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Filing date: **09/16/2015**

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

Proceeding	92059305
Party	Defendant Theodore A Stoner
Correspondence Address	MATTHEW H SWYERS THE TRADEMARK COMPANY PLLC 344 MAPLE AVE W, STE 151 VIENNA, VA 22180 UNITED STATES mswyers@TheTrademarkCompany.com
Submission	Opposition/Response to Motion
Filer's Name	Matthew H. Swyers
Filer's e-mail	mswyers@thetrademarkcompany.com
Signature	/Matthew H. Swyers/
Date	09/16/2015
Attachments	Opposition to Motion for Summary Judgment and Counter-Motion for Summary Judgment.pdf(413314 bytes) Opposition to Motion for Summary Judgment and Counter-Motion for Summary Judgment Exhibits_1.pdf(3586914 bytes) Opposition to Motion for Summary Judgment and Counter-Motion for Summary Judgment Exhibits_2.pdf(2560630 bytes) Opposition to Motion for Summary Judgment and Counter-Motion for Summary Judgment Exhibits_3.pdf(3442793 bytes) Opposition to Motion for Summary Judgment and Counter-Motion for Summary Judgment Exhibits_4.pdf(2838890 bytes) Opposition to Motion for Summary Judgment and Counter-Motion for Summary Judgment Exhibits_5.pdf(2297944 bytes) Opposition to Motion for Summary Judgment and Counter-Motion for Summary Judgment Exhibits_6.pdf(4409011 bytes) Opposition to Motion for Summary Judgment and Counter-Motion for Summary Judgment Exhibits_7.pdf(4967543 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
The Trademark Trial and Appeal Board**

In the matter of U.S. Registration 3,700,403
For the mark BONGO BI-LINGO BUDDY
Registered on the Principal Register on October 20, 2009

MWR Holdings, LLC,	:	
	:	
Petitioner,	:	
	:	
vs.	:	Cancellation No. 92059305
	:	
Stoner, Theodore A.,	:	
	:	
Registrant.	:	

**REGISTRANT’S OPPOSITION TO PETITIONER’S MOTION FOR SUMMARY
JUDGMENT AND REGISTRANT’S COUNTER-MOTION FOR SUMMARY
JUDGMENT**

COMES NOW the Registrant, Theodore A. Stoner (hereinafter “Registrant”), by and through counsel, The Trademark Company, PLLC, in accordance with the applicable Federal Rules of Civil Procedure and rules of the Trademark Trial and Appeal Board, and files the instant pleading opposing Petitioner MWR Holdings, LLC’s (hereinafter “Petitioner”) *Motion for Summary Judgment* filed on or about August 12, 2015 and further moves for summary judgment against Petitioner. On the grounds as more fully set forth below Registrant requests that the instant *Motion for Summary Judgment* be denied and Registrant’s *Motion for Summary Judgment* be granted.

STATEMENT OF FACTS

1. Registrant owns and uses the BONGO BI-LINGO BUDDY (hereinafter “Registrant’s Mark”), trademark which is the subject of the instant proceeding, in connection with “Entertainment in the nature of live theatrical performances by mixed media of live characters, puppetry and animation for children; Organizing cultural events for children;

Education services, namely, providing professional training in the field of bilingual learning” (hereinafter “Registrant’s Services”) in interstate commerce. *See the Trademark Status & Document Retrieval printout of Registrant’s Mark* attached as Exhibit 1.

2. Registrant first used and licensed Registrant’s Mark in connection with Registrant’s Services in interstate commerce as early as June 8, 2004. *See Answers to Interrogatory Nos. 2 – 3 of Registrant’s Answers and Objections to Petitioner’s First Set of Interrogatories* attached as Exhibit 2 at p. 2.

3. Since first offering goods under Registrant’s Mark around June 8, 2004, Registrant’s use of Registrant’s Mark has been continuous and uninterrupted. Registrant has never ceased use of Registrant’s Mark nor retained an intent to abandon or relinquish the same. *See Exhibit 2.*

4. On or about February 10, 2006 Registrant filed the Intent-to-Use Federal Trademark Application for Registrant’s Mark in connection with “Entertainment in the nature of live theatrical performances by mixed media of live characters, puppetry and animation for children; Organizing cultural events for children; Education services, namely, providing professional training in the field of bilingual learning” in International Class 41 (hereinafter “Registrant’s goods”).

5. Registrant’s Mark was assigned Serial No. 78/812,529.

6. On or about January 1, 2008 Registrant’s Mark was published for opposition.

7. On or about March 25, 2008 Registrant’s Mark received a Notice of Allowance.

8. On or about September 1, 2009 Registrant filed Registrant’s Statement of Use claiming a date of first use of June 8, 2004 and a date of first use in commerce of June 18, 2008.

9. On or about September 17, 2009 the USPTO notified Registrant that the Statement of Use had been accepted.

10. On or about October 20, 2009 Registrant's Mark was registered on the principal register.

11. Registrant's Mark was assigned Registration No. 3,700,403.

12. On June 5, 2014 MWR Holdings, LLC ("Petitioner") instituted the instant proceeding against Registrant's Mark.

13. Registrant's counsel filed a *Notice of Appearance* on July 14, 2014.

14. Registrant timely filed its *Answer* on July 14, 2014.

15. During the Discovery Conference held in this matter on or about August 5, 2014 Counsel for Applicant and Opposer agreed to service of all pleadings in the proceeding by U.S. Mail.

16. On or about September 12, 2014 new counsel for Petitioner appeared.

17. On January 9, 2014 Petitioner filed *Petitioner's Motion to Compel Discovery Responses*.

18. On or about January 12, 2015 Registrant received a letter dated December 16, 2014 from Petitioner following up on Registrant's responses to discovery requests that the letter claims were served on October 2, 2014.

19. On January 12, 2015 counsel for Registrant sent an email to Counsel for Petitioner notifying them that Counsel for Registrant had never received the discovery requests served on October 2, 2014.

20. On or about January 15, 2015 Counsel for Petitioner responded with an email to Counsel for Registrant requesting a confirmation of the correspondence information and whether Counsel for Registrant had received previous correspondence from Counsel for Petitioner.

21. On January 15, 2015 Counsel for Registrant responded with an email notifying Counsel for Petitioner that Counsel for Registrant had received Counsel for Petitioner's Notice of Appearance and Petitioner's Initial Disclosures in the past and requesting Petitioner to resend the discovery requests.

22. On or about January 19, 2015 Counsel for Petitioner sent Counsel for Registrant an email protected under the Federal Rules of Evidence § 408 conveying Petitioner's discovery requests and notifying Counsel for Registrant that a Motion to Compel had been filed on January 9, 2015. *See Exhibits 3 – 6* (Registrant has redacted the information protected pursuant to the Federal Rules of Evidence in Exhibit 3).

23. On January 29, 2015 Registrant filed Registrant's *Opposition to Motion to Compel*.

24. On January 29, 2015 Registrant sent *Registrant's Answers and Objections to Petitioner's First Set of Document Requests* and *Registrant's Answers to Petitioner's First Set of Request for Admissions* as Petitioner's Interrogatories sent on January 19, 2015 appeared to consist of Instructions, Definitions, and then jumped to page 8 of what appeared to be Document Requests and therefore could not answer the same. *See Exhibits 7 – 8*.

25. On or about January 30, 2015 the Board issued an order denying Petitioner's Motion to Compel without prejudice as Petitioner failed to comply with the procedural requirements of Trademark Rule 2.120(e)(1).

26. On or about February 6, 2015 the Board issued an order resetting the date for Plaintiff's Pretrial Disclosures but keeping the remainder of the schedule as previously noted.

27. On or about February 6, 2015 Counsel for Petitioner sent Counsel for Registrant a letter requesting answers to the Interrogatories and copying *Petitioner's First Interrogatories to Registrant*. See Exhibit 9.

28. On March 5, 2015 Registrant sent *Registrant's First Set of Interrogatories to Petitioner*, *Registrant's First Set of Request for Production of Documents to Petitioner*, and *Registrant's First Set of Admissions to Petitioner*. See Exhibits 10 – 12.

29. On March 11, 2015 Registrant sent *Registrant's Answers and Objections to Petitioner's First Set of Interrogatories*. See Exhibit 2.

30. On March 20, 2015 Registrant sent *Registrant's Supplemental Answers and Objections to Petitioner's First Set of Document Requests*. See Exhibit 13.

31. On or about April 9, 2015 Petitioner sent *Petitioner's Responses and Objections to Registrant's First Set of Interrogatories*, *Petitioner's Responses and Objections to Registrant's First Requests for the Production of Documents* (with no documents attached), and *Petitioner's Responses and Objection to Registrant's First Set of Requests for Admissions*. See Exhibits 14 – 16.

32. On April 16, 2015 Petitioner filed *Petitioner's Motion for Leave to Amend its Petition to Cancel*.

33. Registrant timely filed its *Answer to Amended Petition to Cancel* on June 29, 2015.

34. On May 14, 2015 Counsel for Registrant sent Counsel for Petitioner an email requesting the documents responsive to *Registrant's First Set of Request for Production of Documents to Petitioner*. See Exhibit 17.

35. On May 14, 2015 Counsel for Registrant received an out of office message from Counsel for Petitioner. See Exhibit 18.

36. On May 21, 2015 Counsel for Registrant sent Counsel for Petitioner another follow up email requesting the documents responsive to *Registrant's First Set of Request for Production of Documents to Petitioner*. See Exhibit 19.

37. On or about May 22, 2015 Counsel for Registrant received a reply from Counsel for Petitioner stating that they were working on the collection and production of the requested documents. See Exhibit 20.

38. On or about July 17, 2015 Counsel for Registrant received Petitioner's documents 00001 – 00165. See Exhibit 21.

39. On or about August 12, 2015 Petitioner filed the instant *Motion for Summary Judgment and Memorandum of Law in Support Thereof*.

OPPOSITION TO PETITIONER'S MOTION FOR SUMMARY JUDGMENT

Summary Judgment is only appropriate where the movant has established that there is no genuine issue as to any material fact and that the movant is entitled to judgment as a matter of law. *Lens.com, Inc. v. 1-800-Contacts, Inc.*, 686 F.3d 1376, 178 (Fed. Cir 2012). The moving party bears the burden of demonstrating that no genuine issues of material fact exist. *Celotex Corp. v. Catrett*, 477 U.S. 317, 323 (1986). The Board must interpret the evidence in light of the most favorable of the non-moving party. *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 255 (1986). Therefore a motion for summary judgment must be approached with great caution.

Petitioner's Motion for Summary Judgment may be distilled into two simple allegations:

1. Registrant is not using the trademark in the sale or advertising of the services listed in the Registration; and
2. Registrant has never used the trademark in commerce in connection with the services listed in the Registration.

In order to prove this, in this instant motion the Petitioner is attempting to skew Registrant's answers to Petitioner's Request for Interrogatories by twisting Registrant's responses to allege that Registrant has never used the mark at issue in interstate commerce.

Under the Lanham Act, a service mark is "used in commerce" when:

"(1) it is used or displayed in the sale or advertising of services and (2) the services are rendered in commerce, or the services are rendered in more than one State or in the United States and a foreign country and the person rendering the services is engaged in commerce in connection with the services."

15 U.S.C. § 1127. Petitioner claims that Registrant cannot prove either of the necessary elements above. Nothing could be further from the truth and accordingly, genuine issues of material fact exist as to the issue.

I. Registrant is Advertising Registrant's Mark in Connection with Registrant's Services.

Petitioner filed its motion for judgment on the grounds that Registrant purportedly admitted Registrant did not use Registrant's Mark in connection with Registrant's services. *See Petitioner's Motion for Summary Judgment.* This is simply not the case.

Petitioner bases their argument on Registrant's responses to Petitioner's Request for Interrogatories. *See Petitioner's Motion for Summary Judgment.* Specifically, the key Interrogatory No. 5 upon which Petitioner relies is the Interrogatory that asks specifically for the sales volume of services provided by Registrant under Registrant's Mark for each month. *See Interrogatory 5 of Exhibit 9 at p. 8.* In response to this Interrogatory Registrant relayed that they did not have any sales figures. *See Answer to Interrogatory No. 5 of Exhibit 2 at p. 3.* Petitioner

has taken this lack of sales to be construed as Registrant neither selling nor advertising Registrant's Services in connection with Registrant's Mark.

However, looking over all of the responses produced by Registrant in response to Petitioner's discovery requests clearly shows that Registrant has advertised Registrant's mark in connection with the provision of Registrant's services despite Petitioner's desire to focus on one answer. Specifically, Registrant provided documents that show various advertisements that highlight Registrant's Services in connection with Registrant's Mark. *See* documents 000107, 000109 – 000111 of Exhibit 14. These documents reveal that Registrant has advertised their entertainment and educational services provided under Registrant's Mark. Moreover, Petitioner requested specifically that Registrant describe all advertising conducted by Registrant under Registrant's Mark. *See* Interrogatory No. 8 of Exhibit 9 at p. 9. In response to this request Registrant responded that "Registrant has advertised Registrant's Mark through Registrant's websites, social media accounts, personal sales and live shows to various children's institutions, public relations articles, and live trade shows. *See* Answer to Interrogatory No. 8 of Exhibit 2 at p. 3. Petitioner, however, fails to address this answer and the documents as proof that Registrant has advertised Registrant's services in connection with Registrant's Mark.

As such, it is clear that genuine issues of material fact exist in regard to Registrant's use of Registrant's Mark in the Advertising of Registrant's Services. As such, Petitioner's motion should be denied.

II. Registrant Has Rendered Registrant's Services in Connection with Registrant's Mark.

In this instant motion Petitioner argues that Registrant's Mark should be cancelled because Registrant has neither rendered Registrant's Services in connection with Registrant's Mark nor has Registrant rendered Registrant's Services in connection with Registrant's Mark in

more than one State or in the United States and a foreign country. Petitioner's "proof" that the mark has not been used in commerce relies solely once again on Registrant's responses to Petitioner's Request for Interrogatories. *See Petitioner's Motion for Summary Judgment.* Specifically, Interrogatory No. 5 which asks for the sales volume of services provided by Registrant under Registrant's Mark for each month. *See Interrogatory 5 of Exhibit 9 at p. 8.* As relayed above, Registrant's response to this Interrogatory was that Registrant did not have any sales figures. *See Answer to Interrogatory No. 5 of Exhibit 2 at p. 3.* Petitioner has taken this response and twisted it to mean that Registrant has not rendered Registrant's Services in connection with Registrant's Mark. Again, this is clearly not the case.

As set forth above, Registrant renders the services as shown by the documents Registrant produced in response to Petitioner's discovery requests. *See documents 000068 – 000070 and 000085 – 000086 of Exhibit 7; See also documents 000107 and 000109 – 000111 of Exhibit 14.* Furthermore, while it appears that Petitioner is suggesting that without sales Registrant could not have rendered Registrant's Services in commerce. However "[t]he Board notes that use of marks in conjunction with the rendering of free services still constitutes a "use in commerce" under the Trademark Act. In other words, a for profit sale is not required. *See Capital Speakers, Inc. v. Capital Speakers Club of Washington D.C. Inc.*, 41 USPQ2d 1030, 1035 fn. 3 (TTAB 1996). *See Am. Express Mktg. & Dev. Corp. v. Gilad Dev. Corp.*, 2010 TTAB LEXIS 69 (TTAB 2010).

As shown above Registrant has provided the services even though they have not made any for profit sales. Moreover, Petitioner's claim that Registrant has not rendered Registrant's Services in more than one State or in the United States and a foreign country is also contrary to the evidence Registrant produced to Petitioner. Specifically documents 000068 – 000070 and 000110 clearly show that Registrant's Services have at least been provided in New York and

Florida. *See* Exhibits 7 and 14. As such, Registrant has rendered Registrant's Services in connection with Registrant's Mark in commerce in multiple states.

Given the evidence more fully outlined above, as Registrant is using Registrant's Trademark by rendering Registrant's Services that is not covered by Petitioner's narrow definition of the Lanham Act, at a minimum, genuine issues of material fact exist as to whether Registrant has used the mark in commerce. As such, Petitioner's motion should be denied.

COUNTER-MOTION FOR SUMMARY JUDGMENT

A motion for summary judgment is appropriate to dispose of cases in which "the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law." *See generally Celotex Corp. v. Catrett*, 477 U.S. 317 (1986); *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242 (1986); *T.A.B. Systems v. PacTel Teletrac*, 77 F.3d 1372, 37 USPQ2d 1879, 1881 (Fed. Cir. 1996); *Dana Corp. v. Belvedere International Inc.*, 950 F.2d 1555, 21 USPQ2d 1047 (Fed. Cir. 1991); and *Copelands' Enterprises Inc. v. CNV Inc.*, 945 F.2d 1563, 20 USPQ2d 1295 (Fed. Cir. 1991). The purpose of the motion is judicial economy, that is, to avoid an unnecessary trial where there is no genuine issue of material fact and more evidence than is already available in connection with the summary judgment motion could not reasonably be expected to change the result in the case.

This motion is based on the clear, incontrovertible evidence that Registrant is and has been using Registrant's Mark in commerce since Registrant's date of first use is so substantial as to make a determination of no abandonment and fraud appropriate as a matter of law.

I. Registrant Did Not Abandon Registrant's Mark.

A mark is deemed abandoned when its use has been discontinued without intent to resume use. Nonuse in the United States for a period of three consecutive years establishes a prima facie case of abandonment. See 15 U.S.C. § 1127. A petitioner for cancellation of a registration on the ground of abandonment bears the burden of proving such abandonment by a preponderance of evidence. *See Cerverceria Centroamericana S.A. v. Cerveceria India Inc.*, 892 F.2d 1021, 13 USPQ2d 1307 (Fed. Cir. 1989). Conversely, respondent, as the party moving for summary judgment dismissing the claim of abandonment, must establish continuous use of its mark for all of the goods named in the registration, or that it has not ceased use without an intent to resume use.

Registrant has continuously used Registrant's Mark for Registrant's Services in commerce since as early as June 8, 2004. *See* Answers to Interrogatory Nos. 2 – 3 of Exhibit 2 at p. 2. Furthermore, Registrant has never ceased using Registrant Mark with the intent not to resume use since the date of first use in commerce of June 8, 2004 through to the present as shown by Registrant's annual advertising and promotion expenditures. As such, Registrant has never abandoned or intended to abandon Registrant's Mark. *See* Answer to Interrogatory No. 9 of Exhibit 2 at pp. 3 – 4. In support of Registrant's continuous use of Registrant's Mark Registrant produced multiple examples of advertisements and examples of Registrant's Services being performed in response to Petitioner's Request for Production of Documents. *See* documents 000068 – 000070 and 000085 – 000086 of Exhibit 7; *See also* documents 000107 and 000109 – 000111 of Exhibit 14. These show that Registrant has advertised and rendered Registrant's services.

As such, there are no genuine issues of material fact upon which the Petitioner may rest its claim that Registrant has abandoned its rights in Registrant's Mark without the intent to resume use. Wherefore it is respectfully requested that the Board grant Registrant's motion for summary judgment as to this count.

II. Registrant Did Not Commit Fraud on the USPTO.

The elements of a prima facie case of fraud in a trademark application are: (1) a party has made a false representation regarding a material fact; (2) the party making the representation knew it to be false; (3) the false representation was made with an intent to deceive the trademark Office; (4) there was reasonable reliance on the misrepresentation; and (5) there was damage proximately resulting from the misrepresentation.

In the instant case, Petitioner contends that the Registrant committed fraud upon the U.S. Patent and Trademark Office ("USPTO") based on Petitioner's understanding of Registrant's use of Registrant's Mark. Specifically, Petitioner sets out in the Amended Petition to Cancel that Registrant obtained the Registration of Registrant's Mark by fraud due to Registrant's representation that Registrant began use of the mark in commerce which Petitioner believes to be untrue. Nothing could be further from the truth. As laid out above Registrant has advertised Registrant's Mark in connection with Registrant's Services and has rendered those services continuously on multiple occasions. Therefore Registrant made no false representation to the USPTO.

Furthermore, since no false representation was made, the Registrant could not have made a representation knowing it to be false with the intent to deceive the United States Patent and Trademark Office and that there was a reasonable reliance on the misrepresentation and that there was damage as a result of the misrepresentation.

As such, there is no genuine issue of material fact in regard to any fraud committed on the USPTO. Wherefore it is respectfully requested that the Board grant Registrant's motion for summary judgment as to this count.

III. Petitioner Cannot Prove Priority of Use of Petitioner's Mark Over Registrant's Use of Registrant's Mark.

Of the issues appropriate to be disposed of summarily, the Board may determine that a party retains priority of use of their trademark over another's use of a competing mark.

In order to establish priority on a likelihood of confusion claim brought under Trademark Act Section 2(d), a party must prove that, vis-à-vis the other party, it owns "a mark previously used in the United States and has not been abandoned." Trademark Act Section 2, 15 U.S.C. § 1052. *See also McKee Foods Corporation v. Debbie & Skip Singleton*, 1999 TTAB LEXIS 128 (TTAB 1999) (in which the court determined, as a matter of law, that the "evidence is sufficient to establish that petitioner has used LITTLE DEBBIE as a trademark on its granola cereal products since 1986, prior to respondent's first use of their DEBBIE'S FAMOUS GRANOLA mark on March 6, 1990"); *See generally Hawaiian Moon, Inc. v. Rodney Doo*, 2006 TTAB LEXIS 163 (TTAB 2006); *Corporate Document Services, Inc. v. I.C.E.D. Management, Inc.*, 48 U.S.P.Q.2D (BNA) 1477 (TTAB 1998).

In the instant case, Petitioner cannot establish that it retains priority of use of Petitioner's Mark over Registrant's use of Registrant's Mark. In response to *Registrant's First Set of Request for Production of Documents to Petitioner*, Petitioner produced 165 documents. Of those documents 160 consisted of *Registrant's Answers and Objections to Petitioner's First Set of Interrogatories* and electronic file histories of Registrant and Petitioner's Marks. Of the remaining 5 documents only two dealt with Petitioner's use of Petitioner's Mark and neither of those documents reveals a first use date that is prior to Registrant's use of Registrant's Mark as

revealed above. *See* documents P00164 – P00165 of Exhibit 21. In fact the earliest date of use of Petitioner’s Mark shown on any of the documents produced was January 12th, 2014. *See* P00158 and P00160 of Exhibit 21. As such, even taking the facts in the light most favorable to the Petitioner no genuine issue of material fact exists in regard to the evidence of record. Registrant retains priority of use in this matter by virtue of its first and continuous use of Registrant’s Mark in commerce.

As such, there is no genuine issue of material fact in regard to priority in this matter. Wherefore it is respectfully requested that the Board grant Registrant’s motion for summary judgment as to this count.

CONCLUSION

WHEREFORE Registrant respectfully requests that the Board deny *Petitioner’s Motion for Summary Judgment and Memorandum of Law in Support Thereof*. Furthermore, in consideration that no genuine issues of material fact exist that Registrant has neither abandoned their mark nor committed fraud on the USPTO and has priority in the instant matter, Registrant respectfully requests that the instant motion for summary judgment be granted and this matter be dismissed with prejudice. In the alternative, Registrant moves for partial summary judgment on each of the following issues: (i) Registrant has not abandoned Registrant’s Mark; (ii) Registrant has not committed fraud on the USPTO; (iii) Registrant has priority of use of Registrant’s Mark over Petitioner’s use of Petitioner’s Mark.

Respectfully submitted this 16th day of September, 2015.

THE TRADEMARK COMPANY, PLLC

/Matthew H. Swyers/

Matthew H. Swyers, Esq.

344 Maple Avenue West, PMB 151

Vienna, VA 22180

Tel. (800) 906-8626

Facsimile (270) 477-4574

mswyers@thetrademarkcompany.com

Counsel for Registrant

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
The Trademark Trial and Appeal Board**

In the matter of U.S. Registration 3,700,403
For the mark BONGO BI-LINGO BUDDY
Registered on the Principal Register on October 20, 2009

MWR Holdings, LLC,	:	
	:	
Petitioner,	:	
	:	
vs.	:	Cancellation No. 92059305
	:	
Stoner, Theodore A.,	:	
	:	
Registrant.	:	

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I caused a copy of the foregoing this 16th day of September, 2015, to be served, via first class mail, postage prepaid, upon:

William W Stroeve
Greenberg Traurig LLP
200 Park Avenue, PO Box 677
Florham Park, NJ 07932-0677

/Matthew H. Swyers/
Matthew H. Swyers

STATUS DOCUMENTS

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Mark: BONGO BI-LINGO BUDDY

BONGO BI-LINGO BUDDY

US Serial Number: 78812529

Application Filing Date: Feb. 10, 2006

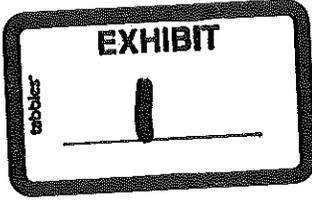
US Registration Number: 3700403

Registration Date: Oct. 20, 2009

Register: Principal

Mark Type: Service Mark

Status: A cancellation proceeding is pending at the Trademark Trial and Appeal Board. For further information, see TTABVue on the Trademark Trial and Appeal Board web page.



Status Date: Jun. 05, 2014

Publication Date: Jan. 01, 2008

Notice of Allowance Date: Mar. 25, 2008

Mark Information

Mark Literal Elements: BONGO BI-LINGO BUDDY

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Entertainment in the nature of live theatrical performances by mixed media of live characters, puppetry and animation for children; Organizing cultural events for children; Education services, namely, providing professional training in the field of bilingual learning

International Class(es): 041 - Primary Class

U.S Class(es): 100, 101, 107

Class Status: ACTIVE

Basis: 1(a)

First Use: Jun. 08, 2004

Use in Commerce: Jun. 18, 2008

Basis Information (Case Level)

Filed Use: No	Currently Use: Yes	Amended Use: No
Filed ITU: Yes	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: Stoner, Theodore A
Owner Address: 99 S. Downing St. #501
Denver, COLORADO 80209
UNITED STATES

Legal Entity Type: INDIVIDUAL
Citizenship: UNITED STATES

Attorney/Correspondence Information

Attorney of Record - None

Correspondent

Correspondent MATTHEW H SWYERS
Name/Address: THE TRADEMARK COMPANY PLLC
344 MAPLE AVE W
STE 151
VIENNA, VIRGINIA 22180

UNITED STATES

Phone: 303.733.7086

Correspondent e-mail: ladinc123@aol.com

Correspondent e-mail No
Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jun. 05, 2014	CANCELLATION INSTITUTED NO. 999999	59305
Oct. 20, 2009	REGISTERED-PRINCIPAL REGISTER	
Sep. 16, 2009	LAW OFFICE REGISTRATION REVIEW COMPLETED	77075
Sep. 11, 2009	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Sep. 09, 2009	STATEMENT OF USE PROCESSING COMPLETE	76538
Sep. 01, 2009	USE AMENDMENT FILED	76538
Sep. 01, 2009	TEAS STATEMENT OF USE RECEIVED	
May 27, 2009	EXTENSION 2 GRANTED	76538
Mar. 25, 2009	EXTENSION 2 FILED	76538
May 27, 2009	CASE ASSIGNED TO INTENT TO USE PARALEGAL	76538
May 02, 2009	EXTENSION RECEIVED WITH TEAS PETITION	
May 02, 2009	PETITION TO REVIVE-GRANTED	88889
May 02, 2009	TEAS PETITION TO REVIVE RECEIVED	
Apr. 27, 2009	ABANDONMENT NOTICE MAILED - NO USE STATEMENT FILED	
Apr. 27, 2009	ABANDONMENT - NO USE STATEMENT FILED	99999
Sep. 20, 2008	EXTENSION 1 GRANTED	98765
Sep. 20, 2008	EXTENSION 1 FILED	98765
Sep. 20, 2008	TEAS EXTENSION RECEIVED	
Mar. 25, 2008	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Jan. 01, 2008	PUBLISHED FOR OPPOSITION	

Dec. 12, 2007	NOTICE OF PUBLICATION	77075
Nov. 29, 2007	LAW OFFICE PUBLICATION REVIEW COMPLETED	77075
Nov. 29, 2007	APPROVED FOR PUB - PRINCIPAL REGISTER	
Nov. 28, 2007	TEAS/EMAIL CORRESPONDENCE ENTERED	77075
Nov. 28, 2007	CORRESPONDENCE RECEIVED IN LAW OFFICE	77075
Nov. 27, 2007	ASSIGNED TO LIE	77075
Sep. 17, 2007	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Sep. 17, 2007	PETITION TO REVIVE-GRANTED	88888
Sep. 17, 2007	TEAS PETITION TO REVIVE RECEIVED	
Mar. 02, 2007	NON-FINAL ACTION E-MAILED	6325
Mar. 02, 2007	NON-FINAL ACTION WRITTEN	81878
Mar. 01, 2007	TEAS/EMAIL CORRESPONDENCE ENTERED	59272
Mar. 01, 2007	CORRESPONDENCE RECEIVED IN LAW OFFICE	59272
Mar. 01, 2007	ASSIGNED TO LIE	59272
Feb. 01, 2007	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Aug. 01, 2006	NON-FINAL ACTION E-MAILED	6325
Aug. 01, 2006	NON-FINAL ACTION WRITTEN	81878
Aug. 01, 2006	ASSIGNED TO EXAMINER	81878
Feb. 17, 2006	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Sep. 16, 2009

Assignment Abstract Of Title Information - None recorded

Proceedings

Party type Proceeding type

Summary

Number of Proceedings: 1

Type of Proceeding: Cancellation

Proceeding Number: 92059305

Filing Date: Jun 05, 2014

Status: Pending

Status Date: Jun 05, 2014

Interlocutory Attorney: ELIZABETH A DUNN

Defendant

Name: Theodore A Stoner

Correspondent Address: MATTHEW H SWYERS
THE TRADEMARK COMPANY PLLC
344 MAPLE AVE W, STE 151
VIENNA VA , 22180
UNITED STATES

Correspondent e-mail: mswyers@TheTrademarkCompany.com

Associated marks

Mark

BONGO BILINGO BUDDY

Application Status Cancellation Pending

Serial Number 78812529

Registration Number 3700403

Plaintiff(s)

Name: MWR Holdings, LLC

Correspondent Address: WILLIAM W STROEVER
GREENBERG TRAUIG LLP
200 PARK AVENUE, PO BOX 677
FLORHAM PARK NJ , 07932-0677
UNITED STATES

Correspondent e-mail: stroeverw@gtlaw.com , ameliom@gtlaw.com , njdocket@gtlaw.com

Associated marks

Mark

Application Status

Serial Number

Registration Number

BONGO BEAR

Report Completed Suspension
Check - Case Still Suspended

86146757

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jun 05, 2014	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jun 05, 2014	Jul 15, 2014
3	PENDING, INSTITUTED	Jun 05, 2014	
4	P NOTICE OF INEFFECTIVE SERVICE	Jun 10, 2014	
5	D UNDELIVERABLE MAIL	Jun 18, 2014	
6	D APPEARANCE / POWER OF ATTORNEY	Jul 14, 2014	
7	ANSWER	Jul 14, 2014	
8	P APPEARANCE / POWER OF ATTORNEY	Sep 12, 2014	
9	P MOT TO COMPEL DISCOVERY	Jan 09, 2015	
10	D OPP/RESP TO MOTION	Jan 29, 2015	
11	TRIAL DATES RESET	Jan 30, 2015	
12	TRIAL DATES SET	Feb 06, 2015	
13	P MOT TO AMEND PLEADING/AMENDED PLEADING	Apr 16, 2015	
14	TRIAL DATES RESET	May 21, 2015	
15	ANSWER	Jun 29, 2015	
16	P MOT FOR SUMMARY JUDGMENT	Aug 12, 2015	
17	SUSP PEND DISP OF OUTSTNDNG MOT	Aug 24, 2015	



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
The Trademark Trial and Appeal Board**

In the matter of U.S. Registration 3,700,403
For the mark BONGO BI-LINGO BUDDY
Registered on the Principal Register on October 20, 2009

MWR Holdings, LLC,	:	
	:	
Petitioner,	:	
	:	
vs.	:	Cancellation No. 92059305
	:	
Stoner, Theodore A.,	:	
	:	
Registrant.	:	

**REGISTRANT'S ANSWERS AND OBJECTIONS TO
PETITIONER'S FIRST SET OF INTERROGATORIES**

TO: MWR HOLDINGS, LLC c/o William W. Stroeever, Greenberg Traurig, LLP, 200 Park Ave, Florham Pak, NJ 07932.

FROM: THEODORE A. STONER c/o Matthew H. Swyers, Esq., The Trademark Company, PLLC, 344 Maple Avenue West, PBM 151, Vienna, VA 22180.

COMES NOW the Registrant Theodore A. Stoner (hereinafter "Registrant") and provides the instant Answers to Petitioner MWR Holdings, LLC's (hereinafter "Petitioner") First Set of Interrogatories providing as follows:

INTERROGATORIES

INTERROGATORY NO. 1:

Identify each individual involved on behalf of Registrant in the provision of services under Registrant's Mark.

ANSWER: Theodore A. Stoner
127 West Fairbanks Ave, #492
Winter Park, FL 32789

INTERROGATORY NO. 2:

Describe in detail the circumstances surrounding Registrant's alleged first use of Registrant's Mark anywhere, which purportedly occurred on June 8, 2004.

ANSWER: Registrant first used Registrant's Mark at a New York trade show where Registrant performed a live performance under Registrant's Mark.

INTERROGATORY NO. 3:

Describe in detail the circumstances surrounding Registrant's alleged first use of Registrant's Mark in commerce, which purportedly occurred on June 18, 2008.

ANSWER: Upon further review Registrant first used Registrant's Mark in interstate commerce at the New York trade show that took place on June 8, 2004 where Registrant first performed the show outside of Colorado.

INTERROGATORY NO. 4:

Identify each individual who participated in the creation and adoption of Registrant's Mark.

ANSWER: Theodore A. Stoner
127 West Fairbanks Ave, #492
Winter Park, FL 32789

INTERROGATORY NO. 5:

For each month from Registrant's date of first use of Registrant's Mark until the present, state the sales volume of services provided by Registrant under Registrant's Mark.

ANSWER: Registrant does not have any sales figures relating to Registrant's Services at issue in this proceeding as the International Class 41 services are offered to promote Registrant's Mark in connection with Registrant's other goods.

INTERROGATORY NO. 6:

Describe the target class of consumers to whom Registrant provides Registrant's Services.

ANSWER: Registrant targets children ages 3 to 6.

INTERROGATORY NO. 7:

Identify the date Registrant first became aware of Petitioner's use of Petitioner's Mark in the United States.

ANSWER: Registrant first became aware of Petitioner's use of Petitioner's Mark in the United States when Petitioner filed the instant Cancellation Proceeding on June 5, 2014.

INTERROGATORY NO. 8:

Describe with particularity all advertising conducted by Registrant relating to Registrant's Mark.

ANSWER: Registrant has advertised Registrant's Mark through Registrant's websites, social media accounts, personal sales and live shows to various children's institutions, public relations articles, and live trade shows.

INTERROGATORY NO. 9:

For each year since Registrant's date of first use of Registrant's Mark until the present, state the annual advertising and promotion expenditures in the United States for Registrant's Services.

ANSWER: Registrant has spent about \$5,000 average annually since first beginning to use Registrant's Mark in advertising and promotion expenditures.

INTERROGATORY NO. 10:

State all facts upon which Registrant intends to rely to prove that there is no likelihood of confusion between Registrant's Mark and Petitioner's Mark.

ANSWER: Applicant objects to the instant request on the grounds that it is overly broad and burdensome given the inclusion of the term "All" and that it calls for information protected by the attorney client privilege and / or work product doctrine.

Respectfully submitted this 11th day of March, 2015.

THE TRADEMARK COMPANY, PLLC

/Matthew H. Swyers/
Matthew H. Swyers, Esq.
344 Maple Avenue West, Suite 151
Vienna, VA 22180
Tel. (800) 906-8626
Facsimile (270) 477-4574
mswyers@TheTrademarkCompany.com
Counsel for Registrant

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
The Trademark Trial and Appeal Board

In the matter of U.S. Registration 3,700,403
For the mark BONGO BI-LINGO BUDDY
Registered on the Principal Register on October 20, 2009

MWR Holdings, LLC,	:	
	:	
Petitioner,	:	
	:	
vs.	:	Cancellation No. 92059305
	:	
Stoner, Theodore A.,	:	
	:	
Registrant.	:	

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I caused a copy of the foregoing this 11th day of March, 2015,
to be served, via first class mail, postage prepaid, upon:

William W. Stroeve
Greenberg Traurig, LLP
200 Park Ave
Florham Park, NJ 07932

/Matthew H. Swyers/
Matthew H. Swyers

THEODORE STONER

COUNTY OF Orange

STATE OF Florida

BEFORE ME, the undersigned authority, this 10 day of March 2015, personally appeared Mr. Theodore Stoner, who after being first duly sworn, states that he is the person who assisted and provided the answers to Registrant's Answers and Objections to Petitioner's First Set of Interrogatories and that the answers provided therein are true and correct, and who is personally known to me or who has produced FUDL as identification and who did take an oath.

Theodore Stoner
THEODORE STONER

3/10/15'

Date

Notary Public: *JF* (signature)

Notary Public: James Franzese (Typed/Printed name of Notary Public)

Commission No. _____

My Commission Expires: 1/8/2018



James Franzese
Notary Public
State of Florida
MY COMMISSION # FF 81828
Expires: January 8, 2018

EXHIBIT

tabbies

3

Shannon Strayhorn

From: stroeverw@gtlaw.com
Sent: Monday, January 19, 2015 11:31 AM
To: sstrayhorn@thetrademarkcompany.com
Subject: RE: MWR Holdings, LLC vs. Theodore A. Stoner; Your Ref: 135518.021200
Attachments: 228803295_v 1_MWR - 1st Rogs to Stoner.PDF; 228803292_v 1_MWR - 1st RFPD to Stoner.PDF; 228803290_v 1_MWR - 1st RFA to Stoner.PDF

SUBJECT TO FED. R. EVID. 408

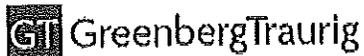
Shannon,

On October 2, 2014, we served the attached discovery requests on your client at the address below. We received no response. On December 16, 2014, we sent a follow-up letter (which you received), asking when we could expect to receive a response to our discovery requests. You did not provide a timely response to that letter, or ask at that time for an additional copy of the discovery requests. Instead, we were forced to file a Motion to Compel, which we did on January 9, 2015. Notably, a copy of the discovery requests was also attached to that Motion as an exhibit. Only now, after that Motion, have you alleged that you did not receive the discovery requests.

For the sake of good order, we note that this email is being sent without prejudice to our client's claims or defenses, all of which are expressly reserved. Please confirm that you have received this email and the three attachments.

Regards,

William Stroever
Associate
Greenberg Traurig, LLP | 200 Park Avenue | Florham Park, NJ 07932-0677
Tel 973.443.3524 | Fax 973.295.1291
stroeverw@gtlaw.com | www.gtlaw.com



From: Shannon Strayhorn [mailto:ssstrayhorn@thetrademarkcompany.com]
Sent: Thursday, January 15, 2015 4:50 PM
To: Stroever, Wille (Assoc-NJ-IP-Tech)
Subject: RE: MWR Holdings, LLC vs. Theodore A. Stoner; Your Ref: 135518.021200

Mr. Stroever,

The address listed with the TTAB is correct and we have received documents in the past from your office, namely your Notice of Appearance and Petitioner's Initial Disclosures, however we must assume the discovery requests were lost in the mail as we did not receive them. Sorry about the confusion this has caused but, if you would, please resend the same we will get them out to our client to be answered.

Best regards,
Shannon

From: stroeverw@gtlaw.com [mailto:stroeverw@gtlaw.com]
Sent: Thursday, January 15, 2015 11:42 AM
To: ssstrayhorn@thetrademarkcompany.com
Subject: RE: MWR Holdings, LLC vs. Theodore A. Stoner; Your Ref: 135518.021200

Ms. Strayhorn,

Thank you for your email. Can you please let us know whether you received any of our other letters or phone calls regarding this case? Please also let us know whether the correspondence information listed with the TTAB for this case is accurate: 344 Maple Ave W., Suite 151, Vienna, VA 22180. Thank you for your help.

Regards,

William Stroever
Associate
Greenberg Traurig, LLP | 200 Park Avenue | Florham Park, NJ 07932-0677
Tel 973.443.3524 | Fax 973.295.1291
stroeverw@gtlaw.com | www.gtlaw.com



From: Shannon Strayhorn [mailto:ssstrayhorn@thetrademarkcompany.com]
Sent: Monday, January 12, 2015 5:57 PM
To: Stroever, Willie (Assoc-NJ-IP-Tech)
Subject: MWR Holdings, LLC vs. Theodore A. Stoner; Your Ref: 135518.021200

Mr. Stroever,

Thank you for your letter dated December 16, 2014. Please allow this email to confirm that we have now received the same. However a review of our records indicate that, unfortunately, we never received the discovery requests that you served on October 2nd. We apologize for the delay but, if you would, please resend those discovery requests at your convenience. Additionally, to avoid a repeat of this situation, please send us an electronic copy of the same.

