supplies, artist supplies, stickers, coloring books, puzzle books, knapsacks, school bags, sports bags, gift cards and gift wrap; gift registry services

U.S. Registration No.	3895642	Application Date	06/18/2010
Registration Date	12/21/2010	Foreign Priority Date	NONE
Word Mark	BABIES "R" US		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 025. First use: First Use: 2010/06/00 First Use In Commerce: 2010/06/00 Clothing for infants and children, namely, baby bibs not of paper, body suits, bonnets, booties, bottoms, caps, cardigans, coats, coordinating sets comprising tops and bottoms, coveralls, creepers, dresses, hats, jackets, jeans, jogging suits, jumpers, jumpsuits, layette sets comprising shortalls and tops, layette sets comprising tops and pants, layette sets comprising gowns and caps, layette sets comprising overalls and tops, layette sets comprising cardigans and pants, layette sets comprising creepers and pants, layette sets comprising cardigans, tops and pants, layettes, mittens, overall sets comprising overalls and tops, overalls, pants, rain coats, rain jackets, rainwear, rompers, sandals, shirts, shoes, soft shoes, short sets, shortall sets comprising shortalls and tops, shortalls, shorts, skirts, skorts, sleepwear, snow suits, socks, sweat shirts, sweat pants, sweaters, swimsuits, swimwear sets comprising swimsuits and coverups, swimwear sets comprising swim trunks and coverups, tee-shirts, tights, tops, and wind resistant jackets</p>		

U.S. Registration No.	3859459	Application Date	11/30/2009
Registration Date	10/12/2010	Foreign Priority	NONE

		Date	
Word Mark	BABIESRUS		
Design Mark			
Description of Mark	The mark consists of the word "BABIESRUS" in purple lettering with a backwards letter "R" with a white star in the center.		
Goods/Services	<p>Class 035. First use: 2007/09/30 First Use In Commerce: 2007/09/30</p> <p>Retail store and on-line retail store services all featuring toys, games, playthings, natural wooden toys, natural plush animals, organic cotton dolls, dolls, doll houses, doll accessories, doll house furniture, furniture, clothing, baby clothing, children's clothing, maternity clothing, outdoor toys, play sets, sandboxes, play swimming pools, swimming aids, pool rings, life jackets and arm floats for recreational use, outdoor play sets, sporting goods and equipment, roller skates, in-line skates, toy cars, toys trucks, toy airplanes, toy vehicle play sets, toy race tracks, toy action figures and play sets, toy activity tables for children with storage, toy boxes, board games, hand-held electronic games, puzzles, dolls, doll accessories, plush toys, educational toys, microscopes, telescopes, binoculars, science experiment kits, nature kits, magic sets, remote control vehicles and toys; retail store and on-line retail store services all featuring dress-up sets, Halloween costumes, books, cassettes, videos, CDs, DVDs, portable digital media players, musical instruments, toy musical instruments and microphones, computers, toy computers, educational computers, computer and video games, computer and video game consoles and accessories, home and car electronics, baby safety items, baby monitors, humidifiers, vaporizers, baby food and formula, food, beverages, and utensils; retail store and on-line retail store services all featuring diapers, medicine, skin and hair care products, bedding and room decor, baby furniture, children's furniture, adult furniture, rocking chairs, lamps, light fixtures, safety gates, safety night lights, rear view mirror attachments, car seats, high chairs, step stools, booster seats, carriages and strollers. retail store and on-line retail store services all featuring bicycles, tricycles, toy motorized vehicles, ride-on toys, playpens, portable playpens, baby travel systems, play yards and beds for children, bed linen, comforters, pillow cases, rugs, wall paper, swings and bouncers, diaper bags and carriers, bath products and bibs; retail store and on-line retail store services all featuring, pens, paper, crayons, stationery, school supplies, artist supplies, stickers, coloring books, puzzle books, knapsacks, school bags, sports bags, gift cards and gift wrap; gift registry services</p>		

U.S. Registration No.	3849863	Application Date	02/09/2010
Registration Date	09/21/2010	Foreign Priority Date	NONE
Word Mark	BABIESRUS		

