

ESTTA Tracking number: **ESTTA641354**

Filing date: **11/26/2014**

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	Ziggy & Friends, Inc.
Granted to Date of previous extension	11/26/2014
Address	5000 Aerospace Pkwy. Brook Park, OH 44142 UNITED STATES

Attorney information	Deborah A. Wilcox Baker & Hostetler LLP 1900 East 9th Street, Suite 3200 Cleveland, OH 44114 UNITED STATES clevelandip@bakerlaw.com, dwilcox@bakerlaw.com Phone:216-861-7864
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Applicant Information

Application No	85823200	Publication date	07/29/2014
Opposition Filing Date	11/26/2014	Opposition Period Ends	11/26/2014
Applicant	Kouadio, Konan 537 Tinton Avenue Bronx, NY 10455 UNITED STATES		

Goods/Services Affected by Opposition

Class 025. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: A-shirts; Athletic shirts; Caps; Hats; Long-sleeved shirts; Pique shirts; Polo shirts; Rugby shirts; Shirts; Short-sleeved shirts; Sweatshirts; T-shirts; Tank-tops
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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.	1148618	Application Date	05/05/1977
Registration Date	03/24/1981	Foreign Priority Date	NONE
Word Mark	ZIGGY		

Design Mark	
Description of Mark	NONE
Goods/Services	<p>Class 004. First use: First Use: 1976/01/02 First Use In Commerce: 1976/01/02 [Candles]</p> <p>Class 014. First use: First Use: 1973/11/01 First Use In Commerce: 1973/11/01 [Jewelry and] Clocks</p> <p>Class 016. First use: First Use: 1971/06/28 First Use In Commerce: 1971/06/28 Newspaper and Magazine Cartoon Feature, Greeting Cards, Books, Posters, Gift Wrap, Stationery, [Writing Cases and Kits, Albums, Glue,] Calendars [, Plaques, Tallies, Napkins, and Decorations]</p> <p>Class 020. First use: First Use: 1973/02/01 First Use In Commerce: 1973/02/01 Vinyl Figurines [and Waste Baskets]</p> <p>Class 021. First use: First Use: 1975/01/15 First Use In Commerce: 1975/01/15 [Drinking Glasses, Potholders, Oven Mitts, Paper Plates, Cups and Waste Baskets]</p> <p>Class 024. First use: First Use: 1976/07/29 First Use In Commerce: 1976/07/29 [Towels, Face Cloths, Textile Place Mats, Sheets and Pillow Cases]</p> <p>Class 027. First use: First Use: 1976/01/02 First Use In Commerce: 1976/01/02 [Wallpaper]</p> <p>Class 028. First use: First Use: 1974/03/01 First Use In Commerce: 1974/03/01 [Bean Bags]</p>

U.S. Registration No.	1305639	Application Date	09/30/1982
Registration Date	11/20/1984	Foreign Priority Date	NONE
Word Mark	ZIGGY		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 003. First use: First Use: 1980/05/00 First Use In Commerce: 1980/05/00 Toilet Soap</p> <p>Class 015. First use: First Use: 1980/11/00 First Use In Commerce: 1980/11/00 3-D Music Boxes</p> <p>Class 016. First use: First Use: 1976/05/00 First Use In Commerce: 1976/05/00 School Supplies (Pencil Cases, Pencil Holders, Pencil Sharpeners, Scratch Pads, Drawing Rulers, Erasers, 3-Ring Binders) Paper Stickers, Diaries, Address Books, Autograph Books, Reminder Books, PaperParty Goods Accessories- Namely, Tags, Placemats, Party Hats, Desk Accessories in Combination of Plastic and Paper, Including Memo Holder, Notebook Dividers, Notebooks, Pencil Boxes, Magnetic Note Holders, Letter Holders, Paper Clip Dispenser, and Desk Caddy, Crayons, Water Color Kits, Paint by Number Kits, Chalk, Modeling Clay, Lab Writing Board, Ring Binders, Laminated Binders</p> <p>Class 018. First use: First Use: 1976/11/00 First Use In Commerce: 1976/11/00 Knapsacks, Duffle Bags, Shoulder Bags, Tote Bags, All Purpose Sports Bags, Brief Case Type Portfolio Bags, Coin Purses, Make-Up or Cosmetic Cases Sold Empty, Luggage Tags</p> <p>Class 020. First use: First Use: 1980/05/00 First Use In Commerce: 1980/05/00 Mirrors, Picture Frames, Plaques, Transparent Cubes and Frames for Photo-</p>		