Thank you,

Shannon Strayhorn

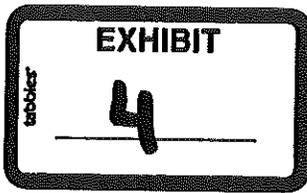
Trademark Specialist
The Trademark Company, PLLC
2703 Jones Franklin Road, Suite 206
Cary, NC 27518
Phone (800) 906-8626 x111
Fax (919) 861-5278
www.TheTrademarkCompany.com

[Click Here](#) to subscribe to our monthly Newsletters! Make sure to follow us for important tips and information relevant to the protection of your trademarks as well as for promotions and contests involving our services.

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If you are not an intended recipient of confidential and privileged information in this email, please delete it, notify us immediately at postmaster@gtlaw.com, and do not use or disseminate such information.



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

MWR HOLDINGS, LLC,

Petitioner,

v.

THEODORE A. STONER,

Registrant.

Cancellation No. 92059305

Mark: BONGO BI-LINGO BUDDY

Reg. No.: 3,700,403

Registered: October 20, 2009

PETITIONER'S FIRST INTERROGATORIES TO REGISTRANT

Pursuant to Rule 2.120 of the Trademark Rules of Practice and Rules 26 and 33 of the Federal Rules of Civil Procedure, Petitioner MWR Holdings, LLC ("MWR"), by its undersigned counsel, hereby requests that Registrant Theodore A. Stoner ("Stoner") answer the following interrogatories in writing and under oath, within thirty (30) days of the date of service hereof.

These interrogatories seek information as of the date of response and, as to those interrogatories addressed to matters falling within Rule 26(e)(1) & (2) of the Federal Rules of Civil Procedure, shall impose a continuing obligation on Registrant to serve upon Petitioner such further answers promptly after Registrant has acquired such knowledge.

I. INSTRUCTIONS

1. There shall be a continuing duty on Registrant to furnish additional documents in response to these document requests in accordance with Rule 26(e) of the Federal Rules of Civil Procedure.

2. All documents must be produced in a form that renders them susceptible to copying.

3. Each document should be segregated and identified by the request to which it is primarily responsive or produced as it is kept in the usual course of business.

4. If you are unable to comply fully with any request herein, comply to the extent possible and provide a detailed explanation as to why full compliance is not possible.

5. All requests herein are directed to those documents within your possession, custody or control, or within the possession, custody or control of your agents, servants and employees and your attorneys. They are also directed to those firms, corporations, partnerships, or trusts that you control and to documents in the possession, custody or control of employees, agents and representatives of such entities.

6. If any document called for is not available or accessible, is no longer in existence, or is withheld under a claim of privilege of protection against discovery, give the following information for that document:

- a. The name and title of the author(s);
- b. The name and title of each person to whom the document was addressed;
- c. The name and title of each person to whom a copy of the document was sent, directed, circulated, or distributed;
- d. The date of the document;
- e. The number of pages;

f. A brief description of the nature and subject matter of the document in sufficient detail to permit other parties to this action to assess the applicability of the asserted privilege or immunity;

g. The paragraph(s) of the request to which the document is responsive;

h. The name of each person now in possession of the document or any identical or non-identical copy;

i. The basis of the claim, privilege or protection against discovery (if applicable);

j. The reasons why the document is not available or accessible (if applicable); and

k. The reason why a document is no longer in existence (if applicable).

7. All electronic documents and records produced must be produced with an explanation sufficient to render the records and information intelligible.

II. DEFINITIONS

1. "And" and "or" shall be construed conjunctively or disjunctively, whichever makes the requests more inclusive. The term "all" shall mean "any and all," and the term "any" shall mean "any and all." The singular of any word or phrase shall include the plural of such word or phrase, and the plural of any word or phrase shall include the singular of such word or phrase.

2. The term "Communications" means any oral or written transmittal, correspondence, and/or receipt of words or information, whether such was by chance,

pre-arranged, formal or informal, and specifically includes but is not limited to conversations in person, telephone conversations, telegrams, telexes, facsimiles, letters, emails, reports or memoranda, formal statements, newspaper stories, notes of telephone conversations, notes of meetings, data compilations, and electronically stored data. References to Communications with business entities shall be deemed to include Communication with all officers, directors, employees, agents, attorneys or other representatives of such entities.

3. The term "Document" shall mean and include any type of written, recorded, electronic, graphic or photographic matter of any kind or character, however produced or reproduced. The term thus includes, without limiting the generality of the foregoing, all photographs, sketches, drawings, videotapes, audiotapes, letters, telegrams, telexes, facsimiles, electronic mail, correspondence, brochures, manuals, press releases, transcripts of interviews, transcripts of speeches, product guides, contracts, consulting agreements, other agreements, business plans, deeds, drafts, work papers, plans, blueprints, specifications, comparisons, surveys, data sheets, analyses, calculations, files (and their contents), notes to the files, reports, publications, mechanical and electronic sound recordings or transcripts thereof, calendar or diary entries, memoranda of telephone or personal conversations or of meetings or conferences, maps, studies, reports, charts, interoffice communications, minutes of meetings, articles, announcements, ledgers, vouchers, checks, receipts and invoices, tax records and forms, court pleadings and papers, discovery requests and responses including originals and copies of any of the foregoing, and any material underlying, supporting or used in preparing any Document.

4. The term "Entity" includes organizations, corporations, partnerships, associations, joint ventures and any other individual or group of individuals which has the purpose of conducting business.

5. The word "Identify", or any variation of the word Identify, shall mean to specify the full name; present position and business affiliation; last known physical address (including apartment number, if applicable); email address; telephone number and facsimile number with respect to a Person. In the case of a company, the word Identify shall mean to specify the name; officers or other persons having knowledge of the matter with respect to which the company is named; place of incorporation; address and principal place of business. In the case of a "document", the word Identify shall mean to specify the persons originating and preparing it; the sender; its general type (e.g., letter, memo, report, invoice, etc.); title; identifying number; general nature of its subject matter; addressees and recipients; date(s) of preparation; dates and manner of transmission, distribution and publication; location of each copy (including title, index number and location of the file in which it is kept or from which it was removed); present custodian or person responsible for its filing or other disposition; and persons who can authenticate or Identify it and, if privilege against production is claimed, the specific basis therefore and a complete specification and description of every fact upon which the claim of privilege is based.

6. The term "Person" includes any natural person, firm, association, organization, partnership, business, trust, governmental entity, joint venture, corporation or public entity. Additionally, the singular and plural forms are used interchangeably, as are the masculine and feminine forms.

7. The terms "Petitioner" or "MWR" means MWR Holdings, LLC, and shall include any officers, directors, corporate parents, subsidiaries, affiliates, predecessors or successors of MWR Holdings, LLC, as well as any employees, partners, agents, sales representatives, attorneys and all other persons acting or purporting to act on behalf of said entities, inclusively.

8. The terms "Registrant" or "Stoner" mean Theodore A. Stoner, and shall include any employees, representatives, agents, heirs, successors and assigns of Theodore A. Stoner, as well as any other persons acting or purporting to act on behalf of said entities, inclusively.

9. A Document "Refers" to a subject if, for example, it constitutes, comprises, describes, sets forth, reflects, analyzes, refers to, evidences, comments upon, mentions, is connected to, discusses, contains data relating to, or pertains to the subject.

10. As used herein, "Registrant's Mark" refers to the mark identified in Registrant's Trademark Registration, Reg. No. 3,700,403, namely, BONGO BI-LINGO BUDDY.

11. The term "Registrant's Services" shall refer to each of the services identified in Registrant's Trademark Registration, Reg. No. 3,700,403, namely: "Entertainment in the nature of live theatrical performances by mixed media of live characters, puppetry and animation for children; Organizing cultural events for children; Education services, namely, providing professional training in the field of bilingual learning."

12. The term "Petitioner's Mark" shall refer to the mark identified in Petitioner's Trademark Application, Serial No. 86/146,757, namely BONGO BEAR.

12. All documents and things concerning any trademark searches done by or on behalf of Registrant with respect to Registrant's Mark.

13. All documents and things concerning any trademark searches done by or on behalf of Registrant with respect to Petitioner's Mark.

14. All agreements, licenses, contracts, consents to use, correspondence or other documents concerning or authorizing use of Registrant's Mark by a third party.

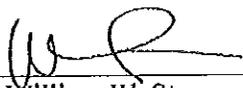
15. All documents and things concerning any administrative proceeding, or civil action in the United States involving Registrant's Mark.

16. All documents and things containing the phrase "Bongo Bi-Lingo Buddy".

17. All documents and things supporting or justifying any denial by Registrant of any of Petitioner's First Requests for Admission.

Dated: October 2, 2014

GREENBERG TRAURIG, LLP

By: 
William W. Stroever
200 Park Avenue
P.O. Box 677
Florham Park, NJ 07932-0677
Tel. 973-443-3524
Fax 973-295-1291
stroeverw@gtlaw.com

Attorneys for Petitioner
MWR Holdings, LLC

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing First Interrogatories to Registrant has been served on Theodore A. Stoner by mailing said copy on October 2, 2014, via First Class Mail, postage prepaid to:

Matthew H. Swyers
The Trademark Company PLLC
344 Maple Ave. W, Suite 151
Vienna, VA 22180


Susan Schuchard



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

MWR HOLDINGS, LLC, Petitioner, v. THEODORE A. STONER, Registrant.	Cancellation No. 92059305 Mark: BONGO BI-LINGO BUDDY Reg. No.: 3,700,403 Registered: October 20, 2009
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**PETITIONER'S FIRST REQUEST FOR THE PRODUCTION OF DOCUMENTS
TO REGISTRANT**

Pursuant to Rule 2.120 of the Trademark Rules of Practice and Rules 26 and 33 of the Federal Rules of Civil Procedure, Petitioner MWR Holdings, LLC ("MWR"), by its undersigned counsel, hereby requests that Registrant Theodore A. Stoner ("Stoner") serve a written response to this request within thirty (30) days of the date of service of this request as provided in said Rules, and that Registrant produce the documents and things specified below for inspection and copying by Petitioner at the offices of Greenberg Traurig, LLP, 200 Park Avenue, P.O. Box 677, Florham Park, NJ 07932.

I. INSTRUCTIONS

1. There shall be a continuing duty on Registrant to furnish additional documents in response to these document requests in accordance with Rule 26(e) of the Federal Rules of Civil Procedure.

2. All documents must be produced in a form that renders them susceptible to copying.

3. Each document should be segregated and identified by the request to which it is primarily responsive or produced as it is kept in the usual course of business.

4. If you are unable to comply fully with any request herein, comply to the extent possible and provide a detailed explanation as to why full compliance is not possible.

5. All requests herein are directed to those documents within your possession, custody or control, or within the possession, custody or control of your agents, servants and employees and your attorneys. They are also directed to those firms, corporations, partnerships, or trusts that you control and to documents in the possession, custody or control of employees, agents and representatives of such entities.

6. If any document called for is not available or accessible, is no longer in existence, or is withheld under a claim of privilege of protection against discovery, give the following information for that document:

- a. The name and title of the author(s);
- b. The name and title of each person to whom the document was addressed;
- c. The name and title of each person to whom a copy of the document was sent, directed, circulated, or distributed;
- d. The date of the document;
- e. The number of pages;
- f. A brief description of the nature and subject matter of the document in sufficient detail to permit other parties to this action to assess the applicability of the asserted privilege or immunity;

- g. The paragraph(s) of the request to which the document is responsive;
- h. The name of each person now in possession of the document or any identical or non-identical copy;
- i. The basis of the claim, privilege or protection against discovery (if applicable);
- j. The reasons why the document is not available or accessible (if applicable); and
- k. The reason why a document is no longer in existence (if applicable).

7. All electronic documents and records produced must be produced with an explanation sufficient to render the records and information intelligible.

II. DEFINITIONS

1. "And" and "or" shall be construed conjunctively or disjunctively, whichever makes the requests more inclusive. The term "all" shall mean "any and all," and the term "any" shall mean "any and all." The singular of any word or phrase shall include the plural of such word or phrase, and the plural of any word or phrase shall include the singular of such word or phrase.

2. The term "Communications" means any oral or written transmittal, correspondence, and/or receipt of words or information, whether such was by chance, pre-arranged, formal or informal, and specifically includes but is not limited to conversations in person, telephone conversations, telegrams, telexes, facsimiles, letters, emails, reports or memoranda, formal statements, newspaper stories, notes of telephone

conversations, notes of meetings, data compilations, and electronically stored data. References to Communications with business entities shall be deemed to include Communication with all officers, directors, employees, agents, attorneys or other representatives of such entities.

3. The term "Document" shall mean and include any type of written, recorded, electronic, graphic or photographic matter of any kind or character, however produced or reproduced. The term thus includes, without limiting the generality of the foregoing, all photographs, sketches, drawings, videotapes, audiotapes, letters, telegrams, telexes, facsimiles, electronic mail, correspondence, brochures, manuals, press releases, transcripts of interviews, transcripts of speeches, product guides, contracts, consulting agreements, other agreements, business plans, deeds, drafts, work papers, plans, blueprints, specifications, comparisons, surveys, data sheets, analyses, calculations, files (and their contents), notes to the files, reports, publications, mechanical and electronic sound recordings or transcripts thereof, calendar or diary entries, memoranda of telephone or personal conversations or of meetings or conferences, maps, studies, reports, charts, interoffice communications, minutes of meetings, articles, announcements, ledgers, vouchers, checks, receipts and invoices, tax records and forms, court pleadings and papers, discovery requests and responses including originals and copies of any of the foregoing, and any material underlying, supporting or used in preparing any Document.

4. The term "Entity" includes organizations, corporations, partnerships, associations, joint ventures and any other individual or group of individuals which has the purpose of conducting business.

5. The word "Identify", or any variation of the word Identify, shall mean to specify the full name; present position and business affiliation; last known physical address (including apartment number, if applicable); email address; telephone number and facsimile number with respect to a Person. In the case of a company, the word Identify shall mean to specify the name; officers or other persons having knowledge of the matter with respect to which the company is named; place of incorporation; address and principal place of business. In the case of a "document", the word Identify shall mean to specify the persons originating and preparing it; the sender; its general type (e.g., letter, memo, report, invoice, etc.); title; identifying number; general nature of its subject matter; addressees and recipients; date(s) of preparation; dates and manner of transmission, distribution and publication; location of each copy (including title, index number and location of the file in which it is kept or from which it was removed); present custodian or person responsible for its filing or other disposition; and persons who can authenticate or Identify it and, if privilege against production is claimed, the specific basis therefore and a complete specification and description of every fact upon which the claim of privilege is based.

6. The term "Person" includes any natural person, firm, association, organization, partnership, business, trust, governmental entity, joint venture, corporation or public entity. Additionally, the singular and plural forms are used interchangeably, as are the masculine and feminine forms.

7. The terms "Petitioner" or "MWR" means MWR Holdings, LLC, and shall include any officers, directors, corporate parents, subsidiaries, affiliates, predecessors or successors of MWR Holdings, LLC, as well as any employees, partners, agents, sales

representatives, attorneys and all other persons acting or purporting to act on behalf of said entities, inclusively.

8. The terms "Registrant" or "Stoner" mean Theodore A. Stoner, and shall include any employees, representatives, agents, heirs, successors and assigns of Theodore A. Stoner, as well as any other persons acting or purporting to act on behalf of said entities, inclusively.

9. A Document "Refers" to a subject if, for example, it constitutes, comprises, describes, sets forth, reflects, analyzes, refers to, evidences, comments upon, mentions, is connected to, discusses, contains data relating to, or pertains to the subject.

10. As used herein, "Registrant's Mark" refers to the mark identified in Registrant's Trademark Registration, Reg. No. 3,700,403, namely, BONGO BI-LINGO BUDDY.

11. The term "Registrant's Services" shall refer to each of the services identified in Registrant's Trademark Registration, Reg. No. 3,700,403, namely: "Entertainment in the nature of live theatrical performances by mixed media of live characters, puppetry and animation for children; Organizing cultural events for children; Education services, namely, providing professional training in the field of bilingual learning."

12. The term "Petitioner's Mark" shall refer to the mark identified in Petitioner's Trademark Application, Serial No. 86/146,757, namely BONGO BEAR.

III. REQUESTS

1. All documents identified in response to Petitioner's First Set of Interrogatories.

2. All documents and things concerning the prosecution of U.S. Trademark Application Serial No. 78/812,529.
3. All documents and things sufficient to identify each occasion on which Registrant has provided Registrant's Services under Registrant's Mark.
4. All documents and things concerning Registrant's alleged first use of Registrant's Mark anywhere, which purportedly occurred on June 8, 2004.
5. All documents and things concerning Registrant's alleged first use of Registrant's Mark in commerce, which purportedly occurred on June 18, 2008.
6. All documents and things concerning the creation and adoption of Registrant's Mark.
7. All documents and things concerning the occasion Registrant first became aware of Petitioner's use of Petitioner's Mark in the United States.
8. All documents and things concerning any advertising conducted by Registrant relating to Registrant's Mark.
9. All documents and things concerning the channels of trade through which Registrant provides Registrant's Services.
10. All documents and things that support Registrant's claim that it has used Registrant's Mark in connection with each of Registrant's Services in the United States.
11. All invoices, contracts, agreements, purchase orders and/or purchase receipts which reflect or evidence Registrant's use of Registrant's Mark.
12. All documents and things concerning any trademark searches done by or on behalf of Registrant with respect to Registrant's Mark.

13. All documents and things concerning any trademark searches done by or on behalf of Registrant with respect to Petitioner's Mark.

14. All agreements, licenses, contracts, consents to use, correspondence or other documents concerning or authorizing use of Registrant's Mark by a third party.

15. All documents and things concerning any administrative proceeding, or civil action in the United States involving Registrant's Mark.

16. All documents and things containing the phrase "Bongo Bi-Lingo Buddy".

17. All documents and things supporting or justifying any denial by Registrant of any of Petitioner's First Requests for Admission.

Dated: October 2, 2014

GREENBERG TRAURIG, LLP

By:  _____

William W. Stroever
200 Park Avenue
P.O. Box 677
Florham Park, NJ 07932-0677
Tel. 973-443-3524
Fax 973-295-1291
stroeverw@gtlaw.com

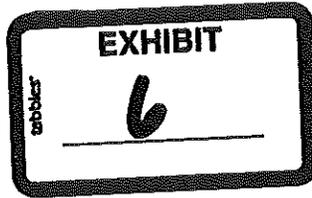
Attorneys for Petitioner
MWR Holdings, LLC

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing First Request for Production of Documents to Registrant has been served on Theodore A. Stoner by mailing said copy on October 2, 2014, via First Class Mail, postage prepaid to:

Matthew H. Swyers
The Trademark Company PLLC
344 Maple Ave. W, Suite 151
Vienna, VA 22180


Susan Schuchard



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

MWR HOLDINGS, LLC,

Petitioner,

v.

THEODORE A. STONER,

Registrant.

Cancellation No. 92059305

Mark: BONGO BI-LINGO BUDDY

Reg. No.: 3,700,403

Registered: October 20, 2009

PETITIONER'S FIRST REQUEST FOR ADMISSIONS TO REGISTRANT

Pursuant to Rules 26 and 36 of the Federal Rules of Civil Procedure and Rule 2.120 of the Trademark Rules of Practice, Petitioner MWR Holdings, LLC ("MWR"), by its undersigned counsel, hereby requests that Registrant Theodore A. Stoner ("Stoner"), make the following admissions within thirty (30) days after service hereof.

I. DEFINITIONS AND INSTRUCTIONS

1. "And" and "or" shall be construed conjunctively or disjunctively, whichever makes the requests more inclusive. The term "all" shall mean "any and all," and the term "any" shall mean "any and all." The singular of any word or phrase shall include the plural of such word or phrase, and the plural of any word or phrase shall include the singular of such word or phrase.

2. The term "Communications" means any oral or written transmittal, correspondence, and/or receipt of words or information, whether such was by chance, pre-arranged, formal or informal, and specifically includes but is not limited to conversations in person, telephone conversations, telegrams, telexes, facsimiles, letters,

emails, reports or memoranda, formal statements, newspaper stories, notes of telephone conversations, notes of meetings, data compilations, and electronically stored data. References to Communications with business entities shall be deemed to include Communication with all officers, directors, employees, agents, attorneys or other representatives of such entities.

3. The term "Document" shall mean and include any type of written, recorded, electronic, graphic or photographic matter of any kind or character, however produced or reproduced. The term thus includes, without limiting the generality of the foregoing, all photographs, sketches, drawings, videotapes, audiotapes, letters, telegrams, telexes, facsimiles, electronic mail, correspondence, brochures, manuals, press releases, transcripts of interviews, transcripts of speeches, product guides, contracts, consulting agreements, other agreements, business plans, deeds, drafts, work papers, plans, blueprints, specifications, comparisons, surveys, data sheets, analyses, calculations, files (and their contents), notes to the files, reports, publications, mechanical and electronic sound recordings or transcripts thereof, calendar or diary entries, memoranda of telephone or personal conversations or of meetings or conferences, maps, studies, reports, charts, interoffice communications, minutes of meetings, articles, announcements, ledgers, vouchers, checks, receipts and invoices, tax records and forms, court pleadings and papers, discovery requests and responses including originals and copies of any of the foregoing, and any material underlying, supporting or used in preparing any Document.

4. The term "Entity" includes organizations, corporations, partnerships, associations, joint ventures and any other individual or group of individuals which has the purpose of conducting business.

5. The word "Identify", or any variation of the word Identify, shall mean to specify the full name; present position and business affiliation; last known physical address (including apartment number, if applicable); email address; telephone number and facsimile number with respect to a Person. In the case of a company, the word Identify shall mean to specify the name; officers or other persons having knowledge of the matter with respect to which the company is named; place of incorporation; address and principal place of business. In the case of a "document", the word Identify shall mean to specify the persons originating and preparing it; the sender; its general type (e.g., letter, memo, report, invoice, etc.); title; identifying number; general nature of its subject matter; addressees and recipients; date(s) of preparation; dates and manner of transmission, distribution and publication; location of each copy (including title, index number and location of the file in which it is kept or from which it was removed); present custodian or person responsible for its filing or other disposition; and persons who can authenticate or Identify it and, if privilege against production is claimed, the specific basis therefore and a complete specification and description of every fact upon which the claim of privilege is based.

6. The term "Person" includes any natural person, firm, association, organization, partnership, business, trust, governmental entity, joint venture, corporation or public entity. Additionally, the singular and plural forms are used interchangeably, as are the masculine and feminine forms.

7. The terms "Petitioner" or "MWR" means MWR Holdings, LLC, and shall include any officers, directors, corporate parents, subsidiaries, affiliates, predecessors or successors of MWR Holdings, LLC, as well as any employees, partners, agents, sales

representatives, attorneys and all other persons acting or purporting to act on behalf of said entities, inclusively.

8. The terms "Registrant" or "Stoner" mean Theodore A. Stoner, and shall include any employees, representatives, agents, heirs, successors and assigns of Theodore A. Stoner, as well as any other persons acting or purporting to act on behalf of said entities, inclusively.

9. A Document "Refers" to a subject if, for example, it constitutes, comprises, describes, sets forth, reflects, analyzes, refers to, evidences, comments upon, mentions, is connected to, discusses, contains data relating to, or pertains to the subject.

10. As used herein, "Registrant's Mark" refers to the mark identified in Registrant's Trademark Registration, Reg. No. 3,700,403, namely, BONGO BI-LINGO BUDDY.

11. The term "Registrant's Services" shall refer to each of the services identified in Registrant's Trademark Registration, Reg. No. 3,700,403, namely: "Entertainment in the nature of live theatrical performances by mixed media of live characters, puppetry and animation for children; Organizing cultural events for children; Education services, namely, providing professional training in the field of bilingual learning."

12. The term "Petitioner's Mark" shall refer to the mark identified in Petitioner's Trademark Application, Serial No. 86/146,757, namely BONGO BEAR.

II. REQUESTS

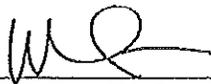
1. Admit that Registrant's date of first use in commerce of Registrant's Mark in the United States is June 18, 2008.

2. Admit that Registrant's date of first use anywhere of Registrant's Mark in the United States is June 8, 2004.

3. Admit that Registrant has no basis to rely on a date prior to June 8, 2004 for use of Registrant's Mark on Registrant's Services for purposes of priority.

Dated: October 2, 2014

GREENBERG TRAURIG, LLP

By: 

William W. Stroeve
200 Park Avenue
P.O. Box 677
Florham Park, NJ 07932-0677
Tel. 973-443-3524
Fax 973-295-1291
stroevevw@gtlaw.com

Attorneys for Petitioner
MWR Holdings, LLC

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing First Request for Admissions to Registrant has been served on Theodore A. Stoner by mailing said copy on October 2, 2014, via First Class Mail, postage prepaid to:

Matthew H. Swyers
The Trademark Company PLLC
344 Maple Ave. W, Suite 151
Vienna, VA 22180


Susan Schuchard

Definitions, and a page of what appears to be document requests.

REQUEST NO. 2:

All documents and things concerning the prosecution of U.S. Trademark Application Serial No. 78/812,529.

RESPONSE: Registrant objects to the instant request on the grounds that it is overly broad and burdensome given the inclusion of the term "All". Subject to said objection, Registrant states:

Please see attached.

REQUEST NO. 3:

All documents and things sufficient to identify each occasion on which Registrant has provided Registrant's Services under Registrant's Mark.

RESPONSE: Registrant objects to the instant request on the grounds that it is overly broad and burdensome given the inclusion of the term "All". Subject to said objection, Registrant states:

Please see attached documents responsive to this request found in a brief search of Registrant's records. Registrant will provide supplemental documents responsive to this request if discovered prior to trial.

REQUEST NO. 4:

All documents and things concerning Registrant's alleged first use of Registrant's Mark anywhere, which purportedly occurred on June 8, 2004.

RESPONSE: Registrant objects to the instant request on the grounds that it is overly broad and burdensome given the inclusion of the term “All”. Subject to said objection, Registrant states:

Please see attached documents responsive to this request found in a brief search of Registrant’s records. Registrant will provide supplemental documents responsive to this request if discovered prior to trial.

REQUEST NO. 5:

All documents and things concerning Registrant's alleged first use of Registrant's Mark in commerce, which purportedly occurred on June 18, 2008.

RESPONSE: Registrant objects to the instant request on the grounds that it is overly broad and burdensome given the inclusion of the term “All”. Subject to said objection, Registrant states:

Please see attached documents responsive to this request found in a brief search of Registrant’s records. Registrant will provide supplemental documents responsive to this request if discovered prior to trial.

REQUEST NO. 6:

All documents and things concerning the creation and adoption of Registrant's Mark.

RESPONSE: Registrant objects to the instant request on the grounds that it is overly broad and burdensome given the inclusion of the term “All”. Subject to said objection, Registrant states:

Please see attached documents responsive to this request found in a brief search of

Registrant's records. Registrant will provide supplemental documents responsive to this request if discovered prior to trial.

REQUEST NO. 7:

All documents and things concerning the occasion Registrant first became aware of Petitioner's use of Petitioner's Mark in the United States.

RESPONSE: Registrant objects to the instant request on the grounds that it is overly broad and burdensome given the inclusion of the term "All". Subject to said objection, Registrant states:

Please see the attached.

REQUEST NO. 8:

All documents and things concerning any advertising conducted by Registrant relating to Registrant's Mark.

RESPONSE: Registrant objects to the instant request on the grounds that it is overly broad and burdensome given the inclusion of the term "All". Subject to said objection, Registrant states:

Please see attached documents responsive to this request found in a brief search of Registrant's records. Registrant will provide supplemental documents responsive to this request if discovered prior to trial.

REQUEST NO. 9:

All documents and things concerning the channels of trade through which Registrant provides

Registrant's Services.

RESPONSE: Registrant objects to the instant request on the grounds that it is overly broad and burdensome given the inclusion of the term "All". Subject to said objection, Registrant states:

Please see attached documents responsive to this request found in a brief search of Registrant's records. Registrant will provide supplemental documents responsive to this request if discovered prior to trial.

REQUEST NO. 10:

All documents and things that support Registrant's claim that it has used Registrant's Mark in connection with each of Registrant's Services in the United States.

RESPONSE: Registrant objects to the instant request on the grounds that it is overly broad and burdensome given the inclusion of the term "All". Subject to said objection, Registrant states:

Please see attached documents responsive to this request found in a brief search of Registrant's records. Registrant will provide supplemental documents responsive to this request if discovered prior to trial.

REQUEST NO. 11:

All invoices, contracts, agreements, purchase orders and/or purchase receipts which reflect or evidence Registrant's use of Registrant's Mark.

RESPONSE: Registrant objects to the instant request on the grounds that it is overly broad and burdensome given the inclusion of the term "All". Subject to said objection,

Registrant is working to determine if Registrant retains any responsive documents to this request and will provide supplemental documents responsive to this request if discovered prior to trial.

REQUEST NO. 12:

All documents and things concerning any trademark searches done by or on behalf of Registrant with respect to Registrant's Mark.

RESPONSE: Registrant objects to the instant request on the grounds that it is overly broad and burdensome given the inclusion of the term "All". Subject to said objection, Registrant states:

None.

REQUEST NO. 13:

All documents and things concerning any trademark searches done by or on behalf of Registrant with respect to Petitioner's Mark.

RESPONSE: Registrant objects to the instant request on the grounds that it is overly broad and burdensome given the inclusion of the term "All". Subject to said objection, Registrant states:

None.

REQUEST NO. 14:

All agreements, licenses, contracts, consents to use, correspondence or other documents concerning or authorizing use of Registrant's Mark by a third party.

RESPONSE: Registrant objects to the instant request on the grounds that it is overly

broad and burdensome given the inclusion of the term "All". Subject to said objection,

Registrant states:

None.

REQUEST NO. 15:

All documents and things concerning any administrative proceeding, or civil action in the United States involving Registrant's Mark.

RESPONSE: Registrant objects to the instant request on the grounds that it is overly broad and burdensome given the inclusion of the term "All". Subject to said objection,

Registrant states:

None.

REQUEST NO. 16:

All documents and things containing the phrase "Bongo Bi-Lingo Buddy".

RESPONSE: Registrant objects to the instant request on the grounds that it is overly broad and burdensome given the inclusion of the term "All". Subject to said objection,

Registrant states:

Please see attached documents responsive to this request found in a brief search of Registrant's records. Registrant will provide supplemental documents responsive to this request if discovered prior to trial.

REQUEST NO. 17:

All documents and things supporting or justifying any denial by Registrant of any of Petitioner's

First Requests for Admission.

RESPONSE: Registrant objects to the instant request on the grounds that it is overly broad and burdensome given the inclusion of the term “All”. Subject to said objection, Registrant states:

Please see attached documents responsive to this request found in a brief search of Registrant’s records. Registrant will provide supplemental documents responsive to this request if discovered prior to trial.

Respectfully submitted this 29th day of January, 2015.

THE TRADEMARK COMPANY, PLLC

/Matthew H. Swyers/
Matthew H. Swyers, Esq.
344 Maple Avenue West, PMB 151
Vienna, VA 22180
Tel. (800) 906-8626 x100
Facsimile (270) 477-4574
mswyers@TheTrademarkCompany.com
Counsel for Registrant

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
The Trademark Trial and Appeal Board**

In the matter of U.S. Registration 3,700,403
For the mark BONGO BI-LINGO BUDDY
Registered on the Principal Register on October 20, 2009

MWR Holdings, LLC,	:	
	:	
Petitioner,	:	
	:	
vs.	:	Cancellation No. 92059305
	:	
Stoner, Theodore A.,	:	
	:	
Registrant.	:	

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I caused a copy of the foregoing this 29th day of January, 2015, to be served, via first class mail, postage prepaid, upon:

William W. Stroeve
Greenberg Traurig, LLP
200 Park Ave
Florham Park, NJ 07932

/Matthew H. Swyers/
Matthew H. Swyers

Generated on: This page was generated by TSDR on 2015-01-29 15:01:12 EST

Mark: BONGO BI-LINGO BUDDY

BONGO BI-LINGO BUDDY

US Serial Number: 78812529

Application Filing Date: Feb. 10, 2006

US Registration Number: 3700403

Registration Date: Oct. 20, 2009

Register: Principal

Mark Type: Service Mark

Status: A cancellation proceeding is pending at the Trademark Trial and Appeal Board. For further information, see TTABVue on the Trademark Trial and Appeal Board web page.

Status Date: Jun. 05, 2014

Publication Date: Jan. 01, 2008

Notice of Allowance Date: Mar. 25, 2008

Mark Information

Mark Literal Elements: BONGO BI-LINGO BUDDY

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks * * identify additional (new) wording in the goods/services.

For: Entertainment in the nature of live theatrical performances by mixed media of live characters, puppetry and animation for children; Organizing cultural events for children; Education services, namely, providing professional training in the field of bilingual learning

International Class(es): 041 - Primary Class

U.S Class(es): 100, 101, 107

Class Status: ACTIVE

Basis: 1(a)

First Use: Jun. 08, 2004

Use in Commerce: Jun. 18, 2008

Basis Information (Case Level)

Filed Use:	No	Currently Use:	Yes	Amended Use:	No
Filed ITU:	Yes	Currently ITU:	No	Amended ITU:	No
Filed 44D:	No	Currently 44D:	No	Amended 44D:	No
Filed 44E:	No	Currently 44E:	No	Amended 44E:	No
Filed 66A:	No	Currently 66A:	No		
Filed No Basis:	No	Currently No Basis:	No		

Current Owner(s) Information

Owner Name: Stoner, Theodore A
Owner Address: 99 S. Downing St. #501
Denver, COLORADO 80209
UNITED STATES

Legal Entity Type: INDIVIDUAL
Citizenship: UNITED STATES

Attorney/Correspondence Information

Attorney of Record - None

Correspondent

Correspondent Name/Address: MATTHEW H SWYERS
THE TRADEMARK COMPANY PLLC
344 MAPLE AVE W
STE 151
VIENNA, VIRGINIA 22180

000002

UNITED STATES

Phone: 303.733.7086

Correspondent e-mail: ladinc123@aol.com

Correspondent e-mail No
Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jun. 05, 2014	CANCELLATION INSTITUTED NO. 999999	59305
Oct. 20, 2009	REGISTERED-PRINCIPAL REGISTER	
Sep. 16, 2009	LAW OFFICE REGISTRATION REVIEW COMPLETED	77075
Sep. 11, 2009	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Sep. 09, 2009	STATEMENT OF USE PROCESSING COMPLETE	76538
Sep. 01, 2009	USE AMENDMENT FILED	76538
Sep. 01, 2009	TEAS STATEMENT OF USE RECEIVED	
May 27, 2009	EXTENSION 2 GRANTED	76538
Mar. 25, 2009	EXTENSION 2 FILED	76538
May 27, 2009	CASE ASSIGNED TO INTENT TO USE PARALEGAL	76538
May 02, 2009	EXTENSION RECEIVED WITH TEAS PETITION	
May 02, 2009	PETITION TO REVIVE-GRANTED	88889
May 02, 2009	TEAS PETITION TO REVIVE RECEIVED	
Apr. 27, 2009	ABANDONMENT NOTICE MAILED - NO USE STATEMENT FILED	
Apr. 27, 2009	ABANDONMENT - NO USE STATEMENT FILED	99999
Sep. 20, 2008	EXTENSION 1 GRANTED	98765
Sep. 20, 2008	EXTENSION 1 FILED	98765
Sep. 20, 2008	TEAS EXTENSION RECEIVED	
Mar. 25, 2008	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Jan. 01, 2008	PUBLISHED FOR OPPOSITION	

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Dec. 12, 2007	NOTICE OF PUBLICATION	77075
Nov. 29, 2007	LAW OFFICE PUBLICATION REVIEW COMPLETED	
Nov. 29, 2007	APPROVED FOR PUB - PRINCIPAL REGISTER	
Nov. 28, 2007	TEAS/EMAIL CORRESPONDENCE ENTERED	77075
Nov. 28, 2007	CORRESPONDENCE RECEIVED IN LAW OFFICE	77075
Nov. 27, 2007	ASSIGNED TO LIE	77075
Sep. 17, 2007	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Sep. 17, 2007	PETITION TO REVIVE-GRANTED	88888
Sep. 17, 2007	TEAS PETITION TO REVIVE RECEIVED	
Mar. 02, 2007	NON-FINAL ACTION E-MAILED	6325
Mar. 02, 2007	NON-FINAL ACTION WRITTEN	81878
Mar. 01, 2007	TEAS/EMAIL CORRESPONDENCE ENTERED	59272
Mar. 01, 2007	CORRESPONDENCE RECEIVED IN LAW OFFICE	59272
Mar. 01, 2007	ASSIGNED TO LIE	59272
Feb. 01, 2007	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Aug. 01, 2006	NON-FINAL ACTION E-MAILED	6325
Aug. 01, 2006	NON-FINAL ACTION WRITTEN	81878
Aug. 01, 2006	ASSIGNED TO EXAMINER	81878
Feb. 17, 2006	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Sep. 16, 2009

Assignment Abstract Of Title Information - None recorded

Proceedings

Summary

Party type

Proceeding type

Number of Proceedings: 1

Type of Proceeding: Cancellation

Proceeding Number: 92059305

Filing Date: Jun 05, 2014

Status: Pending

Status Date: Jun 05, 2014

Interlocutory Attorney: ELIZABETH A DUNN

Defendant

Name: Theodore A Stoner

Correspondent Address: MATTHEW H SWYERS
THE TRADEMARK COMPANY PLLC
344 MAPLE AVE W, STE 151
VIENNA VA, 22180
UNITED STATES

Correspondent e-mail: mswyers@TheTrademarkCompany.com

Associated marks

Mark

BONGO BI-LINGO BUDDY

Application Status

Cancellation Pending

Serial Number

78812529

Registration Number

3700403

Plaintiff(s)

Name: MWR Holdings, LLC

Correspondent Address: WILLIAM W STROEVER
GREENBERG TRAUIG LLP
200 PARK AVENUE, PO BOX 677
FLORHAM PARK NJ, 07932-0677
UNITED STATES

Correspondent e-mail: stroever@gtlaw.com, ameliom@gtlaw.com, nidocket@gtlaw.com

Associated marks

Mark

BONGO BEAR

Application Status

Report Completed Suspension
Check - Case Still Suspended

Serial Number

86146757

Registration Number

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jun 05, 2014	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jun 05, 2014	Jul 15, 2014
3	PENDING, INSTITUTED	Jun 05, 2014	
4	P NOTICE OF INEFFECTIVE SERVICE	Jun 10, 2014	
5	D UNDELIVERABLE MAIL	Jun 18, 2014	
6	D APPEARANCE / POWER OF ATTORNEY	Jul 14, 2014	
7	ANSWER	Jul 14, 2014	
8	P APPEARANCE / POWER OF ATTORNEY	Sep 12, 2014	
9	P MOT TO COMPEL DISCOVERY	Jan 09, 2015	

Trademark/Service Mark Application, Principal Register

Serial Number: 78812529

Filing Date: 02/10/2006

The table below presents the data as entered.