Design Mark	<h1>BABIESRUS</h1>		
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 2010/02/03 First Use In Commerce: 2010/02/03 Laundry detergent, baby wipes Class 005. First use: First Use: 2010/02/03 First Use In Commerce: 2010/02/03 Infant formula and toddler formula Class 016. First use: First Use: 2010/02/03 First Use In Commerce: 2010/02/03 Disposable diapers Class 032. First use: First Use: 2010/02/03 First Use In Commerce: 2010/02/03 Bottled water		

U.S. Registration No.	3065294	Application Date	08/25/2004
Registration Date	03/07/2006	Foreign Priority Date	NONE
Word Mark	BIRTHDAYS "R" US		
Design Mark	<h1>BIRTHDAYS "R" US</h1>		
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 2004/08/18 First Use In Commerce: 2004/08/18 Birthday party planning		

U.S. Registration No.	2981142	Application Date	06/09/2004
Registration Date	08/02/2005	Foreign Priority Date	NONE
Word Mark	SPORTS "R" US		

Design Mark	SPORTS "R" US		
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 2003/09/16 First Use In Commerce: 2003/09/16 ON-LINE RETAIL STORE SERVICES FEATURING SPORTING GOODS, INFLATABLE POOLS, GAMES, TELESCOPES, APPAREL, WATCHES AND ACCESSORIES THEREFORE AND RETAIL DEPARTMENT STORE SERVICES		

U.S. Registration No.	2019153	Application Date	11/22/1995
Registration Date	11/26/1996	Foreign Priority Date	NONE
Word Mark	TOYS "R" US		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use: 1995/08/14 First Use In Commerce: 1995/08/14 on line retail store services featuring computer related products		

U.S. Registration No.	2797686	Application Date	12/17/2002
Registration Date	12/23/2003	Foreign Priority Date	NONE
Word Mark	TOYS "R" US		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 036. First use: First Use: 1992/00/00 First Use In Commerce: 1992/00/00 Charitable fund raising and charitable grantmaking services		

U.S. Registration No.	3003574	Application Date	07/09/2003
Registration Date	10/04/2005	Foreign Priority Date	NONE
Word Mark	TOYS "R" US TOY BOX		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 2001/08/09 First Use In Commerce: 2001/08/09 Retail store services in a section of a food store featuring a variety of consumer		

