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Filing date: **07/02/2015**

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

Proceeding	91222618
Party	Plaintiff Juratoys
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Signature	/Elyse A Marcus/
Date	07/02/2015
Attachments	JuratoyswithExhibits.pdf(537211 bytes )



3. Opposer owns a federal trademark registration for JANOD in block letters for:

“Magnets for use as toys or playthings” in International Class 9;

“Umbrellas, school satchels, school bags, briefcases, key cases, attaché cases, purses not of precious metal, pocket wallets, rucksacks, handbags, canvas shopping bags, wheeled bags, beach bags, travelling bags, valises” in International Class 18;

“Furniture, minors, picture frames, tables, desks, chairs, chests for toys, beds, bedding, namely, mattresses, pillows and bolsters; school furniture, playpens for babies” in International Class 20; and

“Games and playthings, namely, puzzles, playing cards, wood toy figures, rocking horses, push toys, pull toys, baby multiple activity toys, baby play rings, children's multiple activity toys, children's activity tables containing manipulative toys and musical instruments, play pieces in the nature of cutout pieces to make two dimensional vehicles or people or characters or dolls, non-electronic toy vehicles and rockets, toy trains, toy musical instruments, toy blocks, stacking toys, toy tools, toy gardening equipment, children's easels and blackboards, children's easels that can convert to a puppet theatre, toy houses, toy kitchen sets, toy carpenter work bench, toy carpenter tools, toy insect collecting sets comprised of toy nets, toy plastic container and toy magnifying glass; Toy wooden press for holding leaf and flower samples; puzzles and card games in travel cases; decorations for Christmas trees, plush toys, teddy bears and dolls, playing card cases in International Class 28.

The application for this registration was based on a French application for the same trademark based on Section 44(d) of the Trademark Act. Accordingly, the priority filing date of the application for JANOD in block letters is January 25, 2011.

4. In addition to the block letter mark, Opposer also owns a federal trademark registration for JANOD & Design for:

“magnets for use as toys or playthings” in Class 9; and

“games and playthings, namely, puzzles, playing cards, wood toy figures, rocking horses, push toys, pull toys, baby multiple activity toys, baby play rings, children's multiple activity toys, children's activity tables containing manipulative toys and musical instruments, play pieces in the nature of cutout pieces to make two dimensional vehicles or people or characters or dolls, non-electronic toy

vehicles and rockets, toy trains, toy musical instruments, toy blocks, stacking toys, toy tools, toy gardening equipment, children's easels and blackboards, children's easels that can convert to a puppet theatre, toy houses, toy kitchen sets, toy carpenter work bench, toy carpenter tools, toy insect collecting sets comprised of toy nets, toy plastic container and toy magnifying glass; Toy wooden press for holding leaf and flower samples; puzzles and card games in travel cases; decorations for Christmas trees, plush toys, teddy bears and dolls, playing card cases" in International Class 28.

5. The application for this registration was filed on February 10, 2012.

6. Together, the above registrations protect Opposer's wooden toy products (collectively, Opposer's Marks"). Copies of these registration certificates are attached at **Exhibit**

**A.** Certified copies of these properties will be made of record during Opposer's testimony period.

Opposer currently distributes its products in commerce under the JANOD marks both within the United States, as well as internationally.

7. On or about December 19, 2014, Applicant filed an application to register the mark J'ADORE & Design (Application No. 86/486,087) for the following services:

"Wooden or plastic toys and playthings, namely, dolls, construction toys, pull toys, ride-on toys, parlor and table games, puzzles, doll houses and accessories therefor, doll furniture, puppets, building blocks, links and rods interconnecting building blocks for construction toys, toy cars and trucks, toy tools and work benches, toy xylophones, toy trains, children's multiple activity toys, infant's toys, musical toys, pop-up toys, stacking toys" in International Class 28.

