

ESTTA Tracking number: **ESTTA240320**

Filing date: **10/02/2008**

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

|                        |   |
|------------------------|---|
| Proceeding             | 92048260  |
| Party                  | Plaintiff<br>i play. inc.   |
| Correspondence Address | Steven C. Schnedler<br>Carter & Schnedler, P.A.<br>P.O. Box 2985<br>Asheville, NC 28802<br>UNITED STATES<br>schnedler@ashevillepatent.com |
| Submission             | Plaintiff's Notice of Reliance  |
| Filer's Name           | Steven C. Schnedler   |
| Filer's e-mail         | schnedler@ashevillepatent.com   |
| Signature              | /Steven C. Schnedler/   |
| Date                   | 10/02/2008  |
| Attachments            | Notice of Reliance2.pdf ( 9 pages )(335900 bytes )  |



Cancellation No. 92048260

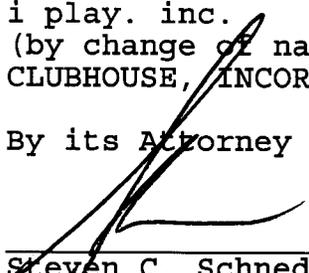
actual confusion by a U.S. government agency, and potential damage to Cancellation Petitioner.

A "Motion To Reopen Cancellation Petitioner's Testimony Period To Introduce Newly-Discovered Evidence" is filed concurrently herewith.

Respectfully submitted,

i play. inc.  
(by change of name from FAMILY  
CLUBHOUSE, INCORPORATED d/b/a i play)

By its Attorney

  
\_\_\_\_\_  
Steven C. Schnedler

Carter & Schnedler, P.A.  
56 Central Avenue, Suite 101 (28801)  
P.O. Box 2985  
Asheville, NC 28802  
Telephone: (828) 252-6225  
Email: [schnedler@ashevillepatent.com](mailto:schnedler@ashevillepatent.com)

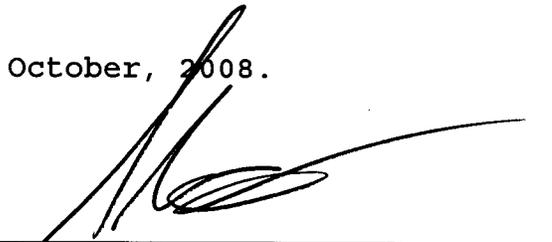
C:\Docs\IPLAY\Cancellation 92048260\Notice of Reliance2.doc

CERTIFICATE OF SERVICE

I hereby certify that the paper titled NOTICE OF RELIANCE has been served upon Registrant's Attorney of Record by depositing a copy thereof in First Class Mail, postage prepaid and properly addressed as follows:

Paul H. Kochanski  
Lerner David Littenberg Krumholz & Mentlik, LLP  
600 South Avenue West, Suite 300  
Westfield, NJ 07090

This, the 2nd day of October, 2008.



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Steven C. Schnedler  
Attorney for Cancellation Petitioner

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U.S. CONSUMER PRODUCT SAFETY COMMISSION  
4330 EAST WEST HIGHWAY  
BETHESDA, MD 20814

September 30, 2008

PRESIDENT  
I PLAY  
2000 RIVERSIDE DRIVE #9  
ASHEVILLE, NC 28804

RE: X0860410A

Dear PRESIDENT:

Enclosed is information concerning one of your company's products. Please read this cover letter carefully because it contains important guidance about your rights and obligations regarding the enclosed information.

The U.S. Consumer Product Safety Commission (CPSC) provides firms with consumer complaints and reports of CPSC in-depth investigations concerning injuries or incidents associated with products within the Commission's jurisdiction that the firms manufacture or private label. To assure that these firms have access to information CPSC receives, we send all complaints and investigation reports we receive, whether or not the reported problem appears to be safety-related or the product appears to be at fault. We provide these reports to firms because they often provide an early warning of potential safety problems.

I have also enclosed a fact sheet that describes the Commission's information disclosure procedures under section 6(b) of the Consumer Product Safety Act that apply to the enclosed report(s). Even though the Commission has not yet received a request for public disclosure of the report(s), this letter provides you with the opportunity to comment on the information in the report(s), pursuant to section 6(b). You are not required to comment; however, if you do, please submit your comments to me within 30 days. It's most helpful if you include the incident or investigation report number(s) with your response. It is not necessary to send a copy of the report itself. If, in your comment, you tell us that:

- 1) you believe that the information in the enclosed report(s) is inaccurate, or
- 2) you want to be notified if the Commission receives a request under the Freedom of Information Act for disclosure of the information,

the Commission will notify you when we receive such a request. In that case, the Commission will not release the information to the public until at least 10 days after the date of notification.