	goods, namely, toys, games, sporting goods, arts and crafts goods, costumes, baskets, kites, musical toys, inflatable pools and bicycles
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U.S. Registration No.	3942695	Application Date	10/09/2009
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Registration Date	04/12/2011	Foreign Priority Date	NONE
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Word Mark	TOYSRUS HOLIDAY EXPRESS		
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Design Mark	 <p>The logo features the word "ToysRUs" in a large, bold, black font. The letter "R" is stylized with a white star inside its upper curve. Below "ToysRUs" is the phrase "HOLIDAY EXPRESS" in a smaller, bold, black font.</p>		
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Description of Mark	NONE		
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Goods/Services	<p>Class 035. First use: First Use: 2009/07/31 First Use In Commerce: 2009/07/31 Retail store and on-line retail store services all featuring toys, games, playthings, natural wooden toys, natural plush animals, organic cotton dolls, dolls, doll houses, doll accessories, doll house furniture, furniture, clothing, baby clothing, children's clothing, maternity clothing, outdoor toys, play sets, sandboxes, play swimming pools, swimming aids, pool rings, life jackets and arm floats for recreational use, outdoor play sets, sporting goods and equipment, roller skates, in-line skates, toy cars, toys trucks, toy airplanes, toy vehicle play sets, toy race tracks, toy action figures and play sets, toy activity tables for children with storage, toy boxes, board games, hand-held electronic games, puzzles, dolls, doll accessories, plush toys, educational toys, microscopes, telescopes, binoculars, science experiment kits, nature kits, magic sets, remote control vehicles and toys; retail store and on-line retail store services all featuring dress-up sets, Halloween costumes, books, cassettes, videos, CDs, DVDs, portable digital media players, musical instruments, toy musical instruments and microphones, computers, toy computers, educational computers, computer and video games, computer and video game consoles and accessories, home and car electronics, baby safety items, baby monitors, humidifiers, vaporizers, baby food and formula, food, beverages, utensils; retail store and on-line retail store services all featuring diapers, medicine, skin and hair care products, bedding and room decor, baby furniture, children's furniture, adult furniture, rocking chairs, lamps, light fixtures, safety gates, safety night lights, rear view mirror attachments, car seats, high chairs, step stools, booster seats, carriages and strollers; retail store and on-line retail store services all featuring bicycles, tricycles, toy motorized vehicles, ride-on toys, playpens, portable playpens, baby travel systems, play yards and beds for children, bed linen, comforters, pillow cases, rugs, wall paper, swings and bouncers, diaper bags and carriers, bath products and bibs; retail store and on-line retail store services all featuring, pens, paper, crayons, stationery, school supplies, artist supplies, stickers, coloring books, puzzle books, knapsacks, school bags, sports bags, gift cards and gift wrap; gift registry services</p>		
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U.S. Registration No.	2691300	Application Date	08/10/1999
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Registration Date	02/25/2003	Foreign Priority	NONE
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Word Mark	BABIESRUS.COM		
Design Mark	BABIESRUS.COM		
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 2000/06/27 First Use In Commerce: 2000/06/27 on-line retail store and retail store services featuring products ranging from books, cassettes, videos, tape recorders, monitors, humidifiers, vaporizers, laundry detergent, food, utensils and accessories, diapers, medicine, skin and hair care products, bedding, gates, safety night lights, rear view mirror attachments, car seats, strollers, furniture, clothing and toys, and an on-line gift registry and information resources		

U.S. Registration No.	2813374	Application Date	07/27/2000
Registration Date	02/10/2004	Foreign Priority Date	NONE
Word Mark	SPORTSRUS.COM		
Design Mark	SPORTSRUS.COM		
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 2003/09/16 First Use In Commerce: 2003/09/16 On-line retailing in the field of sporting goods		

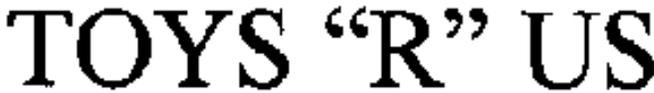
U.S. Registration No.	2370396	Application Date	02/11/1999
Registration Date	07/25/2000	Foreign Priority Date	NONE
Word Mark	TOYSRUS.COM		

Design Mark	TOYSRUS.COM		
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 1996/12/14 First Use In Commerce: 1996/12/14 ON-LINE RETAIL DEPARTMENT STORE SERVICES		

U.S. Registration No.	3247578	Application Date	08/03/2006
Registration Date	05/29/2007	Foreign Priority Date	NONE
Word Mark	BECAUSE WHEN IT'S TIME TO GIVE BABY THE WORLD . . . IT'S TIME FOR BABIES "R" US		
Design Mark	BECAUSE WHEN IT'S TIME TO GIVE BABY THE WORLD . . . IT'S TIME FOR BABIES "R" US		
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 2006/07/15 First Use In Commerce: 2006/07/15 retail store and on-line retail store services featuring baby and children products, namely, furniture, clothing, toys, baby safety items, books, cassettes, videos, CDs, DVDs, computer and video games, home and car electronics, baby monitors, humidifiers, vaporizers, laundry detergent, baby food and formula, utensils and accessories, diapers, medicine, skin and hair care products, bedding, gates, safety night lights, rear view mirror attachments, car seats, high chairs, step stools, booster seats, carriages and stroller; gift registry services		

U.S. Registration No.	2970366	Application Date	04/05/2004
Registration Date	07/19/2005	Foreign Priority Date	NONE
Word Mark	GEOFFREY'S TOYS "R" US		

Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 2003/08/00 First Use In Commerce: 2003/08/00 RETAIL DEPARTMENT STORE SERVICES		