The application is based on an intent to use the mark in United States commerce. A copy of the TESS page for Application Serial No. 86/486087 is attached at **Exhibit B.**

8. Opposer's registrations pre-date the filing date of Applicant's Mark.

9. Upon information and belief, Applicant is a Swiss corporation marketing Chinese made toys featuring a French word in the United States. This modified version uses a marginally different form of the trademark J'ADORE within a block design that is substantially and

confusingly similar to Opposer's block and rabbit design in Registration No. 4,285,115 for JANOD & Design.

10. Applicant's Mark so closely resembles Opposer's Marks in appearance, sound and in overall commercial impression it imparts on consumers that it is likely to cause confusion, mistake or deception among the buying public as to source if registered with the goods identified in the application opposed herein, in violation of 15 U.S.C. § 1052(d).

11. Foremost, Applicant's Mark is similar in overall commercial impression to Opposer's Marks. More precisely, each invokes the connotation of something exotic and foreign, particularly French sounding. The overall differences in Applicant's Mark is insufficient to preclude likely confusion.

12. The goods covered by the Applicant's Mark are identical, similar or closely related to the goods on which Opposer has used and continues to use the JANOD trademarks and Applicant's and Opposer's goods are therefore likely to be encountered by overlapping purchasers in the same channels of distribution.

13. Applicant's Mark so closely resembles Opposer's Marks, and Applicant's Mark conveys a nearly identical and very similar commercial impression as Opposer's Marks that it is likely to cause confusion, mistake or deception within the meaning of Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).

14. Opposer has not authorized or consented to Applicant's use or registration of Applicant's Mark in the United States.

15. Based on the similarities of the parties' respective marks, channels of trade and services, Applicant's use of Applicant's Mark will cause the public to falsely associate Applicant's J'ADORE branded goods with Opposer or with Opposer's goods; to falsely believe

that Applicant's goods emanate from or are sponsored, endorsed or licensed by Opposer, and to falsely believe that there is some relationship between Applicant and Opposer, all in violation of Section 2(d) of the Lanham Act, 15 U.S.C. §1052(d).

16. Furthermore, any defect, objection or fault found with Applicant's goods would necessarily reflect on and seriously injure the reputation that Opposer has established under the Opposer's Marks and the goods sold and services provided thereunder.

17. If Applicant were to be granted registration for the mark herein opposed, it would obtain at least a *prima facie* exclusive right to use the mark for Applicant's goods in the United States. Such registration would irreparably harm Opposer.

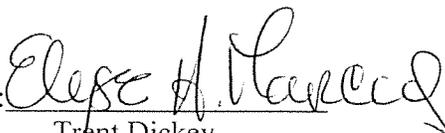
WHEREFORE, it is respectfully submitted that this opposition be sustained and that the registration in Class 28 sought by Application Serial No. 86/486087 be denied.

Please deduct the Opposition fee in the amount of \$300.00 for one class, along with any deficiency, from Opposer's attorneys' Deposit Account No. 03-1250.

Respectfully Submitted,

Dated: July 1, 2015

SILLS CUMMIS & GROSS P.C.

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*Attorneys for Opposer Juratoys*

Certificate of Service

I hereby certify that on July 1, 2015, I caused a true and correct copy of the within Notice of Opposition to be served by first class mail, postage prepaid, in an envelope addressed to:

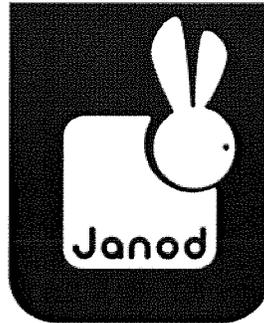
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1727 King Street, Suite 105  
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Francine Waldbaum