	<p>graph Display, Mirror Plaques</p> <p>Class 021. First use: First Use: 1977/11/00 First Use In Commerce: 1977/11/00 Ceramic Figures/Figurines, Ceramic Cups, Mugs, [Combs,] [Relish Dishes, Salt and Pepper Shakers (Ceramic)], Metal Trays, Metal Snack Trays, Ceramic Dish Type Containers and Boxes, Ceramic Plates,[Candle Holders Banks (Paper-Mache)]</p> <p>Class 025. First use: First Use: 1978/03/00 First Use In Commerce: 1978/03/00 Clothing-Namely, Belts, [Suspenders], Baseball Caps, Knee Socks, Anklets, [Brushed Booties], Sleepwear, Athletic Shorts, Underwear, [Robes], Raincoats, Scarves, [Gloves], Jeans, [Vests, Overalls], Walking Shorts, Jackets, Tank Tops, Lap-Shouldered Shirts, Sweatshirts, Fashion Knit Tops, Athletic Jerseys</p> <p>Class 026. First use: First Use: 1977/10/00 First Use In Commerce: 1977/10/00 Sequined Kits, Pins, Buttons, Shoe Laces, Vinyl Fashion Accessories, Needlework Craft Kits Composed of Design Receiving Material, Needle or Hooks and Thread, String or Yarn, which Kits Are for Making Latch Hook Rugs, Needlepoint, Crewel Embroidery, Cross-Stitch Embroidery, Quilting and Appliqueing for Pictures and Calenders, Pillows, Quilts, Grow Charts, Christmas Stockings, Wall Hangings, Pillow Cases, Soft Sculpture, String Art, Yarn Art, Picturepoint, Needle Punch, and Counted Cross-Stitch Embroidery</p> <p>Class 028. First use: First Use: 1979/09/00 First Use In Commerce: 1979/09/00 Stuffed Dolls, Ornament and Decorations for Christmas Trees, Transparent Liquid Filled Domes with Snow Illusion, [Paper Party Horns and Blowouts], Banks (Papier-Mache)</p> <p>Class 030. First use: First Use: 1980/09/00 First Use In Commerce: 1980/09/00 Candy, Cake Decorations Made of Candy</p>
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U.S. Registration No.	1313514	Application Date	05/05/1977
Registration Date	01/08/1985	Foreign Priority Date	NONE
Word Mark	ZIGGY		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1975/06/24 First Use In Commerce: 1977/06/24 [PAJAMAS, NIGHTGOWNS, APRONS,]SHIRTS [AND SOCKS]		

U.S. Registration No.	4319890	Application Date	03/23/2012
Registration Date	04/16/2013	Foreign Priority Date	NONE
Word Mark	ZIGGY		
Design Mark			

Description of Mark	NONE
Goods/Services	Class 009. First use: First Use: 2012/06/14 First Use In Commerce: 2012/06/14 Computer application software for mobile devices, namely, software in the nature of downloadable electronic books and audio books featuring a syndicated cartoon character for the purpose of creating awareness on a variety of topics; Downloadable electronic publications in the nature of e-books and audio books featuring a syndicated cartoon character for the purpose of creating awareness on a variety of topics

Attachments	85577957#TMSN.png(bytes) z ziggy notice of opposition.pdf(325314 bytes) exhibits for z ziggy opposition.pdf(594861 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	/daw/
Name	Deborah A. Wilcox
Date	11/26/2014

VIA ELECTRONIC SYSTEM FOR
TRADEMARK TRIALS AND APPEALS (“ESTTA”)
DATE OF FILING: November 26, 2014

UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD

In The Matter Of Application Serial No. 85823200
Published In The *Official Gazette*, July 29, 2014

_____)	
Ziggy & Friends, Inc,)	
)	Opposition No. _____
Opposer,)	
v.)	NOTICE OF OPPOSITION
)	
Konan Kouadio,)	
)	
Applicant.)	
_____)	

Ziggy & Friends, Inc. (“ZFI”), an Ohio corporation, whose principal address is 5000 Aerospace Parkway, Brook Park, Ohio 44181, believes that it will be damaged by the registration of the mark covered by Application Serial No. 85823200 for Z ZIGGY CLOTHES, in International Class 25, and hereby opposes the registration of said mark. As grounds for the opposition it is alleged as follows:

1. ZFI is the owner of the famous ZIGGY family of marks, including without limitation ZIGGY.
 2. Konan Kouadio (“Applicant”) seeks to register Z ZIGGY CLOTHES for the following items in Class 25: “A-shirts; Athletic shirts; Caps; Hats; Long-sleeved shirts; Pique shirts; Polo shirts; Rugby shirts; Shirts; Short-sleeved shirts; Sweatshirts; T-shirts; Tank-tops.”
- The filing date of Applicant’s application was January 15, 2013.