U.S. Registration No.	2758567	Application Date	09/27/2002
Registration Date	09/02/2003	Foreign Priority Date	NONE
Word Mark	TOYS "R" US		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 039. First use: First Use: 1963/00/00 First Use In Commerce: 1963/00/00 Truck hauling		

U.S. Registration No.	3647541	Application Date	01/27/2009
Registration Date	06/30/2009	Foreign Priority Date	NONE
Word Mark	R US		
Design Mark			

Description of Mark	The mark consists of a backwards letter "R" with a star in the center and the word "US".
Goods/Services	Class 035. First use: First Use: 2008/02/04 First Use In Commerce: 2008/02/04 Retail store and on-line retail store services all featuring toys, games, playthings, natural wooden toys, natural plush animals, organic cotton dolls, furniture, clothing, outdoor toys, play sets, sandboxes, outdoor play sets, sporting goods and equipment, roller skates, in-line skates, toy cars, toy race tracks, toy action figures and play sets, puzzles, dolls, doll accessories, plush toys, educational toys, microscopes, telescopes, binoculars, science experiment kits, nature kits, magic sets, remote control vehicles and toys; retail store and on-line retail store services all featuring dress-up sets, Halloween costumes, books, cassettes, videos, CDs, DVDs, computer and video games, computer and video game consoles and accessories, home and car electronics, baby safety items, baby monitors, humidifiers, vaporizers, laundry detergent, baby food and formula, food, beverages, utensils and accessories; retail store and on-line retail store services all featuring diapers, medicine, skin and hair care products, bedding and room decor, safety gates, safety night lights, rear view mirror attachments, car seats, high chairs, step stools, booster seats, carriages and strollers; retail store and on-line retail store services all featuring bicycles, tricycles, toy motorized vehicles, playpens, portable playpens, play yards and beds for children, bed linen, comforters, pillow cases, rugs, wall paper, swings and bouncers, diaper bags and carriers, bath products and bibs; retail store and on-line retail store services all featuring, pens, paper, crayons, stationery, school supplies, artist supplies, knapsacks, school bags, sports bags, gift cards and gift wrap; gift registry services

U.S. Registration No.	3724925	Application Date	04/15/2009
Registration Date	12/15/2009	Foreign Priority Date	NONE

Word Mark	TOYSRUS
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Description of Mark	The mark consists of the words "TOYSRUS" with a backwards letter "R" with a star design in the center.
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Goods/Services	Class 035. First use: First Use: 2007/09/30 First Use In Commerce: 2007/09/30 Retail store and on-line retail store services all featuring toys, games, playthings, natural wooden toys, natural plush animals, organic cotton dolls, dolls, doll houses, doll accessories, doll house furniture, furniture, clothing, baby clothing, children's clothing, maternity clothing, outdoor toys, play sets, sandboxes, play swimming pools, swimming aids, pool rings, life jackets and arm floats for recreational use, outdoor play sets, sporting goods and equipment, roller skates, in-line skates, toy cars, toys trucks, toy airplanes, toy vehicle play sets, toy race tracks, toy action figures and play sets, toy activity tables for children with storage, toy boxes, board games, hand-held electronic games, puzzles, dolls, doll accessories, plush toys, educational toys, microscopes, telescopes, binoculars, science experiment kits, nature kits, magic sets, remote control vehicles and toys; retail store and on-line retail store services all featuring dress-up sets, Halloween costumes, books, cassettes, videos, CDs, DVDs, portable digital media players, musical instruments, toy musical instruments and
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	microphones, computers, toy computers, educational computers, computer and video games, computer and video game consoles and accessories, home and car electronics, baby safety items, baby monitors, humidifiers, vaporizers, baby food and formula, food, beverages, utensils and accessories; retail store and on-line retail store services all featuring diapers, medicine, skin and hair care products, bedding and room decor, baby furniture, children's furniture, adult furniture, rocking chairs, lamps, light fixtures, safety gates, safety night lights, rear view mirror attachments, car seats, high chairs, step stools, booster seats, carriages and strollers; retail store and on-line retail store services all featuring bicycles, tricycles, toy motorized vehicles, ride-on toys, playpens, portable playpens, baby travel systems, play yards and beds for children, bed linen, comforters, pillow cases, rugs, wall paper, swings and bouncers, diaper bags and carriers, bath products and bibs; retail store and on-line retail store services all featuring, pens, paper, crayons, stationery, school supplies, artist supplies, stickers, coloring books, puzzle books, knapsacks, school bags, sports bags, gift cards and gift wrap; gift registry services
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U.S. Registration No.	3815634	Application Date	06/30/2009
Registration Date	07/06/2010	Foreign Priority Date	NONE
Word Mark	TOYSRUS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2009/11/30 First Use In Commerce: 2009/11/30 Batteries		