Input Field	Entered
MARK SECTION	
MARK	<u>BONGO Bi-LINGO BUDDY</u>
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	BONGO Bi-LINGO BUDDY
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font, style, size, or color.
OWNER SECTION	
NAME	Theodore A Stoner
STRBET	99 S. Downing St. #501
CITY	Denver
STATE	Colorado
ZIP/POSTAL CODE	80209
COUNTRY	United States
PHONE	303.733.7086
EMAIL	ladinc123@aol.com
AUTHORIZED EMAIL COMMUNICATION	Yes
LEGAL ENTITY SECTION	
TYPE	INDIVIDUAL
COUNTRY OF CITIZENSHIP	United States
GOODS AND/OR SERVICES SECTION	
INTERNATIONAL CLASS	009

000007

DESCRIPTION	<p>IC 009. US 021 023 026 036 038. G & S: Class 9 Computer game cartridges, computer game cassettes, and computer game tapes and DVD's; video game cartridges, video game cassettes and DVDs; computer game joysticks; Player-operated electronic controllers for electronic video game machines, prerecorded audio cassettes, prerecorded video cassettes, prerecorded audio tapes, prerecorded video tapes and DVDs, prerecorded compact discs and phonograph records featuring music and motion picture sound tracks; multimedia software recorded on CD-ROM featuring music and motion picture sound tracks; computer operating system software; prerecorded multimedia computer software programs featuring music and motion picture sound tracks; interactive multimedia software programs for entertainment, namely, adventure stories and animated stories; interactive multimedia software for playing games; sunglasses, prerecorded audio cassettes, compact discs, and laser video discs featuring music, stories, activities and other such educational and entertainment topics for children; prerecorded video cassettes and DVD's featuring animated entertainment; multimedia computer software featuring music, stories, activities and other such educational and entertainment topics for children; motion picture films featuring animated entertainment.</p>
FILING BASIS	Section 1(b)
GOODS AND/OR SERVICES SECTION	
INTERNATIONAL CLASS	016
DESCRIPTION	<p>IC 016. US 002 005 022 023 029 037 038 050. G & S: Class 16 Printed matter, namely note paper, loose leaf paper, series of fiction books, series of educational books, decals, trading cards, note cards, greetings cards, posters, folders, pencils, pens, calenders, interactive electronic books.</p>
FILING BASIS	Section 1(b)
GOODS AND/OR SERVICES SECTION	

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INTERNATIONAL CLASS	021
DESCRIPTION	storage containers.
FILING BASIS	Section 1(b)
GOODS AND/OR SERVICES SECTION	
INTERNATIONAL CLASS	025
DESCRIPTION	IC 025. US 022 039. G & S: IC 025; US 022 039; G & S: Bathing suits, bathrobes, beachwear, clothing belts, shorts, jackets, coats, socks, footwear, bandannas, sweaters, Halloween costumes, dresses, gloves, gym shorts, ear muffs, neckwear, pajamas, pants, shirts, t-shirts, ski wear, slacks, sun visors, suspenders, turtlenecks, underclothes, vests, warm-up suits, headwear
FILING BASIS	Section 1(b)
GOODS AND/OR SERVICES SECTION	
INTERNATIONAL CLASS	028
DESCRIPTION	IC 028. US 022 023 038 050. G & S: Class 28 Plush toys, cloth dolls, hand puppets, molded plastic toy figurines, jigsaw puzzles, board games, infant rattles, card games, battery-operated action toys, ride-on toys, toy vehicles, Christmas tree ornaments; coin-operated arcade games, Hand held unit for playing electronic games; action figures and accessories therefor, stuffed toy animals, sport balls, bath toys, bean bags, toy building blocks, music box toys, party favors in the nature of crackers, small toys or noisemakers, toy mobiles, flying discs, musical toy instruments, namely, drums, brass and percussion, drawing toys, talking toys, outdoor jungle gyms, bendable play figures, wind-up toys, action skill games; balloons, and latex squeeze toys, storage containers.
FILING BASIS	Section 1(b)
GOODS AND/OR SERVICES SECTION	
INTERNATIONAL CLASS	041
DESCRIPTION	IC 041. US 100 101 107. G & S: Class 41 Entertainment in the nature of educational television for children; live theatrical

000009

	performances and cultural activities for children; education in the nature of providing professional training
FILING BASIS	Section 1(b)
SIGNATURE SECTION	
SIGNATURE	/Theodore A Stoner/
SIGNATORY NAME	Theodore A Stoner
SIGNATORY DATE	02/10/2006
SIGNATORY POSITION	owner
PAYMENT SECTION	
NUMBER OF CLASSES	6
NUMBER OF CLASSES PAID	1
SUBTOTAL AMOUNT	325
TOTAL AMOUNT	325
PAYMENT METHOD	CC
CORRESPONDENCE SECTION	
NAME	Theodore A Stoner
STREET	99 S. Downing St. #501
CITY	Denver
STATE	Colorado
ZIP/POSTAL CODE	80209
COUNTRY	United States
EMAIL	ladinc123@aol.com
AUTHORIZED EMAIL COMMUNICATION	Yes
FILING INFORMATION	
SUBMIT DATE	Fri Feb 10 17:49:37 EST 2006
TEAS STAMP	USPTO/BAS-207200116198-20 060210174937251801-788125 29-2005472925fbc909982aaf bad5562218567-CC-545-2006 0210174720471819

000010

Trademark/Service Mark Application, Principal Register

Serial Number: 78812529

Filing Date: 02/10/2006

To the Commissioner for Trademarks:

MARK: (Standard Characters, see mark)

The mark consists of standard characters, without claim to any particular font, style, size, or color.

The literal element of the mark consists of BONGO Bi-LINGO BUDDY.

The applicant, Theodore A Stoner, a citizen of United States, residing at 99 S. Downing St. #501, Denver, Colorado, United States, 80209, requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended.

Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

International Class 009: IC 009. US 021 023 026 036 038. G & S: Class 9 Computer game cartridges, computer game cassettes, and computer game tapes and DVD's; video game cartridges, video game cassettes and DVDs; computer game joysticks; Player-operated electronic controllers for electronic video game machines, prerecorded audio cassettes, prerecorded video cassettes, prerecorded audio tapes, prerecorded video tapes and DVDs, prerecorded compact discs and phonograph records featuring music and motion picture sound tracks; multimedia software recorded on CD-ROM featuring music and motion picture sound tracks; computer operating system software; prerecorded multimedia computer software programs featuring music and motion picture sound tracks; interactive multimedia software programs for entertainment, namely, adventure stories and animated stories; interactive multimedia software for playing games; sunglasses, prerecorded audio cassettes, compact discs, and laser video discs featuring music, stories, activities and other such educational and entertainment topics for children; prerecorded video cassettes and DVD's featuring animated entertainment; multimedia computer software featuring music, stories, activities and other such educational and entertainment topics for children; motion picture films featuring animated entertainment.

International Class 016: IC 016. US 002 005 022 023 029 037 038 050. G & S: Class 16 Printed matter, namely note paper, loose leaf paper, series of fiction books, series of educational books, decals, trading cards, note cards, greetings cards, posters, folders, pencils, pens, calenders, interactive electronic books.

International Class 021: storage containers.

International Class 025: IC 025. US 022 039. G & S: IC 025; US 022 039; G & S: Bathing suits, bathrobes, beachwear, clothing belts, shorts, jackets, coats, socks, footwear, bandannas, sweaters, Halloween costumes, dresses, gloves, gym shorts, ear muffs, neckwear, pajamas, pants, shirts, t-shirts, ski wear, slacks, sun visors, suspenders, turtlenecks, underclothes, vests, warm-up suits, headwear

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International Class 028: IC 028. US 022 023 038 050. G & S: Class 28 Plush toys, cloth dolls, hand puppets, molded plastic toy figurines, jigsaw puzzles, board games, infant rattles, card games, battery-operated action toys, ride-on toys, toy vehicles, Christmas tree ornaments; coin-operated arcade games, Hand held unit for playing electronic games; action figures and accessories therefor, stuffed toy animals, sport balls, bath toys, bean bags, toy building blocks, music box toys, party favors in the nature of crackers, small toys or noisemakers, toy mobiles, flying discs, musical toy instruments, namely, drums, brass and percussion, drawing toys, talking toys, outdoor jungle gyms, bendable play figures, wind-up toys, action skill games; balloons, and latex squeeze toys, storage containers.

International Class 041: IC 041. US 100 101 107. G & S: Class 41 Entertainment in the nature of educational television for children; live theatrical performances and cultural activities for children; education in the nature of providing professional training

The USPTO is authorized to communicate with the applicant or its representative at the following email address: ladinc123@aol.com.

A fee payment in the amount of \$325 will be submitted with the application, representing payment for 1 class(es).

Declaration

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

Signature: /Theodore A Stoner/ Date: 02/10/2006
Signatory's Name: Theodore A Stoner
Signatory's Position: owner

Mailing Address:
Theodore A Stoner
99 S. Downing St. #501
Denver, Colorado 80209

RAM Sale Number: 545
RAM Accounting Date: 02/13/2006

Serial Number: 78812529
Internet Transmission Date: Fri Feb 10 17:49:37 EST 2006
TEAS Stamp: USPTO/BAS-207200116198-20060210174937251

000012

801-78812529-2005472925fbc909982aafbad55
62218567-CC-545-20060210174720471819

BONGO Bi-LINGO BUDDY

To: Theodore A Stoner (ladinc123@aol.com)
Subject: TRADEMARK APPLICATION NO. 78812529 - BONGO BI-LINGO BUDDY - N/A
Sent: 8/1/2006 2:00:00 PM
Sent As: ECOM102@USPTO.GOV
Attachments:

UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 78/812529

APPLICANT: Theodore A Stoner

CORRESPONDENT ADDRESS:
THEODORE A STONER
99 S DOWNING ST APT 501
DENVER, CO 80209-2405

78812529

RETURN ADDRESS:
Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

MARK: BONGO BI-LINGO BUDDY

CORRESPONDENT'S REFERENCE/DOCKET NO : N/A

CORRESPONDENT EMAIL ADDRESS:
ladinc123@aol.com

Please provide in all correspondence:

1. Filing date, serial number, mark and applicant's name.
2. Date of this Office Action.
3. Examining Attorney's name and Law Office number.
4. Your telephone number and e-mail address.

OFFICE ACTION

RESPONSE TIME LIMIT: TO AVOID ABANDONMENT, THE OFFICE MUST RECEIVE A PROPER RESPONSE TO THIS OFFICE ACTION WITHIN 6 MONTHS OF THE MAILING OR E-MAILING DATE.

MAILING/E-MAILING DATE INFORMATION: If the mailing or e-mailing date of this Office action does not appear above, this information can be obtained by visiting the USPTO website at <http://tarr.uspto.gov/>, inserting the application serial number, and viewing the prosecution history for the mailing date of the most recently issued Office communication.

Serial Number 78/812529

The assigned trademark examining attorney has reviewed the referenced application and has determined

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the following:

Action on Merits of the Mark and Search for References Deferred – Insufficient Fees

A search of the Office records and a review of the merits of the application are both deferred until applicant responds to this Office action by satisfying one of the following:

- (1) specifying the number of classes for which registration is sought *and* providing the filing fees for all such classes; or
- (2) deleting class(es) from the application not covered by the fee(s) already submitted.

TMEP §§704.02 and 810.01. Class designations must be determined and fees provided before a trademark examining attorney will conduct an extensive search of a mark with a large number of classes. TMEP §§810.01 and 1401.04.

The application was filed via the Trademark Electronic Application System (TEAS) and therefore the filing fee per class was \$325. 37 C.F.R. §2.6. The application identifies goods and/or services in at least SIX class(es), which would have required a total of fees in the amount of \$1950. Applicant submitted \$325 with the application. The fee(s) submitted is sufficient for only ONE class(es).

The fee for adding classes to the application is as follows: (1) \$325 if the fee(s) are submitted electronically via the Trademark Electronic Application System (TEAS) at <http://www.uspto.gov/teas/index.html>; or (2) \$375 if the fee(s) are submitted with a paper-filed response. See 37 C.F.R. §2.6.

If applicant has questions about its application or needs assistance in responding to this Office action, please telephone the assigned trademark examining attorney directly at the number below.

/Jordan A. Baker/
Trademark Examining Attorney
Law Office 102
571-272-8844
jordan.baker@uspto.gov

HOW TO RESPOND TO THIS OFFICE ACTION:

- **ONLINE RESPONSE:** You may respond using the Office's Trademark Electronic Application System (TEAS) Response to Office action form available on our website at <http://www.uspto.gov/teas/index.html>. If the Office action issued via e-mail, you must wait 72 hours after receipt of the Office action to respond via TEAS. **NOTE: Do not respond by e-mail. THE USPTO WILL NOT ACCEPT AN E-MAILED RESPONSE.**
- **REGULAR MAIL RESPONSE:** To respond by regular mail, your response should be sent to the mailing return address above, and include the serial number, law office number, and examining attorney's name. **NOTE: The filing date of the response will be the *date of receipt in the Office*, not the postmarked date.** To ensure your response is timely, use a certificate of mailing. 37 C.F.R. §2.197.

STATUS OF APPLICATION: To check the status of your application, visit the Office's Trademark

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Applications and Registrations Retrieval (TARR) system at <http://tarr.uspto.gov>.

VIEW APPLICATION DOCUMENTS ONLINE: Documents in the electronic file for pending applications can be viewed and downloaded online at <http://portal.uspto.gov/external/portal/tow>.

GENERAL TRADEMARK INFORMATION: For general information about trademarks, please visit the Office's website at <http://www.uspto.gov/main/trademarks.htm>

FOR INQUIRIES OR QUESTIONS ABOUT THIS OFFICE ACTION, PLEASE CONTACT THE ASSIGNED EXAMINING ATTORNEY SPECIFIED ABOVE.

Response to Office Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	78812529
LAW OFFICE ASSIGNED	LAW OFFICE 102
MARK SECTION (no change)	
GOODS AND/OR SERVICES SECTION (009)(class deleted)	
INTERNATIONAL CLASS	009
DESCRIPTION	
<p>IC 009; US 021 023 026 036 038; G & S: Class 9 Computer game cartridges, computer game cassettes, and computer game tapes and DVD's; video game cartridges, video game cassettes and DVDs; computer game joysticks; Player-operated electronic controllers for electronic video game machines, prerecorded audio cassettes, prerecorded video cassettes, prerecorded audio tapes, prerecorded video tapes and DVDs, prerecorded compact discs and phonograph records featuring music and motion picture sound tracks; multimedia software recorded on CD-ROM featuring music and motion picture sound tracks; computer operating system software; prerecorded multimedia computer software programs featuring music and motion picture sound tracks; interactive multimedia software programs for entertainment, namely, adventure stories and animated stories; interactive multimedia software for playing games; sunglasses, prerecorded audio cassettes, compact discs, and laser video discs featuring music, stories, activities and other such educational and entertainment topics for children; prerecorded video cassettes and DVD's featuring animated entertainment; multimedia computer software featuring music, stories, activities and other such educational and entertainment topics for children; motion picture films featuring animated entertainment</p>	
FILING BASIS	Section 1(b)
GOODS AND/OR SERVICES SECTION (016)(class deleted)	
INTERNATIONAL CLASS	016
DESCRIPTION	
<p>IC 016; US 002 005 022 023 029 037 038 050; G & S: Class 16 Printed matter, namely note paper, loose leaf paper, series of fiction books, series of educational books, decals, trading cards, note cards, greetings cards, posters, folders, pencils, pens, calenders, interactive electronic books</p>	
FILING BASIS	Section 1(b)
GOODS AND/OR SERVICES SECTION (021)(class deleted)	
INTERNATIONAL CLASS	021

000018

DESCRIPTION	storage containers
FILING BASIS	Section 1(b)
GOODS AND/OR SERVICES SECTION (025)(class deleted)	
INTERNATIONAL CLASS	025
DESCRIPTION	
IC 025; US 022 039; G & S: IC 025; US 022 039; G & S: Bathing suits, bathrobes, beachwear, clothing belts, shorts, jackets, coats, socks, footwear, bandannas, sweaters, Halloween costumes, dresses, gloves, gym shorts, ear muffs, neckwear, pajamas, pants, shirts, t-shirts, ski wear, slacks, sun visors, suspenders, turtlenecks, underclothes, vests, warm-up suits, headwear	
FILING BASIS	Section 1(b)
GOODS AND/OR SERVICES SECTION (028)(class deleted)	
INTERNATIONAL CLASS	028
DESCRIPTION	
IC 028; US 022 023 038 050; G & S: Class 28 Plush toys, cloth dolls, hand puppets, molded plastic toy figurines, jigsaw puzzles, board games, infant rattles, card games, battery-operated action toys, ride-on toys, toy vehicles, Christmas tree ornaments; coin-operated arcade games, Hand held unit for playing electronic games; action figures and accessories therefor, stuffed toy animals, sport balls, bath toys, bean bags, toy building blocks, music box toys, party favors in the nature of crackers, small toys or noisemakers, toy mobiles, flying discs, musical toy instruments, namely, drums, brass and percussion, drawing toys, talking toys, outdoor jungle gyms, bendable play figures, wind-up toys, action skill games; balloons, and latex squeeze toys, storage containers	
FILING BASIS	Section 1(b)
GOODS AND/OR SERVICES SECTION (041)(no change)	
SIGNATURE SECTION	
DECLARATION SIGNATURE	/Theodore A Stoner/
SIGNATORY'S NAME	Theodore A Stoner
SIGNATORY'S POSITION	owner
DATE SIGNED	02/01/2007
RESPONSE SIGNATURE	/Theodore A Stoner/
SIGNATORY'S NAME	Theodore A Stoner
SIGNATORY'S POSITION	owner
DATE SIGNED	02/01/2007
AUTHORIZED SIGNATORY	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Thu Feb 01 20:20:06 EST 2007

600019

TEAS STAMP

USPTO/ROA-207.200.116.138
-20070201202006123943-788
12529-3609e93beb230dcfb55
43ba3178fdbaf73-N/A-N/A-2
0070201201517210958

PTO Form 1957 (Rev 9/2005)
OMB No. 0651-0050 (Exp. 04/2009)

Response to Office Action To the Commissioner for Trademarks:

Application serial no. 78812529 has been amended as follows:

Classification and Listing of Goods/Services

Applicant hereby deletes the following class of goods/services from the application.

Class 009 for IC 009; US 021 023 026 036 038; G & S: Class 9 Computer game cartridges, computer game cassettes, and computer game tapes and DVD's; video game cartridges, video game cassettes and DVDs; computer game joysticks; Player-operated electronic controllers for electronic video game machines, prerecorded audio cassettes, prerecorded video cassettes, prerecorded audio tapes, prerecorded video tapes and DVDs, prerecorded compact discs and phonograph records featuring music and motion picture sound tracks; multimedia software recorded on CD-ROM featuring music and motion picture sound tracks; computer operating system software; prerecorded multimedia computer software programs featuring music and motion picture sound tracks; interactive multimedia software programs for entertainment, namely, adventure stories and animated stories; interactive multimedia software for playing games; sunglasses, prerecorded audio cassettes, compact discs, and laser video discs featuring music, stories, activities and other such educational and entertainment topics for children; prerecorded video cassettes and DVD's featuring animated entertainment; multimedia computer software featuring music, stories, activities and other such educational and entertainment topics for children; motion picture films featuring animated entertainment

Applicant hereby deletes the following class of goods/services from the application.

Class 016 for IC 016; US 002 005 022 023 029 037 038 050; G & S: Class 16 Printed matter, namely note paper, loose leaf paper, series of fiction books, series of educational books, decals, trading cards, note cards, greetings cards, posters, folders, pencils, pens, calenders, interactive electronic books

Applicant hereby deletes the following class of goods/services from the application.

Class 021 for storage containers

Applicant hereby deletes the following class of goods/services from the application.

Class 025 for IC 025; US 022 039; G & S: IC 025; US 022 039; G & S: Bathing suits, bathrobes, beachwear, clothing belts, shorts, jackets, coats, socks, footwear, bandannas, sweaters, Halloween costumes, dresses, gloves, gym shorts, ear muffs, neckwear, pajamas, pants, shirts, t-shirts, ski wear, slacks, sun visors, suspenders, turtlenecks, underclothes, vests, warm-up suits, headwear

Applicant hereby deletes the following class of goods/services from the application.

Class 028 for IC 028; US 022 023 038 050; G & S: Class 28 Plush toys, cloth dolls, hand puppets, molded plastic toy figurines, jigsaw puzzles, board games, infant rattles, card games, battery-operated action toys, ride-on toys, toy vehicles, Christmas tree ornaments; coin-operated arcade games, Hand held unit for

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playing electronic games; action figures and accessories therefor, stuffed toy animals, sport balls, bath toys, bean bags, toy building blocks, music box toys, party favors in the nature of crackers, small toys or noisemakers, toy mobiles, flying discs, musical toy instruments, namely, drums, brass and percussion, drawing toys, talking toys, outdoor jungle gyms, bendable play figures, wind-up toys, action skill games; balloons, and latex squeeze toys, storage containers

Declaration Signature

If the applicant is seeking registration under Section 1(b) and/or Section 44 of the Trademark Act, the applicant had a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. 37 C.F.R. Secs. 2.34(a)(2)(i); 2.34 (a)(3)(i); and 2.34(a)(4)(ii). If the applicant is seeking registration under Section 1(a) of the Trademark Act, the mark was in use in commerce on or in connection with the goods or services listed in the application as of the application filing date. 37 C.F.R. Secs. 2.34(a)(1)(i). The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. §1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; that if the original application was submitted unsigned, that all statements in the original application and this submission made of the declaration signer's knowledge are true; and all statements in the original application and this submission made on information and belief are believed to be true.

Signature: /Theodore A Stoner/ Date: 02/01/2007
Signatory's Name: Theodore A Stoner
Signatory's Position: owner

Response Signature

Signature: /Theodore A Stoner/ Date: 02/01/2007
Signatory's Name: Theodore A Stoner
Signatory's Position: owner

Serial Number: 78812529
Internet Transmission Date: Thu Feb 01 20:20:06 EST 2007
TEAS Stamp: USPTO/ROA-207.200.116.138-20070201202006
123943-78812529-3609e93beb230dcfb5543ba3
178fdbaf73-N/A-N/A-20070201201517210958

*** User:jbaker2 ***

#	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/ Search Duration	Search
01	1	0	1	1	0:01	78812529
02	3	2	1	1	0:02	"theodore a stoner"[on]
03	22663	N/A	0	0	0:04	*b{v:2}n\$1 {"kgc"}*[bi,ti]
04	21580	N/A	0	0	0:03	*1{"iye"}n\$1g*[bi,ti]
05	14640	N/A	0	0	0:03	*b{v:2}d\$1 {"iy"}*[bi,ti]
06	219	120	99	75	0:01	3 and (4 5)
07	116	56	60	42	0:01	4 and 5
08	146	N/A	0	0	0:01	*bongo*[bi,ti]
09	34	21	13	9	0:02	8 and "041"[cc]

Session started 3/2/2007 7:58:00 AM

Session finished 3/2/2007 8:13:51 AM

Total search duration 0 minutes 18 seconds

Session duration 15 minutes 51 seconds

Default NEAR limit=1ADJ limit=1

Sent to TICRS as Serial Number: 78812529

000022

To: Theodore A Stoner (ladinc123@aol.com)
Subject: TRADEMARK APPLICATION NO. 78812529 - BONGO BI-LINGO BUDDY - N/A
Sent: 3/2/2007 8:37:15 AM
Sent As: ECOM102@USPTO.GOV
Attachments:

UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 78/812529

APPLICANT: Theodore A Stoner

CORRESPONDENT ADDRESS:
THEODORE A STONER
99 S DOWNING ST APT 501
DENVER, CO 80209-2405

78812529

RETURN ADDRESS:
Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

MARK: BONGO BI-LINGO BUDDY

CORRESPONDENT'S REFERENCE/DOCKET NO : N/A

CORRESPONDENT EMAIL ADDRESS:
ladinc123@aol.com

Please provide in all correspondence:

1. Filing date, serial number, mark and applicant's name.
2. Date of this Office Action.
3. Examining Attorney's name and Law Office number.
4. Your telephone number and e-mail address.

OFFICE ACTION

SECOND ACTION

RESPONSE TIME LIMIT: TO AVOID ABANDONMENT, THE OFFICE MUST RECEIVE A PROPER RESPONSE TO THIS OFFICE ACTION WITHIN 6 MONTHS OF THE MAILING OR E-MAILING DATE.

MAILING/E-MAILING DATE INFORMATION: If the mailing or e-mailing date of this Office action does not appear above, this information can be obtained by visiting the USPTO website at <http://tarr.uspto.gov/>, inserting the application serial number, and viewing the prosecution history for the mailing date of the most recently issued Office communication.

Serial Number 78/812529

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This letter responds to applicant's communication filed on February 1, 2007. In an Office Action dated August 1, 2006, the examining attorney deferred action on the merits of the mark and a search for references due to applicant failing to pay all of the necessary fees for its six class application. In its Response, applicant has deleted five classes and has chosen to proceed forward solely on its Class 41 services.

The assigned trademark examining attorney has reviewed the referenced application and has determined the following:

Identification of Services

Applicant's identification of services is unacceptable because it is indefinite. TMEP §1402.01. Specifically, applicant must note that its television shows are "on-going," and must clarify the nature of its theatrical performances and cultural activities. Additionally, applicant must specify the field in which it provides professional training. Applicant may adopt the following identification of services^[1], if accurate:

Class 41: "Entertainment services in the nature of on-going educational television programs in the field of children's entertainment; Entertainment in the nature of live theatrical performances by mixed media of live characters, puppetry and animation for children; Organizing cultural events for children; Education services, namely providing professional training in the field of bilingual learning"

Please note that, while the identification of goods and/or services may be amended to clarify or limit the goods and/or services, adding to the goods and/or services or broadening the scope of the goods and/or services is not permitted. 37 C.F.R. §2.71(a); TMEP §1402.06. Therefore, applicant may not amend the identification to include goods and/or services that are not within the scope of the goods and/or services set forth in the present identification.

For assistance with identifying and classifying goods and/or services in trademark applications, please see the online searchable *Manual of Acceptable Identifications of Goods and Services* at <http://tess2.uspto.gov/netahtml/tidm.html>.

If applicant has questions about its application or needs assistance in responding to this Office action, please telephone the assigned trademark examining attorney directly at the number below.

/Jordan A. Baker/
Trademark Examining Attorney
Law Office 102
571-272-8844
jordan.baker@uspto.gov

HOW TO RESPOND TO THIS OFFICE ACTION:

- **ONLINE RESPONSE:** You may respond using the Office's Trademark Electronic Application System (TEAS) Response to Office action form available on our website at <http://www.uspto.gov/teas/index.html>. If the Office action issued via e-mail, you must wait 72 hours after receipt of the Office action to respond via TEAS. **NOTE: Do not respond by e-mail. THE USPTO WILL NOT ACCEPT AN E-MAILED RESPONSE.**

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- **REGULAR MAIL RESPONSE:** To respond by regular mail, your response should be sent to the mailing return address above, and include the serial number, law office number, and examining attorney's name. **NOTE: The filing date of the response will be the *date of receipt in the Office*, not the postmarked date.** To ensure your response is timely, use a certificate of mailing. 37 C.F.R. §2.197.

STATUS OF APPLICATION: To check the status of your application, visit the Office's Trademark Applications and Registrations Retrieval (TARR) system at <http://tarr.uspto.gov>.

VIEW APPLICATION DOCUMENTS ONLINE: Documents in the electronic file for pending applications can be viewed and downloaded online at <http://portal.uspto.gov/external/portal/tow>.

GENERAL TRADEMARK INFORMATION: For general information about trademarks, please visit the Office's website at <http://www.uspto.gov/main/trademarks.htm>

FOR INQUIRIES OR QUESTIONS ABOUT THIS OFFICE ACTION, PLEASE CONTACT THE ASSIGNED EXAMINING ATTORNEY SPECIFIED ABOVE.

^[1] The suggested identification of services is identical to the services in Application Serial No. 78793745, which is an application also owned by applicant.

Petition To Revive For Office Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	78812529
LAW OFFICE ASSIGNED	LAW OFFICE 102
PETITION	
PETITION STATEMENT	Applicant has firsthand knowledge that the failure to respond to the Office Action by the specified deadline was unintentional, and requests the USPTO to revive the abandoned application.
RESPONSE TO OFFICE ACTION	
MARK SECTION (no change)	
GOODS AND/OR SERVICES SECTION (current)	
INTERNATIONAL CLASS	041
DESCRIPTION	
Entertainment in the nature of educational television for children; live theatrical performances and cultural activities for children; education in the nature of providing professional training	
FILING BASIS	Section 1(b)
GOODS AND/OR SERVICES SECTION (proposed)	
INTERNATIONAL CLASS	041
DESCRIPTION	
Class 41: ?Entertainment services in the nature of on-going educational television programs in the field of children's entertainment; Entertainment in the nature of live theatrical performances by mixed media of live characters, puppetry and animation for children; Organizing cultural events for children; Education services, namely providing professional training in the field of bilingual learning?	
FILING BASIS	Section 1(b)
PAYMENT SECTION	
TOTAL AMOUNT	100
TOTAL FEES DUE	100
SIGNATURE SECTION	

000026

DECLARATION SIGNATURE	/Theodore A Stoner/
SIGNATORY'S NAME	Theodore A Stoner
SIGNATORY'S POSITION	owner
DATE SIGNED	09/17/2007
RESPONSE SIGNATURE	/Theodore A Stoner/
SIGNATORY'S NAME	Theodore A Stoner
SIGNATORY'S POSITION	owner
DATE SIGNED	09/17/2007
AUTHORIZED SIGNATORY:	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Mon Sep 17 18:35:04 EDT 2007
TEAS STAMP	USPTO/POA-207.200.116.69- 20070917183504852494-7881 2529-400406ac6fa25d265ad2 b78082e3b8d044-CC-2992-20 070917181031044030

PTO Form 2194 (Rev 9/2005)
OMB No. 0651-0054 (Exp. 11/30/2008)

Petition To Revive For Office Action

To the Commissioner for Trademarks:

Application serial no. 78812529 has been amended as follows:

PETITION

Petition Statement

Applicant has firsthand knowledge that the failure to respond to the Office Action by the specified deadline was unintentional, and requests the USPTO to revive the abandoned application.

RESPONSE TO OFFICE ACTION

CLASSIFICATION AND LISTING OF GOODS/SERVICES

Applicant proposes to amend the following class of goods/services in the application:

Current: Class 041 for Entertainment in the nature of educational television for children; live theatrical performances and cultural activities for children; education in the nature of providing professional training
Original Filing Basis:

Filing Basis: Section 1(b), Intent to Use: The applicant has a bona fide intention to use or use through

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the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. (15 U.S.C. Section 1051(b)).

Proposed: Class 041 for Class 41: ?Entertainment services in the nature of on-going educational television programs in the field of children's entertainment; Entertainment in the nature of live theatrical performances by mixed media of live characters, puppetry and animation for children; Organizing cultural events for children; Education services, namely providing professional training in the field of bilingual learning?

Filing Basis: Section 1(b), Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. (15 U.S.C. Section 1051(b)).

FEE(S)

Fee(s) in the amount of \$100 is being submitted.

SIGNATURE(S)

Declaration Signature

If the applicant is seeking registration under Section 1(b) and/or Section 44 of the Trademark Act, the applicant had a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. 37 C.F.R. Secs. 2.34(a)(2)(i); 2.34 (a)(3)(i); and 2.34(a)(4)(ii). If the applicant is seeking registration under Section 1(a) of the Trademark Act, the mark was in use in commerce on or in connection with the goods or services listed in the application as of the application filing date. 37 C.F.R. Secs. 2.34(a)(1)(i). The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. §1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; that if the original application was submitted unsigned, that all statements in the original application and this submission made of the declaration signer's knowledge are true; and all statements in the original application and this submission made on information and belief are believed to be true.

Signature: /Theodore A Stoner/ Date: 09/17/2007

Signatory's Name: Theodore A Stoner

Signatory's Position: owner

Petition/Response Signature

Signature: /Theodore A Stoner/ Date: 09/17/2007

Signatory's Name: Theodore A Stoner

Signatory's Position: owner

The signatory has confirmed that he/she is not represented by either an authorized attorney or Canadian attorney/agent, and that he/she is either (1) the applicant or (2) a person(s) with legal authority to bind the applicant; and if an authorized U.S. attorney or Canadian attorney/agent previously represented him/her in this matter, either he/she has filed a signed revocation of power of attorney with the USPTO or the

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USPTO has granted the request of his/her prior representative to withdraw.

RAM Sale Number: 2992

RAM Accounting Date: 09/18/2007

Serial Number: 78812529

Internet Transmission Date: Mon Sep 17 18:35:04 EDT 2007

TEAS Stamp: USPTO/POA-207.200.116.69-200709171835048

52494-78812529-400406ac6fa25d265ad2b7808

2e3b8d044-CC-2992-20070917181031044030

000029

RAM SALE NUMBER: 2992
RAM ACCOUNTING DATE: 20070918

INTERNET TRANSMISSION DATE:
2007/09/17

SERIAL NUMBER:
78/812529

Description	Fee Code	Transaction	Total Fees Paid
POA	7005	2007/09/17	100

000030

Side - 1



NOTICE OF REVIVAL
MAILING DATE: Sep 18, 2007

The trademark application identified below has been revived to pending status. The application file will be forwarded to the appropriate section of the Office for further processing.

To verify the status and location of your application, please wait approximately three weeks and check the USPTO website at <http://tarr.uspto.gov/> or call the Trademark Assistance Center at 1-800-786-9199.

SERIAL NUMBER: 78812529
MARK: BONGO BI-LINGO BUDDY
OWNER: Theodore A Stoner
REVIVAL DATE: Sep 18, 2007

Side - 2

UNITED STATES PATENT AND TRADEMARK OFFICE
COMMISSIONER FOR TRADEMARKS
P.O. BOX 1451
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000031

*** User:jbaker2 ***

#	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/ Search Duration	Search
01	1	N/A	0	0	0:01	78812529
02	3	2	1	1	0:01	"theodore a stoner"[on]
03	23983	N/A	0	0	0:04	*b{v:2}n\$1{"kgc"}*[bi,ti]
04	366695	N/A	0	0	0:05	*{"iye"}n\$1g*[bi,ti]
05	15508	N/A	0	0	0:03	*b{v:2}d\$1{"iy"}*[bi,ti]
06	7075	N/A	0	0	0:01	3 and (4 5)
07	1798	N/A	0	0	0:01	4 and 5
08	155	90	65	42	0:01	*bongo*[bi,ti]
09	40	22	0	0	0:03	8 and "041"[cc]

Session started 11/29/2007 10:25:43 AM
Session finished 11/29/2007 10:28:46 AM
Total search duration 0 minutes 20 seconds
Session duration 3 minutes 3 seconds
Default NEAR limit=1ADJ limit=1

Sent to TICRS as Serial Number: 78812529

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Side - 1



NOTICE OF PUBLICATION UNDER §12(a)
MAILING DATE: Dec 12, 2007
PUBLICATION DATE: Jan 1, 2008

The mark identified below will be published in the Official Gazette on Jan 1, 2008. Any party who believes they will be damaged by registration of the mark may oppose its registration by filing an opposition to registration or a request to extend the time to oppose within thirty (30) days from the publication date on this notice. If no opposition is filed within the time specified by law, the USPTO may issue a Notice of Allowance.

To view the Official Gazette online or to order a paper copy, visit the USPTO website at <http://www.uspto.gov/web/trademarks/tmog/> any time within the five-week period after the date of publication. You may also order a printed version from the U.S. Government Printing Office (GPO) at <http://bookstore.gpo.gov> or 202-512-1800. To check the status of your application, go to <http://tarr.uspto.gov/>.

SERIAL NUMBER: 78812529
MARK: BONGO BI-LINGO BUDDY
OWNER: Stoner, Theodore A

Side - 2

UNITED STATES PATENT AND TRADEMARK OFFICE
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DENVER, CO 80209-2405

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U.S. Patent and Trademark Office (USPTO)

NOTICE OF ALLOWANCE

NOTE: If any data on this notice is incorrect, please fax a request for correction to the Intent to Use Unit at 571-273-9550. Please include the serial number of your application on ALL correspondence with the USPTO.

ISSUE DATE: Mar 25, 2008

THEODORE A STONER
99 S DOWNING ST APT 501
DENVER, CO 80209-2405

**** IMPORTANT INFORMATION: 6 MONTH DEADLINE ****

You filed the trademark application (identified below based upon a bona fide intention to use the mark in commerce. You must use the mark in commerce and file a Statement of Use (a.k.a. Allegation of Use) before the USPTO will register the mark. You have six (6) MONTHS from the ISSUE DATE of this Notice of Allowance (NOA) to file either a Statement of Use, or if you are not yet using the mark in commerce, a Request for Extension of Time to File a Statement of use ("Extension Request"). If you file an extension request, you must continue to file a new request every six months until the Statement of Use is filed. Applicant may file a total of five (5) extension requests. FAILURE TO FILE A REQUIRED DOCUMENT DURING THE APPROPRIATE TIME PERIOD WILL RESULT IN THE ABANDONMENT OF YOUR APPLICATION.

Please note that both the "Statement of Use" and "Extension Request" have many legal requirements including fees. Therefore, we encourage use of the USPTO forms, available online at <http://www.uspto.gov/teas/index.html> (under "File a PRE-registration form"), to avoid the possible omission of important information. Please note that the Trademark Electronic Application System (TEAS) provides line-by-line help instructions for completing the Extension Request or Statement of Use forms online. If you do not have access to the Internet, you may call 1-800-786-9199 to request the printed form(s).

The following information should be reviewed for accuracy:

SERIAL NUMBER: 78/812529
MARK: BONGO BI-LINGO BUDDY (STANDARD CHARACTER MARK)
OWNER: Stoner, Theodore A
99 S. Downing St. #501
Denver, COLORADO 80209

Section 1(a): NO

Section 1(b): YES

Section 44(e): NO

GOODS/SERVICES BY INTERNATIONAL CLASS

041 - Entertainment services in the nature of on-going educational television programs in the field of children's entertainment; Entertainment in the nature of live theatrical performances by mixed media of live characters, puppetry and animation for children; Organizing cultural events for children; Education services, namely, providing professional training in the field of bilingual learning -- FIRST USE DATE: NONE; -- USE IN COMMERCE DATE: NONE

ALL OF THE GOODS/SERVICES IN EACH CLASS ARE LISTED

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ADDITIONAL INFORMATION MAY BE PRESENT IN THE USPTO RECORDS

000035

SOU Extension Request (15 U.S.C. Section 1051(d))

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	78812529
LAW OFFICE ASSIGNED	LAW OFFICE 102
MARK SECTION	
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	BONGO BI-LINGO BUDDY
OWNER SECTION (no change)	
GOODS AND/OR SERVICES SECTION	
INTERNATIONAL CLASS	041
CURRENT IDENTIFICATION	Entertainment services in the nature of on-going educational television programs in the field of children's entertainment; Entertainment in the nature of live theatrical performances by mixed media of live characters, puppetry and animation for children; Organizing cultural events for children; Education services, namely, providing professional training in the field of bilingual learning
GOODS OR SERVICES	KEEP ALL LISTED
EXTENSION SECTION	
EXTENSION NUMBER	1
ALLOWANCE MAIL DATE	03/25/2008
STATEMENT OF USE	NO
PAYMENT SECTION	
NUMBER OF CLASSES	1
SUBTOTAL AMOUNT	150
TOTAL AMOUNT	150

SIGNATURE SECTION	
SIGNATURE	/Theodore A Stoner/
SIGNATORY'S NAME	Theodore A Stoner
SIGNATORY'S POSITION	owner
DATE SIGNED	09/20/2008
FILING INFORMATION	
SUBMIT DATE	Sat Sep 20 22:29:11 EDT 2008
TEAS STAMP	USPTO/ESU-207.200.116.74- 20080920222911620022-7881 2529-4005559959879696ff99 1f0b18b1dc11b9-CC-12944-2 0080920222539655288

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**SOU Extension Request
(15 U.S.C. Section 1051(d))**

To the Commissioner for Trademarks:

Side - 1



**NOTICE OF APPROVAL
OF EXTENSION REQUEST
MAILING DATE: Sep 23, 2008**

A Notice of Allowance issued for the trademark application identified below on Mar 25, 2008. The FIRST request for extension of time to file a Statement of Use has been approved. Applicant must continue to file extension requests every 6 months calculated from the date the Notice of Allowance was issued until a Statement of Use is filed. Please note that a Statement of Use cannot be filed more than 36 months from the issuance date of the Notice of Allowance.

For further information, visit our website at: <http://www.uspto.gov> or call the Trademark Assistance Center at 1-800-786-9199.

SERIAL NUMBER: 78812529
MARK: BONGO BI-LINGO BUDDY
OWNER: Stoner, Theodore A

Side - 2

UNITED STATES PATENT AND TRADEMARK OFFICE
COMMISSIONER FOR TRADEMARKS
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99 S DOWNING ST APT 501
DENVER, CO 80209-2405

000030

Side - 1



NOTICE OF ABANDONMENT
MAILING DATE: Apr 27, 2009

The trademark application identified below was abandoned because the applicant failed to file for a statement of use or an extension of time.

If the delay in filing a response was unintentional, you may file a petition to revive the application with a fee. If the abandonment of this application was due to USPTO error, you may file a request for reinstatement. Please note that a petition to revive or request for reinstatement **must be received within two months from the mailing date of this notice.**

For additional information, go to <http://www.uspto.gov/teas/petinfo.htm>. If you are unable to get the information you need from the website, call the Trademark Assistance Center at 1-800-786-9199.