# EXHIBIT A

# United States of America

United States Patent and Trademark Office



**Reg. No. 4,285,115**

**Registered Feb. 5, 2013**

**Int. Cls.: 9 and 28**

**TRADEMARK**

**PRINCIPAL REGISTER**

JURATOYS (FRANCE SOCIÉTÉ PAR ACTIONS SIMPLIFIÉE (SAS))  
ZONE INDUSTRIELLE  
ORGELET, FRANCE 39270

FOR: MAGNETS FOR USE AS TOYS OR PLAYTHINGS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FOR: GAMES AND PLAYTHINGS, NAMELY, PUZZLES, PLAYING CARDS, WOOD TOY FIGURES, ROCKING HORSES, PUSH TOYS, PULL TOYS, BABY MULTIPLE ACTIVITY TOYS, BABY PLAY RINGS, CHILDREN'S MULTIPLE ACTIVITY TOYS, CHILDREN'S ACTIVITY TABLES CONTAINING MANIPULATIVE TOYS AND MUSICAL INSTRUMENTS, PLAY PIECES IN THE NATURE OF CUTOUT PIECES TO MAKE TWO DIMENSIONAL VEHICLES OR PEOPLE OR CHARACTERS OR DOLLS, NON-ELECTRONIC TOY VEHICLES AND ROCKETS, TOY TRAINS, TOY MUSICAL INSTRUMENTS, TOY BLOCKS, STACKING TOYS, TOY TOOLS, TOY GARDENING EQUIPMENT, CHILDREN'S EASELS AND BLACKBOARDS, CHILDREN'S EASELS THAT CAN CONVERT TO A PUPPET THEATRE, TOY HOUSES, TOY KITCHEN SETS, TOY CARPENTER WORK BENCH, TOY CARPENTER TOOLS, TOY INSECT COLLECTING SETS COMPRISED OF TOY NETS, TOY PLASTIC CONTAINER AND TOY MAGNIFYING GLASS; TOY WOODEN PRESS FOR HOLDING LEAF AND FLOWER SAMPLES; PUZZLES AND CARD GAMES IN TRAVEL CASES; DECORATIONS FOR CHRISTMAS TREES, PLUSH TOYS, TEDDY BEARS AND DOLLS, PLAYING CARD CASES, IN CLASS 28 (U.S. CLS. 22, 23, 38 AND 50).



OWNER OF FRANCE REG. NO. 113800984, DATED 1-27-2011, EXPIRES 1-27-2021.

THE MARK CONSISTS OF THE IMAGE OF A RABBIT'S HEAD WITH A ROUNDED EDGED SQUARE CONTAINING THE WORD "JANOD" ON A RECTANGULAR BACKGROUND WITH ROUNDED EDGES ON THE BOTTOM.

SER. NO. 85-539,520, FILED 2-10-2012.

MARGERY A. TIERNEY, EXAMINING ATTORNEY

*Lisa Staret*  
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>.**

United States of America  
United States Patent and Trademark Office

# JANOD

**Reg. No. 4,284,637**

**Registered Feb. 5, 2013**

**Int. Cls.: 9, 18, 20 and 28**

JURATOYS (FRANCE SOCIÉTÉ PAR ACTIONS SIMPLIFIÉE (SAS))  
ZONE INDUSTRIELLE  
ORGELET, FRANCE 39270

FOR: MAGNETS FOR USE AS TOYS OR PLAYTHINGS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

**TRADEMARK**

**PRINCIPAL REGISTER**

FOR: UMBRELLAS, SCHOOL SATCHELS, SCHOOL BAGS, BRIEFCASES, KEY CASES, ATTACHÉ CASES, PURSES NOT OF PRECIOUS METAL, POCKET WALLETS, RUCKSACKS, HANDBAGS, CANVAS SHOPPING BAGS, WHEELED BAGS, BEACH BAGS, TRAVELLING BAGS, VALISES, IN CLASS 18 (U.S. CLS. 1, 2, 3, 22 AND 41).

FOR: FURNITURE, MINORS, PICTURE FRAMES, TABLES, DESKS, CHAIRS, CHESTS FOR TOYS, BEDS, BEDDING, NAMELY, MATTRESSES, PILLOWS AND BOLSTERS; SCHOOL FURNITURE, PLAYPENS FOR BABIES, IN CLASS 20 (U.S. CLS. 2, 13, 22, 25, 32 AND 50).