U.S. Registration No.	3859458	Application Date	11/30/2009
Registration Date	10/12/2010	Foreign Priority Date	NONE
Word Mark	TOYS R US		
Design Mark			

Description of Mark	The mark consists of the words "TOYSRUS" with a backwards letter "R" in blue with a white star design in the center with the letter "T" in red, the letter "O" in orange, the letter "Y" in green" the letter "S" in red, the letter "U" in green and the letter "S" in red.
Goods/Services	Class 035. First use: First Use: 2007/09/30 First Use In Commerce: 2007/09/30 Retail store and on-line retail store services all featuring toys, games, playthings, natural wooden toys, natural plush animals, organic cotton dolls, dolls, doll houses, doll accessories, doll house furniture, furniture, clothing, baby clothing, children's clothing, maternity clothing, outdoor toys, play sets, sandboxes, play swimming pools, swimming aids, pool rings, life jackets and arm floats for recreational use, outdoor play sets, sporting goods and equipment, roller skates, in-line skates, toy cars, toys trucks, toy airplanes, toy vehicle play sets, toy race tracks, toy action figures and play sets, toy activity tables for children with storage, toy boxes, board games, hand-held electronic games, puzzles, dolls, doll accessories, plush toys, educational toys, microscopes, telescopes, binoculars, science experiment kits, nature kits, magic sets, remote control vehicles and toys; retail store and on-line retail store services all featuring dress-up sets, Halloween costumes, books, cassettes, videos, CDs, DVDs, portable digital media players, musical instruments, toy musical instruments and microphones, computers, toy computers, educational computers, computer and video games, computer and video game consoles and accessories, home and car electronics, baby safety items, baby monitors, humidifiers, vaporizers, baby food and formula, food, beverages, and utensils; retail store and on-line retail store services all featuring diapers, medicine, skin and hair care products, bedding and room decor, baby furniture, children's furniture, adult furniture, rocking chairs, lamps, light fixtures, safety gates, safety night lights, rear view mirror attachments, car seats, high chairs, step stools, booster seats, carriages and strollers. retail store and on-line retail store services all featuring bicycles, tricycles, toy motorized vehicles, ride-on toys, playpens, portable playpens, baby travel systems, play yards and beds for children, bed linen, comforters, pillow cases, rugs, wall paper, swings and bouncers, diaper bags and carriers, bath products and bibs; retail store and on-line retail store services all featuring, pens, paper, crayons, stationery, school supplies, artist supplies, stickers, coloring books, puzzle books, knapsacks, school bags, sports bags, gift cards and gift wrap; gift registry services

U.S. Registration No.	3895640	Application Date	05/28/2010
Registration Date	12/21/2010	Foreign Priority Date	NONE
Word Mark	SCOOPS R US		
Design Mark			
Description of Mark	The mark consists of the following: the term "SCOOPS" in red and orange shades with an ice cream cone in shades of brown, white and blue with a red cherry protruding from the first letter "O", followed by a reverse letter "R" in red containing a white star design, followed by "US" in shades of orange.		
Goods/Services	Class 030. First use: First Use: 2010/07/21 First Use In Commerce: 2010/07/21 confectionery products, namely, ice-cream, cookies, and pastries; coffee Class 032. First use: First Use: 2010/07/21 First Use In Commerce: 2010/07/21 beverages, namely, soda pop Class 035. First use: First Use: 2010/07/21 First Use In Commerce: 2010/07/21		

	retail store services featuring confectionery products, namely, ice-cream, cookies, and pastries, and beverages, namely, coffee and soda
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U.S. Registration No.	2467339	Application Date	12/20/1999
Registration Date	07/10/2001	Foreign Priority Date	NONE
Word Mark	STICKERS "R" US		
Design Mark	STICKERS "R" US		
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 1997/01/06 First Use In Commerce: 1997/01/06 Vending machines featuring stickers and tattoos		