SERIAL NUMBER: 78812529
MARK: BONGO BI-LINGO BUDDY
OWNER: Stoner, Theodore A

Side - 2

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DENVER , CO 80209-2405

000040

Petition to Revive Abandoned Application - Failure to File Timely Statement of Use or Extension Request

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	78812529
LAW OFFICE ASSIGNED	LAW OFFICE 102
DATE OF NOTICE OF ABANDONMENT	04/27/2009
MARK SECTION	
MARK	BONGO BI-LINGO BUDDY
PETITION	
PETITION STATEMENT	Applicant has firsthand knowledge that the failure to file an SOU or Extension Request by the specific deadline was unintentional, and requests the USPTO to revive the abandoned application.
NOTICE OF ALLOWANCE	Notice of Allowance was received by applicant
EXTENSION OF TIME TO FILE STATEMENT OF USE	
OWNER SECTION (current)	
NAME	Stoner, Theodore A
STREET	99 S. Downing St. #501
CITY	Denver
STATE	Colorado
ZIP/POSTAL CODE	80209
COUNTRY	United States
PHONE	303.733.7086
GOODS AND/OR SERVICES SECTION	
INTERNATIONAL CLASS	041
	Entertainment services in the nature of on-going educational television programs in the field of

000041

CURRENT IDENTIFICATION	children's entertainment; Entertainment in the nature of live theatrical performances by mixed media of live characters, puppetry and animation for children; Organizing cultural events for children; Education services, namely, providing professional training in the field of bilingual learning
KEEP EXISTING GOODS AND/OR SERVICES	YES
EXTENSION SECTION	
EXTENSION PERIOD(S)	2
ONGOING EFFORT	product or service research or development; market research; manufacturing activities; promotional activities; steps to acquire distributors; steps to obtain required governmental approval
PAYMENT SECTION	
PETITION FEE	100
NUMBER OF CLASSES	1
EXTENSION FEE	150
TOTAL FEE PAID	250
SIGNATURE SECTION	
SIGNATURE	/Theodore A Stoner/
SIGNATORY'S NAME	Theodore A Stoner
SIGNATORY DATE	05/02/2009
SIGNATORY'S POSITION	owner
FILING INFORMATION	
SUBMIT DATE	Sat May 02 22:08:11 EDT 2009
TEAS STAMP	USPTO/PSE-207.200.116.8-200905 02220811403299-78812529-400ba6 1f8a31efba1946a1201657b76a-CC- 5304-20090502215543742201

000042

**Petition to Revive Abandoned Application - Failure to File Timely Statement of Use
or Extension Request**

To the Commissioner for Trademarks:

MARK: BONGO BI-LINGO BUDDY
SERIAL NUMBER: 78812529

PETITION

Applicant has firsthand knowledge that the failure to file an SOU or Extension Request by the specific deadline was unintentional, and requests the USPTO to revive the abandoned application.

Notice of Allowance was received by applicant.

EXTENSION OF TIME TO FILE STATEMENT OF USE

The applicant, Stoner, Theodore A, having an address of
99 S. Downing St. #501
Denver, Colorado 80209
United States

requests revival of the application identified above, and submits extension(s) of time to file the Statement of Use under 37 C.F.R. Section 2.89. The Notice of Allowance mailing date was 03/25/2008.

Notice of Allowance was received by applicant

For International Class 041:

Current identification: Entertainment services in the nature of on-going educational television programs in the field of children's entertainment; Entertainment in the nature of live theatrical performances by mixed media of live characters, puppetry and animation for children; Organizing cultural events for children; Education services, namely, providing professional training in the field of bilingual learning

The applicant has a continued bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with all of the goods and/or services listed in the Notice of Allowance, or as subsequently modified.

The applicant is filing extension number(s): 2.

The applicant has made the following ongoing efforts to use the mark in commerce on or in connection with each of those goods and/or services covered by the extension request: product or service research or development; market research; manufacturing activities; promotional activities; steps to acquire distributors; steps to obtain required governmental approval.

A fee payment in the amount of \$250 will be submitted.

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Declaration

The undersigned being hereby warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements and the like may jeopardize the validity of this document, declares that he/she is properly authorized to execute this document on behalf of the Owner; and all statements made of his/her own knowledge are true and that all statements made on information and belief are believed to be true.

Signature: /Theodore A Stoner/ Date: 05/02/2009

Signatory's Name: Theodore A Stoner

Signatory's Position: owner

000044

RAM SALE NUMBER: 5304
RAM ACCOUNTING DATE: 20090504

INTERNET TRANSMISSION DATE:
2009/05/02

SERIAL NUMBER:
78/812529

Description	Fee Code	Transaction	Total Fees Paid
POA	7005	2009/05/02	100
ESU	7004	2009/05/02	150

000045

Side - 1



NOTICE OF REVIVAL
MAILING DATE: May 4, 2009

The trademark application identified below has been revived to pending status. The application file will be forwarded to the appropriate section of the Office for further processing.

To verify the status and location of your application, please wait approximately three weeks and check the USPTO website at <http://tarr.uspto.gov/> or call the Trademark Assistance Center at 1-800-786-9199.

SERIAL NUMBER: 78812529
MARK: BONGO BI-LINGO BUDDY
OWNER: Stoner, Theodore A
REVIVAL DATE: May 4, 2009

Side - 2

UNITED STATES PATENT AND TRADEMARK OFFICE
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99 S DOWNING ST APT 501
DENVER, CO 80209-2405

000046

Side - 1



**NOTICE OF APPROVAL
OF EXTENSION REQUEST
MAILING DATE: May 28, 2009**

A Notice of Allowance issued for the trademark application identified below on Mar 25, 2008. The SECOND request for extension of time to file a Statement of Use has been approved. Applicant must continue to file extension requests every 6 months calculated from the date the Notice of Allowance was issued until a Statement of Use is filed. Please note that a Statement of Use cannot be filed more than 36 months from the issuance date of the Notice of Allowance.

For further information, visit our website at: <http://www.uspto.gov> or call the Trademark Assistance Center at 1-800-786-9199.

SERIAL NUMBER: 78812529
MARK: BONGO BI-LINGO BUDDY
OWNER: Stoner, Theodore A

Side - 2

UNITED STATES PATENT AND TRADEMARK OFFICE
COMMISSIONER FOR TRADEMARKS
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DENVER, CO 80209-2405

000047

Trademark/Service Mark Statement of Use (15 U.S.C. Section 1051(d))

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	78812529
LAW OFFICE ASSIGNED	LAW OFFICE 102
EXTENSION OF USE	NO
MARK SECTION	
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	BONGO BI-LINGO BUDDY
OWNER SECTION (no change)	
GOODS AND/OR SERVICES SECTION	
INTERNATIONAL CLASS	041
CURRENT IDENTIFICATION	Entertainment services in the nature of on-going educational television programs in the field of children's entertainment; Entertainment in the nature of live theatrical performances by mixed media of live characters, puppetry and animation for children; Organizing cultural events for children; Education services, namely, providing professional training in the field of bilingual learning
GOODS OR SERVICES DELETED FROM THE APPLICATION OR INCLUDED IN A REQUEST TO DIVIDE	Entertainment services in the nature of on-going educational television programs in the field of children's entertainment;
GOODS OR SERVICES IN USE IN COMMERCE	Entertainment in the nature of live theatrical performances by mixed media of live characters, puppetry and animation for children; Organizing cultural events for children; Education services, namely, providing professional training in the field of bilingual learning
FIRST USE ANYWHERE DATE	06/08/2004

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FIRST USE IN COMMERCE DATE	06/18/2008
SPECIMEN FILE NAME(S)	\\TICRS\EXPORT7\IMAGEOUT7 \\788\125\78812529\xml4\SO U0002.JPG
SPECIMEN DESCRIPTION	advertising flyer, June 18th 2008, used in Winter Park, Florida. Organizing cultural events for children -a bi-lingual edutainment workshop.
REQUEST TO DIVIDE	NO
PAYMENT SECTION	
NUMBER OF CLASSES IN USE	1
SUBTOTAL AMOUNT [ALLEGATION OF USE FEE]	100
TOTAL AMOUNT	100
SIGNATURE SECTION	
DECLARATION SIGNATURE	/Theodore A Stoner/
SIGNATORY'S NAME	Theodore A Stoner
SIGNATORY'S POSITION	owner
DATE SIGNED	09/01/2009
FILING INFORMATION	
SUBMIT DATE	Tue Sep 01 11:25:57 EDT 2009
TEAS STAMP	USPTO/SOU-174.51.73.38-20 090901112557617261-788125 29-440e229955be59f9f9a669 5891451afc2-CC-8234-20090 901111057951875

600049

**Trademark/Service Mark Statement of Use
(15 U.S.C. Section 1051(d))**

To the Commissioner for Trademarks:

MARK: BONGO BI-LINGO BUDDY
SERIAL NUMBER: 78812529

The applicant, Stoner, Theodore A, having an address of
99 S. Downing St. #501
Denver, Colorado 80209
United States

is submitting the following allegation of use information:

For International Class 041:

Current identification: Entertainment services in the nature of on-going educational television programs in the field of children's entertainment; Entertainment in the nature of live theatrical performances by mixed media of live characters, puppetry and animation for children; Organizing cultural events for children; Education services, namely, providing professional training in the field of bilingual learning

This **allegation of use** does **NOT** cover the following goods or services listed in either the application or Notice of Allowance or as subsequently modified for this specific class; these goods or services are either being **permanently deleted or included in a Request to Divide**: Entertainment services in the nature of on-going educational television programs in the field of children's entertainment;

The mark is in use in commerce on or in connection with the following goods or services listed in either the application or Notice of Allowance or as subsequently modified for this specific class: Entertainment in the nature of live theatrical performances by mixed media of live characters, puppetry and animation for children; Organizing cultural events for children; Education services, namely, providing professional training in the field of bilingual learning

The mark was first used by the applicant, or the applicant's related company, licensee, or predecessor in interest at least as early as 06/08/2004, and first used in commerce at least as early as 06/18/2008, and is now in use in such commerce. The applicant is submitting one specimen for the class showing the mark as used in commerce on or in connection with any item in the class, consisting of a(n) advertising flyer, June 18th 2008, used in Winter Park, Florida. Organizing cultural events for children -a bi-lingual edutainment workshop..

Specimen File-1

The applicant is not filing a Request to Divide with this Allegation of Use form.

A fee payment in the amount of \$100 will be submitted with the form, representing payment for the allegation of use for 1 class.

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Declaration

Applicant requests registration of the above-identified trademark/service mark in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq., as amended). Applicant is the owner of the mark sought to be registered, and is using the mark in commerce on or in connection with the goods/services identified above, as evidenced by the attached specimen(s) showing the mark as used in commerce.

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements may jeopardize the validity of the form or any resulting registration, declares that he/she is properly authorized to execute this form on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the form is being filed under 15 U.S.C. Section 1126(d) or (e), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

Signature: /Theodore A Stoner/ Date Signed: 09/01/2009
Signatory's Name: Theodore A Stoner
Signatory's Position: owner

RAM Sale Number: 8234
RAM Accounting Date: 09/01/2009

Serial Number: 78812529
Internet Transmission Date: Tue Sep 01 11:25:57 EDT 2009
TEAS Stamp: USPTO/SOU-174.51.73.38-20090901112557617
261-78812529-440e229955be59f9f9a66958914
51afc2-CC-8234-20090901111057951875

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"Will you be my Bi-lingo Buddy?"

Join Bongo on his musical island hopping

Adventures around Bi-Lingo Bay!

FIRST 10 players will receive a

FREE T-SHIRT!

Friday June 18th Time 10:00am-11:00am

YMCA Winter Park



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FEE RECORD SHEET

Serial Number: 78812529



RAM Sale Number: 8234

Total Fees: \$100

RAM Accounting Date: 20090901

<u>Transaction</u>	<u>Fee Code</u>	<u>Transaction Date</u>	<u>Fee per Class</u>	<u>Number of Classes</u>	<u>Total Fee</u>
Statement of Use (SOU)	7003	20090901	\$100	1	\$100

Transaction Date: 20090901



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Side - 1



NOTICE OF ACCEPTANCE OF SOU
MAILING DATE: Sep 17, 2009

The statement of use (SOU) filed for the trademark application identified below has been accepted. This acceptance means that the mark identified below is entitled to be registered. Accordingly, the registration will issue in due course barring any extraordinary circumstances.

For further information, visit our website at: <http://www.uspto.gov> or call the Trademark Assistance Center at 1-800-786-9199.

SERIAL NUMBER: 78812529
MARK: BONGO BI-LINGO BUDDY
OWNER: Stoner, Theodore A

Side - 2

UNITED STATES PATENT AND TRADEMARK OFFICE
COMMISSIONER FOR TRADEMARKS
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THEODORE A STONER
99 S DOWNING ST APT 501
DENVER, CO 80209-2405

000054

United States of America

United States Patent and Trademark Office

BONGO BI-LINGO BUDDY

Reg. No. 3,700,403 STONER, THEODORE A (UNITED STATES INDIVIDUAL)
Registered Oct. 20, 2009 99 S. DOWNING ST. #501
DENVER, CO 80209

Int. Cl.: 41 FOR: ENTERTAINMENT IN THE NATURE OF LIVE THEATRICAL PERFORMANCES BY MIXED MEDIA OF LIVE CHARACTERS, PUPPETRY AND ANIMATION FOR CHILDREN; ORGANIZING CULTURAL EVENTS FOR CHILDREN; EDUCATION SERVICES, NAMELY, PROVIDING PROFESSIONAL TRAINING IN THE FIELD OF BILINGUAL LEARNING, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

SERVICE MARK
PRINCIPAL REGISTER

FIRST USE 6-8-2004; IN COMMERCE 6-18-2008.

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

SN 78-812,529, FILED 2-10-2006.

JORDAN BAKER, EXAMINING ATTORNEY



David J. Kappas

Director of the United States Patent and Trademark Office

000055



TTABVue. Trademark Trial and Appeal Board Inquiry System

v1.8

Cancellation

Number: 92059305

Filing Date: 06/05/2014

Status: Pending

Status Date: 06/05/2014

General Contact Number: 571-272-8500

Interlocutory Attorney: ELIZABETH A DUNN

Paralegal Name: ELLEN YOWELL

Defendant

Name: Theodore A Stoner

Correspondence: MATTHEW H SWYERS

THE TRADEMARK COMPANY PLLC

344 MAPLE AVE W, STE 151

VIENNA, VA 22180

UNITED STATES

mswyers@TheTrademarkCompany.com

Serial #: 78812529 Application File

Registration #: 3700403

Application Status: Cancellation Pending

Mark: BONGO BI-LINGO BUDDY

Plaintiff

Name: MWR Holdings, LLC

Correspondence: WILLIAM W STROEVER

GREENBERG TRAUERIG LLP

200 PARK AVENUE, PO BOX 677

FLORHAM PARK, NJ 07932-0677

UNITED STATES

stroeverw@gtlaw.com, amellom@gtlaw.com, njdocket@gtlaw.com

Serial #: 86146757 Application File

Application Status: Report Completed Suspension Check - Case Still Suspended

Mark: BONGO BEAR

Prosecution History

#	Date	History Text	Due Date
9	01/09/2015	P MOT TO COMPEL DISCOVERY	
8	09/12/2014	P APPEARANCE / POWER OF ATTORNEY	
7	07/14/2014	ANSWER	
6	07/14/2014	D APPEARANCE / POWER OF ATTORNEY	
5	06/18/2014	D UNDELIVERABLE MAIL	
4	06/10/2014	P NOTICE OF INEFFECTIVE SERVICE	
3	06/05/2014	PENDING, INSTITUTED	
2	06/05/2014	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	07/15/2014
1	06/05/2014	FILED AND FEE	

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ESTTA Tracking number: **ESTTA608311**

Filing date: **06/05/2014**

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

Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

Name	MWR Holdings, LLC		
Entity	limited liability company	Citizenship	Delaware
Address	4855 Technology Way, Suite 700 Boca Raton, FL 33431 UNITED STATES		

Attorney information	Elliot Lipins Tutunjian & Bitetto, P.C. 425 Broadhollow Road, Suite 302 Melville, NY 11747 UNITED STATES trademarks@tb-iplaw.com, elliot@tb-iplaw.com Phone:631-844-0080		
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Registration Subject to Cancellation

Registration No	3700403	Registration date	10/20/2009
Registrant	Stoner, Theodore A 99 S. Downing St. #501 Denver, CO 80209 UNITED STATES		

Goods/Services Subject to Cancellation

Class 041. First Use: 2004/06/08 First Use in Commerce: 2008/06/18 All goods and services in the class are cancelled, namely: Entertainment in the nature of live theatrical performances by mixed media of live characters, puppetry and animation for children; Organizing cultural events for children; Education services, namely, providing professional training in the field of bilingual learning
--

Grounds for Cancellation

Abandonment	Trademark Act section 14
Priority and likelihood of confusion	Trademark Act section 2(d)

Mark Cited by Petitioner as Basis for Cancellation

U.S. Application No.	86146757	Application Date	12/18/2013
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	BONGO BEAR		

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Design Mark	BONGO BEAR
Description of Mark	NONE
Goods/Services	Class 041. First use: First Use: 2003/03/01 First Use In Commerce: 2003/03/01 ENTERTAINMENT SERVICES, NAMELY LIVE THEATRICAL PERFORMANCES FEATURING ELECTRONICALLY ANIMATED CHARACTERS FOR USE IN CHILD DEVELOPMENT AND PERSONAL APPEARANCES BY A COSTUMED CHARACTER
Attachments	86146757#TMSN.jpeg(bytes) Petition to Cancel.pdf(319711 bytes)

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	/Elliot Lipins/
Name	Elliot Lipins
Date	06/05/2014

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

In the matter of U.S. Trademark Registration No. 3,700,403

For the mark "BONGO BI-LINGO BUDDY"

Registration Date: October 20, 2009

-----X)	
MWR Holdings, LLC)	
)	
Petitioner,)	Cancellation No.
)	
v.)	
)	
Theodore A. Stoner,)	
)	
Respondent.)	
-----X)	

PETITION TO CANCEL

Petitioner MWR Holdings, LLC ("Petitioner") believes that it is being harmed and damaged by the continued existence of U.S. Trademark Reg. No. 3,700,403 of October 20, 2009 for the mark "BONGO BI-LINGO BUDDY" for "Entertainment in the nature of live theatrical performances by mixed media of live characters, puppetry and animation for children; Organizing cultural events for children; Education services, namely, providing professional training in the field of bilingual learning", in Class 41. Petitioner accordingly petitions for the cancellation thereof, and pleads as follows:

1. Petitioner is a limited liability company organized under the laws of Delaware having a business address of 4855 Technology Way, Suite 700, Boca Raton, Florida 33431.

2. Upon information and belief, Theodore A. Stoner ("Respondent") is an individual having an address of 99 S. Downing St. #501, Denver, Colorado 80209.

3. Respondent is the registrant of record for Reg. No. 3,700,403 of October 20, 2009 for the mark "BONGO BI-LINGO BUDDY" for "Entertainment in the nature of live theatrical

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performances by mixed media of live characters, puppetry and animation for children; Organizing cultural events for children; Education services, namely, providing professional training in the field of bilingual learning”, in Class 41 (the “403 Registration”). The application which matured into the ‘403 Registration was filed on February 10, 2006 based on an intent to use under Section 1(b). Respondent asserted an actual first date of use in commerce of June 18, 2008. Respondent’s date of constructive use of the mark is February 10, 2006.

4. Petitioner is the owner of the mark "BONGO BEAR" for "Entertainment services, namely live theatrical performances featuring electronically animated characters for use in child development and personal appearances by a costumed character" in Class 041 (the "Petitioner’s Services"). Petitioner has continuously used its “BONGO BEAR” mark in commerce for Petitioner’s Services since March 1, 2003. Petitioner’s Services were first used in commerce before Respondent’s constructive or actual usage of the mark in the ‘403 Registration.

5. Petitioner has filed Application Serial No. 86/146,757 for registration of its BONGO BEAR mark for the Petitioner’s Services (the "Petitioner's Application").

6. The U.S. Patent and Trademark Office has issued a Section 2(d) rejection of Petitioner’s Application based upon a likelihood of confusion with the Respondent’s mark in the ‘403 Registration.

7. The mark in the ‘403 Registration “BONGO BI-LINGO BUDDY” is confusingly similar to the mark “BONGO BEAR” in Petitioner’s Application, and is for services that are identical or closely related to Petitioner’s Services.

8. Petitioner has continuously used and is using its mark BONGO BEAR for Petitioner’s Services from a time prior to Respondent’s constructive and actual first date of use of the mark in the ‘403 Registration.

9. The continued existence of the '403 Registration is likely to cause harm and damage to Petitioner in that it falsely represents to the public that Respondent has rights in and to the mark in the '403 Registration inconsistent with those of Petitioner as a prior user, and in that there is a false presumption of rights in the Respondent associated with the '403 Registration, which is inconsistent with Petitioner's superior rights. In addition, the existence of the '403 Registration falsely suggests to the public that, by virtue of the registration, there is an association between Petitioner and Respondent, or that services marketed by Respondent under the mark "BONGO BI-LINGO BUDDY" are in some manner associated with Petitioner, when they are not.

10. The continued existence of the '403 Registration is likely to cause further harm and damage to Petitioner in that Petitioner will be wrongfully prevented from registering the mark in Petitioner's Application, all to the detriment of Petitioner.

11. As a further grounds for cancellation, Petitioner asserts, upon information and belief, that Respondent has abandoned the mark by discontinuing its use of the mark with an intent not to resume such use.

WHEREFORE, the Petitioner prays that the present petition be granted and Reg. No. 3,700,403 be cancelled, and that Petitioner be granted such other relief as may be warranted.

Melville, New York
June 5, 2014

Respectfully submitted,

Elliot W. Lipins

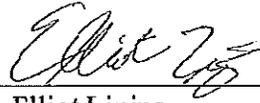


Tufunjan & Bitetto, P.C.
Attorneys for Petitioner
425 Broadhollow Road, Suite 302
Melville, NY 11747
(631) 844-0080 (p)
(631) 844-0081 (f)

CERTIFICATE OF SERVICE

It is hereby certified that on June 5, 2014, a true copy of the foregoing Petition to Cancel is being served by first-class mail, postage prepaid, to Respondent at the following address:

Theodore A. Stoner
99 S. Downing St. #501
Denver, Colorado 80209

By: 

Elliot Lipins

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

emy

Mailed: June 5, 2014

Cancellation No. 92059305
Registration No. 3700403

THEODORE A STONER
99 S DOWNING ST, #501
DENVER, CO 80209 UNITED STATES

MWR Holdings, LLC

v.

Theodore A Stoner

ELLIOT LIPINS
TUTUNJIAN & BITETTO PC
425 BROADHOLLOW RD, STE 302
MELVILLE, NY 11747 UNITED STATES

Denise M. DelGizzi,
Technical Program Manager:

A petition to cancel the above-identified registration has been filed. A service copy of the petition for cancellation was forwarded to registrant (defendant) by the petitioner (plaintiff). An electronic version of the petition for cancellation is viewable in the electronic file for this proceeding via the Board's TTABVUE system:
<http://ttabvue.uspto.gov/ttabvue/>.

Proceedings will be conducted in accordance with the Trademark Rules of Practice, set forth in Title 37, part 2, of the Code of Federal Regulations ("Trademark Rules"). These rules may be viewed at the USPTO's trademarks page: <http://www.uspto.gov/trademarks/index.jsp>. The Board's main webpage (<http://www.uspto.gov/trademarks/process/appeal/index.jsp>) includes information on amendments to the Trademark Rules applicable to Board proceedings, on Alternative Dispute Resolution (ADR), Frequently Asked Questions about Board proceedings, and a web link to the Board's manual of procedure (the TBMP).

Plaintiff must notify the Board in writing when service has been ineffective, within 10 days of the date of receipt of a returned service copy or the date on which plaintiff learns that service has been ineffective. Plaintiff has no subsequent duty to investigate the defendant's whereabouts, but if plaintiff by its own voluntary investigation or through any other means discovers a newer correspondence address for the defendant, then such address must be provided to the Board. Likewise, if by voluntary investigation or other

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means the plaintiff discovers information indicating that a different party may have an interest in defending the case, such information must be provided to the Board. The Board will then effect service, by publication in the Official Gazette if necessary. See Trademark Rule 2.118. In circumstances involving ineffective service or return of defendant's copy of the Board's institution order, the Board may issue an order noting the proper defendant and address to be used for serving that party.

Defendant's ANSWER IS DUE FORTY DAYS after the mailing date of this order. (See Patent and Trademark Rule 1.7 for expiration of this or any deadline falling on a Saturday, Sunday or federal holiday.) Other deadlines the parties must docket or calendar are either set forth below (if you are reading a mailed paper copy of this order) or are included in the electronic copy of this institution order viewable in the Board's TTABVue system at the following web address: <http://ttabvue.uspto.gov/ttabvue/>.

Defendant's answer and any other filing made by any party must include proof of service. See Trademark Rule 2.119. If they agree to, the parties may utilize electronic means, e.g., e-mail or fax, during the proceeding for forwarding of service copies. See Trademark Rule 2.119(b)(6).

The parties also are referred in particular to Trademark Rule 2.126, which pertains to the form of submissions. Paper submissions, including but not limited to exhibits and transcripts of depositions, not filed in accordance with Trademark Rule 2.126 may not be given consideration or entered into the case file.

Time to Answer	7/15/2014
Deadline for Discovery Conference	8/14/2014
Discovery Opens	8/14/2014
Initial Disclosures Due	9/13/2014
Expert Disclosures Due	1/11/2015
Discovery Closes	2/10/2015
Plaintiff's Pretrial Disclosures	3/27/2015
Plaintiff's 30-day Trial Period Ends	5/11/2015
Defendant's Pretrial Disclosures	5/26/2015
Defendant's 30-day Trial Period Ends	7/10/2015
Plaintiff's Rebuttal Disclosures	7/25/2015
Plaintiff's 15-day Rebuttal Period Ends	8/24/2015

As noted in the schedule of dates for this case, the parties are required to have a conference to discuss: (1) the nature of and basis for their respective claims and defenses, (2) the possibility of settling the case or at least narrowing the scope of claims or defenses, and (3) arrangements relating to disclosures, discovery and introduction of evidence at trial, should the parties not agree to settle the case. See Trademark Rule 2.120(a)(2). Discussion of the first two of these three subjects should include a discussion of whether the parties wish to seek mediation, arbitration or some other means for resolving their dispute. Discussion of the third subject should include a discussion of

whether the Board's Accelerated Case Resolution (ACR) process may be a more efficient and economical means of trying the involved claims and defenses. Information on the ACR process is available at the Board's main webpage. Finally, if the parties choose to proceed with the disclosure, discovery and trial procedures that govern this case and which are set out in the Trademark Rules and Federal Rules of Civil Procedure, then they must discuss whether to alter or amend any such procedures, and whether to alter or amend the Standard Protective Order (further discussed below). Discussion of alterations or amendments of otherwise prescribed procedures can include discussion of limitations on disclosures or discovery, willingness to enter into stipulations of fact, and willingness to enter into stipulations regarding more efficient options for introducing at trial information or material obtained through disclosures or discovery.

The parties are required to conference in person, by telephone, or by any other means on which they may agree. A Board interlocutory attorney or administrative trademark judge will participate in the conference, upon request of any party, provided that such participation is requested no later than ten (10) days prior to the deadline for the conference. See Trademark Rule 2.120(a)(2). The request for Board participation must be made through the Electronic System for Trademark Trials and Appeals (ESTTA) or by telephone call to the interlocutory attorney assigned to the case, whose name can be found by referencing the TTABVue record for this case at <http://ttabvue.uspto.gov/ttabvue/>. The parties should contact the assigned interlocutory attorney or file a request for Board participation through ESTTA only after the parties have agreed on possible dates and times for their conference. Subsequent participation of a Board attorney or judge in the conference will be by telephone and the parties shall place the call at the agreed date and time, in the absence of other arrangements made with the assigned interlocutory attorney.

The Board's Standard Protective Order is applicable to this case, but the parties may agree to supplement that standard order or substitute a protective agreement of their choosing, subject to approval by the Board. The standard order is available for viewing at: <http://www.uspto.gov/trademarks/process/appeal/guidelines/stndagmnt.jsp>. Any party without access to the web may request a hard copy of the standard order from the Board. The standard order does not automatically protect a party's confidential information and its provisions must be utilized as needed by the parties. See Trademark Rule 2.116(g).

Information about the discovery phase of the Board proceeding is available in chapter 400 of the TBMP. By virtue of amendments to the Trademark Rules effective November 1, 2007, the initial disclosures and expert disclosures scheduled during the discovery phase are required only in cases commenced on or after that date. The TBMP has not yet been amended to include information on these disclosures and the parties are referred to the August 1, 2007 Notice of Final Rulemaking (72 Fed. Reg. 42242) posted on the Board's webpage. The deadlines for pretrial disclosures included in the trial phase of the schedule for this case also resulted from the referenced amendments to the Trademark Rules, and also are discussed in the Notice of Final Rulemaking.

The parties must note that the Board allows them to utilize telephone conferences to discuss or resolve a wide range of interlocutory matters that may arise during this case. In addition, the assigned interlocutory attorney has discretion to require the parties to

Cancellation No. 92059305

participate in a telephone conference to resolve matters of concern to the Board. See TBMP § 502.06(a) (2d ed. rev. 2004).

The TBMP includes information on the introduction of evidence during the trial phase of the case, including by notice of reliance and by taking of testimony from witnesses. See TBMP §§ 703 and 704. Any notice of reliance must be filed during the filing party's assigned testimony period, with a copy served on all other parties. Any testimony of a witness must be both noticed and taken during the party's testimony period. A party that has taken testimony must serve on any adverse party a copy of the transcript of such testimony, together with copies of any exhibits introduced during the testimony, within thirty (30) days after the completion of the testimony deposition. See Trademark Rule 2.125.

Briefs shall be filed in accordance with Trademark Rules 2.128(a) and (b). An oral hearing after briefing is not required but will be scheduled upon request of any party, as provided by Trademark Rule 2.129.

If the parties to this proceeding are (or during the pendency of this proceeding become) parties in another Board proceeding or a civil action involving related marks or other issues of law or fact which overlap with this case, they shall notify the Board immediately, so that the Board can consider whether consolidation or suspension of proceedings is appropriate.

ESTTA NOTE: For faster handling of all papers the parties need to file with the Board, the Board strongly encourages use of electronic filing through the Electronic System for Trademark Trials and Appeals (ESTTA). Various electronic filing forms, some of which may be used as is, and others which may require attachments, are available at <http://estta.uspto.gov>.



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First Word--November 2004

Nov 01, 2004 | By Joyceann Cooney

>

In past editorials I've mentioned the first-ever MIPCOM Jr. Licensing Challenge, held October 3 at MIPCOM Jr. in Cannes, France, in partnership with *License!* and MIPCOM Jr./MIPCOM owner/organizer Reed Mdem. *License!* received a total of 26 entries to this year's challenge, from which a "Final Four" were chosen. In front of an international jury of experts, the four finalists—*Bernard* (Korean and Spanish co-production), *Bongo Bi-Lingo Buddy* (U.S.), *Jack Belly Bean-Curious Space Traveler* (Australia), and *Galactik Football* (France)—"pitched" their properties. While I consider all of them winners (as their concepts were new, unique, and innovative), there can only be one. Congratulations to Synergy Media/BRB Internacional for *Bernard*, a silent comedy about the adventures of a polar bear. Many thanks are in order to a top-notch jury that included: Gary Kneil of Sesame Workshop, Helen McAleer of BBC Worldwide, Jane Ritson-Parsons of Hasbro Properties Group, Ronnen Harary of Spin Master Toys, and Fred Gaffney of Gaffney International. The chairman of the jury, Warren Kornblum, former chief marketing officer of Toys "R" Us and now president/chairman of Shadow Entertainment and Shadow Branding, did a stellar job to coordinate the panel and moderate the pitch session. Until the second annual MIPCOM Jr. Licensing Challenge...

In addition, *License!* extends its thanks to Andy Mooney, chairman of Disney Consumer Products Worldwide, for his keynote presentation during MIPCOM, October 4. In that presentation, Mooney touched upon Disney past and focused in on Disney future, particularly its W.I.T.C.H. property, its upcoming films and potential franchises (*The Chronicles of Narnia: The Lion, The Witch and The Wardrobe*, for example), and Disney Consumer Products' foray into interactive (Disney's new computer system for children, for example).

There were some properties-to-watch at this year's MIPCOM Jr. and MIPCOM, and I'll reveal those next month in our December Source Book, a compilation of statistics and research conducted by *License!*'s editorial team throughout 2004, plus property predictions from each of our editors by categories.

This month, we provide a look at a sport-to-watch: Professional Bull Riders (PBR). First, it's not a rodeo. Second, from 2003 to 2004, the sport has been gaining ground with females, and with a younger set. Third, PBR already has amassed 37 licensees. And last, PBR hasn't even scratched the surface in licensing, merchandising, co-branding, promotions, and sponsorships. So kick back and learn more about this industry newcomer (remember the bull pen outside the Javits Center in New York during Licensing 2004 International Show?).

Keeping an eye on markets outside the U.S., *License!* turns its attention to the international retail climate and how a variety of licensors are penetrating new and unfamiliar territories. While we learned that the retail environment is similar to that of the U.S. (shrinking, competitive, exclusive deals), we did receive good news at press time from Australia: The Coles Myer Group, which comprises retailers Target, Kmart, and Myer, reported a full year (July 2003 to June 2004 financial year) profit increase of 26.5 percent. You'll find a list of emerging markets to watch, and a glimpse at how some licensors are thinking globally but acting locally.

Until next month...

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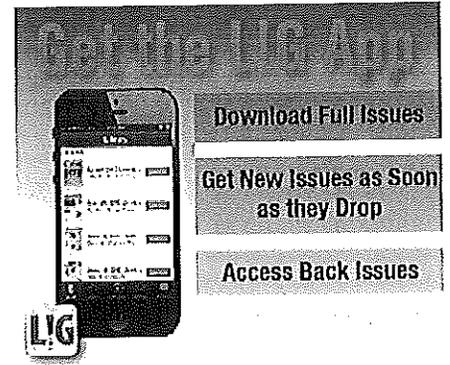


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- LIG** Watch out red carpet, Little Miss Bad and Mr. Chatterbox are on the way, along w...
Wed, 2015/01/28 - 4:25am
- LIG** The oldest symphony orchestra in the U.S., the New York Philharmonic, is expand...
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- LIG** Following the success of the first fan-created Autobot, Windblade, Hasbro, Inc....
Tue, 2015/01/27 - 8:25am

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Expanding Kids' Horizons

Makers of multicultural toys offer children new ways to see the world

Colleen Bohan -- Gifts & Dec, April 1, 2009

"The world does not revolve around me." That appears to be the message of a number of manufacturers who have recently entered the multicultural toy market. While the category may have historically evolved as a movement to provide children of various ethnic backgrounds with toys that reflect their own traits and experiences, these days it seems the prevailing driver for many of the latest entrants into the multicultural toy market is an urge to provide all children with a base for understanding lifestyles that differ from their own.

Karilo Kids Travel Charmers soft dolls

Talking the talk

Ted Stoner of Denver-based Bongo Cats, maker of the new Bongo Bi-Lingual Buddy, tells *Playthings* that he sees his Spanish-English/English-Spanish teaching toys as way to provide kids with the chance to take a "first step toward being a global citizen." He explains that his product—which features a plush cat accompanied by an interactive PC game that gives native Spanish- or English-speaking elementary school children basic vocabulary lessons in the other language—represents a move toward "raising awareness of and celebrating the differences between" the English-speaking and Spanish-speaking children that so often congregate in U.S. classrooms.

"We can't be so isolated like we have been in America ... we have to celebrate our differences. This is a good first step," says Stoner.

Bongo first became available last fall at a suggested retail price of \$22.

Bongo Cats isn't alone in its efforts to help kids become bilingual at a time in their lives when they are most receptive to learning new tongues.

Boca Beth, a Tampa, Fla.-based multimedia company founded by bilingual educator, filmmaker and songwriter Beth Butler, offers a suite of products designed to teach English-speaking children Spanish and Spanish speakers English. The company's Boca Beth Beginner Backpack (SRP \$49.99) includes a music CD, a bilingual DVD, a 44-page coloring/activity book presented with Spanish and English on each page, a puppet and a child-sized maraca. Its learning system provides a foundation of more than 225 words and 100 phrases in both languages, the company says, with the help of music and movement. The product line "provides parents and teachers the affordable solution to introducing Spanish right alongside English—with no second language

Pani Rani from Restoration Gallery's Global Green Pals line.

experience necessary on the part of the adult," Butler says.

Chicco, South Plainfield, N.J., is also expanding its bilingual offerings in 2009 with two additional products. The infant and preschool toy maker's Bilingual Talking Bear is a plush teddy that teaches children their first numbers and words in English and Spanish. Press the bright buttons

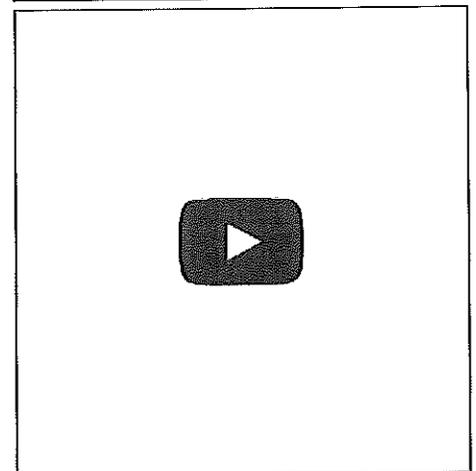
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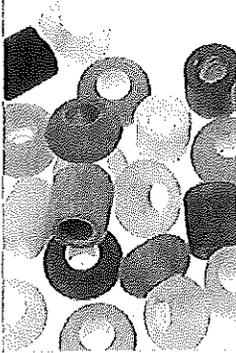
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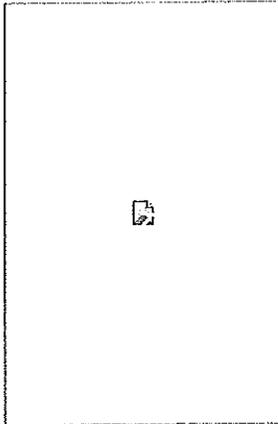
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On the bear's tummy to hear favorite nursery rhymes, count along with the bear and discover the names of fruits and animals. Squeeze the hands and feet for verbal encouragement to interact with the bear. Chicco's English-Spanish Talking Vacation Car (pictured on our cover) can expose kids to the names of objects and corresponding sounds, plus tell stories that kids complete by recognizing missing objects and solving riddles. Both toys retail for a suggested price of \$49.99.



India from Alexander Doll's International doll series

Other companies have taken a more direct route to the Spanish-speaking market. Indianapolis-based Fundex Games, for one, markets a line of games and a plush-with-DVD set based on *El Chavo*, an animated series based on a still wildly popular Mexican sitcom from the 1970s about a street urchin who lives in a barrel. Some of the products, like Fundex's *El Chavo* Board Game, are printed entirely in Spanish, with English instructions available from the company.

Playing with an open mind

Laura M. Rangel, CEO and president of KidsGive, tells *Playthings* that a desire to "teach kids about how to give back and to help inspire world-mindedness" inspired her and Lisa Steen Proctor, the company's chief operating officer, to develop their line of Karito Kids dolls, soft dolls and books.

The original Karito Kids were introduced in 2007. Each of the 21-inch dolls, which retail for a suggested \$99.99, are designed to depict a character from a different country and culture.

Each comes with a storybook featuring the doll's character, filled with information about that character's culture.

KidsGive drives home its message of world-mindedness through a charitable giving component tied to the purchase of the dolls. The company donates 6 percent of the wholesale price of each product to the Plan International children's charity. Customers use a special code that comes packaged with each product to log into KaritoKids.com and specify an area for which they'd like their donation to be used; for instance they can choose to push their money towards funding education, healthcare, food or home expenses for children in other areas of the world who are in need.

Since its inception, KidsGive has expanded its lineup of multicultural toys with the introduction of its Travel Charmers line of smaller, softer versions of the initial characters. They retail for \$19.99. This new line expands the reach of the original doll assortment by sending the characters on trips to explore new places and cultures, allowing children the chance to learn about these cultures and to continue their charitable involvement. Rangel told *Playthings* that KidsGive plans to expand its Travel Charmers lineup in the fall.

Several other new companies have also appeared in recent years to stake a claim in the market for dolls with multinational appeal.



Boca Bath's Boca Beth Beginner Backpack set

The Global Green Pals, from New York's Restoration Gallery, are a new assortment of eco-friendly educational dolls for children ages 4 and up whose characters are an international cast of do-gooders—including Indian character Pani Rani (pictured)—who are determined to do their part to help save the planet's fragile environment. In partnership with 1% For The Planet, a portion of every purchase will go to environmental conservation efforts.

H. Lee Toy Company, Columbus, Ohio, offers Little Sis + International Friends, a line of multi-ethnic soft dolls in four hues, and in boy and girl versions. Each 13½-inch doll comes with an everyday outfit and a culture-specific traditional costume.

