

ESTTA Tracking number: **ESTTA695694**

Filing date: **09/14/2015**

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	BOBBLEHEADS.COM, LLC
Granted to Date of previous extension	09/13/2015
Address	5885 Shiloh Road, Suite 101 Alpharetta, GA 30005 UNITED STATES

Correspondence information	BOBBLEHEADS.COM, LLC 5885 Shiloh Road, Suite 101 Alpharetta, GA 30005 UNITED STATES IPMail@crowedunlevy.com, tynia.watson@crowedunlevy.com, drew.palmer@crowedunlevy.com Phone:4052357700
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### Applicant Information

Application No	86244744	Publication date	03/17/2015
Opposition Filing Date	09/14/2015	Opposition Period Ends	09/13/2015
Applicant	Angel Dough Holdings LLC PO Box 700 Jericho, NY 11753 UNITED STATES		

### Goods/Services Affected by Opposition

Class 028. First Use: 2011/10/01 First Use In Commerce: 2011/10/01 All goods and services in the class are opposed, namely: Bobblehead dolls; custom and personalized bobblehead dolls
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### Grounds for Opposition

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

### Mark Cited by Opposer as Basis for Opposition

U.S. Registration No.	4702197	Application Date	09/10/2013
Registration Date	03/17/2015	Foreign Priority Date	NONE
Word Mark	NONE		

Design Mark	
Description of Mark	The mark consists of a face with a spring neck enclosed within a circle. Wavy lines are on either side of the face. The black square on which the circle appears is not a feature of the mark.
Goods/Services	Class 028. First use: First Use: 2010/11/01 First Use In Commerce: 2011/03/15 Bobble head dolls

Attachments	86060497#TMSN.png( bytes ) ALLBOBBLEHEADS Notice of Opposition Serial No. 86244744.pdf(15662 bytes ) Notice of Opposition Exhibit A.pdf(2364101 bytes ) Notice of Opposition Exhibit B.pdf(413204 bytes ) Notice of Opposition Exhibit C.pdf(178564 bytes ) Notice of Opposition Exhibit D.pdf(218995 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	/Tynia A. Watson/
Name	BOBBLEHEADS.COM, LLC
Date	09/14/2015

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

In re Application for: ALLBOBBLEHEADS.COM  
Applicant Name: Angel Dough Holdings LLC  
Serial No.: 86244744  
Filing Date: April 7, 2014  
Date of Publication: March 17, 2015

Bobbleheads.com LLC, )  
a Georgia limited liability company )  
 )  
Opposer, )  
 )  
v. )  
 )  
Angel Dough Holdings, LLC )  
a New York limited liability company )  
 )  
Applicant. )

Opposition No. \_\_\_\_\_

Commissioner for Trademarks  
P.O. Box 1450  
Alexandria, VA 22313-1450

**NOTICE OF OPPOSITION**

Bobbleheads.com, LLC, a Georgia limited liability company ("Opposer"), with a principal place of business at 5885 Shiloh Road, Suite 101, Alpharetta, GA 30005, opposes registration of the mark ALLBOBBLEHEADS.COM (& Design), Serial No. 86244744, published in the Official Gazette on March 17, 2015.

As grounds in support of its opposition, Opposer alleges the following:

1. Applicant filed an application to register a design mark for ALLBOBBLEHEADS.COM ("Applicant's Mark") on April 7, 2014, which was assigned Serial No. 86244744 for "Bobblehead dolls; custom and personalized bobblehead dolls" in International Class No. 28, on the Principal Register.

2. Opposer is a leading manufacturer, marketer, and on-line retailer of bobbleheads. Years prior to Applicant’s filing date, Opposer adopted and registered its common law design mark (“Opposer’s Mark”) to market and sell its bobblehead products. *See* U.S. Reg. No. 4,702,197, a copy of the Registration Certificate and Trademark Assignment for the same is attached hereto as Exhibit A. Opposer has invested substantial time, money, and effort in extensively and continuously marketing, advertising, and promoting Opposer’s Mark and the goods identified by Opposer’s Mark. As a result, Opposer’s Mark distinguishes Opposer’s goods from those of other retailers, and the consuming public has come to associate Opposer’s Mark with excellent customer service and quality bobbleheads, as evidenced by the Opposer’s A+ rating with the Better Business Bureau. Through the extensive use and promotion of Opposer’s Mark, Opposer has established and now enjoys substantial goodwill in Opposer’s Mark. Additionally, the time, money and effort invested by Opposer in Opposer’s Mark has resulted in numerous appearances of Opposer’s Mark and Opposer’s products in national sources, such as The Huffington Post and The Wall Street Journal, as evidenced by Exhibit B attached hereto.