U.S. Registration No.	2587410	Application Date	07/20/2000
Registration Date	07/02/2002	Foreign Priority Date	NONE
Word Mark	1-888-BABYRUS		
Design Mark	1-888-BABYRUS		
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 1997/07/00 First Use In Commerce: 1997/07/00 Providing customer services and merchandising information for the goods of others by means of telephone information		

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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	/mah/
Name	Matthew A. Homyk
Date	12/12/2012

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

In re Application of Marc S. Lemchen

Application No.: 85/569,835

Filed: March 14, 2012

Mark: THEY ARE US!

Geoffrey, LLC,	:	
a Delaware limited liability	:	
company,	:	
	:	
Opposer,	:	Serial No.: 85/569,835
	:	
v.	:	Opposition No.: _____
	:	
Marc S. Lemchen,	:	
an individual,	:	
	:	
Applicant.	:	
	:	

Hon. Commissioner for Trademarks
P.O. Box 1451
Alexandria, Virginia 22313-1451

Attn.: Trademark Trial and Appeal Board

NOTICE OF OPPOSITION

Opposer, Geoffrey, LLC, a Delaware limited liability company with its principal place of business at One Geoffrey Way, Wayne, New Jersey 07470, believes that it would be damaged by the registration of the mark THEY ARE US!, shown in Application Serial No. 85/569,835 and hereby opposes the same

under the provision of Section 13 of the Trademark Act of July 5, 1946, as amended, 15 U.S.C. § 1063.

As grounds of opposition, it is alleged that:

OPPOSER'S EXCLUSIVE RIGHTS

1. Opposer, through its predecessors and related companies, has engaged in the marketing and sale of a wide variety of various products for babies, children and families, including but not limited to, toys, games, novelties, baby products, furniture, clothing, light fixtures, audio and visual products, fitness and sporting goods, school supplies, art supplies, science and other educational goods and equipment, safety products, electronics and technology related goods, digital media, musical instruments, food, beverages, eating and drinking utensils and apparatus, bedding and linens, home decor, medicine, skin and hair care products, health and beauty aids, first aid products, diapers, laundry products, party supplies, costumes, paper products, gift cards and various retail, credit card, gift registry and party planning services (the "Goods and Services") under the marks TOYS R US, BABIES R US, R US, "R" and "Я" ("the TOYS "R" US Marks"), both with and without quotation marks, alone and with other terms.

2. Opposer has made continuous and extensive use of its distinctive TOYS "R" US Marks, which use has developed widespread public recognition and appeal since at least as early as 1960. Opposer is the world's biggest toy store and baby and

children's products retailer, leading the industry with billions of dollars in sales annually. Opposer owns and operates over 1600 stores using its R Us family of brands, and currently sells merchandise in more than 870 stores nationwide, including Toys "R" Us and Babies "R" Us stores, and more than 600 international stores and 125 licensed stores in 35 countries and jurisdictions.

3. Opposer also provides shoppers with a broad online selection of products through its branded e-commerce websites; hosts interactive pages on a variety of social media websites; hosts an online weblog (or "blog") promoting deals and discounts at its stores and web properties; and sponsors branded mobile applications to allow consumers to shop and access information about toys and other products sold by Opposer virtually anywhere.