3. ZFI owns all of the copyrights, trademarks, and other subsidiary rights relating to the famous ZIGGY comic panel. The ZIGGY comic panel first appeared on June 28, 1971, and now appears in newspapers in the United States and throughout the world.

4. Beginning in 1974, the names and likenesses of the ZIGGY characters have been licensed to selected parties in the United States to use on a wide range of products and services. Over the years, these have included clothing, animated features and software applications for mobile devices, a children's telephone service, greeting cards, posters, chocolates, gift items, books, electronic books, toys, telephones, and towels.

5. ZFI, and its predecessor-in-interest, Universal Press Syndicate, a Delaware corporation, adopted and have used the ZIGGY family of marks for these products and services, which family includes without limitation ZIGGY.

6. ZFI is the owner of record of the following registrations with the United States Patent and Trademark Office:

Mark	Serial / Registration No.	Class	Key Dates
ZIGGY	73125,345 1,148,618	14, 16, 20	Application: May 5, 1977 Registration: March 24, 1981 First Use Class 14: November 1, 1973 First Use Class 16: June 28, 1971 First Use Class 20: Feb 1, 1973 Renewed: October 11, 2010
ZIGGY	73394,507 1,305,639	20, 21, 25, 28	Application: September 30, 1982 Registration: November 20, 1984 First Use Class 20: May, 1980 First Use Class 21: November, 1977 First Use Class 25: March 1978 First Use Class 28: September, 1979 Renewed: February 3, 2005
ZIGGY	80125,345 1,313,514	25	Application: May 5, 1977 Registration: January 8, 1985 First Use: June 24, 1975 Renewal Application filed: November 19, 2014

ZIGGY	85577957 4,319,890	9	Application: March 23, 2012 Registration: April 16, 2013 First Use: June 14, 2012
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7. Attached as Exhibits A-D are true and accurate copies of the registration certificates and renewal certificates for the registrations noted above. The marks referenced in paragraph 6 are collectively referred to herein as the “ZIGGY Marks.”

8. Through widespread publicity, including syndication of the Ziggy comic panel in U.S. and international newspapers, ZFI has acquired much notoriety, fame and a most valuable reputation under its ZIGGY Marks.

9. Applicant filed the Z ZIGGY CLOTHES application on the basis of Section 1(b) of the Lanham Act, based on its intent to use the mark in interstate commerce.

10. ZFI will be damaged by the registration of Applicant’s mark in that ZFI is using the mark ZIGGY in commerce and confusion of the relevant trade and public is likely to result from the registration of Applicant’s mark. Further, if Applicant’s mark is permitted to register on the Principal Register, with all the substantive and procedural benefits conferred by its status as a registration on the Principal Register, Registrant will enjoy unlawful gain and advantage to which it is not entitled under the Trademark Act of 1946.

11. Upon information and belief, the Z ZIGGY CLOTHES mark identified in Applicant’s application is likely to confuse consumers and trade on the goodwill built up in the ZIGGY Marks.

12. Upon information and belief, the goods Applicant intends to promote and market under the Z ZIGGY CLOTHES mark will be similar in type to goods that ZFI and its licensees have marketed, and as such are likely to create confusion among consumers regarding whether Applicant’s goods have been approved by ZFI.

13. Upon information and belief, the goods Applicant intends to promote and market under the Z ZIGGY CLOTHES mark will be promoted and marketed through the same or similar channels of trade as the goods and services ZFI and its licensees have marketed under the ZIGGY Marks, and are likely to create consumer confusion as to whether Applicant's goods have been approved by ZFI.

14. There is no issue as to priority. The date Applicant filed the Z ZIGGY CLOTHES application is subsequent to ZFI's first use and filings.

CLAIM I

15. ZFI repeats and re-alleges each and every allegation set forth in paragraphs 1 through 16.

16. The Z ZIGGY CLOTHES mark, if used by Applicant for the specified goods, is a reproduction, copy, and colorful imitation of the ZIGGY Marks. Applicant's use of the Z ZIGGY CLOTHES mark is likely to cause confusion, mistake, or deception with respect to the origin of said goods, and to confuse, mislead, and deceive members of the public into believing that ZFI has allowed, sponsored, approved, or licensed Applicant to offer such goods, or in some way Applicant is connected to or affiliated with ZFI. Any such confusion would result in injury to or have a direct impact on ZFI's reputation and its ability to market its goods and services. Furthermore, any defect, objection, or fault found with the goods promoted and marketed under Applicant's Z ZIGGY CLOTHES mark would negatively impact and seriously injure the reputation ZFI has established for the goods and services under the ZIGGY Marks.