3. Applicant’s Mark has a nearly identical design as Opposer’s Mark, as shown by the design search codes selected for each mark by the Office.

Applicant’s Mark Design Search Code	Opposer’s Mark Design Search Code
02.01.01 - Busts of men facing forward; Heads of men facing forward; Men - heads, portraiture, or busts facing forward; Portraiture of men facing forward	02.01.01 - Busts of men facing forward; Heads of men facing forward; Men - heads, portraiture, or busts facing forward; Portraiture of men facing forward
26.01.06 - Circles, semi; Semi-circles	02.01.31 - Men, stylized, including men depicted in caricature form
	14.03.01 - Springs (hardware)
26.01.21 - Circles that are totally or partially shaded.	26.01.21 - Circles that are totally or partially shaded.

4. Additionally, Applicant's mark uses a white and blue color scheme that is similar to Opposer's Mark, as shown in the comparison of Applicant's and Opposer's websites incorporating Applicant's Mark and Opposer's Mark respectively, attached hereto as Exhibit C. The color scheme, which Opposer has used since November 2010, as shown in the Bobbleheads.com Fall Newsletter attached hereto as Exhibit D, serves no functional purpose. Consumers now associate these colors with Opposer's Mark and products, and therefore the color scheme used by the Opposer has acquired secondary meaning. Applicant's decision to use the same color scheme in Applicant's Mark allows Applicant to capitalize on consumer confusion that exists in the marketplace.

5. As a result of Applicant's use of the substantially similar mark for the same purpose, the Opposer's reputation and extensive investment have been jeopardized. On a daily basis, Opposer receives communications from consumers that are confused about the source of Opposer's and Applicant's goods. Specifically, consumers mistakenly contact Opposer with complaints about the quality of Applicant's goods. In addition, consumers often contact Opposer in response to Applicant's advertisements and attempt to order Applicant's goods from Opposer. Each instance of consumer confusion serves as a distraction to Opposer's business operations, in addition to the reputational and other damages discussed herein. Consumer comments/concerns/complaints to Opposer about Applicant's goods, which occur on a daily basis, reveal the consumer confusion regarding the actual source of the parties' goods and services.

6. Applicant's Mark so resembles Opposer's Mark as to be likely, when used in connection with the goods identified in the application for Applicant's Mark, to cause confusion,

to cause mistake, or to deceive the consuming public. Applicant's Mark should be found to be unregistrable under § 2(d) of the United States Trademark Act, 15 U.S. C. § 1052(d).

7. Additionally, due to the extensive consumer recognition and numerous appearances in magazines and on television, Opposer's Mark has become famous under 15 U.S.C. § 1125. Upon information and belief, Applicant adopted Applicant's Mark for the purpose of trading on the goodwill garnered by Opposer's Mark. Further use of Applicant's Mark is likely to continue to blur the distinctive quality of Opposer's Mark pursuant to 15 U.S.C. §1125(c), and is likely to continue to cause dilution of the Opposer's Mark.

8. The filing fee to oppose Applicant's mark is being submitted herewith.

WHEREFORE, Opposer believes it will be damaged by registration of Applicant's Mark and respectfully requests that the opposition be sustained and that registration be refused.

Respectfully submitted,

By: /Tynia A. Watson/  
Drew T. Palmer, OBA #: 21317  
Tynia A. Watson, OBA #: 30765

- Of the Firm -

CROWE & DUNLEVY  
A Professional Corporation  
20 N. Broadway, Suite 1800  
Oklahoma City, OK 73102  
(405) 235-7700  
(405) 272-5926 (Fax)

ATTORNEY FOR OPPOSER  
BOBBLEHEADS.COM LLC

**CERTIFICATE OF TRANSMISSION**

I hereby certify that this correspondence is being electronically transmitted via ESTTA to the United States Patent and Trademark Office on this 14th day of September, 2015.