4. Opposer is the exclusive owner of all rights, title and interest in and to the TOYS "R" US Marks and common law rights therein in connection with the Goods and Services, and is the owner of United States Registrations and International Registrations for the TOYS "R" US Marks, which provide protection in the United States for the same, including without limitation, TOYS "R" US, U.S. Reg. No. 902,125, and many other registrations. See printouts from the United States Patent and Trademark Office database attached as Exhibit A of many trademark and service mark registrations owned by Opposer.

5. As a result of Opposer's long and extensive promotion, marketing and use of various TOYS R US, R US, "R" and "Я" marks, both with and without quotation marks, including the advertising and promotion of third party products sold by Opposer, Opposer has established and owns a family of R US marks (hereinafter, the "R US Family of Marks").

6. Opposer's R US Family of Marks has been recognized by courts and other judicial and administrative bodies as a famous family of trademarks known to consumers. J. Thomas McCarthy, a leading scholar and expert on trademark law, recognizes the R US Family of Marks among a select group of famous trademark families in his well-known treatise on trademark law. See J. Thomas McCarthy, McCarthy of Trademarks and Unfair Competition, 4th Edition §23.61, pg. 23-302.

7. Federal courts, arbitration panels and the TTAB have regularly held that the use of any other mark containing a prefix in connection with the R US mark violates TRU's rights in its R US Family of Marks. Most recently, for example, a Federal court permanently enjoined another company's use of SMOKES R US, recognizing Opposer's R US Family of Marks as a "famous and inherently distinctive ... global superbrand." In so doing, the court recognized Opposer's "exclusive right to use the R US Family of Marks in commerce in the United States." See Toys "R" Us, Inc., et al v. Smokes R Us of Pa Corp., et al, Case No. 11-cv-00820 (M.D. Pa. June 2011).

8. The fame of Opposer's R US Family of Marks is also reflected in market rankings. In 2011, Interbrand named Toys "R" Us one of the most valuable U.S. retail brands. Deloitte also named Toys "R" Us as one of 2011's top "Global Powers of Retailing."

9. Opposer's registrations are valid and subsisting and are conclusive evidence of Opposer's exclusive right to use the TOYS "R" US Marks in commerce for the Goods and Services, including goods and services within its zone of natural expansion.

10. Through extensive and continuous use of the TOYS "R" US Marks, the TOYS "R" US Marks have acquired substantial goodwill in connection with the Goods and Services.

11. Opposer's extensive marketing, promotion and use of the TOYS "R" US Marks has caused customers, prospective purchasers, and the public generally to immediately associate the TOYS "R" US Marks with Opposer and to expect a wide variety of toys and related goods and services bearing the TOYS "R" US Marks to have a connection with, or association with, Opposer.

APPLICANT'S MARK

12. On March 14, 2012, Applicant filed application No. 85/569,835 for registration of the mark THEY ARE US! (hereinafter "Applicant's Mark") listing its services as "customer-service services and customer relationship

management." Applicant's Mark was published for opposition in the Official Gazette dated August 14, 2012. See printout from the United States Patent and Trademark Office database attached as Exhibit B.

13. Applicant's basis for filing Applicant's Mark is intent-to-use, pursuant to Section 1(b) of the Lanham Act.

14. Opposer's use of the TOYS "R" US Mark predates Applicant's constructive first use date for Applicant's Mark by over 50 years.

15. Applicant's Mark is confusingly similar in sound, appearance and/or meaning to Opposer's R US Family of Marks because the dominant portion of the mark incorporates Opposer's famous R US designation, which is pronounced as "are us."

16. Upon information and belief, Applicant intends to offer services in whole or in part within the same geographic region and to the same class of purchasers as Opposer.

17. The use and registration of Applicant's Mark to identify its services is likely to cause confusion, mistake and deception as to the source, origin, sponsorship or association of the services, and is likely to mislead the public and/or potential clients into believing that Applicant is licensed or controlled by Opposer or that Applicant is in some way related to or affiliated with Opposer.

18. Any defects, objections or faults found with the services rendered by Applicant under Applicant's Mark, because

of the false association with Opposer, would inflict upon and seriously injure the reputation of Opposer.