Not-so-new company, Alexander Doll, maker of the venerable Madame Alexander brand, offers a series of International collector dolls also dressed in the ceremonial

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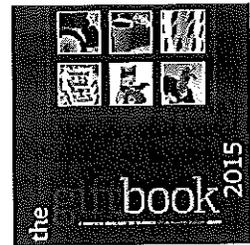
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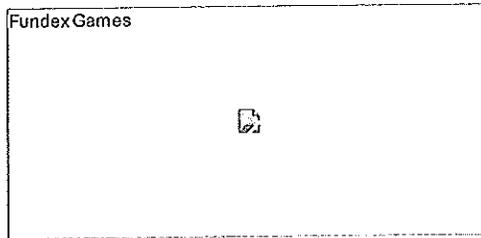
attire of each doll's country of origin. The line includes collectible ethnic dolls dressed in ensembles representative of those worn in Africa, Austria, China, Croatia, India and Mexico.

Little Bridges doesn't focus entirely on dressed-up dolls. Instead, the Chicago-based company offers multicultural dress-up products for girls that match those of their dolls. The dress-up clothes include outfits from Japan, India, China and Botswana, each with an accessory from that country as well as information about what life might be like for a girl from that culture.

A new way to relate

San Jose, Calif.-based Cahoots is entering the multicultural marketplace this year with its new Culture Critters brand, which it introduced at Toy

Fair in February. Van Le, one of the brand's creators, discussed the brand with *Playthings*, explaining that it will initially launch later this year with 11 characters that each hail from a different part of the world, such as India, Mexico, Brazil, China, North Africa and Brazil.



H. Lee Toys' Little Sis + International Friends dolls

Le said the brand's characters—which will come to life through a line of vinyl figurines, plush and storybooks beginning in the fall—have been created to "promote cultural education and sensitivity." She explains that the company intends to package the vinyl versions of the characters with accessories that reflect the characters' interests, such as a skateboard or baking tools, and the characters' cultural backgrounds, like the tribal mask that comes with the North African character or the fan that comes with the Vietnamese character. Le said the decision to include both culturally specific items and interest specific items with each

character stems from a desire on the part of the creators to provide opportunities for children to relate to the characters from either standpoint.

The physical lines of products will be complemented by an online component. Le says the company also plans to launch an interactive website where kids can go to learn more about their favorite character's culture and perhaps even submit information about their own cultures so that other kids using the site can benefit from their contributions.

Global connections

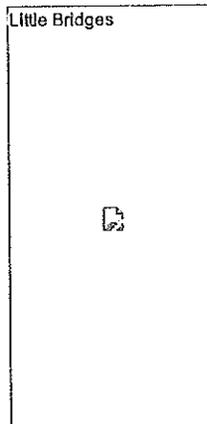
Similar to Cahoots, the new line of World Twinz Adventure Figures, set to launch in June from Ontario, Canada-based Worldview Toyz, are also heavily dependent on a complementary Web component.

Co-founders John Green and Michael Olotu tell *Playthings* that their company's new line of dolls, which represent a variety of characters from different areas of the world, will serve as a launching point to drive its targeted 7- to 12-year-old customers online to seek out an "identical twin" elsewhere in the world. These twins will be two children in different parts of the world who purchase the same doll around the same time; the two will find one another upon the completion of a collection of online activities.

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Paula Moore
Denver Business Journal

A year from now, Ted Stoner wants to have his first DVD in stores.

But the DVD won't feature the Denver entrepreneur and toy maker. It will star his creation, an orange cartoon cat called Bongo who teaches young kids English and Spanish through stories and songs.

"Bongo is about music, overcoming tough circumstances and [depending on one another]," Stoner said. "And he's bilingual; Bongo learns with you."

From Bongo DVDs, Stoner and his year-old Bongo Cats Inc. company plan to expand

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into stuffed animals and other toys, electronic learning aids, CDs, the Internet and live performances. (Stoner formerly ran his own toy company, Genesis Packaging Inc., maker of the Play Cycle.) Bongo's live show, featuring 17 performers, debuted at the Cherry Creek Arts Festival during the July Fourth weekend.

Bongo Cats expects to sell its DVDs for \$12.95 to \$14.95.

To start realizing that vision, Stoner, 42, is trying to raise \$2 million in capital, half of it for the DVD, from local as well as out-of-state investors.

He also enlisted children's entertainment pros such as Sue Beddington, who helped launch the popular, purple Barney character while at Texas-based Lyric Studios, which Hit Entertainment Ltd. of Britain purchased for \$275 million in 2001. Moving with Barney to Hit, Beddington also worked on the company's Bob the Builder, The Wiggles, Thomas the Tank Engine and Angelina Ballerina properties.

Beddington's Surround Marketing Group in Dallas basically is Bongo Cats' senior vice president of marketing, according to Stoner. "Sue's job is to help us roll out this entertainment brand," he said.

The kids' entertainment veteran especially likes Bongo's product possibilities and timely bilingual nature, plus Stoner's passion for his character.

"There are brands that strike you as being a flash in the pan, and others that have the elements of a classic children's brand," Beddington said. "Bongo has that. It's bilingual, and there's the music angle plus the whole idea of adventures and telling a story."

Jim Martin, an Emmy award-winning director of the long-running "Sesame Street" children's show, signed on to direct Bongo DVDs.

The idea of Bongo, whose full name is Bongo Bi-Lingo Buddy, comes from several trips Stoner took to Cuba in the late 1990s. On those trips, he learned about Operation Pedro Pan, a program that brought 14,000 Cuban orphans to this country for adoption in 1959.

"After a while, some of those kids forgot their Spanish," Stoner said. "Bongo is like them; he needs to learn Spanish again to get back home to Banana Isle."

The Bongo video and other components center around the story of the cat and his friends—including Maraca the mouse, who lives in Bongo's tail, and a wise, mentor-like lion named Sablo — making their way to Banana Isle. On the way, they stop at other islands, where kids learn Spanish or English words, songs and lessons in things such as friendship and

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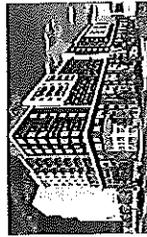
compassion.

Stoner contends Bongo is especially appropriate now, with the growth of the country's Hispanic population and heightened interest in children learning multiple languages. Anti-bilingual ballot initiatives have cropped up in some states through the years, passing in California and Arizona, but Colorado voters so far have rejected them as anti-public school and anti-immigrant, according to pollsters.

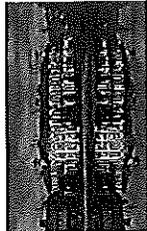
"There is more demand for Spanish," said Jorge Garcia, president of the Colorado Association for Bilingual Education. "More school districts are trying to prepare students for the 21st century, not only in Spanish but also in the need to acquire other languages."

So far, Stoner has gotten good feedback on his idea. Industry professionals who saw his presentation at last year's MIPCOM Junior children's programming trade show in Cannes, France, praised its concept, music and language component, according to Stoner. "I came away from that feeling like we're on the right track."

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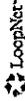
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Cindy Borth
Managing Editor

Toys and products geared toward children have always intrigued entrepreneur Ted Stoner.

So after several trips to Cuba in the late 1990s where Stoner learned about Operation Pedro Pan, a program that brought 14,000 Cuban orphans to the United States for adoption in 1961, a new idea for a business began to take hold.

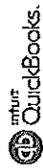
"I learned during that time that many of these young children forgot their Spanish after losing touch with their homeland," Stoner says. "It was shortly after that that I came up with the idea of an orphaned

orphaned child named Benny who resided in

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orange cat named Bongo who needed to learn Spanish as he was trying to get back to his own homeland of Banana Isle.*

Today, that idea is finally coming to fruition for Stoner and his company, Bongo Cats Inc., which was officially established in 2004 after Stoner spent years developing the concept.

The 42-year-old entrepreneur, who attended Rollins College, already has raised about \$600,000 of the \$2 million in capital needed to fully launch Bongo, capital-raising he says he is doing in \$250,000 stages. He also has enlisted the help of entertainment industry professional Sue Beddingfield, who helped rework the popular Barney character after its early heydays in the 1990s while at Texas-based Lyric Studios, which was bought by Hit Entertainment Ltd. of Great Britain for \$275 million in 2001.

While with Hit, Beddingfield also worked on other well-known children's properties such as The Wiggles, Angelina Ballerina, Bob the Builder and Thomas the Tank Engine. The marketing pro also helped launch the wildly successful Veggie Tales products.

Beddingfield says she was attracted to Stoner's idea immediately.

"I guess the one thing that stuck out in my mind — besides the almost endless potential for other products related to this concept — was Ted's passion for Bongo," says Beddingfield, founder of Surround Marketing Group in Dallas, Texas. "There's a lot of really good ideas out there, but many times they hinge on whether someone has the passion to really push it through. I was convinced Ted has that passion."

Passion for products is nothing new for Stoner. He got his entrepreneurial feet wet in 1996 when he launched his first company, PlayCycle LLC, in Denver, Colo. PlayCycle makes building block-type containers that can be used simply as blocks or to hold merchandise.

When Stoner began to envision the idea for Bongo, he started with one concept: an interactive plush toy that is also a musical instrument. But after conversations with Beddingfield, he realized an entertainment element was needed. Now, the Bongo Cats line will include not only the plush toy, but DVDs, CDs, books, an internet site where children can also interact with the characters and a live-performance show that will travel across the United States.

The idea, Stoner says, is to emphasize music, language learning, and the concepts of compassion and friendship. To do that, Bongo the Bi-Lingo Buddy centers around the story of the cat and his friends — which include a mouse named Maraca that lives in Bongo's tail, a mentor-like lion named Sabio, a cheerleader/encourager flamingo named CanCan, a doubtful turtle named Dudoso, and a bulldog nemesis named Huracan — making their way back to Bongo's homeland of Banana Isle.

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Along the way, Bongo and friends stop at other islands, which provide a format for children to learn either English or Spanish words, songs and lessons about dealing with other people.

The concept is already attracting attention.

After its selection as the only U.S. property to present at last year's MIPCOM Junior children's programming and merchandising trade show in Cannes, France, Bongo Cats received praise for its concept, music and language component from industry professionals who saw Stoner's presentation there.

The language component in particular is one reason why Stoner is making his hard push now. Thanks to the growth of the Hispanic population, especially in states like Florida, Stoner says he believes Bongo is right on time to be hugely successful. To kick off the concept, Stoner is bringing the Bongo Cats 30-minute interactive live-performance show to Orlando, Tampa and Miami next summer. By then, he also plans to have rolled out four DVDs — which will retail for \$12.95 to \$14.95 each — and begun work on 13 22-minute shows for television.

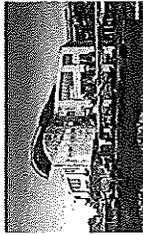
The critical step, says Beddingfield, is finding the right partners for each of the components — partners who will stay true to the Bongo concept Stoner has worked hard to bring to life. It's not an easy task to accomplish, the marketing pro says, because it takes time to get the right pieces in place.

In fact, says Beddingfield, as most industry professionals like to say, it takes about four years to make an overnight success. "So Ted's right about on time."

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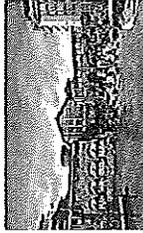


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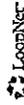
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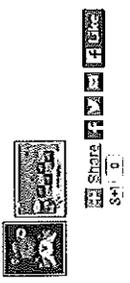
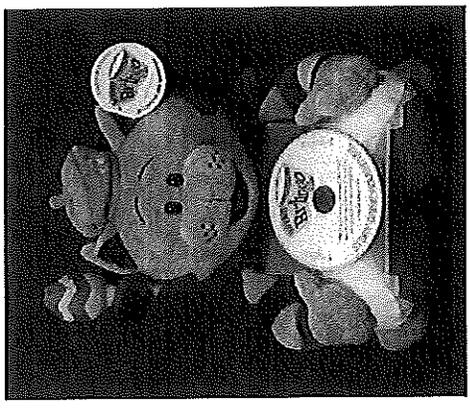
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"BI-LINGO" A BILINGUAL STORY GAME ADVENTURE. Join Bongo on a Caribbean Bi-Lingual adventure- Kids love helping Bongo on their Musical Island Hopping Adventure back to his home land Banana Isle, where he celebrates with the Bongo Cats! Kids play a Bilingual matching game adventure to help Bongo advance to the next island; but watch out for grumpy unsharing music hating hurricane!

Brand: Bongo Cats Inc.
 Age Range: 2-4 years



Tail a Island

Your cart is empty.
 How do I get started?

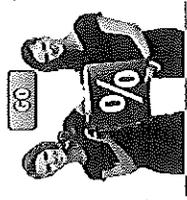
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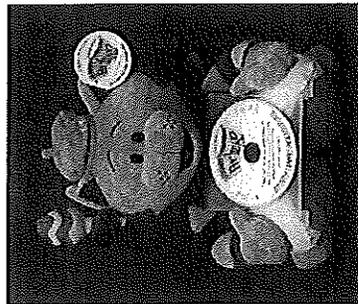
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AND YOUR NUMBER**

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Bongo Bi-Lingo Buddy



Found by **cherrillbeelle**
Micro from: amazon.com

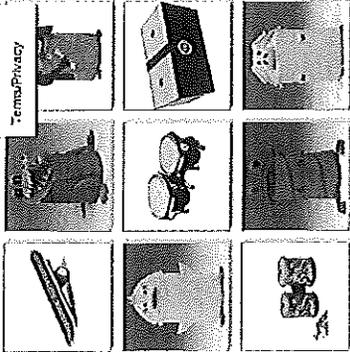
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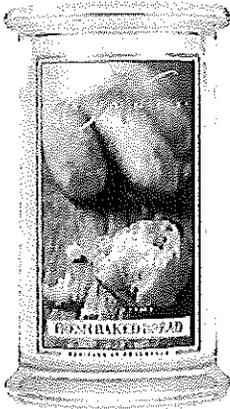
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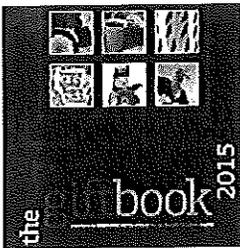
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Licensing Show roundup

Playthings Staff -- Gifts & Dec, June 14, 2004

NEW YORK — If anyone had any doubts about the health (or wealth) of the licensing industry, doubt no more.

By all accounts and reports, last week's International Licensing 2004 proved that the industry is alive and well, with enough creative energy to carry most, if not all, categories.

With a host of anniversaries upcoming, childhood icons are passing middle age and could actually begin collecting Social Security if they were, um...uhh...real. (You know, really, real.)

"Pat the Bunny" is approaching 65 years old; Mickey, 75. Thomas the Tank Engine, can you believe, is coming up to his big six OH. And all of them are still performing well at retail. (Well...we suppose of rock 'n' roll icons approaching their twilight years can still pack them in, so can toy icons.)

Savvy toy retailers might consider some merchandising "events" centered around these birthdays.

Speaking of Mickey, Disney is planning a holiday 2004 exclusive with Wal-Mart. Mambo Mickey — made with that incredibly soft Balboa plush — is being developed in-house by Disney.

Compared to the others, the Indomitable Pink Panther is barely in mid-life. No crisis, however; there are big plans underway for MGM's pink wonder, including a new movie next year starring Steve Martin, who signed a two-pix deal with the studio. In addition, the feline brand will "cross over" into juvenile products, including sleep, bath, meal and play.

And speaking of play, plans are in the negotiating stage for a Build-a-Bear Workshop right in the heart of Manhattan's prime shopping district, Fifth Avenue. Although "Chief Executive Bear" Maxine Clark could not divulge the possible location, she did tell playthings.com that the store would be open in a year.

Like all the workshops — 157 in the United States and Canada — the New York City location will be what Clark calls a "retail entertainment" venue.

Who can argue with success? In a short six years, 20 million stuffed "friends" have been created at the workshops.
— Maria Welskott

FDNY was in plain presence at the show. Fire Zone director of licensing Marjorie Morris says a deal is just about ready to be inked with Corgi Classics to produce a die-cast line of FDNY vehicles. The license is owned by the FDNY Fire Safety Education Fund.

Tom the Tractor is getting close to a home video deal, probably signed within the next 30 days, says The Wildflower Group's Michael Carlisle. Tom is also currently being pitched for TV, he says.

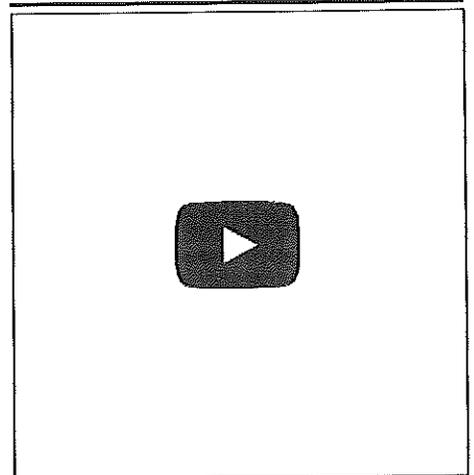
You already know da boyz. Now get to know the boys N the woods. Sony is prepping the release of the full-length CGI "Open Season" in '06 and is casting about for licensees for the feature starring a grizzly bear (Boo, Martin Lawrence) and a one-antlered mule-deer (Elliot, Ashton Kutcher). Very goofy.

Baby Gund is expanding further into plush, giftware and, yes, even jewelry. Carlisle says the category is growing sharply (yes, really) and represents a significant and continuing opportunity for the entire company.

An August test date has been set for ACM/Sugarloaf's first foray with Alphabet Eurps in its claw-like amusement vending machines. About 260,000 units will move through 10,000 machines, says Eurpsville CEO Michael Kohn.

You think you've got problems? Consider this. That ubiquitous smiley face that's been around forever is probably one of the most, ahem — challenging — properties to protect

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Mud Pie

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for exactly those reasons. Maybe they shouldn't bother. The SmileyWorld book is occupied by the French company controlled by Nicholas Loufrani, son of the journalist who trademarked the smileyface icon in 1971. The only thing is, it's generally accepted that the image was originally created in 1963 by a fellow named Harvey Ball in Worcester, Mass. Naughty or nice, SmileyWorld asserts the trademark. Only how do you enforce it? For example, does Wal-Mart pay royalties? No, says the young Loufrani, who seems uneasy about making a big deal about it. We wondered why until he mentioned that a lot of his Smiley merchandise is being sold through the world's largest retailer. But Loufrani must be used to such frustration. At least three booths within sight of his were using variations of smiley in their graphics. Oh well, have a nice day!

The folks at Creative Media note that drug chains have emerged as the top retail channel for seasonal merchandise, including toys. That's particularly important for them, especially since they own the licenses for "Santa Claus Is Coming to Town," "Rudolph the Red-Nosed Reindeer" and "The Little Drummer Boy," to name a few. The last is also reflective of a quietly growing but significant "inspirational" market. We saw hints of that elsewhere, too.

Creative's Brad Fazzari also notes the dollar store trend and that his company has been adjusting some offerings to meet that opportunity head on. The challenge, Fazzari says, is being careful not to de-value existing brands or products just by plopping them on the dollar aisle gondolas. So Creative Media, whose focus is on acquiring undermanaged properties, has been working with some licensees to develop channel-appropriate products. It seems only logical but, clearly, it's a logic a lot of suppliers miss.

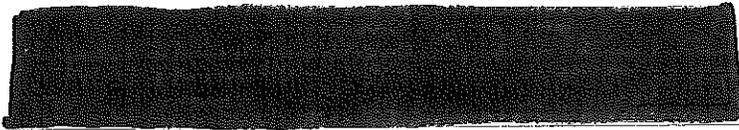
Speaking of undervalued, Charlie Chaplin is back. After a nearly 20 year absence (remember "Modern Times" helped introduce IBM PCs?) Krypton Imagination is representing the family and will shortly release the Chaplin styleguide. Some interesting and thoughtful stuff.

Entertainment, of course. Sports, for sure. But where was all the marketing to one of the largest demographic groups in the country—the hispanic market? Televisa was there and Bongo Cats were dancing around the show floor (or was that us every time we heard their salsa beat?). No biggie, but we were a little surprised we didn't see more push at a market still on the front end of its growth.

— Brent Felgner

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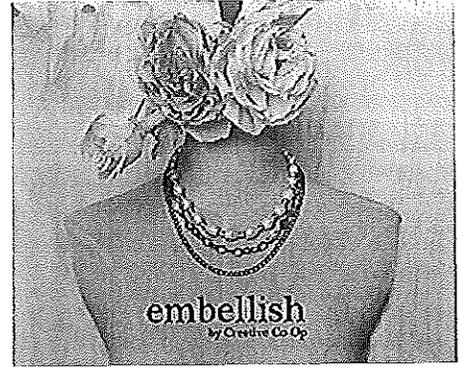


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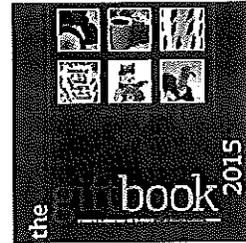
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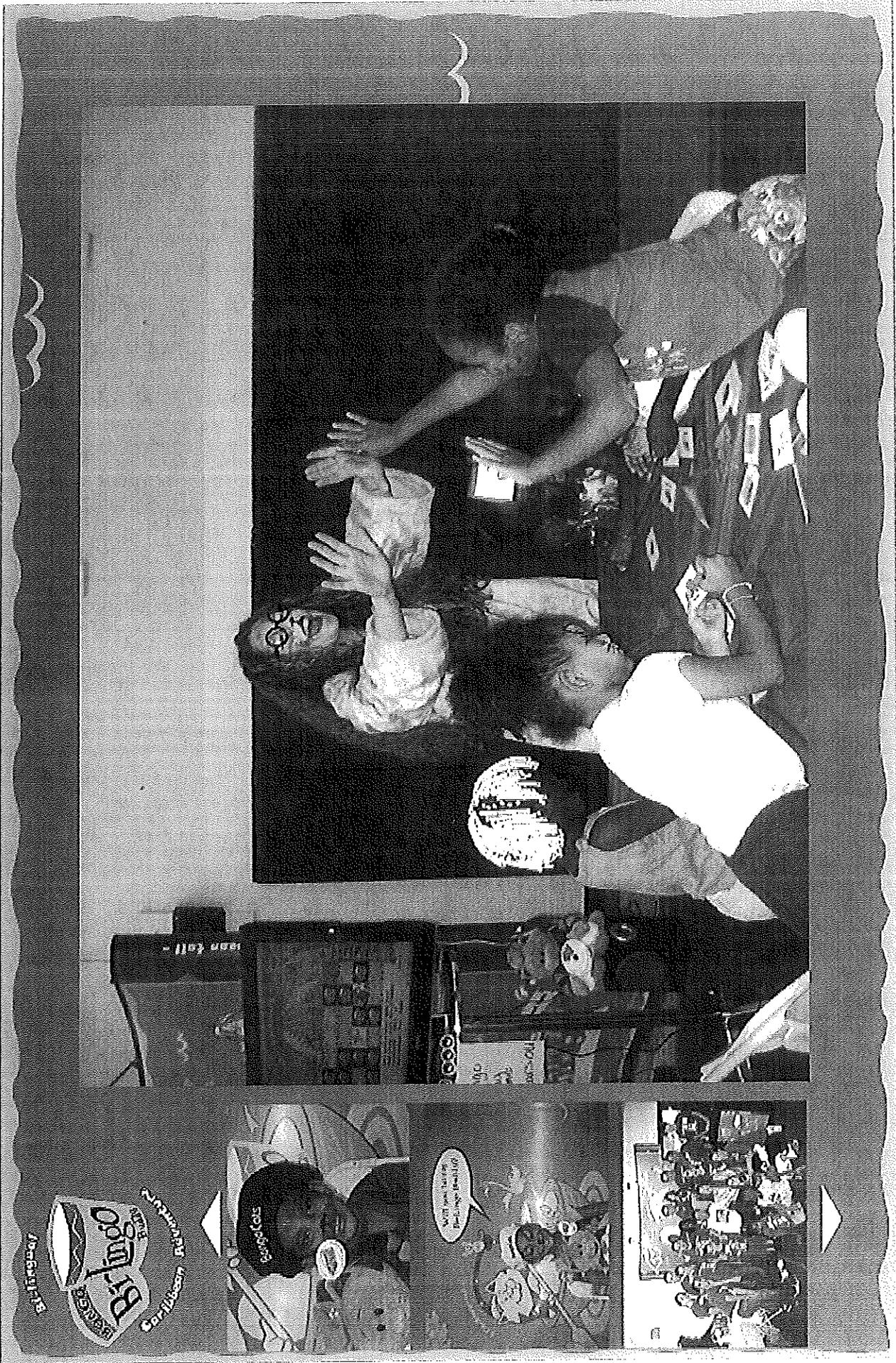
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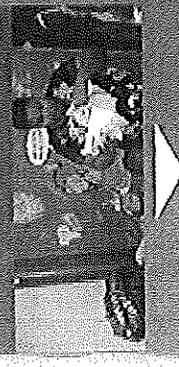
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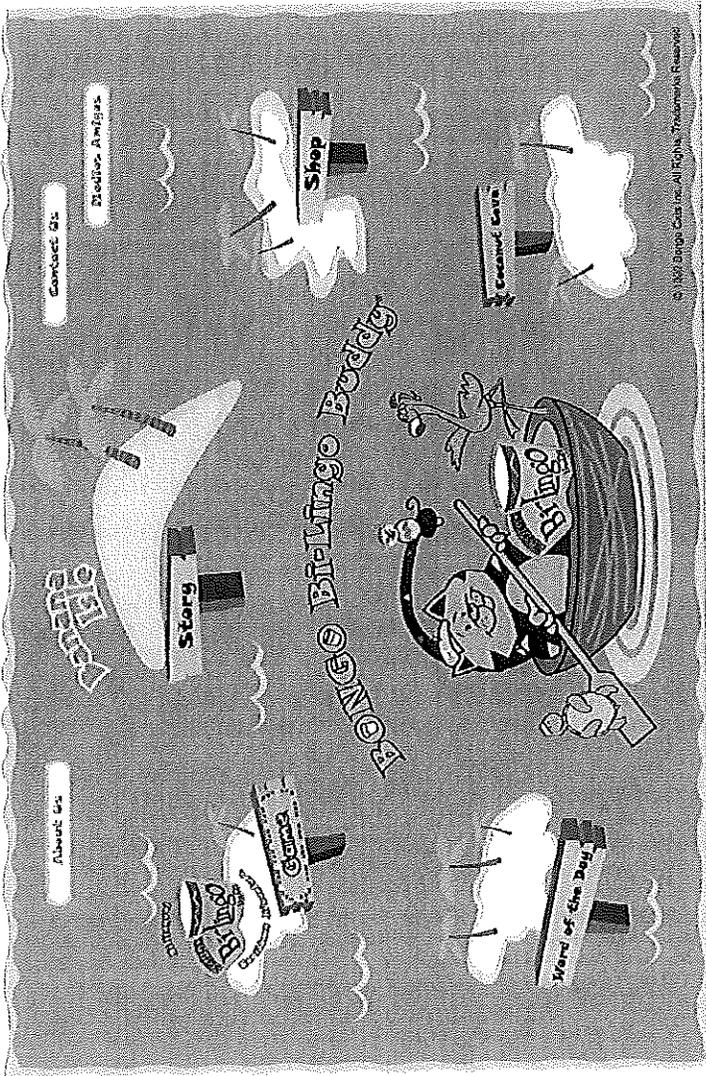






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Join Bongo on his musical island hopping adventure
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 ... a Caribbean tall!

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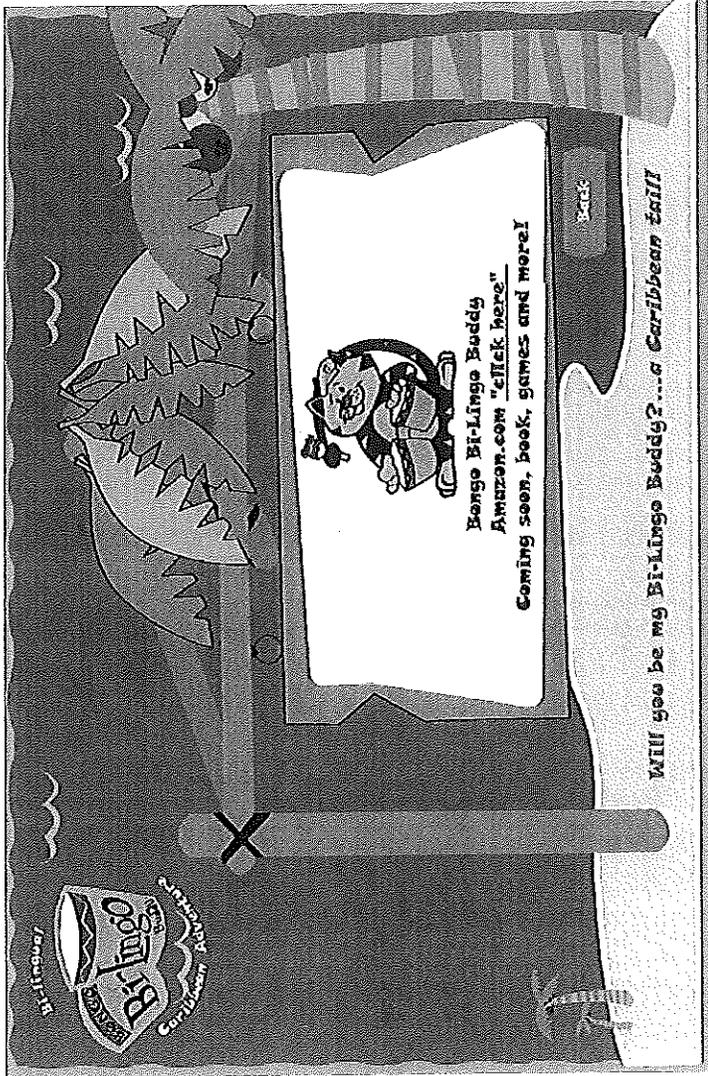
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Age =

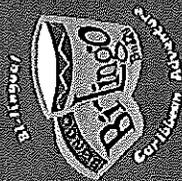
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"You will receive a new word/picture and pronunciation each day!"



000091



"Will you be my Bi-Lingo Buddy?..."
Join Bongo on your island hopping
adventure around Bi-Lingo Bay and
help him reunite with family, the
Bongo Cats, on Banana Island - A
Caribbean tale!

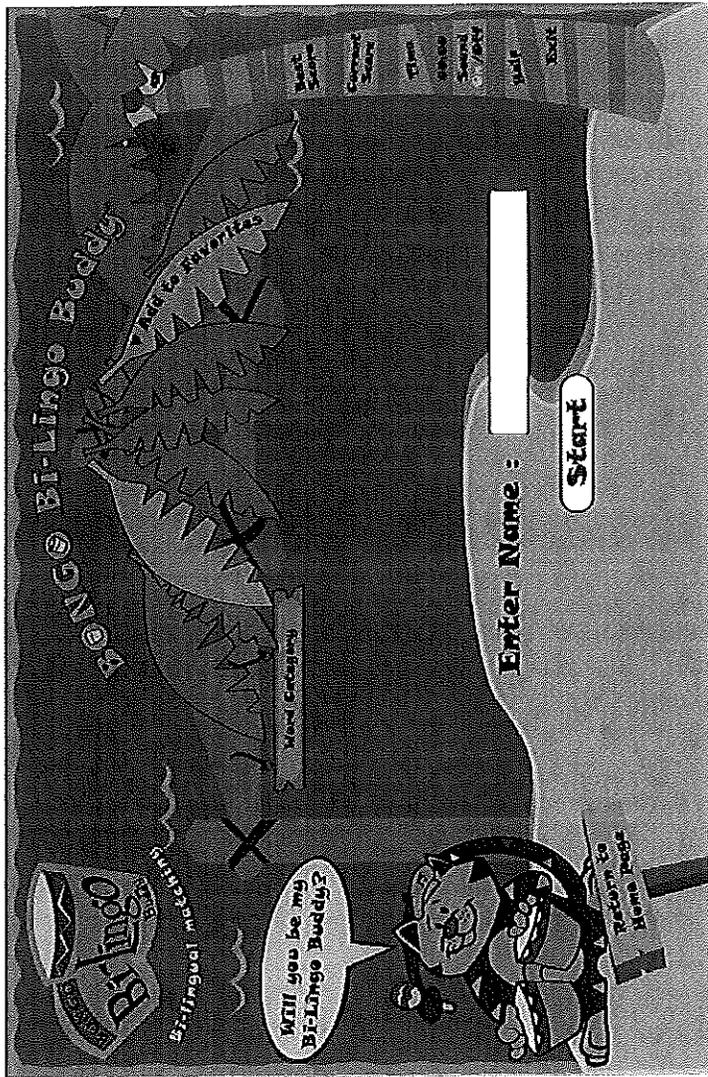
10% of all profits or \$1.00 of each
Bongo plush sold on Amazon.com,
whichever is greater, will go to
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http://www.compassion.com/sponsor_a_child/def/oft.htm?referer=97760

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Bi-Lingo Bilingual Learning System

Bi-Lingo AKA

Bi-Lingo = Fun, language learning and faster game play!

What is your primary language? English Spanish

Choose a card play Easy Medium Hard Zor

Turn Story On/Off On Off

Choose matching game Classic Bi-Lingo

Back Next Current Score Time Quit Sound On/Off Help Exit

Use Time page
Word of the
Day!

Welcome
Shannon

With you be my Bi-Lingo Buddy?

Return to Home page

1) First choose a brown card with BIG drum.
2) Then choose from the orange cards, with words on the front side.

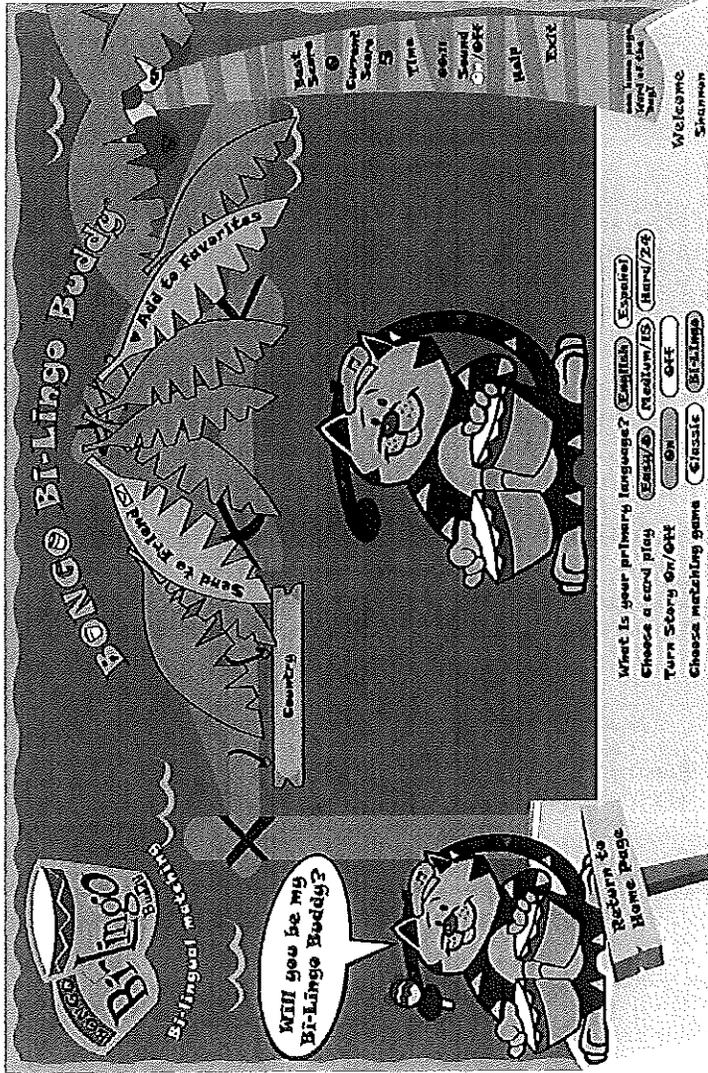
Game

Neumatic

Voiceme

Neumatic

Voiceme



Advance Bi-Lingo Beddy

Bi-Lingo:

- 1) First choose a brown card with BIG drum.
- 2) Then choose from the orange cards, with words on the front side.

Bi-Lingo = Fun, language learning and faster game play!

Exit

Best Score: 6

Current Score: 6

Time: 0:00

Game Sound: On/Off

Help

Exit

What is your primary language?

Choose a card plus: [English](#) / [Español](#)

Turn Story On/Off: [On](#) / [Off](#)

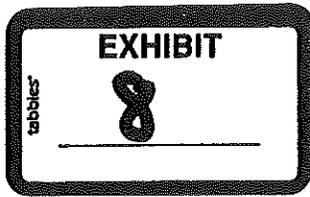
Choose matching game: [Classic](#) / [Bi-Lingo](#)

How many people want to play?

Welcome: [Shannon](#)

Will you be my Bi-Lingo Beddy?

Return to Home Page



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
The Trademark Trial and Appeal Board**

In the matter of U.S. Registration 3,700,403
For the mark BONGO BI-LINGO BUDDY
Registered on the Principal Register on October 20, 2009

MWR Holdings, LLC,	:	
	:	
Petitioner,	:	
	:	
vs.	:	Cancellation No. 92059305
	:	
Stoner, Theodore A.,	:	
	:	
Registrant.	:	

**REGISTRANT'S ANSWERS TO
PETITIONER'S FIRST SET OF REQUEST FOR ADMISSIONS**

TO: MWR HOLDINGS, LLC c/o William W. Stroeever, Greenberg Traurig, LLP, 200 Park Ave, Florham Pak, NJ 07932.

FROM: THEODORE A. STONER c/o Matthew H. Swyers, Esq., The Trademark Company, PLLC, 344 Maple Avenue West, PBM 151, Vienna, VA 22180.

COMES NOW the Registrant Theodore A. Stoner (hereinafter "Registrant") by and through counsel, The Trademark Company, PLLC, and hereby provides the following answers and objections to Petitioner MWR Holdings, LLC's (hereinafter "Petitioner") First Set of Request for Admissions stating as follows:

ADMISSIONS

REQUEST FOR ADMISSION NO. 1:

Admit that Registrant's date of first use in commerce of Registrant's Mark in the United States is June 18, 2008.

RESPONSE: Denied.

REQUEST FOR ADMISSION NO. 2:

Admit that Registrant's date of first use anywhere of Registrant's Mark in the United States is June 8, 2004.

RESPONSE: Admitted.

REQUEST FOR ADMISSION NO. 3:

Admit that Registrant has no basis to rely on a date prior to June 8, 2004 for use of Registrant's Mark on Registrant's Services for purposes of priority.

RESPONSE: Admitted.

Respectfully submitted this 29th day of January, 2015.

THE TRADEMARK COMPANY, PLLC

/Matthew H. Swyers/
Matthew H. Swyers, Esq.
344 Maple Avenue West, PBM 151
Vienna, VA 22180
Tel. (800) 906-8626
Facsimile (270) 477-4574
mswyers@TheTrademarkCompany.com
Counsel for Registrant

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
The Trademark Trial and Appeal Board

In the matter of U.S. Registration 3,700,403
For the mark BONGO BI-LINGO BUDDY
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Petitioner,	:	
	:	
vs.	:	Cancellation No. 92059305
	:	
Stoner, Theodore A.,	:	
	:	
Registrant.	:	

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I caused a copy of the foregoing this 29th day of January, 2015, to be served, via first class mail, postage prepaid, upon:

William W. Stroeveer
Greenberg Traurig, LLP
200 Park Ave
Florham Park, NJ 07932

/Matthew H. Swyers/
Matthew H. Swyers



William W. Stroever
Associate
973-443-3524 – Tel.
973-295-1291 – Fax
stroeverw@gflaw.com

February 6, 2015

VIA EMAIL &
FIRST CLASS MAIL

Mr. Matthew H. Swyers, Esq.
The Trademark Company PLLC
344 Maple Ave. West, Suite 151
Vienna, VA 22180

**Re: MWR Holdings, LLC v. Theodore A. Stoner
Cancellation No. 92059305
Our ref: 135518.021200**

Dear Mr. Swyers:

We are now in receipt of your client's discovery responses, which are deficient in numerous respects. As an initial matter, we have not received responses to Petitioner's first set of interrogatory requests, which were originally served on October 2, 2014. We are attaching an additional copy for your convenience, and repeat our request that your client respond to these interrogatories immediately.

With respect to your client's document request responses, there are severe deficiencies that must be remedied immediately. Most of your client's responses state that a "brief search of Registrant's records" was conducted, and promise to provide supplemental documents if Registrant discovers them prior to trial. As you are no doubt aware, Registrant has an obligation to make a good faith, diligent search of its records. It has an obligation to inform Petitioner of whether or not responsive documents exist and, in situations where responsive documents exist, to state whether or not those documents will be produced. When Registrant is aware of the existence of responsive, non-privileged documents, Registrant has an obligation to produce those documents in a timely manner. None of those obligations are being met here by Registrant, and Registrant must correct these deficiencies as soon as possible. Failing that, we will not hesitate to move to exclude documents produced at the eleventh hour by Registrant.