/Tynia A. Watson/  
Tynia A. Watson

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing *Notice of Opposition* was mailed first class mail, postage prepaid, this 14th day of January, 2015, to the following:

Pina M. Campagna, Esq.  
Carter, DeLuca, Farrell & Schmidt, LLP  
445 Broad Hollow Rd., Suite 420  
Melville, New York 11747

/Tynia A. Watson/  
Tynia A. Watson

# United States of America

United States Patent and Trademark Office



**Reg. No. 4,702,197**

**Registered Mar. 17, 2015**

**Int. Cl.: 28**

**TRADEMARK**

**PRINCIPAL REGISTER**

ROYAL BOBBLES, LLC (GEORGIA LIMITED LIABILITY COMPANY)  
5885 SHILOH ROAD, SUITE 101  
ALPHARETTA, GA 30005

FOR: BOBBLE HEAD DOLLS, IN CLASS 28 (U.S. CLS. 22, 23, 38 AND 50).

FIRST USE 11-1-2010; IN COMMERCE 3-15-2011.

THE MARK CONSISTS OF A FACE WITH A SPRING NECK ENCLOSED WITHIN A CIRCLE. WAVY LINES ARE ON EITHER SIDE OF THE FACE. THE BLACK SQUARE ON WHICH THE CIRCLE APPEARS IS NOT A FEATURE OF THE MARK.

SER. NO. 86-060,497, FILED 9-10-2013.

SUI DUONG, EXAMINING ATTORNEY



*Michelle K. Lee*

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.

**\*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 United States Patent and Trademark Office (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>.**

**NOTE: A courtesy e-mail reminder of USPTO maintenance filing deadlines will be sent to trademark owners/holders who authorize e-mail communication and maintain a current e-mail address with the USPTO. To ensure that e-mail is authorized and your address is current, please use the Trademark Electronic Application System (TEAS) Correspondence Address and Change of Owner Address Forms available at <http://www.uspto.gov>.**

## TRADEMARK ASSIGNMENT COVER SHEET

Electronic Version v1.1  
Stylesheet Version v1.2

ETAS ID: TM326325

<b>SUBMISSION TYPE:</b>	NEW ASSIGNMENT		
<b>NATURE OF CONVEYANCE:</b>	MERGER		
<b>EFFECTIVE DATE:</b>	12/20/2013		
<b>CONVEYING PARTY DATA</b>			
<b>Name</b>	<b>Formerly</b>	<b>Execution Date</b>	<b>Entity Type</b>
Royal Bobbles, LLC		12/17/2013	LIMITED LIABILITY COMPANY: GEORGIA
<b>RECEIVING PARTY DATA</b>			
<b>Name:</b>	BOBBLEHEADS.COM, LLC		
<b>Street Address:</b>	5885 Shiloh Road, Suite 101		
<b>City:</b>	Alpharetta		
<b>State/Country:</b>	GEORGIA		
<b>Postal Code:</b>	30005		
<b>Entity Type:</b>	LIMITED LIABILITY COMPANY: GEORGIA		
<b>PROPERTY NUMBERS Total: 2</b>			
<b>Property Type</b>	<b>Number</b>	<b>Word Mark</b>	
<b>Serial Number:</b>	86060497		
<b>Registration Number:</b>	4188405	ROYAL BOBBLES	
<b>CORRESPONDENCE DATA</b>			
<b>Fax Number:</b>	4052396651		
<i>Correspondence will be sent to the e-mail address first; if that is unsuccessful, it will be sent using a fax number, if provided; if that is unsuccessful, it will be sent via US Mail.</i>			
<b>Phone:</b>	405-235-7700		
<b>Email:</b>	IPmail@crowedunlevy.com		
<b>Correspondent Name:</b>	Drew T. Palmer		
<b>Address Line 1:</b>	324 North Robinson Avenue, Suite 100		
<b>Address Line 2:</b>	Braniff Building		
<b>Address Line 4:</b>	Oklahoma City, OKLAHOMA 73102		
<b>ATTORNEY DOCKET NUMBER:</b>	TM2450US28 TM2296US28		
<b>NAME OF SUBMITTER:</b>	Drew T. Palmer		
<b>SIGNATURE:</b>	/Drew T. Palmer/		
<b>DATE SIGNED:</b>	12/16/2014		
<b>Total Attachments: 2</b>			
source=bobbleheads.com,llc Certificate of Merger#page1.tif			