19. If the Applicant is granted the registration herein opposed, it would thereby obtain at least a prima facie exclusive right to the use of the mark THEY ARE US!. Such registration would be a source of damage and injury to the Opposer, as well as confusion in the relevant marketplace.

20. The grant of a Certificate of Registration to Applicant for Applicant's Mark would be inconsistent with and in derogation of Opposer's prior rights and would therefore cause damage and injury to Opposer and deception of and confusion to the public.

**APPLICANT'S MARK IS LIKELY TO CAUSE CONFUSION
AS TO SOURCE, ORIGIN, SPONSORSHIP, OR AFFILIATION**

21. In view of the similarity in overall commercial impression of the respective marks, the related nature of the goods and services of the respective parties, and Opposer's priority as to use of the mark, Opposer alleges that Applicant's mark THEY ARE US! so resembles Opposer's R US Family of Marks as to be likely to cause confusion, or mistake, or to deceive under Trademark Act Sections 2(d) and 43(a), 15 U.S.C. Sections 1052(d) and 1125(a), and will cause damage to Opposer and its goodwill represented by its prior-used marks.

22. In addition, Opposer's rights and fame in its R US Family of Marks, including those based on its extensive use, registrations and public recognition, were established long before Applicant filed its application for the mark THEY ARE US!. Thus, granting registration to Applicant would diminish and dilute the distinctive quality of Opposer's rights in its famous R US Family of Marks in violation of Trademark Act Section 43(c), 15 U.S.C. Section 1125(c), and could also in the event of any mishaps involving, or poor quality of, the goods and services offered by Applicant, tarnish such distinctiveness.

**APPLICANT'S MARK IS LIKELY TO DILUTE THE DISTINCTIVE QUALITY OF
OPPOSER'S FAMOUS MARKS**

23. At all times prior to both Applicant's application to register Applicant's Mark and any use of Applicant's Mark by Applicant, Opposer's TOYS R US Marks were distinctive and had already become famous.

24. The fame and high degree of recognition afforded to the TOYS R US Marks is evident in the significant duration, extent and geographic reach of advertising and publicity bearing the marks; widespread and extraordinary sales of the Goods and Services bearing the TOYS R US Marks; widespread recognition of the TOYS R US Marks among the general consuming public; and the registrations of the TOYS R US Marks accorded on the Principal Register.

25. That Applicant's Mark is likely to cause dilution by blurring is evident in the high degree of similarity between Applicant's Mark and the TOYS R US Marks; the high degree of inherent and acquired distinctiveness of the TOYS R US Marks; the substantially exclusive use of the TOYS R US Marks on the Goods and Services; the extraordinary degree of recognition accorded to the TOYS R US Marks by the general consuming public; the apparent intent of Applicant to create an association with the TOYS R US Marks; and any actual association between Applicant's Mark and the TOYS R US Marks that would be established during discovery.

26. The use and registration of Applicant's Mark to identify its services, after the TOYS R US Marks had become famous, is therefore likely to cause dilution by blurring or dilution by tarnishment of the TOYS R US Marks, regardless of the presence or absence of actual or likely confusion, competition, or of actual economic injury, and will injure Opposer.

For the reasons set forth in the foregoing paragraphs one through twenty-six, Opposer believes that it would be damaged by the registration of Applicant's Mark, and thus Applicant should be denied registration of the mark.

WHEREFORE, Opposer prays that this opposition be sustained and that Application Serial No. 85/569,835 be refused registration.

Respectfully submitted,

GEOFFREY, LLC



Date: December 12, 2012 By:

Timothy D. Pecsénye
Megan E. Spitz
Matthew A. Homyk
Bradford C. Craig
Its Attorneys

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ONE LOGAN SQUARE
PHILADELPHIA, PA 19103
(215) 569-5619

CERTIFICATE OF SERVICE

I, Matthew A. Homyk, do hereby certify that I have on December 12, 2012, mailed via first class mail, the foregoing Notice of Opposition to the following:

Daniel L. Dawes
Dawes Patent Law Group
5200 Warner Avenue, Ste. 106
Huntington Beach, California 92649-4029



Matthew A. Homyk