17. If Applicant is granted the registration herein opposed, Applicant would thereby obtain at least a prima facie exclusive right to use the Z ZIGGY CLOTHES mark. Such

registration would be a source of damage and injury to ZFI within the meaning of Section 13 of the Lanham Act, 15 U.S.C. § 1063.

CLAIM II

18. ZFI repeats and re-alleges each and every allegation set forth in paragraphs 1 through 19.

19. The ZIGGY Marks are distinctive and famous due to the domestic and international syndication of the Ziggy comic panel, and the extensive sales of products and services associated with the ZIGGY Marks over the last several decades. The public generally associates and identifies the ZIGGY Marks with ZFI.

20. Applicant's mark constitutes a dilution of the ZIGGY Marks, in violation of 15 U.S.C. §1125(c), in that Applicant's mark dilutes the distinctive quality of the ZIGGY Marks by diminishing ZFI's ability to identify and distinguish its products and services.

21. Applicant's registration of the mark set forth in the Z ZIGGY CLOTHES application will cause damage to ZFI within the meaning of Section 13 of the Lanham Act, 15 U.S.C. § 1063.

WHEREFORE, ZFI prays that this Opposition be granted and Application Serial No. 85823200 be refused registration.

Respectfully submitted,

/Deborah A. Wilcox/
Deborah A. Wilcox
BAKER & HOSTETLER LLP
PNC Center, Suite 3200
1900 East 9th Street
Cleveland, Ohio 44114-3485
216.861.6106 (Telephone)
216.696.0740 (Facsimile)
clevelandip@bakerlaw.com
Attorneys for Ziggy & Friends, Inc.

CERTIFICATE OF FILING

I hereby certify that the foregoing Notice of Opposition was filed with the Commissioner for Trademarks, through the Electronic System for Trademark Trials and Appeals on this 26th day of November, 2014.

/Deborah A. Wilcox/

One of the Attorneys for Opposer

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **Notice of Opposition** was served this 26th day of November, 2014, by first-class U.S. mail, postage prepaid, upon the correspondence address identified for Applicant in the Trademark Status and Document Retrieval system of the U.S. Patent and Trademark Office:

MATTHEW H SWYERS
THE TRADEMARK COMPANY
344 MAPLE AVE W STE 151
VIENNA, VA 22180

/Deborah A. Wilcox/

One of the Attorneys for Opposer

605435220.2

EXHIBIT A

Side - 1



**NOTICE OF ACCEPTANCE OF §8
DECLARATION
MAILING DATE: Oct 11, 2010**

The declaration filed in connection with the registration identified below meets the requirements of Section 8 of the Trademark Act, 15 U.S.C. §1058. The declaration is accepted and the registration remains in force.

For further information about this notice, visit our website at: <http://www.uspto.gov>. To review information regarding the referenced registration, go to <http://tarr.uspto.gov>.

REG NUMBER: 1148618
MARK: ZIGGY
OWNER: ZIGGY & FRIENDS, INC.,

Side - 2

UNITED STATES PATENT AND TRADEMARK OFFICE
COMMISSIONER FOR TRADEMARKS
P.O. BOX 1451
ALEXANDRIA, VA 22313-1451

FIRST-CLASS
MAIL
U.S POSTAGE
PAID

Melanie S. Corcoran
Baker & Hostetler LLP
1900 East 9th Street
Suite 3200
CLEVELAND, OH 44114

Int. Cls.: 4, 14, 16, 20, 21, 24, 27 and 28

Prior U.S. Cls.: 2, 15, 22, 27, 28, 33, 37, 38, 42 and 50

United States Patent and Trademark Office

Reg. No. 1,148,618

Registered Mar. 24, 1981

TRADEMARK
Principal Register

ZIGGY

Universal Press Syndicate (Delaware corporation)
6700 Squibb Rd.
Mission, Kans. 66202

For: CANDLES, in CLASS 4 (U.S. Cl. 15).
First use Jan. 2, 1976; in commerce Jan. 2, 1976.
For: JEWELRY AND CLOCKS, in CLASS 14
(U.S. Cls. 27 and 28).