With respect to Registrant's specific responses:

Document Request No. 3 – Document Request No. 3 calls for all documents and things sufficient to identify each occasion on which Registrant has provided Registrant's Services under Registrant's Mark. If Registrant has been using its mark for the past six years as alleged, it is difficult to believe that the handful of documents that were produced are all of the responsive documents that exist. In addition, the bulk of

Mr. Matthew H. Swyers, Esq.
February 6, 2015
Page 2 of 2

documents produced appear to simply be images and pages from Registrant's website. When Registrant conducts its search of its records, this response must be supplemented.

Document Request Nos. 4, 6, 8, and 9 – It does not appear that any documents were produced in response to these requests. These responses must be supplemented immediately.

* * *

If you would like to discuss these responses or any other issues in this case, please do not hesitate to contact me at 973-443-3524. Otherwise I look forward to promptly receiving your client's supplemental responses. This letter is written without prejudice to any of Petitioner's claims and defenses, all of which are expressly reserved, including the right to raise further objections in the future.

Sincerely,

GREENBERG TRAUERIG, LLP



By: William W. Stroever

Enclosure

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

MWR HOLDINGS, LLC,

Petitioner,

v.

THEODORE A. STONER,

Registrant.

Cancellation No. 92059305

Mark: BONGO BI-LINGO BUDDY

Reg. No.: 3,700,403

Registered: October 20, 2009

PETITIONER'S FIRST INTERROGATORIES TO REGISTRANT

Pursuant to Rule 2.120 of the Trademark Rules of Practice and Rules 26 and 33 of the Federal Rules of Civil Procedure, Petitioner MWR Holdings, LLC ("MWR"), by its undersigned counsel, hereby requests that Registrant Theodore A. Stoner ("Stoner") answer the following interrogatories in writing and under oath, within thirty (30) days of the date of service hereof.

These interrogatories seek information as of the date of response and, as to those interrogatories addressed to matters falling within Rule 26(e)(1) & (2) of the Federal Rules of Civil Procedure, shall impose a continuing obligation on Registrant to serve upon Petitioner such further answers promptly after Registrant has acquired such knowledge.

I. INSTRUCTIONS

1. These interrogatories are addressed to Registrant and his (i) present or former employees, representatives, agents, heirs, successors and assigns or affiliated entities that were in existence during the applicable period of time covered by these

interrogatories; (ii) any other person or entity acting on Registrant's behalf or on whose behalf Registrant acted; and (iii) any other person or entity otherwise subject to Registrant's control or who controls Registrant, or with whom Registrant is under common control.

2. Registrant's answers must include all information concerning the matters inquired about that is available to Registrant's attorneys, and to investigators or other agents for Registrant and its attorneys.

3. If Registrant cannot answer any interrogatory fully and completely after exercising due diligence to make inquiry and secure the information necessary to do so, please so state and answer each such interrogatory to the fullest extent Registrant deems possible, specify the portion of each interrogatory that Registrant claims to be unable to answer fully and completely, state the facts upon which Registrant relies to support its contention that it is unable to answer the interrogatory fully and completely, and state what knowledge, information or belief Registrant has concerning the unanswered portion of each such interrogatory.

4. In the event that the answer to all or any part of any interrogatory is not presently known or available, Registrant shall include a statement to that effect, furnish the information known or available, and respond to the entire interrogatory by supplemental answer in writing and under oath within ten days from the time the entire answer becomes known or available. These Interrogatories seek responses as of the date hereof but shall be *deemed to be continuing* so that any additional information relating in any way to these interrogatories which Registrant acquires or which becomes known to Registrant up to and including the time of trial shall be furnished to Petitioner promptly

after such information is acquired or becomes known as required by Rule 26(e) of the Federal Rules of Civil Procedure.

II. DEFINITIONS

1. “And” and “or” shall be construed conjunctively or disjunctively, whichever makes the requests more inclusive. The term “all” shall mean “any and all,” and the term “any” shall mean “any and all.” The singular of any word or phrase shall include the plural of such word or phrase, and the plural of any word or phrase shall include the singular of such word or phrase.

2. The term “Communications” means any oral or written transmittal, correspondence, and/or receipt of words or information, whether such was by chance, pre-arranged, formal or informal, and specifically includes but is not limited to conversations in person, telephone conversations, telegrams, telexes, facsimiles, letters, emails, reports or memoranda, formal statements, newspaper stories, notes of telephone conversations, notes of meetings, data compilations, and electronically stored data. References to Communications with business entities shall be deemed to include Communication with all officers, directors, employees, agents, attorneys or other representatives of such entities.

3. The term “Document” shall mean and include any type of written, recorded, electronic, graphic or photographic matter of any kind or character, however produced or reproduced. The term thus includes, without limiting the generality of the foregoing, all photographs, sketches, drawings, videotapes, audiotapes, letters, telegrams, telexes, facsimiles, electronic mail, correspondence, brochures, manuals, press releases, transcripts of interviews, transcripts of speeches, product guides, contracts, consulting

agreements, other agreements, business plans, deeds, drafts, work papers, plans, blueprints, specifications, comparisons, surveys, data sheets, analyses, calculations, files (and their contents), notes to the files, reports, publications, mechanical and electronic sound recordings or transcripts thereof, calendar or diary entries, memoranda of telephone or personal conversations or of meetings or conferences, maps, studies, reports, charts, interoffice communications, minutes of meetings, articles, announcements, ledgers, vouchers, checks, receipts and invoices, tax records and forms, court pleadings and papers, discovery requests and responses including originals and copies of any of the foregoing, and any material underlying, supporting or used in preparing any Document.

4. The term "Entity" includes organizations, corporations, partnerships, associations, joint ventures and any other individual or group of individuals which has the purpose of conducting business.

5. The word "Identify", or any variation of the word Identify, shall mean to specify the full name; present position and business affiliation; last known physical address (including apartment number, if applicable); email address; telephone number and facsimile number with respect to a Person. In the case of a company, the word Identify shall mean to specify the name; officers or other persons having knowledge of the matter with respect to which the company is named; place of incorporation; address and principal place of business. In the case of a "document", the word Identify shall mean to specify the persons originating and preparing it; the sender; its general type (e.g., letter, memo, report, invoice, etc.); title; identifying number; general nature of its subject matter; addressees and recipients; date(s) of preparation; dates and manner of transmission, distribution and publication; location of each copy (including title, index

number and location of the file in which it is kept or from which it was removed); present custodian or person responsible for its filing or other disposition; and persons who can authenticate or identify it and, if privilege against production is claimed, the specific basis therefore and a complete specification and description of every fact upon which the claim of privilege is based.

6. The term "Person" includes any natural person, firm, association, organization, partnership, business, trust, governmental entity, joint venture, corporation or public entity. Additionally, the singular and plural forms are used interchangeably, as are the masculine and feminine forms.

7. The terms "Petitioner" or "MWR" means MWR Holdings, LLC, and shall include any officers, directors, corporate parents, subsidiaries, affiliates, predecessors or successors of MWR Holdings, LLC, as well as any employees, partners, agents, sales representatives, attorneys and all other persons acting or purporting to act on behalf of said entities, inclusively.

8. The terms "Registrant" or "Stoner" mean Theodore A. Stoner, and shall include any employees, representatives, agents, heirs, successors and assigns of Theodore A. Stoner, as well as any other persons acting or purporting to act on behalf of said entities, inclusively.

9. A Document "Refers" to a subject if, for example, it constitutes, comprises, describes, sets forth, reflects, analyzes, refers to, evidences, comments upon, mentions, is connected to, discusses, contains data relating to, or pertains to the subject.

10. As used herein, "Registrant's Mark" refers to the mark identified in Registrant's Trademark Registration, Reg. No. 3,700,403, namely, BONGO BI-LINGO BUDDY.

11. The term "Registrant's Services" shall refer to each of the services identified in Registrant's Trademark Registration, Reg. No. 3,700,403, namely: "Entertainment in the nature of live theatrical performances by mixed media of live characters, puppetry and animation for children; Organizing cultural events for children; Education services, namely, providing professional training in the field of bilingual learning."

12. The term "Petitioner's Mark" shall refer to the mark identified in Petitioner's Trademark Application, Serial No. 86/146,757, namely BONGO BEAR.

III. REQUESTS

1. Identify each individual involved on behalf of Registrant in the provision of services under Registrant's Mark.

2. Describe in detail the circumstances surrounding Registrant's alleged first use of Registrant's Mark anywhere, which purportedly occurred on June 8, 2004.

3. Describe in detail the circumstances surrounding Registrant's alleged first use of Registrant's Mark in commerce, which purportedly occurred on June 18, 2008.

4. Identify each individual who participated in the creation and adoption of Registrant's Mark.

5. For each month from Registrant's date of first use of Registrant's Mark until the present, state the sales volume of services provided by Registrant under Registrant's Mark.

6. Describe the target class of consumers to whom Registrant provides Registrant's Services.

7. Identify the date Registrant first became aware of Petitioner's use of Petitioner's Mark in the United States.

8. Describe with particularity all advertising conducted by Registrant relating to Registrant's Mark.

9. For each year since Registrant's date of first use of Registrant's Mark until the present, state the annual advertising and promotion expenditures in the United States for Registrant's Services.

10. State all facts upon which Registrant intends to rely to prove that there is no likelihood of confusion between Registrant's Mark and Petitioner's Mark.

Dated: October 2, 2014

GREENBERG TRAURIG, LLP

By: 
William W. Stroever
200 Park Avenue
P.O. Box 677
Florham Park, NJ 07932-0677
Tel. 973-443-3524
Fax 973-295-1291
stroeverw@gtlaw.com

Attorneys for Petitioner
MWR Holdings, LLC

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing First Interrogatories to Registrant has been served on Theodore A. Stoner by mailing said copy on October 2, 2014, via First Class Mail, postage prepaid to:

Matthew H. Swyers
The Trademark Company PLLC
344 Maple Ave. W, Suite 151
Vienna, VA 22180


Susan Schuchard

and shall include any predecessor or successor either within the United States or a foreign country.

C. The term “trademark” or “mark” includes trademarks, service marks, collective marks, certification marks and trade names as defined in 15 U.S.C. § 1127.

D. The term “in the U.S.” shall mean use in interstate and/or intrastate commerce in the United States.

E. The term “Registrant’s Mark” refers to the mark BONGO BI-LINGO BUDDY as identified in U.S. Trademark Registration No. 3,700,403.

F. The term “Petitioner’s Marks” refers to the mark BONGO BEAR as identified in U.S. Trademark Serial No. 86/146,757 and as referred to in the Petition to Cancel.

G. The term “you” shall mean the party or person to whom these interrogatories are propounded, all agents, employees, servants, attorneys, and all other representatives, and persons over whom the person or party to whom these interrogatories are propounded has the right to or does control or direct and activities.

H. The phrase “legal action” shall mean submission of correspondence to the Registrant or any third party not a party to this proceeding requesting that they cease use of a mark, or institution of any legal proceeding in the United States Patent & Trademark Office, state, or federal court or agency.

I. The term “live” shall mean currently registered with the U.S. Patent and Trademark Office and not dead as it applies to abandoned, cancelled, or successfully opposed trademarks.

INTERROGATORIES

INTERROGATORY NO. 1: State in detail the nature of the business, operations, and activities conducted by Petitioner.

ANSWER:

INTERROGATORY NO. 2: Identify each person who has knowledge of Petitioner's selection and adoption of Petitioner's Mark and who has knowledge of how it is used and/or intended to be used. To the extent this interrogatory identifies more than ten (10) persons, limit the response to only those persons who possess the most knowledge.

ANSWER:

INTERROGATORY NO. 3: Describe in detail all goods and services formerly and currently being offered by Petitioner in conjunction with Petitioner's Mark and any goods or services intended to be used in connection with Petitioner's Mark in the future identifying the dates on which Petitioner first began such use(s) and/or intends to begin such use and the geographic areas in which such use occurred and/or will occur.

ANSWER:

INTERROGATORY NO. 4: Describe any periods since Petitioner's alleged date of first use, as set forth in the preceding paragraph, during which Petitioner did not make use of

Petitioner's Mark either in whole or in part further identifying, by geographic region, locations in which Petitioner may have, at one time, had use of Petitioner's Mark but said use has stopped or is no longer continuing.

ANSWER:

INTERROGATORY NO. 5: With respect to each good and/or service identified in your response to Interrogatory No. 3, state the annual sales in units and dollars from the date of first use of each such good and/or service.

ANSWER:

INTERROGATORY NO. 6: With respect to each good and/or service identified in your response to Interrogatory No. 3, describe in detail the manner in which Petitioner's Mark is promoted in the United States, including but not limited to the media and mode of any marketing efforts as well as the geographic regions in which said promotions are conducted.

ANSWER:

INTERROGATORY NO. 7: For each medium identified in the preceding interrogatory, state the annual expenditure for advertising and promotion since inception.

ANSWER:

INTERROGATORY NO. 8: Identify the person or persons who, from the date of Petitioner's claimed date of first use(s) of Petitioner's Mark to the present, have been responsible for the marketing and/or promotion of Petitioner's goods and services under Petitioner's Mark indicating the period during which each person was so responsible.

ANSWER:

INTERROGATORY NO. 9: Identify all advertising agencies, public relations agencies or market research agencies that Petitioner has used, participated with or cooperated with in advertising, marketing or promoting the goods/services identified in response to Interrogatory No. 3, and indicate the time period(s) during which such activities were conducted.

ANSWER:

INTERROGATORY NO. 10: With respect to each good and/or service identified in your response to Interrogatory No. 3, describe in detail the channels of distribution by which the goods and/or services of Petitioner reach or are expected to reach the ultimate user or consumer.

ANSWER:

INTERROGATORY NO. 11: Identify any and all licensees of Petitioner's Mark, if any, and in so doing, describe each licensing arrangement and identify each product and/or service offered or sold by each licensee under Petitioner's Mark or similar designation.

ANSWER:

INTERROGATORY NO. 12: Describe in detail any adversarial proceeding or challenge, if any, involving Petitioner's Mark, or any similar designation, before the Trademark Trial and Appeal Board, Bureau of Customs, Federal Trade Commission, or any court or tribunal, including but not limited to any challenge by cease and desist letter to Petitioner's Mark.

ANSWER:

INTERROGATORY NO. 13: Identify all persons who have knowledge concerning Petitioner's selection, adoption and/or use of Petitioner's Mark for any products and services.

ANSWER:

INTERROGATORY NO. 14: Identify and describe any and all opinions relating to the Petitioner's Mark, including but not limited to Petitioner's use of the marks vis-à-vis Registrant's Mark.

ANSWER:

INTERROGATORY NO. 15: Identify and describe any and all investigations, polls, studies, evaluations, analysis, tests, ratings, or surveys relating to Petitioner's Mark or Registrant's Mark, including but not limited to Petitioner's use of Petitioner's Mark.

ANSWER:

INTERROGATORY NO. 16: Identify and describe any and all investigations, polls, studies, evaluations, analysis, tests, ratings, or surveys relating to Petitioner's Mark, including but not limited to Registrant's use of Registrant's Mark.

ANSWER:

INTERROGATORY NO. 17: Describe in detail Petitioner's awareness and knowledge of Registrant, Registrant's business activities, Registrant's Mark, and/or Registrant's use of Registrant's Mark, prior to as well as subsequent to Petitioner's use of Petitioner's Mark and filing of its federal trademark applications, and in so doing, state the dates on which each person or persons gained such knowledge or awareness.

ANSWER:

INTERROGATORY NO. 18: Identify the intended and actual consumers of Petitioner's products and services offered and/or sold under or in connection with Petitioner's Mark or similar designation.

ANSWER:

INTERROGATORY NO. 19: Identify and describe any instances of actual confusion or mistake with respect to the goods and services sold or offered by Petitioner and the goods and services sold or offered by Registrant.

ANSWER:

INTERROGATORY NO. 20: State in detail the factual and legal basis for the Petitioner's contention that "Petitioner's Services were first used in commerce before Respondent's constructive or actual usage of the mark in the '403 Registration." Petition to Cancel at ¶ 4.

ANSWER:

INTERROGATORY NO. 21: State in detail the factual and legal basis for the Petitioner's contention that "The mark in the '403 Registration 'BONGO BI-LINGO BUDDY' is confusingly similar to the mark 'BONGO BEAR' in Petitioner's Application, and is for services that are identical or closely related to Petitioner's Services." Petition to Cancel at ¶ 9.

ANSWER:

INTERROGATORY NO. 22: State in detail the factual and legal basis for the Petitioner's contention that "The continued existence of the '403 Registration is likely to cause harm and damage to Petitioner in that it falsely represents to the public that Respondent has rights in and to the mark in the '403 Registration inconsistent with those of Petitioner as a prior user, and in that there is a false presumption of rights in the Respondent associated with the '403 Registration, which is inconsistent with Petitioner's superior rights." Petition to Cancel at ¶ 9.

ANSWER:

INTERROGATORY NO. 23: State in detail the factual and legal basis for the Petitioner's contention that "[...] the existence of the '403 Registration falsely suggests to the public that, by virtue of the registration, there is an association between Petitioner and Respondent, or that services marketed by Respondent under the mark 'BONGO BI-LINGO BUDDY' are in some manner associated with Petitioner, when they are not." Petition to Cancel at ¶ 9.

ANSWER:

INTERROGATORY NO. 24: State in detail the factual and legal basis for the Petitioner's contention that "The continued existence of the '403 Registration is likely to cause

further harm and damage to Petitioner in that Petitioner will be wrongfully prevented from registering the mark I Petitioner's Application, all to the detriment of Petitioner." Petition to Cancel at ¶ 10.

ANSWER:

INTERROGATORY NO. 25: State in detail the factual and legal basis for the Petitioner's contention that "[...] Petitioner asserts, upon information and belief, that Respondent has abandoned the mark by discontinuing its use of the mark with an intent not to resume use." Petition to Cancel at ¶ 11.

ANSWER:

INTERROGATORY NO. 26: Identify each lay and expert witness Petitioner expects to call to testify on its behalf in this matter, and state the subject matter of each such witnesses' expected testimony, and identify each exhibit that Petitioner intends to introduce or rely upon in connection with each such witness.

ANSWER:

INTERROGATORY NO. 27: Identify and describe all documents Petitioner expects to use, introduce or rely upon at the time of trial in this matter.

ANSWER:

INTERROGATORY NO. 28: Identify all persons who were consulted or participated in the preparation of the answers to these interrogatories.

ANSWER:

INTERROGATORY NO. 29: Has the Petitioner taken legal action against a third party other than the Registrant to police or enforce its alleged rights in Petitioner's Mark? If so, please set forth, with particularity the following:

1. The name and address of the party against whom the legal action was instituted;
2. the date(s) during which the legal action transpired;
3. a complete description of the legal action taken;
4. if the legal action took place before the United States Patent & Trademark Office or any state or federal court or agency, the name of the entity in which it took place including the proceeding number assigned thereto;
5. a complete description of the allegations included in the legal action;
6. the result of the legal action.

ANSWER:

INTERROGATORY NO. 30: Has a third-party ever taken legal action against the Petitioner regarding the Petitioner's use of Petitioner's Mark? If so, please set forth, with particularity the following:

1. The name and address of the party against whom the legal action was instituted;
2. the date(s) during which the legal action transpired;
3. a complete description of the legal action taken;
4. if the legal action took place before the United States Patent & Trademark Office or any state or federal court or agency, the name of the entity in which it took place including the proceeding number assigned thereto;
5. a complete description of the allegations included in the legal action;
6. the result of the legal action.

ANSWER:

Respectfully submitted this 5th day of March, 2015.

THE TRADEMARK COMPANY, PLLC

/Matthew H. Swyers/

Matthew H. Swyers, Esq.

344 Maple Avenue West, Suite 151

Vienna, VA 22180

Tel. (800) 906-8626

Facsimile (270) 477-4574

mswyers@TheTrademarkCompany.com

Counsel for Registrant

printouts of screen displays. "Documents" includes each writing or record not identical to the original.

B. The term "Registrant" shall mean Theodore A. Stoner and/or any present or former servant, agent, attorney or other representative acting on its behalf.

C: The term "Petitioner" shall mean MWR Holdings, LLC and any present or former servant, agent, attorney or other representative acting on its behalf.

D. "Person(s)" means any individual, firm, partnership, corporation, proprietorship, association, governmental body or any other organization or entity.

E. "Concerning" means relating to, referring to, describing, evidencing or constituting.

F. The term "Petitioner's Mark" or "Petitioner's Claimed Mark" refers to the mark BONGO BEAR as identified in U.S. Trademark Serial No. 86/146,757 and as referred to in the Petition to Cancel.

REQUESTS FOR PRODUCTION

With respect to any Document specified below for which a claim of privilege or work product is made, please indicate the nature of the Document; identify the name, address, occupation, title and business affiliation of the writer, the addressee and all recipients thereof, the general subject matter to which the Document relates, and its date.

The Documents designated for production are the following:

REQUEST NO. 1: All Documents evidencing, referring, or relating to the selection or adoption by Petitioner of Petitioner's Claimed Mark.

RESPONSE:

REQUEST NO. 2: Documents sufficient to identify each Person who participated or was involved in the selection of Petitioner's Claimed Mark, and with respect to each Person so identified, the nature and scope of his or her involvement.

RESPONSE:

REQUEST NO. 3: All Documents evidencing, referring, or relating to the application to register Petitioner's Claimed Mark by Petitioner, and any communication(s) between Petitioner or its attorneys and the United States Patent and Trademark Office in connection with Petitioner's Claimed Mark.

RESPONSE:

REQUEST NO. 4: All Documents evidencing, referring, or relating to measures taken by Petitioner to determine the availability of Petitioner's Claimed Mark at any time, including any investigative or background materials on marks or entities reflected in any trademark search.

RESPONSE:

REQUEST NO. 5: All Documents evidencing, referring, or relating to alternative names, phrases, logos, designs or words considered by Petitioner, whether or not adopted, in connection with the process that resulted in the adoption of Petitioner's Claimed Mark for any products or services of Petitioner.

RESPONSE:

REQUEST NO. 6: All Documents evidencing, referring, or relating to Petitioner's first use of Petitioner's Claimed Mark as trademarks or service marks or name in connection with any products, services, or business activities of Petitioner.

RESPONSE:

REQUEST NO. 7: All Documents evidencing, referring, or relating to Petitioner's use of Petitioner's Claimed Mark after the first use of Petitioner's Claimed Mark as trademarks or service marks or name in connection with any products, services or business activities of Petitioner.

RESPONSE:

REQUEST NO. 8: All Documents evidencing, referring, or relating to goods or services offered by Petitioner under or pursuant to Petitioner's Claimed Mark.

RESPONSE:

REQUEST NO. 9: All Documents evidencing, referring, or relating to agreements entered into by Petitioner with third parties which relate or refer to the use of Petitioner's Claimed Mark.

RESPONSE:

REQUEST NO. 10: Examples of all advertising, promotional materials, packaging, labeling, data sheets, instructional materials, media documents, or other printed materials evidencing, relating to, or referring to use or promotion of the products or services offered under Petitioner's Claimed Mark.

RESPONSE:

REQUEST NO. 11: Examples of each screen display, link, frame, window, brochure, advertisement, flyer, business card or promotional material Petitioner uses in connection with any products or services offered under Petitioner's Claimed Mark.

RESPONSE:

REQUEST NO. 12: Documents sufficient to identify the channels of trade through which Petitioner distributes products or offers services under Petitioner's Claimed Mark including, without limitation, documents sufficient to identify the customers, sales agents,

dealerships, distributors or other outlets through which an products or services are or have been sold since Petitioner's adoption of Petitioner's Claimed Mark.

RESPONSE:

REQUEST NO. 13: Documents sufficient to identify the geographic areas in which Petitioner's products or services bearing Petitioner's Claimed Mark are or at any time have been distributed or offered for sale.

RESPONSE:

REQUEST NO. 14: Documents sufficient to identify the persons that have purchased products or services bearing Petitioner's Claimed Mark.

RESPONSE:

REQUEST NO. 15: Documents sufficient to identify each person who has received any offer of services under Petitioner's Claimed Mark including any persons who have accessed Petitioner's website.

RESPONSE:

REQUEST NO. 16: Representative examples of price lists and other documents that show the prices, both wholesale, suggested retail, and any other price category utilized by Petitioner, at which products or services under Petitioner's Claimed Mark have been sold or offered for sale.

RESPONSE:

REQUEST NO. 17: Documents sufficient to show Petitioner's monthly, if available, or, if not, for each separate period reflected in Petitioner's books and records, gross wholesale sales, in dollars and in units, of each of the products or services bearing Petitioner's Claimed Mark.

RESPONSE:

REQUEST NO. 18: All Documents evidencing, referring, or relating to any sales or marketing plans for products or services sold under Petitioner's Claimed Mark.

RESPONSE:

REQUEST NO. 19: All Documents evidencing, referring, or relating to any services sold or offered for sale under Petitioner's Claimed Mark.

RESPONSE:

REQUEST NO. 20: All Documents evidencing, referring, or relating to the types of purchasers or users of any products or services sold under Petitioner's Claimed Mark, including, but not limited to, any research or studies related to such purchasers or users.

RESPONSE:

REQUEST NO. 21: All Documents evidencing, referring, or relating to Petitioner's expenditures for each advertising or promotional document, medium, or activity used to advertise or promote products or services under Petitioner's Claimed Mark.

RESPONSE:

REQUEST NO. 22: Documents sufficient to identify the types of purchasers or end users who are or may be expected purchasers or users of any products or services sold under Petitioner's Claimed Mark in the United States, including, but not limited to, any research or studies related to such purchasers or users.

RESPONSE:

REQUEST NO. 23: Documents sufficient to identify any alleged qualities or advantages of Petitioner's products or services sold under Petitioner's Claimed Mark.

RESPONSE:

REQUEST NO. 24: Documents sufficient to identify any actual or threatened litigation involving trademark infringement or unfair competition claims in which Petitioner has been engaged including any opposition or cancellation proceedings before the United States Patent and Trademark Office.

RESPONSE:

REQUEST NO. 25: All Documents which relate or refer to all content displayed on any website maintained or used by Petitioner which makes any use of Petitioner's Claimed Mark.

RESPONSE:

REQUEST NO. 26: Each and every document which Petitioner will rely upon to establish the claims set forth in its Petition to Cancel in this matter.

RESPONSE:

REQUEST NO. 27: All specimens submitted to the USPTO in connection with the application for Petitioner's Claimed Mark.

RESPONSE:

REQUEST NO. 28: Each and every document which relates or refers to all bona fide uses of Petitioner's Claimed Mark.

RESPONSE:

Respectfully submitted this 5th day of March, 2015.

THE TRADEMARK COMPANY, PLLC

/Matthew H. Swyers/

Matthew H. Swyers, Esq.

344 Maple Avenue West, Suite 151

Vienna, VA 22180

Tel. (800) 906-8626

Facsimile (270) 477-4574

mswyers@TheTrademarkCompany.com

Counsel for Registrant



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
The Trademark Trial and Appeal Board**

In the matter of U.S. Registration 3,700,403
For the mark BONGO BI-LINGO BUDDY
Registered on the Principal Register on October 20, 2009

MWR Holdings, LLC,	:	
	:	
Petitioner,	:	
	:	
vs.	:	Cancellation No. 92059305
	:	
Stoner, Theodore A.,	:	
	:	
Registrant.	:	

REGISTRANT’S FIRST SET OF ADMISSIONS TO PETITIONER

TO: MWR HOLDINGS, LLC c/o William W. Stroeever, Greenberg Traurig, LLP, 200 Park Ave, Florham Pak, NJ 07932.

FROM: THEODORE A. STONER c/o Matthew H. Swyers, Esq., The Trademark Company, PLLC, 344 Maple Avenue West, PBM 151, Vienna, VA 22180.

COMES NOW Registrant Theodore A. Stoner (hereinafter “Registrant”), by and through counsel The Trademark Company, PLLC, in accordance with the applicable Federal Rules of Civil Procedure and rules of the Trademark Trial and Appeal Board, propounds the following requests for admissions upon MWR Holdings, LLC (hereinafter “Petitioner”) to be answered within the time provided by the applicable rules of court.

DEFINITIONS

A. The term “Registrant” shall mean Theodore A. Stoner and/or any present or former servant, agent, attorney or other representative acting on its behalf.

B. The term “Petitioner” shall mean MWR Holdings, LLC and any present or former officer, director, employee, servant, agent, attorney or other representative acting on its behalf,

and shall include any predecessor or successor either within the United States or a foreign country.

C. The term “trademark” or “mark” includes trademarks, service marks, collective marks, certification marks and trade names as defined in 15 U.S.C. § 1127.

D. The term “in the U.S.” shall mean use in interstate and/or intrastate commerce in the United States.

E. The term “Registrant’s Mark” refers to the mark BONGO BI-LINGO BUDDY as identified in U.S. Trademark Registration No. 3,700,403.

F. The terms “Petitioner’s Mark” refers to the mark BONGO BEAR as identified in U.S. Trademark Serial No. 86/146,757 and as referred to in the Petition to Cancel.

G. The term “you” shall mean the party or person to whom these interrogatories are propounded, all agents, employees, servants, attorneys, and all other representatives, and persons over whom the person or party to whom these interrogatories are propounded has the right to or does control or direct and activities.

H. The phrase “legal action” shall mean submission of correspondence to the Registrant or any third party not a party to this proceeding requesting that they cease use of a mark, or institution of any legal proceeding in the United States Patent & Trademark Office, state, or federal court or agency.

I. The term “live” shall mean currently registered with the U.S. Patent and Trademark Office and not dead as it applies to abandoned, cancelled, or successfully opposed trademarks.

REQUEST FOR ADMISSIONS

REQUEST NO. 1: Admit that Registrant’s Mark does not include the term “BEAR.”

RESPONSE:

REQUEST NO. 2: Admit that Petitioner's Mark does not include the term "BI-LINGO."

RESPONSE:

REQUEST NO. 3: Admit that Petitioner's Mark does not include the term "BUDDY."

RESPONSE:

REQUEST NO. 4: Admit the term "BEAR" is not identical to the term "BI-LINGO."

RESPONSE:

REQUEST NO. 5: Admit the term "BEAR" is not identical to the term "BUDDY."

RESPONSE:

REQUEST NO. 6: Admit that Petitioner does not have exclusive rights to the term "BONGO."

RESPONSE:

REQUEST NO. 7: Admit that Registrant's Mark and Petitioner's Mark are not identical in appearance.

RESPONSE:

REQUEST NO. 8: Admit that Registrant's Mark and Petitioner's Mark are not identical in connotation.

RESPONSE:

REQUEST NO. 9: Admit that Registrant's Mark and Petitioner's Mark are not similar.

RESPONSE:

REQUEST NO. 10: Admit that the Petitioner's Mark is used in connection with entertainment services, namely live theatrical performances featuring electronically animated characters for use in child development and personal appearances by a costumed character.

RESPONSE:

REQUEST NO. 11: Admit that the Registrant's Mark is used in connection with entertainment in the nature of live theatrical performances by mixed media of live characters,

puppetry and animation for children; organizing cultural events for children; and education services, namely, providing professional training in the field of bilingual learning.

RESPONSE:

REQUEST NO. 12: Admit that live theatrical performances featuring electronically animated characters for use in child development and personal appearances by a costumed character are not the same as entertainment in the nature of live theatrical performances by mixed media of live characters, puppetry and animation for children.

RESPONSE:

REQUEST NO. 13: Admit that live theatrical performances featuring electronically animated characters for use in child development and personal appearances by a costumed character are not the same as organizing cultural events for children.

RESPONSE:

REQUEST NO. 14: Admit that live theatrical performances featuring electronically animated characters for use in child development and personal appearances by a costumed character are not the same as education services, namely, providing professional training in the field of bilingual learning.

RESPONSE:

REQUEST NO. 15: Admit that the services provided under Registrant's Mark and Petitioner's Mark are not identical.

RESPONSE:

REQUEST NO. 16: Admit that the services provided under Registrant's Mark and Petitioner's Mark are not similar.

RESPONSE:

REQUEST NO. 17: Admit that the services provided under Registrant's Mark and Petitioner's Mark are not advertised in the same manner.

RESPONSE:

REQUEST NO. 18: Admit that the services provided under Petitioner's Mark are marketed to those who are in or are thinking about joining The Learning Experience: Academy of Early Education.

RESPONSE:

REQUEST NO. 19: Admit that the services provided under Registrant's Mark are marketed to centers that contain many students of different diversities who may want to either learn English or Spanish.

RESPONSE:

REQUEST NO. 20: Admit that the services provided under Registrant's Mark and Petitioner's Mark are not provided to the same class of consumers.

RESPONSE:

REQUEST NO. 21: Admit that the services provided under Registrant's Mark and the services provided under Petitioner's Mark are not provided through the same channels of trade.

RESPONSE:

REQUEST NO. 22: Admit that Registrant's Mark is inherently distinctive.

RESPONSE:

REQUEST NO. 23: Admit that Petitioner retains no evidence to establish that continued registration of Registrant's Mark will be likely to interfere with use by the Petitioner of Petitioner's Mark.

RESPONSE:

REQUEST NO. 24: Admit that Registrant's date of first use of Registrant's Mark is prior to Petitioner's date of first use of Petitioner's Mark.

RESPONSE:

REQUEST NO. 25: Admit that Registrant's date of first use in commerce of Registrant's Mark is prior to Petitioner's date of first use in commerce of Petitioner's Mark.

RESPONSE:

REQUEST NO. 26: Admit that Registrant has continually used Registrant's Mark in commerce in connection with Registrant's Services since Registrant began using Registrant's Mark.

RESPONSE:

REQUEST NO. 27: Admit that Petitioner retains no evidence to establish that Registrant discontinued use of Registrant's Mark in connection with Registrant's Services.

RESPONSE:

REQUEST NO. 28: Admit that Petitioner retains no evidence to establish that Registrant abandoned Registrant's Mark.

RESPONSE:

REQUEST NO. 29: Admit that the documents produced by Petitioner in response to Registrant's First Request for Production of Documents are true and accurate reproductions of the genuine original documents.

RESPONSE:

Respectfully submitted this 5th day of March, 2015.

THE TRADEMARK COMPANY, PLLC

/Matthew H. Swyers/
Matthew H. Swyers, Esq.
344 Maple Avenue West, Suite 151
Vienna, VA 22180
Tel. (800) 906-8626
Facsimile (270) 477-4574
mswyers@TheTrademarkCompany.com
Counsel for Registrant

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
The Trademark Trial and Appeal Board**

In the matter of U.S. Registration 3,700,403
For the mark BONGO BI-LINGO BUDDY
Registered on the Principal Register on October 20, 2009

MWR Holdings, LLC,	:	
	:	
Petitioner,	:	
	:	
vs.	:	Cancellation No. 92059305
	:	
Stoner, Theodore A.,	:	
	:	
Registrant.	:	

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I caused a copy of the foregoing this 5th day of March, 2015,
to be served, via first class mail, postage prepaid, upon:

William W. Stroever
Greenberg Traurig, LLP
200 Park Ave
Florham Park, NJ 07932

/Matthew H. Swyers/
Matthew H. Swyers

Please see attached. Furthermore, Registrant is not in possession of any additional documentation responsive to the instant document request beyond what has been provided.

REQUEST NO. 4:

All documents and things concerning Registrant's alleged first use of Registrant's Mark anywhere, which purportedly occurred on June 8, 2004.

RESPONSE: Registrant objects to the instant request on the grounds that it is overly broad and burdensome given the inclusion of the term "All". Subject to said objection, Registrant states:

Please see attached. Furthermore, Registrant is not in possession of any additional documentation responsive to the instant document request beyond what has been provided.

REQUEST NO. 6:

All documents and things concerning the creation and adoption of Registrant's Mark.

RESPONSE: Registrant objects to the instant request on the grounds that it is overly broad and burdensome given the inclusion of the term "All". Subject to said objection, Registrant states:

Please see attached. Furthermore, Registrant is not in possession of any additional documentation responsive to the instant document request beyond what has been provided.

REQUEST NO. 8:

All documents and things concerning any advertising conducted by Registrant relating to Registrant's Mark.

RESPONSE: Registrant objects to the instant request on the grounds that it is overly broad and burdensome given the inclusion of the term “All”. Subject to said objection, Registrant states:

Please see attached. Furthermore, Registrant is not in possession of any additional documentation responsive to the instant document request beyond what has been provided.

REQUEST NO. 9:

All documents and things concerning the channels of trade through which Registrant provides Registrant's Services.

RESPONSE: Registrant objects to the instant request on the grounds that it is overly broad and burdensome given the inclusion of the term “All”. Subject to said objection, Registrant states:

Please see attached. Furthermore, Registrant is not in possession of any additional documentation responsive to the instant document request beyond what has been provided.

Respectfully submitted this 20th day of March, 2015.

THE TRADEMARK COMPANY, PLLC

/Matthew H. Swyers/

Matthew H. Swyers, Esq.

344 Maple Avenue West, PMB 151

Vienna, VA 22180

Tel. (800) 906-8626 x100

Facsimile (270) 477-4574

mswyers@TheTrademarkCompany.com

Counsel for Registrant

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
The Trademark Trial and Appeal Board**

In the matter of U.S. Registration 3,700,403
For the mark BONGO BI-LINGO BUDDY
Registered on the Principal Register on October 20, 2009

MWR Holdings, LLC,	:	
	:	
Petitioner,	:	
	:	
vs.	:	Cancellation No. 92059305
	:	
Stoner, Theodore A.,	:	
	:	
Registrant.	:	

CERTIFICATE OF SERVICE

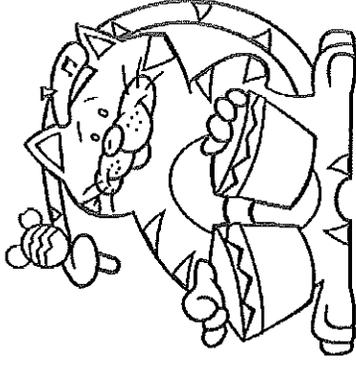
I HEREBY CERTIFY that I caused a copy of the foregoing this 20th day of March, 2015,
to be served, via first class mail, postage prepaid, upon:

William W. Stroever
Greenberg Traurig, LLP
200 Park Ave
Florham Park, NJ 07932

/Matthew H. Swyers/
Matthew H. Swyers

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Mark:



US Serial Number: 78291471

Application Filing Date: Aug. 23, 2003

US Registration Number: 3518072

Registration Date: Oct. 14, 2008

Register: Principal

Mark Type: Service Mark

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Oct. 14, 2008

Publication Date: Apr. 26, 2005

Notice of Allowance Date: Jul. 19, 2005

Mark Information

Mark Literal Elements: None

Standard Character Claim: No

Mark Drawing Type: 2 - AN ILLUSTRATION DRAWING WITHOUT ANY WORDS(S)/ LETTER(S)/NUMBER(S)

- Design Search Code(s): 03.01.16 - Heads of cats, dogs, wolves, foxes, bears, lions, tigers
- 03.01.24 - Stylized cats, dogs, wolves, foxes, bears, lions, tigers
- 03.01.26 - Costumed cats, dogs, wolves, foxes, bears and those with human attributes
- 08.03.02 - Candy on a stick, such as suckers; Suckers, candy; Lollipops
- 08.09.03 - Frozen confections on a stick
- 22.01.04 - Gongs; Drums (musical instrument); Cymbals; Xylophone; Triangles, musical instrument; Tambourines

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *. * identify additional (new) wording in the goods/services.

For: Educational services, namely, conducting workshops and seminars in the field of edutainment; training services in the field of bilingual education; entertainment in the nature of theater productions; organizing exhibitions for cultural purposes

International Class(es): 041 - Primary Class

U.S Class(es): 100, 101, 107

Class Status: ACTIVE

Basis: 1(a)

First Use: Jun. 08, 2004

Use in Commerce: Jun. 18, 2008

Basis Information (Case Level)

Filed Use: No	Currently Use: Yes	Amended Use: No
Filed ITU: Yes	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: Stoner, Theodore, A.