OP \$65.00 86060497



# STATE OF GEORGIA

Secretary of State  
Corporations Division  
313 West Tower  
#2 Martin Luther King, Jr. Dr.  
Atlanta, Georgia 30334-1530

## CERTIFICATE OF MERGER

I, **Brian P. Kemp**, the Secretary of State and Corporations Commissioner of the State of Georgia, do hereby issue this certificate pursuant to Title 14 of the Official Code of Georgia Annotated certifying that articles or a certificate of merger and fees have been filed regarding the merger of the below entities, effective as of December 20, 2013. Attached is a true and correct copy of the said filing.

**Surviving Entity:**  
BOBBLEHEADS.COM, LLC

**Nonsurviving Entity/Entities**  
ROYAL BOBBLES, LLC

WITNESS my hand and official seal in the City of Atlanta and the State of Georgia on December 23, 2013.



A handwritten signature in black ink, appearing to read "B. P. Kemp".

Brian P. Kemp  
Secretary of State

Tracking #: 9nkJEhIF

ARTICLES OF MERGER

Bobbleheads.com, LLC, a Georgia limited liability company, hereby executes these Articles of Merger in accordance with the provisions of Section 14-11-904 of the Georgia Limited Liability Company Act (the "Act"), and states as follows:

- 1. The name and state of formation of each of the constituent entities to the merger are as follows:

Table with 2 columns: Name, State of Formation. Rows: Royal Bobbles, LLC (Georgia), Bobbleheads.com, LLC (Georgia).

- 2. The name of the limited liability company surviving the merger is Bobbleheads.com, LLC, a Georgia limited liability company.
3. A plan of merger has been approved and executed by each of the entities constituent to the merger in accordance with Section 14-11-903 of the Act.
4. Pursuant to the Act, the merger shall be effective upon filing of these Articles of Merger with the Secretary of State of the State of Georgia.
5. A copy of the executed Plan of Merger is on file at the principal place of business of Bobbleheads.com, LLC, located at 5885 Shiloh Road, Suite 101, Alpharetta, GA 30005, and a copy of such Plan of Merger will be furnished by such entity, upon request and without cost, to any member of any of the entities constituent to the merger.

EXECUTED this 17 day of December, 2013.

BOBBLEHEADS.COM, LLC, a Georgia limited liability company

By: [Signature] Warren Royal, Manager

SECRETARY OF STATE CORPORATIONS DIVISION 27 DEC 20 PM 1:36

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# EXHIBIT B

premium & custom  
**bobbleheads**  
HAND CRAFTED BY MASTER ARTISTS

**Shop**

- New Releases
- Gift Certificates
- Staff Favorites
- Bobbleheads
- Movie Bobbleheads
- Sports Bobbleheads
- Cartoon Bobbleheads
- Presidential Bobbleheads
- Super Hero Bobbleheads
- Political Bobbleheads
- Founding Fathers Bobbleheads
- Pop Culture Bobbleheads
- Military Bobbleheads
- Television Bobbleheads
- Literature Bobbleheads
- Science Bobbleheads
- Horror Bobbleheads
- View All Bobbleheads
- Mike Rowe Bobblehead
- Custom Bobbleheads
- Fully Customized Bobbleheads
- Standard Body Bobbleheads
- Wedding Bobbleheads
- Sports Bobbleheads
- Business Bobbleheads
- Graduation Bobbleheads
- Hobby Bobbleheads
- Occupational Bobbleheads

### Bobbleheads in the Spotlight!

Obama to Space! YardSaleForObama.com

**CNN - Obama to Space!**

President Barack Obama has made it to space and back! Sean Dabel, the Obama to space organizer, has successfully launched Bobble Head Obama through space and returned him safely to Earth as a fun little fundraising stunt. Big thanks to CNN for the coverage!

American Pickers Bobblehead Commercial

**American Pickers**

We are very proud to be the bobble head makers of one of the History channel's most popular shows. We feel we captured all of the great details that make Mike, Frank and Danielle who they are!