First use Nov. 1, 1973; in commerce Nov. 1, 1973.
For: NEWSPAPER AND MAGAZINE CAR-
TOON FEATURE, GREETING CARDS, BOOKS,
POSTERS, GIFT WRAP, STATIONERY, WRIT-
ING CASES AND KITS, ALBUMS, GLUE, CAL-
ENDARS, PLAQUES, TALLIES, NAPKINS,
AND DECORATIONS, in CLASS 16 (U.S. Cls. 37
and 38).

First use Jun. 28, 1971; in commerce Jun. 28, 1971.
For: VINYL FIGURINES AND WASTE BAS-
KETS, in CLASS 20 (U.S. Cls. 2 and 50).

First use Feb. 1, 1973; in commerce Feb. 1, 1973.
For: DRINKING GLASSES, POTHOLDERS,
OVEN MITTS, PAPER PLATES, CUPS AND
WASTE BASKETS, in CLASS 21 (U.S. Cls. 2, 33
and 42).

First use Jan. 15, 1975; in commerce Jan. 15, 1975.
For: TOWELS, FACE CLOTHS, TEXTILE
PLACE MATS, SHEETS AND PILLOW CASES,
in CLASS 24 (U.S. Cl. 42).

First use Jul. 29, 1976; in commerce Jul. 29, 1976.
For: WALLPAPER, in CLASS 27 (U.S. Cl. 37).
First use Jan. 2, 1976; in commerce Jan. 2, 1976.
For: BEAN BAGS, in CLASS 28 (U.S. Cl. 22).
First use Mar. 1, 1974; in commerce Mar. 1, 1974.

Ser. No. 125,345, filed May 5, 1977.

B. C. WASHINGTON, Primary Examiner

EXHIBIT B

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451
www.uspto.gov

REGISTRATION NO: 1305639 SERIAL NO: 73/394507 MAILING DATE: 02/03/2005
REGISTRATION DATE: 11/20/1984
MARK: ZIGGY
REGISTRATION OWNER: Ziggy & Friends, Inc.

CORRESPONDENCE ADDRESS:

FRANK H. ANDORKA
BAKER & HOSTETLER
3200 NATIONAL CITY CENTER
CLEVELAND, OH 44114

NOTICE OF ACCEPTANCE

15 U.S.C. Sec. 1058(a)(3)

THE AFFIDAVIT FILED FOR THE ABOVE-IDENTIFIED REGISTRATION MEETS THE REQUIREMENTS OF SECTION 8 OF THE TRADEMARK ACT, 15 U.S.C. Sec. 1058.

ACCORDINGLY, THE SECTION 8 AFFIDAVIT IS ACCEPTED.

THE REGISTRATION WILL REMAIN IN FORCE FOR CLASS(ES):
028, 025, 021, 020.

HENSON, EVERETT J
PARALEGAL SPECIALIST
POST-REGISTRATION DIVISION
(703)308-9500

**PLEASE SEE THE REVERSE SIDE OF THIS NOTICE FOR INFORMATION
CONCERNING REQUIREMENTS FOR MAINTAINING THIS REGISTRATION**

ORIGINAL

REQUIREMENTS FOR MAINTAINING A FEDERAL TRADEMARK REGISTRATION

I) SECTION 8: AFFIDAVIT OF CONTINUED USE

The registration shall remain in force for 10 years, except that the registration shall be canceled for failure to file an Affidavit of Continued Use under Section 8 of the Trademark Act, 15 U.S.C. Sec. 1058, at the end of each successive 10-year period following the date of registration.

Failure to file the Section 8 Affidavit will result in the cancellation of the registration.

II) SECTION 9: APPLICATION FOR RENEWAL

The registration shall remain in force for 10 years, subject to the provisions of Section 8, except that the registration shall expire for failure to file an Application for Renewal under Section 9 of the Trademark Act, 15 U.S.C. Sec. 1059, at the end of each successive 10-year period following the date of registration.

Failure to file the Application for Renewal will result in the expiration of the registration.

NO FURTHER NOTICE OR REMINDER OF THESE REQUIREMENTS WILL BE SENT TO THE REGISTRANT BY THE PATENT AND TRADEMARK OFFICE. IT IS RECOMMENDED THAT THE REGISTRANT CONTACT THE PATENT AND TRADEMARK OFFICE APPROXIMATELY ONE YEAR BEFORE THE EXPIRATION OF THE TIME PERIODS SHOWN ABOVE TO DETERMINE APPROPRIATE REQUIREMENTS AND FEES.