FOR: GAMES AND PLAYTHINGS, NAMELY, PUZZLES, PLAYING CARDS, WOOD TOY FIGURES, ROCKING HORSES, PUSH TOYS, PULL TOYS, BABY MULTIPLE ACTIVITY TOYS, BABY PLAY RINGS, CHILDREN'S MULTIPLE ACTIVITY TOYS, CHILDREN'S ACTIVITY TABLES CONTAINING MANIPULATIVE TOYS AND MUSICAL INSTRUMENTS, PLAY PIECES IN THE NATURE OF CUTOUT PIECES TO MAKE TWO DIMENSIONAL VEHICLES OR PEOPLE OR CHARACTERS OR DOLLS, NON-ELECTRONIC TOY VEHICLES AND ROCKETS, TOY TRAINS, TOY MUSICAL INSTRUMENTS, TOY BLOCKS, STACKING TOYS, TOY TOOLS, TOY GARDENING EQUIPMENT, CHILDREN'S EASELS AND BLACKBOARDS, CHILDREN'S EASELS THAT CAN CONVERT TO A PUPPET THEATRE, TOY HOUSES, TOY KITCHEN SETS, TOY CARPENTER WORK BENCH, TOY CARPENTER TOOLS, TOY INSECT COLLECTING SETS COMPRISED OF TOY NETS, TOY PLASTIC CONTAINER AND TOY MAGNIFYING GLASS; TOY WOODEN PRESS FOR HOLDING LEAF AND FLOWER SAMPLES; PUZZLES AND CARD GAMES IN TRAVEL CASES; DECORATIONS FOR CHRISTMAS TREES, PLUSH TOYS, TEDDY BEARS AND DOLLS, PLAYING CARD CASES, IN CLASS 28 (U.S. CLS. 22, 23, 38 AND 50).



*Susan Stewart*  
Acting Director of the United States Patent and Trademark Office

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

PRIORITY CLAIMED UNDER SEC. 44(D) ON FRANCE APPLICATION NO. 113800213, FILED 1-25-2011, REG. NO. 113800213, DATED 1-25-2011, EXPIRES 1-25-2021.

**Reg. No. 4,284,637** SER. NO. 85-332,367, FILED 5-27-2011.

DAVID H. STINE, EXAMINING ATTORNEY

**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\***

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**Requirements in Successive Ten-Year Periods\***

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**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>.

# EXHIBIT B



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**Word Mark** JADORE

**Translations** The English translation of "JADORE" is "I ADORE."

**Goods and Services** IC 028. US 022 023 038 050. G & S: Wooden or plastic toys and playthings, namely, dolls, construction toys, pull toys, ride-on toys, parlor and table games, puzzles, doll houses and accessories therefor, doll furniture, puppets, building blocks, links and rods interconnecting building blocks for construction toys, toy cars and trucks, toy tools and work benches, toy xylophones, toy trains, children's multiple activity toys, infant's toys, musical toys, pop-up toys, stacking toys

**Mark Drawing Code** (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

**Design Search Code** 05.05.25 - Daffodils; Iris (flower); Other flowers

**Serial Number** 86486087

**Filing Date** December 19, 2014

**Current Basis** 1B

**Original Filing Basis** 1B

**Published for Opposition** June 2, 2015

**Owner** (APPLICANT) HAPE HOLDING AG AKTIENGESELLSCHAFT SWITZERLAND Hallwilerweg 2 Luzern

SWITZERLAND CH6003

**Attorney of Record**

Donald L. Dennison

**Description of Mark**

Color is not claimed as a feature of the mark. The mark consists of the word "j'adore" in a stylized font with a flower between the letters "j" and "a".

**Type of Mark**

TRADEMARK

**Register**

PRINCIPAL

**Live/Dead Indicator**

LIVE

- 
- |                           |                           |                            |                           |                             |                           |                     |                      |                           |                           |
|---------------------------|---------------------------|----------------------------|---------------------------|-----------------------------|---------------------------|---------------------|----------------------|---------------------------|---------------------------|
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