- Bobblehead Collector Spotlight
- Classroom Bobbleheads
- Collecting Bobbleheads
- Gallery of Custom Bobbleheads
- History of Bobbleheads
- How to Build a Bobblehead
- Ken Ellinger Bobblehead Interview
- Novelty Collectibles
- Office Bobbleheads
- Press and Media
- Testimonials
- The Making of a Custom Bobblehead
- Ordering Bobbleheads Custom
- Why Choose Bobbleheads.com?

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Like Us on



**The Big Bang Theory**

Our awesome Albert Einstein bobblehead appears on Sheldon's desk in "The Egg Salad Equivalency" of The Big Bang Theory.



**The Bachelorette**

Emily Maynard was absolutely stunned when a contestant presented her with a custom bobble head of the couple courtesy of yours truly. We told you they make a great gift item. :)



**Fast Company Magazine**

Our Winston Churchill bobble got his 5 minutes of fame in this progressive business magazine. It just goes to show you that the popularity of bobbleheads never dies. Check out the full article.





#### ESPN's Mike and Mike

Albert Einstein's bobblehead has made another television appearance, this time on ESPN's Mike and Mike in the morning!



#### Red Eye

It was very cool of Fox News to give our bobbleheads a featured spot on their hit show with Greg Gutfeld. Pictured is our giant sized George Washington bobblehead that travels with us to our trade shows.



#### The Glenn Beck Show

This "Faith, Hope and Charity" Founding Fathers collection was autographed by Glenn Beck and auctioned off for charity. The closing bid was an amazing \$1,000! We love a worthy cause.



#### Meet the Press

This is a subtle one, but we are proud of it nonetheless. If you look closely you'll see our super cool John F. Kennedy bobblehead on the set.



#### Outsourced

NBC's hit shows is a workplace centered around cool items and unique novelties. Our Ronald Reagan bobble was good enough to have a featured cameo on the show, how cool is that?



#### Minnesota Twins

The Minnesota Twins asked us to build a bobblehead for player Josh Willingham, which they decided to feature in a commercial.

# THE HUFFINGTON POST

The Huffington Post

Bobbleheads.com founder Warren Royal explains how he got started, growing his company and what his ultimate goal is. Read the article in it's entirety.

# THE WALL STREET JOURNAL.

The Wall Street Journal

The Wall Street Journal featured Warren Royal and Bobbleheads.com in a front page story on September 26, 2013. The article is titled "Baseball's Doll Bobbles Leave Fans' Heads Spinning." Read it here!

*"The custom bobblehead I got for my father in law was spot on! Thanks for a great experience and even better gift idea." Linda K. Lansing, MI*

#### Customer Service

Monday - Friday, 9am - 5pm E.S.T.  
1-855-BOBBLES (262-2537)

[sales@bobbleheads.com](mailto:sales@bobbleheads.com)

#### Get exclusive promotions and news

Receive the latest news, promotions, and coupons.

enter your email

Sign Up



#### About Us

[About Bobbleheads.com](#)  
[Interesting Places](#)  
[Privacy Policy](#)  
[Terms and Conditions](#)

#### Customer Service

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[Contact Us](#)  
[F.A.Q.](#)  
[Holiday Shipping Schedule](#)  
[Ordering Information](#)  
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[Return Policy](#)  
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#### My Account

[Sign In](#)  
[Account Settings](#)  
[Create Account](#)

#### Business to Business

[Become a Supplier](#)  
[Business Sales](#)

#### Social Media

[Twitter](#)  
[Facebook](#)  
[Google+](#)  
[Pinterest](#)  
[Tumblr](#)  
[YouTube](#)



# EXHIBIT C



Applicant's website including Applicant's Mark



Opposer's website including Opposer's Mark

# EXHIBIT D

Having trouble viewing this email? [Click here](#)



## *Fall holiday special offers, and holiday schedule*

### **November 2010**

#### **Fall is here, and we have been quite busy at Bobbleheads.com!**

We have lots of news to share with you including updates on our new product line, special holiday promotions and important shipping deadline information.

#### **CUSTOM BOBBLEHEADS**

Looking for a fun, creative gift to wow your boss, co-worker, friend or family member? We offer custom bobbleheads created from your photos and your imagination. You will be amazed at the likeness, quality and value-your creation is sure to be a hit! The standard delivery time is 4-5 weeks but we offer rush delivery options at additional charge. Order your custom bobble now to avoid the holiday rush and as a special thank you, we will give you \$10 off your order. Click below to redeem your discount.