Owner Address: 99 S. Downing St. #501
Denver, COLORADO 80209
UNITED STATES

Legal Entity Type: INDIVIDUAL

Citizenship: UNITED STATES

Attorney/Correspondence Information

Attorney of Record - None

Correspondent

Correspondent THEODORE A STONER
Name/Address: 99 S DOWNING ST #501
DENVER, COLORADO 80209
UNITED STATES

Phone: 303 733 7086

Correspondent e-mail: ladinc123@aol.com

Correspondent e-mail No
Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Oct. 14, 2008	REGISTERED-PRINCIPAL REGISTER	
Sep. 10, 2008	LAW OFFICE REGISTRATION REVIEW COMPLETED	78413
Sep. 09, 2008	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Aug. 18, 2008	TEAS/EMAIL CORRESPONDENCE ENTERED	78413
Aug. 18, 2008	CORRESPONDENCE RECEIVED IN LAW OFFICE	78413
Aug. 18, 2008	ASSIGNED TO LIE	78413
Aug. 14, 2008	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jul. 29, 2008	NOTIFICATION OF NON-FINAL ACTION E-MAILED	
Jul. 29, 2008	NON-FINAL ACTION E-MAILED	
Jul. 29, 2008	SU - NON-FINAL ACTION - WRITTEN	78373
Jul. 18, 2008	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Jul. 18, 2008	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Jul. 18, 2008	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jul. 17, 2008	STATEMENT OF USE PROCESSING COMPLETE	76569

000099

Jul. 10, 2008	USE AMENDMENT FILED	76569
Jul. 10, 2008	TEAS STATEMENT OF USE RECEIVED	
Feb. 27, 2008	EXTENSION 5 GRANTED	76874
Jan. 19, 2008	EXTENSION 5 FILED	76874
Feb. 14, 2008	EXTENSION RECEIVED WITH TEAS PETITION	
Feb. 14, 2008	PETITION TO REVIVE-GRANTED	88889
Feb. 14, 2008	TEAS PETITION TO REVIVE RECEIVED	
Sep. 26, 2007	EXTENSION 4 GRANTED	66530
Jul. 19, 2007	EXTENSION 4 FILED	66530
Aug. 18, 2007	EXTENSION RECEIVED WITH TEAS PETITION	
Aug. 18, 2007	PETITION TO REVIVE-GRANTED	88889
Aug. 18, 2007	TEAS PETITION TO REVIVE RECEIVED	
Mar. 26, 2007	EXTENSION 3 GRANTED	76874
Jan. 19, 2007	EXTENSION 3 FILED	76874
Jan. 19, 2007	TEAS EXTENSION RECEIVED	
Sep. 28, 2006	EXTENSION 2 GRANTED	76569
Jul. 19, 2006	EXTENSION 2 FILED	76569
Sep. 12, 2006	EXTENSION RECEIVED WITH TEAS PETITION	
Sep. 12, 2006	PETITION TO REVIVE-GRANTED	88889
Sep. 12, 2006	TEAS PETITION TO REVIVE RECEIVED	
Feb. 17, 2006	EXTENSION 1 GRANTED	76873
Jan. 19, 2006	EXTENSION 1 FILED	76873
Feb. 06, 2006	EXTENSION RECEIVED WITH TEAS PETITION	
Feb. 06, 2006	PETITION TO REVIVE-GRANTED	88889
Feb. 06, 2006	TEAS PETITION TO REVIVE RECEIVED	
Jul. 19, 2005	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Apr. 26, 2005	PUBLISHED FOR OPPOSITION	

Apr. 06, 2005	NOTICE OF PUBLICATION	
Feb. 03, 2005	LAW OFFICE PUBLICATION REVIEW COMPLETED	68171
Jan. 25, 2005	ASSIGNED TO LIE	68171
Jan. 13, 2005	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jan. 13, 2005	EXAMINERS AMENDMENT E-MAILED	6328
Jan. 13, 2005	EXAMINERS AMENDMENT -WRITTEN	78373
Jan. 12, 2005	ASSIGNED TO EXAMINER	78373
Jan. 11, 2005	TEAS/EMAIL CORRESPONDENCE ENTERED	68171
Nov. 30, 2004	CORRESPONDENCE RECEIVED IN LAW OFFICE	68171
Nov. 30, 2004	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Nov. 30, 2004	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Nov. 30, 2004	PETITION TO REVIVE-GRANTED	88888
Nov. 30, 2004	TEAS PETITION TO REVIVE RECEIVED	
Nov. 22, 2004	FAX SENT	
Sep. 30, 2004	ABANDONMENT NOTICE MAILED - FAILURE TO RESPOND	
Sep. 30, 2004	ABANDONMENT - FAILURE TO RESPOND OR LATE RESPONSE	
Mar. 04, 2004	NON-FINAL ACTION E-MAILED	
Mar. 04, 2004	ASSIGNED TO EXAMINER	72620

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Sep. 10, 2008

Assignment Abstract Of Title Information - None recorded

Proceedings - None recorded

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Mark: BI-LINGO

Bi-Lingo

US Serial Number: 78793745

Application Filing Date: Jan. 18, 2006

US Registration Number: 3738235

Registration Date: Jan. 12, 2010

Register: Principal

Mark Type: Trademark, Service Mark

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Jan. 12, 2010

Publication Date: Nov. 27, 2007

Notice of Allowance Date: Feb. 19, 2008

Mark Information

Mark Literal Elements: BI-LINGO

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (..) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *. * identify additional (new) wording in the goods/services.

For: Printed matter, namely, series of fiction books, series of educational books featuring preschool through elementary level bilingual learning, decals, trading cards

International Class(es): 016 - Primary Class

U.S Class(es): 002, 005, 022, 023, 029, 037, 038, 050

Class Status: ACTIVE

Basis: 1(a)

First Use: Mar. 28, 2008

Use in Commerce: Mar. 28, 2008

For: Entertainment in the nature of live theatrical performances by mixed media of live characters, puppetry and animation for children; Organizing cultural events for children; Education services, namely, providing professional training in the field of bilingual learning

International Class(es): 041 - Primary Class

U.S Class(es): 100, 101, 107

Class Status: ACTIVE

Basis: 1(a)

First Use: Sep. 15, 2008

Use in Commerce: Sep. 15, 2008

Basis Information (Case Level)

Filed Use: No

Currently Use: Yes

Amended Use: No

Filed ITU: Yes

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: Stoner, Theodore, A

Owner Address: 99 S. Downing St.#501
Denver, COLORADO 80209
UNITED STATES

Legal Entity Type: INDIVIDUAL

Citizenship: UNITED STATES

Attorney/Correspondence Information

000103

Attorney of Record - None

Correspondent

Correspondent THEODORE A STONER
Name/Address: 99 S DOWNING ST APT 501
DENVER, COLORADO 80209-2405
UNITED STATES

Phone: 303.733.7086

Correspondent e-mail: ladinc123@aol.com

Correspondent e-mail No
Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jan. 12, 2010	REGISTERED-PRINCIPAL REGISTER	
Dec. 07, 2009	LAW OFFICE REGISTRATION REVIEW COMPLETED	70629
Dec. 03, 2009	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Dec. 03, 2009	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Dec. 03, 2009	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Dec. 03, 2009	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Sep. 08, 2009	NOTIFICATION OF NON-FINAL ACTION E-MAILED	
Sep. 08, 2009	NON-FINAL ACTION E-MAILED	
Sep. 08, 2009	SU - NON-FINAL ACTION - WRITTEN	83188
Aug. 20, 2009	STATEMENT OF USE PROCESSING COMPLETE	76873
Aug. 19, 2009	USE AMENDMENT FILED	76873
Aug. 19, 2009	TEAS STATEMENT OF USE RECEIVED	
Feb. 03, 2009	EXTENSION 2 GRANTED	76873
Jan. 18, 2009	EXTENSION 2 FILED	76873
Feb. 03, 2009	CASE ASSIGNED TO INTENT TO USE PARALEGAL	76873

Jan. 18, 2009	TEAS EXTENSION RECEIVED	
Aug. 18, 2008	EXTENSION 1 GRANTED	98765
Aug. 18, 2008	EXTENSION 1 FILED	98765
Aug. 18, 2008	TEAS EXTENSION RECEIVED	
Feb. 19, 2008	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Nov. 27, 2007	PUBLISHED FOR OPPOSITION	
Nov. 07, 2007	NOTICE OF PUBLICATION	
Oct. 24, 2007	LAW OFFICE PUBLICATION REVIEW COMPLETED	70629
Oct. 19, 2007	APPROVED FOR PUB - PRINCIPAL REGISTER	
Sep. 23, 2007	TEAS/EMAIL CORRESPONDENCE ENTERED	70629
Sep. 17, 2007	CORRESPONDENCE RECEIVED IN LAW OFFICE	70629
Sep. 17, 2007	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Sep. 17, 2007	PETITION TO REVIVE-GRANTED	88888
Sep. 17, 2007	TEAS PETITION TO REVIVE RECEIVED	
Jul. 16, 2007	ASSIGNED TO EXAMINER	83188
Mar. 02, 2007	NON-FINAL ACTION E-MAILED	6325
Mar. 02, 2007	NON-FINAL ACTION WRITTEN	79798
Feb. 09, 2007	TEAS/EMAIL CORRESPONDENCE ENTERED	70629
Feb. 09, 2007	CORRESPONDENCE RECEIVED IN LAW OFFICE	70629
Feb. 09, 2007	ASSIGNED TO LIE	70629
Jan. 17, 2007	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jul. 17, 2006	PRIORITY ACTION E-MAILED	6326
Jul. 17, 2006	PRIORITY ACTION WRITTEN	79798
Jul. 07, 2006	ASSIGNED TO EXAMINER	79798
Jan. 24, 2006	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

File Location Information - None

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Dec. 07, 2009

Assignment Abstract Of Title Information - None recorded

Proceedings - None recorded

000106



“Will you be my Bi-Lingo Buddy?”

**The Children’s Museum: Friday, 12PM TO
3PM for a *Caribbean Bi-Lingual Adventure*
theatrical performances, Bi-Lingo matching
game, coloring and facepainting!**



000108

License!

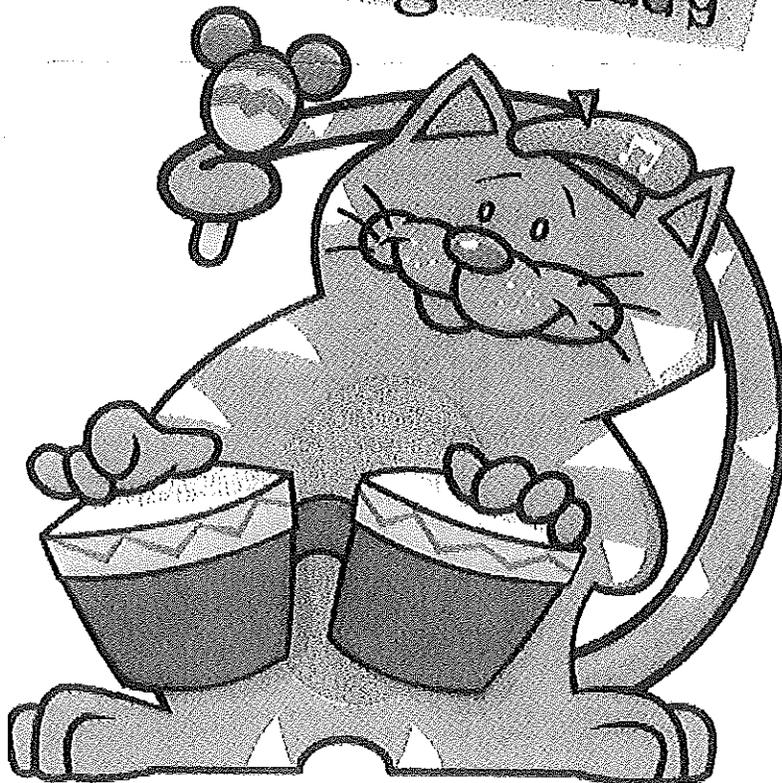
Show Daily

June 10, 2004

Show Daily

DAY 3

BONGO Bi-Lingo Buddy



Bilingual Buddy

Bongo Cats, Inc. art property, Bongo Bi-Lingo Buddy, was born in 1998. Travel with Bongo (and 1 Maraca) in his dreams... from BongoCats orphanage to reunite with his homeland, Banana Isle. On your island-hopping adventure around BiLingo Bay you encounter several bilingual subjects (English/Spanish). Product categories available for licensing include: games (computer, video, board, flashcards, electric handheld), books (reading plush, electronic, interactive, audio), plush (toys, dolls, electronic, interactive, audio), clothing (t-shirts, sweaters, jackets, pajamas, headwear), musical toy instruments (bongos, infant rattles), visual arts (TV, film), and DVDs.

BOOTH # 4467

*(Article in June 10, 2004,
LICENSE! SHOW DAILY)*

000109

Join Bongo and his friends on an island hopping
bilingual language learning adventure
around Bi-Lingo Bay!

BONGO Bi-Lingo Buddy



©1996 Bongo Cats, Inc.

a Caribbean tail...



Winter Park Public Library

Thursday at 10:30 AM

**460 E. New England Ave.
Winter Park, FL 32789**

000110

the

Vol. 24, No. 6 September 2008

TOY BOOK

SERVING THE GLOBAL MARKET

Playing Online and on Line at the Store
Companies Strike the Balance Between the Real and Virtual Worlds

Web -INTERACTIVE

Manhattan Toy also realizes the importance of taking kids offline for face-to-face social interaction and encourages this with Groovy Girls RSVP.

"The good thing about Groovy Girls is that it's still a doll line and we want to encourage girls to play not just online," says Manhattan Toy's Klein.

Companies that provide gentle reminders to spend time away from the computer screen will surely be popular among parents, who may have concerns about the effect web play has on their children.

"If managed properly, web play can be used as a tool for learning, developing technological skills, expanding a child's worldview, and increasing awareness of issues," says Nakamura. "Conversely, if site creators and parents fail to limit time spent on the computer or the content that can be accessed, online play can become detrimental as kids spend too much time on activities that hamper growth and development of positive attributes."

With the ever-expanding genre of web-based play

and the growing concern of the effect it has on children, companies are hurrying to keep up with the trend as well as make online play parent-friendly. So, what's next for the world of web play?

"I don't think that kids are expecting to see all of the fun stuff while only being tethered to their computers. I think it's something they want to take with them. Portability is important," says Nickelodeon's Brodsky.

Techno Source's McCormick also believes that kids will expect to see the technology and related fun in places other than the computer. "We know this demographic is incredibly capable of multi-tasking at any point in time. So I think you're going to see them expect the technology to evolve so they can take the content with them in any form."

Meeting and exceeding the expectations of kids and their parents has long been a goal of toy manufacturers. As kids spend more and more of their free time online, success will come to those whose products engage kids both online and on the go. ■



Bongo Cats introduces Bi-Lingo Bay, where Bongo invites kids on a bilingual Caribbean adventure. Kids can help Bongo the cat on his adventure back to his home, Banana Isle, where he can reunite and celebrate with his family. At www.Bi-Lingo.com, kids play bilingual games to help Bongo along, but they have to watch out for grumpy music-hating Huracan.

www.toybook.com/search



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

MWR HOLDINGS, LLC,

Petitioner,

v.

THEODORE A. STONER,

Registrant.

Cancellation No. 92059305

Mark: BONGO BI-LINGO BUDDY

Reg. No.: 3,700,403

Registered: October 20, 2009

PETITIONER'S RESPONSES AND OBJECTIONS TO REGISTRANT'S FIRST SET OF INTERROGATORIES

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, Petitioner MWR Holdings, LLC ("MWR") responds to Registrant Theodore A. Stoner's ("Stoner") First Set of Interrogatories (the "Requests") as follows:

GENERAL OBJECTIONS

1. MWR objects to the Requests to the extent such Requests seek disclosure of information protected by the attorney-client privilege, the work product doctrine, the common interest privilege, or any other applicable privilege. Pursuant to Federal Rule of Civil Procedure 26(b)(5) all information that is protected from disclosure by the attorney-client privilege, the work product doctrine, the common interest privilege or any other applicable privilege will not be produced.

2. MWR objects to the Requests and definitions to the extent they require MWR to undertake burdens beyond the requirements imposed by the Federal Rules of Civil Procedure.

3. MWR objects to the Requests and the Definitions incorporated therein to the extent they seek information irrelevant to the subject matter of this litigation, not relevant to the claims or defenses asserted in this litigation by any party, and/or not reasonably calculated to lead to the discovery of admissible evidence under Fed. R. Civ. P. 26.

4. MWR objects to the Requests to the extent they seek information that is equally available to Hair Plus.

5. MWR objects to the Requests to the extent they have been asked and answered by other discovery means, thus requiring no further response.

6. MWR objects to the Requests to the extent they use terms that are ambiguous, i.e., undefined, unclear, confusing, or subject to multiple possible definitions.

7. MWR objects to the Requests to the extent they seek documents or information not within the possession, custody or control of MWR.

8. MWR objects to the Requests to the extent they consist of multiple, discrete subparts which have not been numbered, yet constitute separate and distinct interrogatories.

9. These general objections apply to each of MWR's responses set forth herein. To the extent that specific objections are made in a specific response, they are provided because they are believed to be particularly applicable to the specific request and should not be construed as a waiver of any general objection.

ANSWERS TO INTERROGATORIES

REQUEST NO. 1

State in detail the nature of the business, operations, and activities conducted by Petitioner.

Response

MWR incorporates by reference all General Objections as if fully set forth herein. MWR objects to this Request on the grounds that it seeks information irrelevant to the subject matter of this litigation, not relevant to the claims or defenses asserted in this litigation by any party, and/or not reasonably calculated to lead to the discovery of admissible evidence under Fed. R. Civ. P. 26. At issue are the business, operations and activities conducted by MWR under Petitioner's Mark. Subject to and without waiving any of the foregoing objections, MWR responds as follows: the business, operations and activities conducted by MWR under Petitioner's Mark are entertainment services, namely live theatrical performances featuring electronically animated characters for use in child development and personal appearances by a costumed character.

REQUEST NO. 2

Identify each person who has knowledge of Petitioner's selection and adoption of Petitioner's Mark and who has knowledge of how it is used and/or intended to be used. To the extent this interrogatory identifies more than ten (10) persons, limit the response to only those persons who possess the most knowledge.

Response

MWR incorporates by reference all General Objections as if fully set forth herein. MWR objects to this Request on the grounds that it is overbroad and unduly burdensome, given the vast number of individuals who have knowledge of how Petitioner's Mark is

used. Subject to and without waiving any of the foregoing objections, MWR responds as follows: Richard Weissman, CEO; Monica Nolasco, AVP of Curriculum.

REQUEST NO. 3

Describe in detail all goods and services formerly and currently being offered by Petitioner in conjunction with Petitioner's Mark and any goods or services intended to be used in connection with Petitioner's Mark in the future identifying the dates on which Petitioner first began such use(s) and/or intends to begin such use and the geographic areas in which such use occurred and/or will occur.

Response

MWR incorporates by reference all General Objections as if fully set forth herein. MWR objects to this Request on the grounds that it seeks information irrelevant to the subject matter of this litigation, not relevant to the claims or defenses asserted in this litigation by any party, and/or not reasonably calculated to lead to the discovery of admissible evidence under Fed. R. Civ. P. 26. At issue are the business, operations and activities conducted by MWR under Petitioner's Mark. Subject to and without waiving any of the foregoing objections, MWR responds as follows: the business, operations and activities conducted by MWR under Petitioner's Mark are entertainment services, namely live theatrical performances featuring electronically animated characters for use in child development and personal appearances by a costumed character.

REQUEST NO. 4

Describe any periods since Petitioner's alleged date of first use, as set forth in the preceding paragraph, during which Petitioner did not make use of Petitioner's Mark either in whole or in part further identifying, by geographic region, locations in which Petitioner may have, at one time, had use of Petitioner's Mark but said use has stopped or is no longer continuing.

Response

MWR incorporates by reference all General Objections as if fully set forth herein. Subject to and without waiving any of the foregoing objections, MWR responds as follows: No such time periods exist.

REQUEST NO. 5

With respect to each good and/or service identified in your response to Interrogatory No. 3, state the annual sales in units and dollars from the date of first use of each such good and/or service.

Response

MWR incorporates by reference all General Objections as if fully set forth herein. MWR objects to this Request on the grounds that it calls for production of confidential, commercially sensitive materials, which will not be produced absent the signing of a mutually acceptable Protective Order. MWR further objects to this Request on the grounds that it seeks information irrelevant to the subject matter of this litigation, not relevant to the claims or defenses asserted in this litigation by any party, and/or not reasonably calculated to lead to the discovery of admissible evidence under Fed. R. Civ. P. 26.

REQUEST NO. 6

With respect to each good and/or service identified in your response to Interrogatory No. 3, describe in detail the manner in which Petitioner's Mark is promoted in the United States, including but not limited to the media and mode of any marketing efforts as well as the geographic regions in which said promotions are conducted.

Response

MWR incorporates by reference all General Objections as if fully set forth herein. Subject to and without waiving any of the foregoing objections, MWR responds as follows: Petitioner's Mark is predominantly promoted on-line, through its licensed learning centers, through flyers and through live appearances. These promotional efforts are conducted in all of the markets in which MWR has licensed learning centers (see <http://thelearningexperience.com/our-centers/find>).

REQUEST NO. 7

For each medium identified in the preceding interrogatory, state the annual expenditure for advertising and promotion since inception.

Response

MWR incorporates by reference all General Objections as if fully set forth herein. MWR objects to this Request on the grounds that it calls for production of confidential, commercially sensitive materials, which will not be produced absent the signing of a mutually acceptable Protective Order. MWR further objects to this Request on the grounds that it seeks information irrelevant to the subject matter of this litigation, not

relevant to the claims or defenses asserted in this litigation by any party, and/or not reasonably calculated to lead to the discovery of admissible evidence under Fed. R. Civ. P. 26. MWR further objects to this Request on the grounds that the Request is vague and ambiguous with respect to the term “inception”.

REQUEST NO. 8

Identify the person or persons who, from the date of Petitioner’s claimed date of first use(s) of Petitioner’s Mark to the present, have been responsible for the marketing and/or promotion of Petitioner’s goods and services under Petitioner’s Mark indicating the period during which each person was so responsible.

Response

MWR incorporates by reference all General Objections as if fully set forth herein. Subject to and without waiving any of the foregoing objections, MWR responds as follows: Richard Weissman, CEO; Monica Nolasco, AVP of Curriculum.

REQUEST NO. 9

Identify all advertising agencies, public relations agencies or market research agencies that Petitioner has used, participated with or cooperated with in advertising, marketing, or promoting the goods/services identified in response to Interrogatory No. 3, and indicate the time period(s) during which such activities were conducted.

Response

MWR incorporates by reference all General Objections as if fully set forth herein. Subject to and without waiving any of the foregoing objections, MWR responds as follows: None.

REQUEST NO. 10

With respect to each good and/or service identified in your response to Interrogatory No. 3, describe in detail the channels of distribution by which the goods and/or services of Petitioner reach or are expected to reach the ultimate user or consumer.

Response

MWR incorporates by reference all General Objections as if fully set forth herein. Subject to and without waiving any of the foregoing objections, MWR responds as follows: MWR's services are provided to consumers through live performances, and through its licensed learning centers.

REQUEST NO. 11

Identify any and all licensees of Petitioner's Mark, if any, and in so doing, describe each licensing arrangement and identify each product and/or service offered or sold by each licensee under Petitioner's Mark or similar designation.

Response

MWR incorporates by reference all General Objections as if fully set forth herein. MWR further objects to this Request on the grounds that it seeks information irrelevant to the subject matter of this litigation, not relevant to the claims or defenses asserted in this litigation by any party, and/or not reasonably calculated to lead to the discovery of

admissible evidence under Fed. R. Civ. P. 26. Specifically, a description of MWR's licensing arrangements has no bearing on the instant litigation. Subject to and without waiving any of the foregoing objections, MWR responds as follows: MWR's services are provided through licensed learning centers (see <http://thelearningexperience.com/our-centers/find>).

REQUEST NO. 12

Describe in detail any adversarial proceeding or challenge, if any, involving Petitioner's Mark, or any similar designation, before the Trademark Trial and Appeal Board, Bureau of Customs, Federal Trade Commission, or any court or tribunal, including but not limited to any challenge by cease and desist letter to Petitioner's Mark.

Response

MWR incorporates by reference all General Objections as if fully set forth herein. MWR further objects to this Request on the grounds that it seeks information irrelevant to the subject matter of this litigation, not relevant to the claims or defenses asserted in this litigation by any party, and/or not reasonably calculated to lead to the discovery of admissible evidence under Fed. R. Civ. P. 26. Specifically, MWR has not asserted any likelihood of confusion with any "similar designations" owned by MWR. Subject to and without waiving any of the foregoing objections, MWR responds as follows: no such adversarial proceedings or challenges exist with respect to Petitioner's Mark.

REQUEST NO. 13

Identify all persons who have knowledge concerning Petitioner's selection, adoption and/or use of Petitioner's Mark for any products and services.

Response

MWR incorporates by reference all General Objections as if fully set forth herein. MWR objects to this Request on the grounds that it is so overbroad and unduly burdensome as to make it impossible for MWR to prepare a response. Petitioner's Mark is advertised publicly and utilized by thousands of individuals.

REQUEST NO. 14

Identify and describe any and all opinions relating to the Petitioner's Mark, including but not limited to Petitioner's use of the marks vis-à-vis Registrant's Mark.

Response

MWR incorporates by reference all General Objections as if fully set forth herein. MWR objects to this Request on the grounds that it is vague and ambiguous with respect to the term "opinions", and what types of opinions Stoner is referring to.

REQUEST NO. 15

Identify and describe any and all investigations, polls, studies, evaluations, analysis, tests, ratings, or surveys relating to Petitioner's Mark or Registrant's Mark, including but not limited to Petitioner's use of Petitioner's Mark.

Response

MWR incorporates by reference all General Objections as if fully set forth herein. MWR objects to this Request on the grounds that it is overbroad and unduly burdensome.

MWR further objects to this Request on the grounds that it seeks information irrelevant to the subject matter of this litigation, not relevant to the claims or defenses asserted in this litigation by any party, and/or not reasonably calculated to lead to the discovery of admissible evidence under Fed. R. Civ. P. 26. MWR objects to the Requests to the extent such Requests seek disclosure of information protected by the attorney-client privilege, the work product doctrine, the common interest privilege, or any other applicable privilege. Pursuant to Federal Rule of Civil Procedure 26(b)(5) all information that is protected from disclosure by the attorney-client privilege, the work product doctrine, the common interest privilege or any other applicable privilege will not be produced.

REQUEST NO. 16

Identify and describe any and all investigations, polls, studies, evaluations, analysis, tests, ratings, or surveys relating to Petitioner's Mark, including but not limited to Registrant's use of Registrant's Mark.

Response

MWR incorporates by reference all General Objections as if fully set forth herein. MWR objects to this Request on the grounds that it is overbroad and unduly burdensome. MWR further objects to this Request on the grounds that it seeks information irrelevant to the subject matter of this litigation, not relevant to the claims or defenses asserted in this litigation by any party, and/or not reasonably calculated to lead to the discovery of admissible evidence under Fed. R. Civ. P. 26. MWR objects to the Requests to the extent such Requests seek disclosure of information protected by the attorney-client privilege, the work product doctrine, the common interest privilege, or any other applicable

privilege. Pursuant to Federal Rule of Civil Procedure 26(b)(5) all information that is protected from disclosure by the attorney-client privilege, the work product doctrine, the common interest privilege or any other applicable privilege will not be produced.

REQUEST NO. 17

Describe in detail Petitioner's awareness and knowledge of Registrant, Registrant's business activities, Registrant's Mark, and/or Registrant's use of Registrant's Mark, prior to as well as subsequent to Petitioner's use of Petitioner's Mark and filing of its federal trademark applications, and in so doing, state the dates on which each person or persons gained such knowledge or awareness.

Response

MWR incorporates by reference all General Objections as if fully set forth herein. MWR objects to the Requests to the extent such Requests seek disclosure of information protected by the attorney-client privilege, the work product doctrine, the common interest privilege, or any other applicable privilege. Pursuant to Federal Rule of Civil Procedure 26(b)(5) all information that is protected from disclosure by the attorney-client privilege, the work product doctrine, the common interest privilege or any other applicable privilege will not be produced. Subject to and without waiving any of the foregoing objections, MWR responds as follows: MWR became aware of Stoner shortly after an office action was issued on an application by MWR's for the BONGO BEAR mark. That office action was issued on March 20, 2012. MWR became aware of Stoner's BONGO BI-LINGO BUDDY Registration after that registration was cited against MWR's application for the BONGO BEAR mark. To date, MWR has seen no evidence that

Stoner uses Registrant's Mark in commerce or that Registrant has any "business activities" other than sporadic and *de minimis* advertising of the BONGO BI-LINGO BUDDY mark.

REQUEST NO. 18

Identify the intended and actual consumers of Petitioner's products and services offered and/or sold under or in connection with Petitioner's Mark or similar designation.

Response

MWR incorporates by reference all General Objections as if fully set forth herein. Subject to and without waiving any of the foregoing objections, MWR responds as follows: MWR's intended and actual consumers are childcare attendees and their parents, as well as prospective attendees and their parents.

REQUEST NO. 19

Identify and describe any instances of actual confusion or mistake with respect to the goods and services sold or offered by Petitioner and the goods and services sold or offered by Registrant.

Response

MWR incorporates by reference all General Objections as if fully set forth herein. MWR objects to this Request to the extent it suggests that Registrant has actually made any bona fide sales of any goods and/or services in commerce. Subject to and without waiving any of the foregoing objections, MWR responds as follows: MWR is not aware of any instances of actual confusion.

REQUEST NO. 20

State in detail the factual and legal bases for the Petitioner's contention that "Petitioner's Services were first used in commerce before Respondent's constructive or actual usage of the mark in the '403 Registration." Petition to Cancel at ¶ 4.

Response

MWR incorporates by reference all General Objections as if fully set forth herein. Subject to and without waiving any of the foregoing objections, MWR responds as follows: MWR first used its BONGO BEAR mark in connection with the services recited in Application Serial No. 86/146,757 at least as early as March 1, 2003. Stoner has taken the position that its first use of any kind of its BONGO BI-LINGO BUDDY mark occurred on June 8, 2004. Accordingly, even assuming Stoner's use on June 8, 2004 constituted "use in commerce" for the purposes of creating trademark rights, that use was over a year after MWR had begun using its BONGO BEAR mark in commerce.

REQUEST NO. 21

State in detail the factual and legal basis for the Petitioner's contention that "The mark in the '403 Registration 'BONGO BI-LINGO BUDDY' is confusingly similar to the mark 'BONGO BEAR' in Petitioner's Application, and is for services that are identical or closely related to Petitioner's Services." Petition to Cancel at ¶ 9.

Response

MWR incorporates by reference all General Objections as if fully set forth herein. Subject to and without waiving any of the foregoing objections, MWR responds as

follows: Among other things, the two marks share an identical initial element and alliteration using the letter “b”, making them very similar in sound, appearance, and commercial impression. The services used in connection with the two marks are almost identical, as are the channels of trade through which the services flow. While it does not appear that Stoner has made any actual sales of services, the description of services for the BONGO BI-LINGO BUDDY mark suggest that the consumers are children, which is identical to the consumers of MWR’s services. These consumers are unsophisticated and very likely to be confused as between the services of MWR and Stoner.

REQUEST NO. 22

State in detail the factual and legal basis for the Petitioner’s contention that “The continued existence of the ‘403 Registration is likely to cause harm and damage to Petitioner in that it falsely represents to the public that Respondent has rights in and to the mark in the ‘403 Registration inconsistent with those of Petitioner as a prior user, and in that there is a false presumption of rights in the Respondent associated with the ‘403 Registration, which is inconsistent with Petitioner’s superior rights.” Petition to Cancel at ¶ 9.

Response

MWR incorporates by reference all General Objections as if fully set forth herein. Subject to and without waiving any of the foregoing objections, MWR responds as follows: As set out above and incorporated by reference here, there is a likelihood of confusion between the BONGO BEAR and BONGO BI-LINGO BUDDY marks, such that consumers will believe that the sources of the services are related, which will and has

harmd the goodwill of MWR in its mark. This is exacerbated by the fact that Stoner owns the '403 Registration, which falsely represents to the public that Stoner owns any enforceable rights in the marks.

REQUEST NO. 23

State in detail the factual and legal basis for the Petitioner's contention that "[...] the existence of the '403 Registration falsely suggests to the public that, by virtue of the registration, there is an association between Petitioner and Respondent, or that services marketed by Respondent under the mark 'BONGO BI-LINGO BUDDY' are in some manner associated with Petitioner, when they are not." Petition to Cancel at ¶ 9.

Response

MWR incorporates by reference all General Objections as if fully set forth herein. Subject to and without waiving any of the foregoing objections, MWR responds as follows: As set out above and incorporated by reference here, there is a likelihood of confusion between the BONGO BEAR and BONGO BI-LINGO BUDDY marks, such that the public will and does believe that there is an association between MWR and Stoner.

REQUEST NO. 24

State in detail the factual and legal basis for the Petitioner's contention that "The continued existence of the '403 Registration is likely to cause further harm and damage to Petitioner in that Petitioner will be wrongfully prevented from registering the mark in Petitioner's Application, all to the detriment of Petitioner." Petition to Cancel at ¶ 10.

Response

MWR incorporates by reference all General Objections as if fully set forth herein. Subject to and without waiving any of the foregoing objections, MWR responds as follows: As set out above and incorporated by reference here, there is a likelihood of confusion between the BONGO BEAR and BONGO BI-LINGO BUDDY marks. Stoner's '403 Registration is currently preventing MWR's BONGO BEAR mark from being registered. Continued registration of the '403 Registration will continue to prevent MWR from registering its BONGO BEAR mark, despite having used its BONGO BEAR mark prior to any date that can be claimed by Stoner.

REQUEST NO. 25

State in detail the factual and legal basis for the Petitioner's contention that "[...] Petitioner asserts, upon information and belief, that Respondent has abandoned the mark by discontinuing its use of the mark with an intent not to resume use." Petition to Cancel at ¶ 11.

Response

MWR incorporates by reference all General Objections as if fully set forth herein. Subject to and without waiving any of the foregoing objections, MWR responds as follows: Stoner has produced no evidence, nor can any evidence be located by MWR after a reasonable search, that Stoner has used the BONGO BI-LINGO BUDDY mark in commerce. Indeed, Stoner has admitted that it has not sold any services under the BONGO BI-LINGO BUDDY mark. Instead, Stoner has allegedly provided its services

under the BONGO BI-LINGO BUDDY mark solely to advertise sales of other branded goods not identified in the '403 Registration.

REQUEST NO. 26

Identify each lay and expert witness Petitioner expects to call to testify on its behalf in this matter, and state the subject matter of each such witnesses' expected testimony, and identify each exhibit that Petitioner intends to introduce or rely upon in connection with each such witness.

Response

MWR incorporates by reference all General Objections as if fully set forth herein. MWR objects to this Request as premature, given that disclosure of lay and expert witnesses is governed by the Trademark Rules. Subject to and without waiving any of the foregoing objections, MWR will make appropriate disclosure at the proper time.

REQUEST NO. 27

Identify and describe all documents Petitioner expects to use, introduce or rely upon at the time of trial in this matter.

Response

MWR incorporates by reference all General Objections as if fully set forth herein. MWR objects to this Request as premature, given that disclosure of evidence on which MWR will rely is governed by the Trademark Rules. Subject to and without waiving any of the foregoing objections, MWR will make appropriate disclosure at the proper time.

REQUEST NO. 28

Identify all persons who were consulted or participated in the preparation of the answers to these interrogatories.

Response

MWR incorporates by reference all General Objections as if fully set forth herein. Subject to and without waiving any of the foregoing objections, MWR responds as follows: Michael Shafir.

REQUEST NO. 29

Has the Petitioner taken legal action against a third party other than the Registrant to police or enforce its alleged rights in Petitioner's Mark? If so, please set forth, with particularity the following:

1. The name and address of the party against whom the legal action was instituted;
2. The date(s) during which the legal action transpired;
3. A complete description of the legal action taken;
4. If the legal action took place before the United States Patent & Trademark Office or any state or federal court or agency, the name of the entity in which it took place including the proceeding number assigned thereto;
5. A complete description of the allegations included in the legal action;
6. The result of the legal action.

Response

MWR incorporates by reference all General Objections as if fully set forth herein. MWR objects to this Request on the grounds that it seeks information irrelevant to the subject matter of this litigation, not relevant to the claims or defenses asserted in this litigation by any party, and/or not reasonably calculated to lead to the discovery of admissible evidence under Fed. R. Civ. P. 26. Subject to and without waiving any of the foregoing objections, MWR responds as follows: No.

REQUEST NO. 30

Has a third-party ever taken legal action against the Petitioner regarding the Petitioner's use of Petitioner's Mark? If so, please set forth, with particularity, the following:

1. The name and address of the party against whom the legal action was instituted;
2. The date(s) during which the legal action transpired;
3. A complete description of the legal action taken;
4. If the legal action took place before the United States Patent & Trademark Office or any state or federal court or agency, the name of the entity in which it took place including the proceeding number assigned thereto;
5. A complete description of the allegations included in the legal action;
6. The result of the legal action.

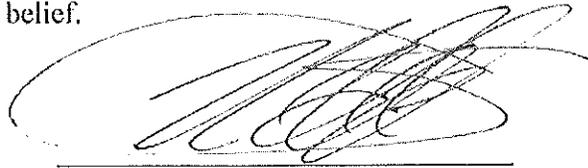
Response

MWR incorporates by reference all General Objections as if fully set forth herein. MWR objects to this Request on the grounds that it seeks information irrelevant to the

subject matter of this litigation, not relevant to the claims or defenses asserted in this litigation by any party, and/or not reasonably calculated to lead to the discovery of admissible evidence under Fed. R. Civ. P. 26. Subject to and without waiving any of the foregoing objections, MWR responds as follows: No.

AS TO RESPONSES:

I, Michael Shafir, state under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.



Michael Shafir
MWR Holdings, LLC

AS TO OBJECTIONS ONLY:

Dated: April 9, 2015

GREENBERG TRAURIG, LLP

By: 

William W. Stroever
200 Park Avenue
P.O. Box 677
Florham Park, NJ 07932-0677
Tel. 973-443-3524
Fax 973-295-1291
stroeverw@gtlaw.com

Attorneys for Petitioner
MWR Holdings, LLC

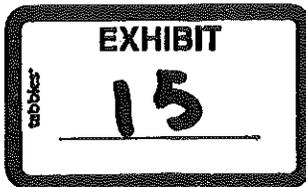
CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing PETITIONER'S RESPONSES AND OBJECTIONS TO REGISTRANT'S FIRST SET OF REQUESTS FOR ADMISSION has been served on Theodore A. Stoner by mailing said copy on April 9, 2015, via First Class Mail, postage prepaid to:

Matthew H. Swyers
The Trademark Company PLLC
344 Maple Ave. W, Suite 151
Vienna, VA 22180



William W. Stroever



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

MWR HOLDINGS, LLC,

Petitioner,

v.

THEODORE A. STONER,

Registrant.

Cancellation No. 92059305

Mark: BONGO BI-LINGO BUDDY

Reg. No.: 3,700,403

Registered: October 20, 2009

**PETITIONER'S RESPONSES AND OBJECTIONS TO REGISTRANT'S FIRST
REQUESTS FOR THE PRODUCTION OF DOCUMENTS**

Pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure, Petitioner MWR Holdings, LLC ("MWR") responds to Registrant Theodore A. Stoner's ("Stoner") First Requests for the Production of Documents (the "Requests") as follows:

GENERAL OBJECTIONS

1. MWR objects to the Requests to the extent such Requests seek disclosure of information protected by the attorney-client privilege, the work product doctrine, the common interest privilege, or any other applicable privilege. Pursuant to Federal Rule of Civil Procedure 26(b)(5) all information that is protected from disclosure by the attorney-client privilege, the work product doctrine, the common interest privilege or any other applicable privilege will not be produced.

2. MWR objects to the Requests and definitions to the extent they require MWR to undertake burdens beyond the requirements imposed by the Federal Rules of Civil Procedure.

3. MWR objects to the Requests and the Definitions incorporated therein to the extent they seek information irrelevant to the subject matter of this litigation, not relevant to the claims or defenses asserted in this litigation by any party, and/or not reasonably calculated to lead to the discovery of admissible evidence under Fed. R. Civ. P. 26.

4. MWR objects to the Requests to the extent they seek information that is equally available to Hair Plus.

5. MWR objects to the Requests to the extent they have been asked and answered by other discovery means, thus requiring no further response.

6. MWR objects to the Requests to the extent they use terms that are ambiguous, i.e., undefined, unclear, confusing, or subject to multiple possible definitions.

7. MWR objects to the Requests to the extent they seek documents or information not within the possession, custody or control of MWR.

8. A response that states MWR will produce certain responsive documents is not an admission that such documents exist and/or are in MWR's possession, custody or control. MWR will produce only those documents located in a reasonably diligent search of documents within its custody or control.

9. MWR's discovery efforts are ongoing and continuing, as required by the Federal Rules, and MWR reserves the right to supplement these responses in the event additional responsive, non-privileged information becomes available.

10. These general objections apply to each of MWR's responses set forth herein. To the extent that specific objections are made in a specific response, they are provided because they are believed to be particularly applicable to the specific request and should not be construed as a waiver of any general objection.