Int. Cls.: 3, 15, 16, 18, 20, 21, 25, 26, 28 and 30

Prior U.S. Cls.: 2, 3, 22, 32, 36, 37, 38, 39, 40, 46, 50 and 52

United States Patent and Trademark Office

Reg. No. 1,305,639

Registered Nov. 20, 1984

TRADEMARK
Principal Register

ZIGGY

Universal Press Syndicate (Delaware corporation)
4400 Johnson Dr.
Fairway, Kans. 66205

For: TOILET SOAP, in CLASS 3 (U.S. Cl. 52).

First use May 1980; in commerce May 1980.

For: 3-D MUSIC BOXES, in CLASS 15 (U.S. Cl. 36).

First use Nov. 1980; in commerce Nov. 1980.

For: SCHOOL SUPPLIES (PENCIL CASES, PENCIL HOLDERS, PENCIL SHARPENERS, SCRATCH PADS, DRAWING RULERS, ERASERS, 3-RING BINDERS) PAPER STICKERS, DIARIES, ADDRESS BOOKS, AUTOGRAPH BOOKS, REMINDER BOOKS, PAPER PARTY GOODS ACCESSORIES—NAMELY, TAGS, PLACEMATS, PARTY HATS, DESK ACCESSORIES IN COMBINATION OF PLASTIC AND PAPER, INCLUDING MEMO HOLDER, NOTEBOOK DIVIDERS, NOTEBOOKS, PENCIL BOXES, MAGNETIC NOTE HOLDERS, LETTER HOLDERS, PAPER CLIP DISPENSER, AND DESK CADDY, CRAYONS, WATER COLOR KITS, PAINT BY NUMBER KITS, CHALK, MODELING CLAY, LAB WRITING BOARD, RING BINDERS, LAMINATED BINDERS, in CLASS 16 (U.S. Cls. 37 and 38).

First use May 1976; in commerce May 1976.

For: KNAPSACKS, DUFFLE BAGS, SHOULDER BAGS, TOTE BAGS, ALL PURPOSE SPORTS BAGS, BRIEF CASE TYPE PORTFOLIO BAGS, COIN PURSES, MAKE-UP OR COSMETIC CASES SOLD EMPTY, LUGGAGE TAGS, in CLASS 18 (U.S. Cl. 3).

First use Nov. 1976; in commerce Nov. 1976.

For: MIRRORS, PICTURE FRAMES, PLAQUES, TRANSPARENT CUBES AND

FRAMES FOR PHOTOGRAPH DISPLAY, MIRROR PLAQUES, in CLASS 20 (U.S. Cl. 32).

First use May 1980; in commerce May 1980.

For: CERAMIC FIGURES/FIGURINES, CERAMIC CUPS, MUGS, COMBS, RELISH DISHES, SALT & PEPPER SHAKERS (CERAMIC), METAL TRAYS, METAL SNACK TRAYS, CERAMIC DISH TYPE CONTAINERS AND BOXES, CERAMIC PLATES, CANDLE HOLDERS BANKS (PAPER-MACHE), in CLASS 21 (U.S. Cls. 2 and 50).

First use Nov. 1977; in commerce Nov. 1977.

For: CLOTHING—NAMELY, BELTS, SUSPENDERS, BASEBALL CAPS, KNEE SOCKS, ANKLETS, BRUSHED BOOTIES, SLEEPWEAR, ATHLETIC SHORTS, UNDERWEAR, ROBES, RAINCOATS, SCARVES, GLOVES, JEANS, VESTS, OVERALLS, WALKING SHORTS, JACKETS, TANK TOPS, LAP-SHOULDERED SHIRTS, SWEATSHIRTS, FASHION KNIT TOPS, ATHLETIC JERSEYS, in CLASS 25 (U.S. Cl. 39).

First use Mar. 1978; in commerce Mar. 1978.

For: SEQUINED KITS, PINS, BUTTONS, SHOE LACES, VINYL FASHION ACCESSORIES, NEEDLEWORK CRAFT KITS COMPOSED OF DESIGN RECEIVING MATERIAL, NEEDLE OR HOOKS AND THREAD, STRING OR YARN, WHICH KITS ARE FOR MAKING LATCH HOOK RUGS, NEEDLEPOINT, CREWEL EMBROIDERY, CROSS-STITCH EMBROIDERY, QUILTING AND APPLIQUEING FOR PICTURES AND CALENDERS, PILLOWS, QUILTS, GROW CHARTS, CHRISTMAS STOCKINGS, WALL HANGINGS, PILLOW CASES, SOFT SCULPTURE, STRING ART, YARN ART, PICTUREPOINT, NEEDLE

PUNCH, AND COUNTED CROSS-STITCH EMBROIDERY, in CLASS 26 (U.S. Cl. 40).