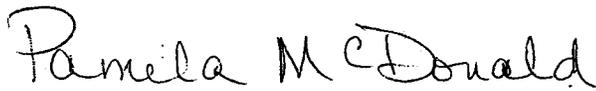
The reports we have provided you may - either alone or with other information you now have or may later receive - reasonably support a conclusion that the product contains a defect which could create a substantial product hazard, or creates an unreasonable risk of death or

serious injury. If so, you are required under section 15(b) of the CPSA, 15 U.S.C.2064(b), to notify the Office of Compliance and Field Operations at the CPSC.

For more information on reporting under section 15(b) of the CPSA, please call Marc J. Schoem at (301) 504-7520 or visit CPSC's website at [www.cpsc.gov](http://www.cpsc.gov) and click on Report Unsafe Products or write to the U.S. Consumer Product Safety Commission, Recalls and Compliance Division, Office of Compliance, 4330 East West Highway, Bethesda, MD 20814.

If you have any questions regarding this letter, please email us at [clearinghouse@cpsc.gov](mailto:clearinghouse@cpsc.gov). We can process your reply more quickly if we receive it only once. You may write to us at U.S. Consumer Product Safety Commission, National Injury Information Clearinghouse, 4330 East West Hwy., Room 502, Bethesda, MD 20814 or fax your reply to (301) 504-0025. If you want to email your reply, please address it to [clearinghouse@cpsc.gov](mailto:clearinghouse@cpsc.gov).

In the interest of improving product safety, we will continue to provide these types of reports to your firm. In addition, if any of the information used to address this letter to you requires updating, please note the necessary changes on the bottom of this letter and return it to me.



Pamela McDonald  
Lead, Technical Information Specialist  
National Injury Information Clearinghouse  
Division of Information Management  
Office of Information and Technology Services  
301-504-7921

Contact Name: \_\_\_\_\_ Title: \_\_\_\_\_

Company Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Fax: \_\_\_\_\_ Email: \_\_\_\_\_

X086 0410

JUN 26 2008

Noble, Laura

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From: [REDACTED]  
Sent: Tuesday, June 24, 2008 7:33 PM  
To: Noble, Laura  
Subject: small parts?  
Attachments: Toolbox box.JPG; Toolbox pics.doc

ISSUE 39

Hi, Laura -

I think you are the one who takes the first crack at consumer product complaints, so I thought I'd write you directly (hope you are doing well, by the way!!!). I came across a product that may or may not be a problem, but I thought I would pass it along and let you all decide.

Vincent received a little toolbox for his 1st birthday. It was labeled for age 18 mos plus, but we found that a couple screws in it were kind of small and screwed completely out (obviously I took them away). It just reminded me of the toy tool bench with the small plastic nails that a couple of kids choked on, which is on the CPSC "most wanted" list. I took a couple pictures to help CPSC figure out whether it is worth looking into. I would just hate to see a repeat of the what happened with the recalled toolbench.

Kristen

*i play*

6/25/2008





Cool Tools  
Activity Set

Try  
Me!  
spin gears



Cool Tools Activity Set

...with fun science!

18m+





**U.S. CONSUMER PRODUCT SAFETY COMMISSION**  
4330 East West Highway  
Bethesda, MD 20814

**CPSA Section 6(b) FACT SHEET**

The Consumer Product Safety Commission (Commission) has unique restrictions that govern its public disclosure of information. This fact sheet summarizes these unique restrictions. Our rules, which you can find at 16 C.F.R. § 1101 or § 1015, provide more information. If you have questions about these restrictions, call (301) 504-7923, or facsimile (301) 504-0127.

1. What are the restrictions on the disclosure of information by the Commission?

Section 6(b), 15 U.S.C. § 2055(b), a provision of the Consumer Product Safety Act (CPSA), establishes procedures for and restrictions on the Commission's public disclosure of information. The Commission rule interpreting the requirements of section 6(b) is published in Title 16 of the Code of Federal Regulations in Part 1101 (16 C.F.R. § 1101). In addition, Section 6(a) of the CPSA prohibits the Commission from disclosing confidential business information.

2. To what information does Section 6(b) apply?

Section 6(b) applies to any information from which the public can readily ascertain the identity of a manufacturer or private labeler of a consumer product.

3. What are the requirements and prohibitions of Section 6(b)?

Section 6(b) prohibits the Commission from disclosing information about a consumer product that identifies a manufacturer or private labeler unless the Commission has taken "reasonable steps" to assure 1) that the information is accurate, 2) that disclosure of the information is fair in the circumstances, and 3) that disclosure of the information is reasonably related to effectuating the purposes of the CPSA and of the other laws administered by the Commission. Before disclosure of such information, the Commission must provide the manufacturer or private labeler with an opportunity to comment on the accuracy of the information. The Commission may not disclose such information for at least thirty days after sending it to the company for comment.

4. What happens when a firm submits comments on information that the Commission proposes to disclose?

The Commission must review and analyze the information in light of the comments received. The weight given to the comments and the degree of review by the Commission depends on the specificity, completeness, and credibility of the comments and any supporting documentation. Based on the comments, the Commission will decide whether to release the information.