First use Oct. 1977; in commerce Oct. 1977.

For: **STUFFED DOLLS, ORNAMENT & DECORATIONS FOR CHRISTMAS TREES, TRANSPARENT LIQUID FILLED DOMES WITH SNOW ILLUSION, PAPER PARTY HORNS AND BLOWOUTS, BANKS (PAPIER-MACHE), in CLASS 28 U.S. Cl. 22).**

First use Sep. 1979; in commerce Sep. 1979.
For: **CANDY, CAKE DECORATIONS MADE OF CANDY, in CLASS 30 (U.S. Cl. 46).**

First use Sep. 1980; in commerce Sep. 1980.

Owner of U.S. Reg. Nos. 1,129,113 and 1,148,618.

Ser. No. 394,507, filed Sep. 30, 1982.

CARY J. DEATON, Examining Attorney

EXHIBIT C

From: TMOOfficialNotices@USPTO.GOV
Sent: Friday, November 21, 2014 11:01 PM
To: clevelandip@bakerlaw.com
Cc: mcorcoran@bakerlaw.com ; tnoel@bakerlaw.com
Subject: Official USPTO Notice of Acceptance and Renewal Sections 8 and 9: U.S. Trademark RN 1313514:
ZIGGY: Docket/Reference No. 33483.000053

Serial Number: 80125345
Registration Number: 1313514
Registration Date: Jan 8, 1985
Mark: ZIGGY
Owner: ZIGGY & FRIENDS, INC.

Nov 21, 2014

NOTICE OF ACCEPTANCE UNDER SECTION 8

The declaration of use or excusable nonuse filed for the above-identified registration meets the requirements of Section 8 of the Trademark Act, 15 U.S.C. §1058. **The Section 8 declaration is accepted.**

NOTICE OF REGISTRATION RENEWAL UNDER SECTION 9

The renewal application filed for the above-identified registration meets the requirements of Section 9 of the Trademark Act, 15 U.S.C. §1059. **The registration is renewed.**

The registration will remain in force for the class(es) listed below for the remainder of the ten-year period, calculated from the registration date, unless canceled by an order of the Commissioner for Trademarks or a Federal Court.

Class(es):
025

TRADEMARK SPECIALIST
POST-REGISTRATION DIVISION
571-272-9500

REQUIREMENTS FOR MAINTAINING REGISTRATION IN SUCCESSIVE TEN-YEAR PERIODS

WARNING: Your registration will be canceled if you do not file the documents below during the specified time periods.

What and When to File: You must file a declaration of use (or excusable nonuse) and an application for renewal between every 9th and 10th-year period, calculated from the registration date. See 15 U.S.C. §§1058, 1059.

Grace Period Filings

The above documents will be considered as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

*****The USPTO WILL NOT SEND ANY FURTHER NOTICE OR REMINDER OF THESE REQUIREMENTS. THE REGISTRANT SHOULD CONTACT THE USPTO ONE YEAR BEFORE THE EXPIRATION OF THE TIME PERIODS SHOWN ABOVE TO DETERMINE APPROPRIATE REQUIREMENTS AND FEES.*****

To view this notice and other documents for this application on-line, go to <http://tdr.uspto.gov/search.action?sn=80125345>.

NOTE: This notice will only be available on-line the next business day after receipt of this e-mail.

Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3514
www.uspto.gov

REGISTRATION NO: 1313514 SERIAL NO: 80/125345 MAILING DATE: 04/20/2004
REGISTRATION DATE: 01/08/1985
MARK: ZIGGY
REGISTRATION OWNER: ZIGGY & FRIENDS, INC.

CORRESPONDENCE ADDRESS:

FRANK H ANDORKA
BAKER & HOSTETLER
3200 NATIONAL CITY CENTER
CLEVELAND, OH 44114

NOTICE OF ACCEPTANCE

15 U.S.C. Sec. 1058(a)(3)

THE COMBINED AFFIDAVIT AND RENEWAL APPLICATION FILED FOR THE ABOVE-IDENTIFIED REGISTRATION MEETS THE REQUIREMENTS OF SECTION 8 OF THE TRADEMARK ACT, 15 U.S.C. Sec. 1058.

ACCORDINGLY, THE SECTION 8 AFFIDAVIT IS ACCEPTED.

NOTICE OF RENEWAL

15 U.S.C. Sec. 1059(a)

THE COMBINED AFFIDAVIT AND RENEWAL APPLICATION FILED FOR THE ABOVE-IDENTIFIED REGISTRATION MEETS THE REQUIREMENTS OF SECTION 9 OF THE TRADEMARK ACT, 15 U.S.C. Sec. 1059.

ACCORDINGLY, THE REGISTRATION IS RENEWED.

THE REGISTRATION WILL REMAIN IN FORCE FOR CLASS(ES):
025.

LEE, HAROLD D
PARALEGAL SPECIALIST
POST-REGISTRATION DIVISION
(703)308-9500

**PLEASE SEE THE REVERSE SIDE OF THIS NOTICE FOR INFORMATION
CONCERNING REQUIREMENTS FOR MAINTAINING THIS REGISTRATION
ORIGINAL**

REQUIREMENTS FOR MAINTAINING A FEDERAL TRADEMARK REGISTRATION

I) SECTION 8: AFFIDAVIT OF CONTINUED USE

The registration shall remain in force for 10 years, except that the registration shall be canceled for failure to file an Affidavit of Continued Use under Section 8 of the Trademark Act, 15 U.S.C. Sec. 1058, at the end of each successive 10-year period following the date of registration.

Failure to file the Section 8 Affidavit will result in the cancellation of the registration.

II) SECTION 9: APPLICATION FOR RENEWAL

The registration shall remain in force for 10 years, subject to the provisions of Section 8, except that the registration shall expire for failure to file an Application for Renewal under Section 9 of the Trademark Act, 15 U.S.C. Sec. 1059, at the end of each successive 10-year period following the date of registration.

Failure to file the Application for Renewal will result in the expiration of the registration.

NO FURTHER NOTICE OR REMINDER OF THESE REQUIREMENTS WILL BE SENT TO THE REGISTRANT BY THE PATENT AND TRADEMARK OFFICE. IT IS RECOMMENDED THAT THE REGISTRANT CONTACT THE PATENT AND TRADEMARK OFFICE APPROXIMATELY ONE YEAR BEFORE THE EXPIRATION OF THE TIME PERIODS SHOWN ABOVE TO DETERMINE APPROPRIATE REQUIREMENTS AND FEES.

Int. Cl.: 25

Prior U.S. Cl.: 39

United States Patent and Trademark Office

Reg. No. 1,313,514

Registered Jan. 8, 1985

TRADEMARK
Principal Register

ZIGGY

Universal Press Syndicate (Missouri corporation)
6700 Squibb Rd.
Mission, Kans. 66202

For: PAJAMAS, NIGHTGOWNS, APRONS,
SHIRTS AND SOCKS, in CLASS 25 (U.S. Cl. 39).
First use Jun. 24, 1975; in commerce Jun. 24, 1975.

Ser. No. 125,345-A, filed May 5, 1977.

B. C. WASHINGTON, Examining Attorney

EXHIBIT D

United States of America
United States Patent and Trademark Office

ZIGGY

Reg. No. 4,319,890

Registered Apr. 16, 2013

Int. Cl.: 9

TRADEMARK

PRINCIPAL REGISTER

ZIGGY & FRIENDS, INC. (OHIO CORPORATION)
5000 AEROSPACE PKWY.
BROOK PARK, OH 44142

FOR: COMPUTER APPLICATION SOFTWARE FOR MOBILE DEVICES, NAMELY, SOFTWARE IN THE NATURE OF DOWNLOADABLE ELECTRONIC BOOKS AND AUDIO BOOKS FEATURING A SYNDICATED CARTOON CHARACTER FOR THE PURPOSE OF CREATING AWARENESS ON A VARIETY OF TOPICS; DOWNLOADABLE ELECTRONIC PUBLICATIONS IN THE NATURE OF E-BOOKS AND AUDIO BOOKS FEATURING A SYNDICATED CARTOON CHARACTER FOR THE PURPOSE OF CREATING AWARENESS ON A VARIETY OF TOPICS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 6-14-2012; IN COMMERCE 6-14-2012.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 1,148,618, 1,313,514 AND OTHERS.

SER. NO. 85-577,957, FILED 3-23-2012.

GINA FINK, EXAMINING ATTORNEY



Lisa Street

Acting Director of the United States Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

Requirements in the First Ten Years*
What and When to File:

First Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. See 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between the 9th and 10th years after the registration date.*
See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*
What and When to File:

You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or
reminder of these filing requirements.**

***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. See 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. See 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.