ANSWERS TO REQUESTS

REQUEST NO. 1

All Documents evidencing, referring, or relating to the selection or adoption by Petitioner of Petitioner's Claimed Mark.

Response

MWR incorporates by reference all General Objections as if fully set forth herein. MWR objects to this Request on the grounds that it is overbroad and unduly burdensome. This request calls for production of every document related to Petitioner's Mark and the business provided under that mark. Subject to and without waiving any of the foregoing objections, MWR will produce a representative sample of any relevant, responsive, non-privileged documents uncovered after a reasonable search.

REQUEST NO. 2

Documents sufficient to identify each Person who participated or was involved in the selection of Petitioner's Claimed Mark, and with respect to each Person so identified, the nature and scope of his or her involvement.

Response

MWR incorporates by reference all General Objections as if fully set forth herein. MWR objects to this Request on the grounds that it is overbroad and unduly burdensome. The scope of this Request calls for production of documents with little to no relevance to the instant cancellation. Subject to and without waiving any of the foregoing objections, MWR will produce a representative sample of any relevant, responsive, non-privileged documents uncovered after a reasonable search.

REQUEST NO. 3

All Documents evidencing, referring, or relating to the application to register Petitioner's Claimed Mark by Petitioner, and any communication(s) between Petitioner or its attorneys and the United States Patent and Trademark Office in connection with Petitioner's Claimed Mark.

Response

MWR incorporates by reference all General Objections as if fully set forth herein. MWR objects to this Request on the grounds that the documents responsive to this Request are publicly available on the USPTO website and the burden of producing them is the same for Stoner and MWR.

REQUEST NO. 4

All Documents evidencing, referring, or relating to measures taken by Petitioner to determine the availability of Petitioner's Claimed Mark at any time, including any investigative or background materials on marks or entities reflected in any trademark search.

Response

MWR incorporates by reference all General Objections as if fully set forth herein. MWR objects to this Request to the extent it calls for documents and things protected by the attorney-client privilege or work product doctrine. Subject to and without waiving any of the foregoing objections, MWR will produce a representative sample of any relevant, responsive, non-privileged documents uncovered after a reasonable search.

REQUEST NO. 5

All Documents evidencing, referring, or relating to alternative names, phrases, logos, designs or words considered by Petitioner, whether or not adopted, in connection with the process that resulted in the adoption of Petitioner's Claimed Mark for any products or services of Petitioner.

Response

MWR incorporates by reference all General Objections as if fully set forth herein. MWR objects to this Request on the grounds that it calls for documents irrelevant to the subject matter of this litigation, not relevant to the claims or defenses asserted in this litigation by any party, and/or not reasonably calculated to lead to the discovery of admissible evidence under Fed. R. Civ. P. 26. Alternative marks considered or adopted by MWR have no bearing on whether Stoner is entitled to registration of his BONGO BI-LINGO BUDDY mark.

REQUEST NO. 6

All Documents evidencing, referring, or relating to Petitioner's first use of Petitioner's Claimed Mark as trademarks or service marks or name in connection with any products, services, or business activities of Petitioner.

Response

MWR incorporates by reference all General Objections as if fully set forth herein. MWR objects to this Request on the grounds that Stoner's First Request for the Production of Documents defines "Petitioner's Mark" as the mark identified in U.S. Trademark Serial No. 86/146,757. That application covers a specific set of services, which is inconsistent with the language "any products, services, or business activities of Petitioner" in this Request. For the sake of resolving this inconsistency, MWR will assume this Request is directed solely to the

services identified in U.S. Trademark Serial No. 86/146,757. Subject to and without waiving any of the foregoing objections, MWR will produce a representative sample of any relevant, responsive, non-privileged documents uncovered after a reasonable search.

REQUEST NO. 7

All Documents evidencing, referring, or relating to Petitioner's use of Petitioner's Claimed Mark after the first use of Petitioner's Claimed Mark as trademarks or service marks or name in connection with any products, services or business activities of Petitioner.

Response

MWR incorporates by reference all General Objections as if fully set forth herein. MWR objects to this Request on the grounds that Stoner's First Request for the Production of Documents defines "Petitioner's Mark" as the mark identified in U.S. Trademark Serial No. 86/146,757. That application covers a specific set of services, which is inconsistent with the language "any products, services, or business activities of Petitioner" in this Request. For the sake of resolving this inconsistency, MWR will assume this Request is directed solely to the services identified in U.S. Trademark Serial No. 86/146,757. Subject to and without waiving any of the foregoing objections, MWR will produce a representative sample of any relevant, responsive, non-privileged documents uncovered after a reasonable search.

REQUEST NO. 8

All Documents evidencing, referring, or relating to goods or services offered by Petitioner under or pursuant to Petitioner's Claimed Mark.

Response

MWR incorporates by reference all General Objections as if fully set forth herein. MWR objects to this Request on the grounds that Stoner's First Request for the Production of Documents defines "Petitioner's Mark" as the mark identified in U.S. Trademark Serial No. 86/146,757. That application covers a specific set of services, which is inconsistent with the language "any products, services, or business activities of Petitioner" in this Request. For the sake of resolving this inconsistency, MWR will assume this Request is directed solely to the services identified in U.S. Trademark Serial No. 86/146,757. Subject to and without waiving any of the foregoing objections, MWR will produce a representative sample of any relevant, responsive, non-privileged documents uncovered after a reasonable search.

REQUEST NO. 9

All Documents evidencing, referring, or relating to agreements entered into by Petitioner with third parties which relate or refer to the use of Petitioner's Claimed Mark.

Response

MWR incorporates by reference all General Objections as if fully set forth herein. MWR objects to this Request on the grounds that it calls for production of confidential, commercially sensitive materials, which will not be produced absent the signing of a mutually acceptable Protective Order. Upon the signing of that Protective Order, and subject to and without waiving any of the foregoing objections, MWR will produce a representative sample of any relevant, responsive, non-privileged documents uncovered after a reasonable search.

REQUEST NO. 10

Examples of all advertising, promotional materials, packaging, labeling, data sheets, instructional materials, media documents, or other printed materials evidencing, relating to, or referring to use or promotion of the products or services offered under Petitioner's Claimed Mark.

Response

MWR incorporates by reference all General Objections as if fully set forth herein. MWR objects to this Request on the grounds that it is overbroad and unduly burdensome, and calls for documents with minimal relevance to the instant litigation. Subject to and without waiving any of the foregoing objections, MWR will produce a representative sample of any relevant, responsive, non-privileged documents uncovered after a reasonable search.

REQUEST NO. 11

Examples of each screen display, link, frame, window, brochure, advertisement, flyer, business card or promotional material Petitioner uses in connection with any products or services offered under Petitioner's Claimed Mark.

Response

MWR incorporates by reference all General Objections as if fully set forth herein. MWR objects to this Request on the grounds that it is overbroad and unduly burdensome, and calls for documents with minimal relevance to the instant litigation. Subject to and without waiving any of the foregoing objections, MWR will produce a representative sample of any relevant, responsive, non-privileged documents uncovered after a reasonable search.

REQUEST NO. 12

Documents sufficient to identify the channels of trade through which Petitioner distributes products or offers services under Petitioner's Claimed Mark including, without limitation, documents sufficient to identify the customers, sales agents, dealerships, distributors or other outlets through which any products or services are or have been sold since Petitioner's adoption of Petitioner's Claimed Mark.

Response

MWR incorporates by reference all General Objections as if fully set forth herein. Subject to and without waiving any of the foregoing objections, MWR will produce a representative sample of any relevant, responsive, non-privileged documents uncovered after a reasonable search.

REQUEST NO. 13

Documents sufficient to identify the geographic areas in which Petitioner's products or services bearing Petitioner's Claimed Mark are or at any time have been distributed or offered for sale.

Response

MWR incorporates by reference all General Objections as if fully set forth herein. Subject to and without waiving any of the foregoing objections, MWR will produce a representative sample of any relevant, responsive, non-privileged documents uncovered after a reasonable search.

REQUEST NO. 14

Documents sufficient to identify the persons that have purchased products or services bearing Petitioner's Claimed Mark.

Response

MWR incorporates by reference all General Objections as if fully set forth herein. MWR objects to this Request on the grounds that it is overbroad and unduly burdensome. MWR's services are provided to thousands of individuals throughout the country and internationally, and it would be incredibly burdensome identify each consumer. MWR further objects to this Request on the grounds that it calls for disclosure of third party personal information, and raises serious privacy and confidentiality concerns.

REQUEST NO. 15

Documents sufficient to identify each person who has received any offer of services under Petitioner's Claimed Mark including any persons who have accessed Petitioner's website.

Response

MWR incorporates by reference all General Objections as if fully set forth herein. MWR objects to this Request on the grounds that it is overbroad and unduly burdensome. MWR's services are provided to thousands of individuals throughout the country and internationally, and it would be incredibly burdensome identify each consumer. MWR further objects to this Request on the grounds that it calls for disclosure of third party personal information, and raises serious privacy and confidentiality concerns. MWR further objects to this Request to the extent it would require MWR to identify each unique visitor to its website.

REQUEST NO. 16

Representative examples of price lists and other documents that show the prices, both wholesale, suggested retail, and any other price category utilized by Petitioner, at which products or services under Petitioner's Claimed Mark have been sold or offered for sale.

Response

MWR incorporates by reference all General Objections as if fully set forth herein. MWR objects to this Request on the grounds that it calls for documents and things irrelevant to the subject matter of this litigation, not relevant to the claims or defenses asserted in this litigation by any party, and/or not reasonably calculated to lead to the discovery of admissible evidence under Fed. R. Civ. P. 26. MWR objects to this Request on the grounds that it calls for production of confidential, commercially sensitive materials, which will not be produced absent the signing of a mutually acceptable Protective Order.

REQUEST NO. 17

Documents sufficient to show Petitioner's monthly, if available, or, if not, for each separate period reflected in Petitioner's books and records, gross wholesale sales, in dollars and in units, of each of the products or services bearing Petitioner's Claimed Mark.

Response

MWR incorporates by reference all General Objections as if fully set forth herein. MWR objects to this Request on the grounds that it calls for documents and things irrelevant to the subject matter of this litigation, not relevant to the claims or defenses asserted in this litigation by any party, and/or not reasonably calculated to lead to the discovery of admissible evidence under Fed. R. Civ. P. 26. MWR objects to this Request on the grounds that it calls for production of

confidential, commercially sensitive materials, which will not be produced absent the signing of a mutually acceptable Protective Order.

REQUEST NO. 18

All Documents evidencing, referring, or relating to any sales or marketing plans for products or services sold under Petitioner's Claimed Mark.

Response

MWR incorporates by reference all General Objections as if fully set forth herein. MWR objects to this Request on the grounds that it calls for all of MWR's sales and marketing documents and is therefore overbroad and unduly burdensome. Subject to and without waiving any of the foregoing objections, MWR will produce a representative sample of any relevant, responsive, non-privileged documents uncovered after a reasonable search.

REQUEST NO. 19

All Documents evidencing, referring, or relating to any services sold or offered for sale under Petitioner's Claimed Mark.

Response

MWR incorporates by reference all General Objections as if fully set forth herein. MWR objects to this Request on the grounds that it calls for essentially all of MWR's documents and is therefore overbroad and unduly burdensome. Subject to and without waiving any of the foregoing objections, MWR will produce a representative sample of any relevant, responsive, non-privileged documents uncovered after a reasonable search.

REQUEST NO. 20

All Documents evidencing, referring, or relating to the types of purchasers or users of any products or services sold under Petitioner's Claimed Mark, including, but not limited to, any research or studies related to such purchasers or users.

Response

MWR incorporates by reference all General Objections as if fully set forth herein. Subject to and without waiving any of the foregoing objections, MWR will produce a representative sample of any relevant, responsive, non-privileged documents uncovered after a reasonable search.

REQUEST NO. 21

All Documents evidencing, referring, or relating to Petitioner's expenditures for each advertising or promotional document, medium, or activity used to advertise or promote products or services under Petitioner's Claimed Mark.

Response

MWR incorporates by reference all General Objections as if fully set forth herein. MWR objects to this Request on the grounds that it calls for documents and things irrelevant to the subject matter of this litigation, not relevant to the claims or defenses asserted in this litigation by any party, and/or not reasonably calculated to lead to the discovery of admissible evidence under Fed. R. Civ. P. 26. MWR objects to this Request on the grounds that it calls for production of confidential, commercially sensitive materials, which will not be produced absent the signing of a mutually acceptable Protective Order.

REQUEST NO. 22

Documents sufficient to identify the types of purchasers or end users who are or may be expected purchasers or users of any products or services sold under Petitioner's Claimed Mark in the United States, including, but not limited to, any research or studies related to such purchasers or users.

Response

MWR incorporates by reference all General Objections as if fully set forth herein. Subject to and without waiving any of the foregoing objections, MWR will produce a representative sample of any relevant, responsive, non-privileged documents uncovered after a reasonable search.

REQUEST NO. 23

Documents sufficient to identify any alleged qualities or advantages of Petitioner's products or services sold under Petitioner's Claimed Mark.

Response

MWR incorporates by reference all General Objections as if fully set forth herein. MWR objects to this Request on the grounds that it is so vague and ambiguous that it does not provide MWR with enough information to formulate a response. Specifically, the Request does not identify the context in which it is asked, or what comparison is being made in the Request.

REQUEST NO. 24

Documents sufficient to identify any actual or threatened litigation involving trademark infringement or unfair competition claims in which Petitioner has been engaged including any opposition or cancellation proceedings before the United States Patent and Trademark Office.

Response

MWR incorporates by reference all General Objections as if fully set forth herein. MWR objects to this Request on the grounds that it calls for documents and things irrelevant to the subject matter of this litigation, not relevant to the claims or defenses asserted in this litigation by any party, and/or not reasonably calculated to lead to the discovery of admissible evidence under Fed. R. Civ. P. 26. Subject to and without waiving any of the foregoing objections, and solely with respect to Petitioner's Mark, MWR is not aware of any responsive documents at this time.

REQUEST NO. 25

All Documents which relate or refer to all content displayed on any website maintained or used by Petitioner which makes any use of Petitioner's Claimed Mark.

Response

MWR incorporates by reference all General Objections as if fully set forth herein. MWR objects to this Request on the grounds that it calls for virtually all of MWR's documents. Subject to and without waiving any of the foregoing objections, MWR will produce a representative sample of any relevant, responsive, non-privileged pages of MWR's website.

REQUEST NO. 26

Each and every document which Petitioner will rely upon to establish the claims set forth in its Petition to Cancel in this matter.

Response

MWR incorporates by reference all General Objections as if fully set forth herein. MWR objects to this Request on the grounds that the timing of the disclosure of documents upon which MWR will rely to establish the claims set forth in its Petition to Cancel are governed by the appropriate Trademark Rules. Subject to and without waiving any of the foregoing objections, MWR will identify each document it will rely upon to establish the claims set forth in its Petition to Cancel at the appropriate time required by the Rules.

REQUEST NO. 27

All specimens submitted to the USPTO in connection with the application for Petitioner's Claimed Mark.

Response

MWR incorporates by reference all General Objections as if fully set forth herein. MWR objects to this Request on the grounds that the responsive documents are publicly available from the USPTO website and therefore the burden of obtaining them is the same for MWR and Stoner.

REQUEST NO. 28

Each and every document which relates or refers to all bona fide uses of Petitioner's Claimed Mark.

Response

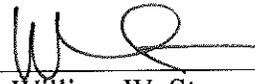
MWR incorporates by reference all General Objections as if fully set forth herein. MWR objects to this Request on the grounds that it calls for documents and things irrelevant to the

subject matter of this litigation, not relevant to the claims or defenses asserted in this litigation by any party, and/or not reasonably calculated to lead to the discovery of admissible evidence under Fed. R. Civ. P. 26. MWR objects to this Request on the grounds that it calls for production of confidential, commercially sensitive materials, which will not be produced absent the signing of a mutually acceptable Protective Order. MWR objects to this Request on the grounds that it is overbroad and unduly burdensome. Subject to and without waiving any of the foregoing objections, MWR will produce a representative sample of any relevant, responsive, non-privileged documents uncovered after a reasonable search.

Dated: April 9, 2015

GREENBERG TRAURIG, LLP

By: _____


William W. Stroever
200 Park Avenue
P.O. Box 677
Florham Park, NJ 07932-0677
Tel. 973-443-3524
Fax 973-295-1291
stroeverw@gtlaw.com

Attorneys for Petitioner
MWR Holdings, LLC

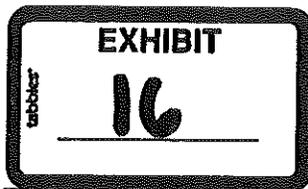
CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing PETITIONER'S RESPONSES AND OBJECTIONS TO REGISTRANT'S FIRST SET OF REQUESTS FOR ADMISSION has been served on Theodore A. Stoner by mailing said copy on April 9, 2015, via First Class Mail, postage prepaid to:

Matthew H. Swyers
The Trademark Company PLLC
344 Maple Ave. W, Suite 151
Vienna, VA 22180



William W. Stroever



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

MWR HOLDINGS, LLC,

Petitioner,

v.

THEODORE A. STONER,

Registrant.

Cancellation No. 92059305

Mark: BONGO BI-LINGO BUDDY

Reg. No.: 3,700,403

Registered: October 20, 2009

PETITIONER'S RESPONSES AND OBJECTIONS TO REGISTRANT'S FIRST SET OF REQUESTS FOR ADMISSION

Pursuant to Rules 26 and 36 of the Federal Rules of Civil Procedure, Petitioner MWR Holdings, LLC ("MWR"), by its undersigned counsel, hereby responds to Registrant Theodore A. Stoner's ("Stoner") First Set of Requests for Admission ("Requests") as follows:

GENERAL OBJECTIONS

1. MWR objects to Stoner's Requests to the extent such Requests violate Rule 36 of the Federal Rules of Civil Procedure.
2. MWR objects to the Requests to the extent such Requests seek disclosure of information protected by the attorney-client privilege, the work product doctrine, the common interest privilege, or any other applicable privilege. Pursuant to Federal Rule of Civil Procedure 26(b)(5) all information that is protected from disclosure by the attorney-client privilege, the work product doctrine, the common interest privilege or any other applicable privilege will not be produced.

3. MWR objects to the Requests to the extent such Requests seek disclosure of any information which may comprise confidential or proprietary information or trade secrets.

4. MWR objects to the Requests to the extent such Requests use terms that are undefined, unclear or confusing.

5. MWR objects to the Requests to the extent such Requests are unreasonably burdensome or oppressive, or seek information that is not relevant to the present action or not reasonably calculated to lead to the discovery of admissible evidence.

6. In setting forth its responses, MWR does not waive the attorney-client privilege, work product doctrine, or any other privilege or immunity from disclosure that may attach to information and documents called for in response to the Requests. Additionally, the following responses (and any further responses to the Requests) are made without acknowledgement of either the relevancy or materiality of the information and documents requested or that the Requests are in any way reasonably calculated to lead to the discovery of admissible evidence.

7. These general objections apply to each of MWR'S responses set forth herein. To the extent that specific objections are made in a specific response, they are provided because they are believed to be particularly applicable to the specific request and should not be construed as a waiver of any general objection.

RESPONSES TO REQUESTS FOR ADMISSIONS

REQUEST NO. 1

Admit that Registrant's Mark does not include the term "BEAR".

Response:

MWR incorporates by reference all General Objections as if fully set forth herein. Subject to and without waiving any objections, MWR responds as follows: Admitted.

REQUEST NO. 2

Admit that Petitioner's Mark does not include the term "BI-LINGO".

Response:

MWR incorporates by reference all General Objections as if fully set forth herein. Subject to and without waiving any objections, MWR responds as follows: Admitted.

REQUEST NO. 3

Admit that Petitioner's Mark does not include the term "BUDDY".

Response:

MWR incorporates by reference all General Objections as if fully set forth herein. Subject to and without waiving any objections, MWR responds as follows: Admitted.

REQUEST NO. 4

Admit the term "BEAR" is not identical to the term "BI-LINGO".

Response:

MWR incorporates by reference all General Objections as if fully set forth herein. MWR objects to this Request on the grounds that the term "identical" is vague, ambiguous, and subject to multiple possible meanings in this context. Based on and without waiving any objections, MWR responds as follows: Denied.

REQUEST NO. 5

Admit the term "BEAR" is not identical to the term "BUDDY".

Response:

MWR incorporates by reference all General Objections as if fully set forth herein. MWR objects to this Request on the grounds that the term “identical” is vague, ambiguous, and subject to multiple possible meanings in this context. Based on and without waiving any objections, MWR responds as follows: Denied.

REQUEST NO. 6

Admit that Petitioner does not have exclusive rights to the term “BONGO”.

Response:

MWR incorporates by reference all General Objections as if fully set forth herein. MWR objects to this Request on the grounds that it is vague and ambiguous with respect to the context in which the “exclusive rights” are being addressed. Subject to and without waiving any objections, MWR responds as follows: Denied.

REQUEST NO. 7

Admit that Registrant’s Mark and Petitioner’s Mark are not identical in appearance.

Response:

MWR incorporates by reference all General Objections as if fully set forth herein. MWR objects to this Request on the grounds that it is vague and ambiguous with respect to the term “appearance”. Subject to and without waiving any objections, MWR responds as follows: Denied.

REQUEST NO. 8

Admit that Registrant’s Mark and Petitioner’s Mark are not identical in connotation.

Response:

MWR incorporates by reference all General Objections as if fully set forth herein. MWR objects to this Request on the grounds that it is vague and ambiguous with respect to the term “connotation”. Subject to and without waiving any objections, MWR responds as follows: Denied.

REQUEST NO. 9

Admit that Registrant’s Mark and Petitioner’s Mark are not similar.

Response:

MWR incorporates by reference all General Objections as if fully set forth herein. MWR objects to this Request on the grounds that it is vague and ambiguous with respect to the term “similar”. MWR objects to this Request on the grounds that it calls for a legal conclusion and is therefore improper under the Federal Rules. Subject to and without waiving any objections, MWR responds as follows: Denied.

REQUEST NO. 10

Admit that the Petitioner’s Mark is used in connection with entertainment services, namely live theatrical performances featuring electronically animated characters for use in child development and personal appearances by a costumed character.

Response:

MWR incorporates by reference all General Objections as if fully set forth herein. MWR objects to this Request to the extent it suggests that the identified services are the only goods or services with which Petitioner’s Mark is used. Subject to and without waiving any objections, MWR responds as follows: Admitted.

REQUEST NO. 11

Admit that the Registrant's Mark is used in connection with entertainment in the nature of live theatrical performances by mixed media of live characters, puppetry and animation for children; organizing cultural events for children; and education services, namely, providing professional training in the field of bilingual learning.

Response:

MWR incorporates by reference all General Objections as if fully set forth herein. MWR is unable to identify any services with which Registrant uses Registrant's Mark after a reasonable investigation, and subject to and without waiving any objections, MWR responds as follows: Denied.

REQUEST NO. 12

Admit that live theatrical performances featuring electronically animated characters for use in child development and personal appearances by a costumed character are not the same as entertainment in the nature of live theatrical performances by mixed media of live characters, puppetry and animation for children.

Response:

MWR incorporates by reference all General Objections as if fully set forth herein. MWR objects to this Request on the grounds that the phrase "the same" is vague and ambiguous. Subject to and without waiving any objections, MWR responds as follows: Denied.

REQUEST NO. 13

Admit that live theatrical performances featuring electronically animated characters for use in child development and personal appearances by a costumed character are not the same as organizing cultural events for children.

Response:

MWR incorporates by reference all General Objections as if fully set forth herein. MWR objects to this Request on the grounds that the phrase “the same” is vague and ambiguous. Subject to and without waiving any objections, MWR responds as follows: Denied.

REQUEST NO. 14

Admit that live theatrical performances featuring electronically animated characters for use in child development and personal appearances by a costumed character are not the same as education services, namely, providing professional training in the field of bilingual learning.

Response:

MWR incorporates by reference all General Objections as if fully set forth herein. MWR objects to this Request on the grounds that the phrase “the same” is vague and ambiguous. Subject to and without waiving any objections, MWR responds as follows: Denied.

REQUEST NO. 15

Admit that the services provided under Registrant’s Mark and Petitioner’s Mark are not identical.

Response:

MWR incorporates by reference all General Objections as if fully set forth herein. MWR objects to this Request on the grounds that MWR is not aware of any services being provided under Registrant’s Mark. Subject to and without waiving any objections, MWR responds as follows: Denied.

REQUEST NO. 16

Admit that the services provided under Registrant's Mark and Petitioner's Mark are not similar.

Response:

MWR incorporates by reference all General Objections as if fully set forth herein. MWR objects to this Request on the grounds that MWR is not aware of any services being provided under Registrant's Mark. Subject to and without waiving any objections, MWR responds as follows: Denied.

REQUEST NO. 17

Admit that the services provided under Registrant's Mark and Petitioner's Mark are not advertised in the same manner.

Response:

MWR incorporates by reference all General Objections as if fully set forth herein. MWR objects to this Request on the grounds that MWR is not aware of any services being provided under Registrant's Mark. Subject to and without waiving any objections, MWR responds as follows: Denied.

REQUEST NO. 18

Admit that the services provided under Petitioner's Mark are marketed to those who are in or are thinking about jointing (sic) The Learning Experience: Academy of Early Education.

Response:

MWR incorporates by reference all General Objections as if fully set forth herein. MWR objects to this Request to the extent it suggests or implies that the services

provided under Petitioner's Mark are only marketed to those who are in or are thinking about joining The Learning Experience: Academy of Early Education. Subject to and without waiving any objections, MWR responds as follows: Admitted.

REQUEST NO. 19

Admit that the services provided under Registrant's Mark are marketed to centers that contain many students of different diversities who may want to either learn English or Spanish.

Response:

MWR incorporates by reference all General Objections as if fully set forth herein. MWR objects to this Request on the grounds that MWR is not aware of any services being provided under Registrant's Mark. MWR objects to this Request on the grounds that it is vague and ambiguous with respect to the terms "diversities" and "centers". Subject to and without waiving any objections, MWR responds as follows: Denied.

REQUEST NO. 20

Admit that the services provided under Registrant's Mark and Petitioner's Mark are not provided to the same class of consumers.

Response:

MWR incorporates by reference all General Objections as if fully set forth herein. MWR objects to this Request on the grounds that MWR is not aware of any services being provided under Registrant's Mark. Subject to and without waiving any objections, MWR responds as follows: Denied.

REQUEST NO. 21

Admit that the services provided under Registrant's Mark and the services provided under Petitioner's Mark are not provided through the same channels of trade.

Response:

MWR incorporates by reference all General Objections as if fully set forth herein. MWR objects to this Request on the grounds that MWR is not aware of any services being provided under Registrant's Mark. Subject to and without waiving any objections, MWR responds as follows: Denied.

REQUEST NO. 22

Admit that Registrant's Mark is inherently distinctive.

Response:

MWR incorporates by reference all General Objections as if fully set forth herein. MWR objects to this Request on the grounds that it calls for a legal conclusion. This Request is therefore improper under Fed. R. Civ. P. 36 and no response is necessary from MWR. To the extent a response is necessary, and without waiving any objections, MWR responds as follows: Denied.

REQUEST NO. 23

Admit that Petitioner retains no evidence to establish that continued registration of Registrant's Mark will be likely to interfere with use by the Petitioner of Petitioner's Mark.

Response:

MWR incorporates by reference all General Objections as if fully set forth herein. Subject to and without waiving any objections, MWR responds as follows: Denied.

REQUEST NO. 24

Admit that Registrant's date of first use of Registrant's Mark is prior to Petitioner's date of first use of Petitioner's Mark.

Response:

MWR incorporates by reference all General Objections as if fully set forth herein. Subject to and without waiving any objections, MWR responds as follows: Denied.

REQUEST NO. 25

Admit that Registrant's date of first use in commerce of Registrant's Mark is prior to Petitioner's date of first use in commerce of Petitioner's Mark.

Response:

MWR incorporates by reference all General Objections as if fully set forth herein. Subject to and without waiving any objections, MWR responds as follows: Denied.

REQUEST NO. 26

Admit that Registrant has continually used Registrant's Mark in commerce in connection with Registrant's Services since Registrant began using Registrant's Mark.

Response:

MWR incorporates by reference all General Objections as if fully set forth herein. MWR objects to this Request on the grounds that MWR is not aware of any services being provided under Registrant's Mark. Subject to and without waiving any objections, MWR responds as follows: Denied.

REQUEST NO. 27

Admit that Petitioner retains no evidence to establish that Registrant discontinued use of Registrant's Mark in connection with Registrant's Services.

Response:

MWR incorporates by reference all General Objections as if fully set forth herein. MWR objects to this Request on the grounds that MWR is not aware of any services being provided under Registrant's Mark. Subject to and without waiving any objections, MWR responds as follows: Denied.

REQUEST NO. 28

Admit that Petitioner retains no evidence to establish that Registrant abandoned Registrant's Mark.

Response:

MWR incorporates by reference all General Objections as if fully set forth herein. MWR objects to this Request on the grounds that MWR is not aware of any services being provided under Registrant's Mark. Subject to and without waiving any objections, MWR responds as follows: Denied.

REQUEST NO. 29

Admit that the documents produced by Petitioner in response to Registrant's First Request for Production of Documents are true and accurate reproductions of the genuine original documents.

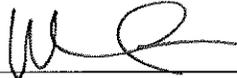
Response:

MWR incorporates by reference all General Objections as if fully set forth herein. MWR has made a reasonable inquiry, but is unable to admit or deny this Request due to a lack of knowledge or information as to the "genuine original documents."

Dated: April 9, 2015

GREENBERG TRAURIG, LLP

By: _____



William W. Stroever
200 Park Avenue
P.O. Box 677
Florham Park, NJ 07932-0677
Tel. 973-443-3524
Fax 973-295-1291
stroeverw@gtlaw.com

Attorneys for Petitioner
MWR Holdings, LLC

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing PETITIONER'S RESPONSES AND OBJECTIONS TO REGISTRANT'S FIRST SET OF REQUESTS FOR ADMISSION has been served on Theodore A. Stoner by mailing said copy on April 9, 2015, via First Class Mail, postage prepaid to:

Matthew H. Swyers
The Trademark Company PLLC
344 Maple Ave. W, Suite 151
Vienna, VA 22180



William W. Stroever



Shannon Strayhorn

From: Shannon Strayhorn <sstrayhorn@thetrademarkcompany.com>
Sent: Thursday, May 14, 2015 5:00 PM
To: 'stroeverw@gtlaw.com'
Subject: MWR Holdings, LLC vs. Theodore A. Stoner; Your Ref: 135518.021200

Mr. Stroever,

Based on the responses provided in Petitioner's Responses and Objections to Registrant's First Requests for the Production of Documents we received, it sounded as if you would be providing documents after a reasonable search and, thus far, we have not received the same. As such, please consider this a good faith effort to obtain said documents.

Best regards,

Shannon Strayhorn

Trademark Specialist
The Trademark Company, PLLC
2703 Jones Franklin Road, Suite 206
Cary, NC 27518
Phone (800) 906-8626 x111
Fax (919) 861-5278
www.TheTrademarkCompany.com

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Shannon Strayhorn

From: stroeverw@gtlaw.com
Sent: Thursday, May 14, 2015 5:02 PM
To: sstrayhorn@thetrademarkcompany.com
Subject: Automatic reply: MWR Holdings, LLC vs. Theodore A. Stoner; Your Ref: 135518.021200

I will be out of the office until Monday May 18, 2014, without access to emails. I will respond to you as soon as possible upon my return. If you need immediate assistance, please contact my paralegal Michele Amelio at 973-443-3559 or ameliom@gtlaw.com.

If you are not an intended recipient of confidential and privileged information in this email, please delete it, notify us immediately at postmaster@gtlaw.com, and do not use or disseminate such information.



Shannon Strayhorn

From: Shannon Strayhorn <sstrayhorn@thetrademarkcompany.com>
Sent: Thursday, May 21, 2015 5:00 PM
To: stroeverw@gtlaw.com
Subject: MWR Holdings, LLC vs. Theodore A. Stoner; Your Ref: 135518.021200

Mr. Stroever,

I just wanted to send you a quick follow up regarding the responses provided in Petitioner's Responses and Objections to Registrant's First Requests for the Production of Documents and the lack of documents associated with the same. Please let us know when you will be able to provide the documents responsive to Registrant's First Requests for the Production of Documents at your earliest convenience.

Thank you,

Shannon Strayhorn

Trademark Specialist
The Trademark Company, PLLC
2703 Jones Franklin Road, Suite 206
Cary, NC 27518
Phone (800) 906-8626 x111
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Shannon Strayhorn

From: stroeverw@gtlaw.com
Sent: Friday, May 22, 2015 12:28 PM
To: sstrayhorn@thetrademarkcompany.com
Subject: RE: MWR Holdings, LLC vs. Theodore A. Stoner; Your Ref: 135518.021200

Dear Ms. Strayhorn,

We are working on the document collection and production. I apologize for any delay; we are working as fast as we can.

Regards,

William Stroever
Of Counsel
Greenberg Traurig, LLP | 200 Park Avenue | Florham Park, NJ 07932-0677
Tel 973.443.3524 | Fax 973.295.1291
stroeverw@gtlaw.com | www.gtlaw.com



From: Shannon Strayhorn [<mailto:ssstrayhorn@thetrademarkcompany.com>]
Sent: Thursday, May 21, 2015 5:00 PM
To: Stroever, Willie (OfCnsl-NJ-IP-Tech)
Subject: MWR Holdings, LLC vs. Theodore A. Stoner; Your Ref: 135518.021200

Mr. Stroever,

I just wanted to send you a quick follow up regarding the responses provided in Petitioner's Responses and Objections to Registrant's First Requests for the Production of Documents and the lack of documents associated with the same. Please let us know when you will be able to provide the documents responsive to Registrant's First Requests for the Production of Documents at your earliest convenience.

Thank you,

Shannon Strayhorn

Trademark Specialist
The Trademark Company, PLLC
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INTERROGATORY NO. 2:

Describe in detail the circumstances surrounding Registrant's alleged first use of Registrant's Mark anywhere, which purportedly occurred on June 8, 2004.

ANSWER: Registrant first used Registrant's Mark at a New York trade show where Registrant performed a live performance under Registrant's Mark.

INTERROGATORY NO. 3:

Describe in detail the circumstances surrounding Registrant's alleged first use of Registrant's Mark in commerce, which purportedly occurred on June 18, 2008.

ANSWER: Upon further review Registrant first used Registrant's Mark in interstate commerce at the New York trade show that took place on June 8, 2004 where Registrant first performed the show outside of Colorado.

INTERROGATORY NO. 4:

Identify each individual who participated in the creation and adoption of Registrant's Mark.

ANSWER: Theodore A. Stoner
127 West Fairbanks Ave, #492
Winter Park, FL 32789

INTERROGATORY NO. 5:

For each month from Registrant's date of first use of Registrant's Mark until the present, state the sales volume of services provided by Registrant under Registrant's Mark.

ANSWER: Registrant does not have any sales figures relating to Registrant's Services at issue in this proceeding as the International Class 41 services are offered to promote Registrant's Mark in connection with Registrant's other goods.

INTERROGATORY NO. 6:

Describe the target class of consumers to whom Registrant provides Registrant's Services.

ANSWER: Registrant targets children ages 3 to 6.

INTERROGATORY NO. 7:

Identify the date Registrant first became aware of Petitioner's use of Petitioner's Mark in the United States.

ANSWER: Registrant first became aware of Petitioner's use of Petitioner's Mark in the United States when Petitioner filed the instant Cancellation Proceeding on June 5, 2014.

INTERROGATORY NO. 8:

Describe with particularity all advertising conducted by Registrant relating to Registrant's Mark.

ANSWER: Registrant has advertised Registrant's Mark through Registrant's websites, social media accounts, personal sales and live shows to various children's institutions, public relations articles, and live trade shows.

INTERROGATORY NO. 9:

For each year since Registrant's date of first use of Registrant's Mark until the present, state the annual advertising and promotion expenditures in the United States for Registrant's Services.

ANSWER: Registrant has spent about \$5,000 average annually since first beginning to use Registrant's Mark in advertising and promotion expenditures.

INTERROGATORY NO. 10:

State all facts upon which Registrant intends to rely to prove that there is no likelihood of confusion between Registrant's Mark and Petitioner's Mark.

ANSWER: Applicant objects to the instant request on the grounds that it is overly broad and burdensome given the inclusion of the term "All" and that it calls for information protected by the attorney client privilege and / or work product doctrine.

Respectfully submitted this 11th day of March, 2015.

THE TRADEMARK COMPANY, PLLC

/Matthew H. Swyers/
Matthew H. Swyers, Esq.
344 Maple Avenue West, Suite 151
Vienna, VA 22180
Tel. (800) 906-8626
Facsimile (270) 477-4574
mswyers@TheTrademarkCompany.com
Counsel for Registrant

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
The Trademark Trial and Appeal Board

In the matter of U.S. Registration 3,700,403
For the mark BONGO BI-LINGO BUDDY
Registered on the Principal Register on October 20, 2009

MWR Holdings, LLC,	:	
	:	
Petitioner,	:	
	:	
vs.	:	Cancellation No. 92059305
	:	
Stoner, Theodore A.,	:	
	:	
Registrant.	:	

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I caused a copy of the foregoing this 11th day of March, 2015,
to be served, via first class mail, postage prepaid, upon:

William W. Stroever
Greenberg Traurig, LLP
200 Park Ave
Florham Park, NJ 07932

/Matthew H. Swyers/
Matthew H. Swyers



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@TheLearningExp

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**THE LEARNING
EXPERIENCE**
Academy of Early Education

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Mark: BONGO BI-LINGO BUDDY

BONGO BI-LINGO BUDDY

US Serial Number: 78812529 Application Filing Date: Feb. 10, 2006
US Registration Number: 3700403 Registration Date: Oct. 20, 2009
Register: Principal
Mark Type: Service Mark
Status: A cancellation proceeding is pending at the Trademark Trial and Appeal Board. For further information, see TTABVue on the Trademark Trial and Appeal Board web page.
Status Date: Jun. 05, 2014
Publication Date: Jan. 01, 2008 Notice of Allowance Date: Mar. 25, 2008

Mark Information

Mark Literal Elements: BONGO BI-LINGO BUDDY
Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.
Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (..) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks "*" identify additional (new) wording in the goods/services.

For: Entertainment in the nature of live theatrical performances by mixed media of live characters, puppetry and animation for children; Organizing cultural events for children; Education services, namely, providing professional training in the field of bilingual learning

International Class(es): 041 - Primary Class U.S Class(es): 100, 101, 107
Class Status: ACTIVE
Basis: 1(a)
First Use: Jun. 08, 2004 Use In Commerce: Jun. 18, 2008

Basis Information (Case Level)

Filed Use: No	Currently Use: Yes	Amended Use: No
Filed ITU: Yes	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: Stoner, Theodore A
Owner Address: 99 S. Downing St. #501
Denver, COLORADO 80209
UNITED STATES
Legal Entity Type: INDIVIDUAL Citizenship: UNITED STATES

Attorney/Correspondence Information

Attorney of Record - None
Correspondent

Correspondent Name/Address: MATTHEW H SWYERS
THE TRADEMARK COMPANY PLLC
344 MAPLE AVE W
STE 151
VIENNA, VIRGINIA 22180
UNITED STATES

P00008

Phone: 303.733.7086

Correspondent e-mail: ladinc123@aol.com

Correspondent e-mail No
Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jun. 05, 2014	CANCELLATION INSTITUTED NO. 999999	59305
Oct. 20, 2009	REGISTERED-PRINCIPAL REGISTER	
Sep. 16, 2009	LAW OFFICE REGISTRATION REVIEW COMPLETED	77075
Sep. 11, 2009	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Sep. 09, 2009	STATEMENT OF USE PROCESSING COMPLETE	76538
Sep. 01, 2009	USE AMENDMENT FILED	76538
Sep. 01, 2009	TEAS STATEMENT OF USE RECEIVED	
May 27, 2009	EXTENSION 2 GRANTED	76538
Mar. 25, 2009	EXTENSION 2 FILED	76538
May 27, 2009	CASE ASSIGNED TO INTENT TO USE PARALEGAL	76538
May 02, 2009	EXTENSION RECEIVED WITH TEAS PETITION	
May 02, 2009	PETITION TO REVIVE-GRANTED	88889
May 02, 2009	TEAS PETITION TO REVIVE RECEIVED	
Apr. 27, 2009	ABANDONMENT NOTICE MAILED - NO USE STATEMENT FILED	
Apr. 27, 2009	ABANDONMENT - NO USE STATEMENT FILED	99999
Sep. 20, 2008	EXTENSION 1 GRANTED	98765
Sep. 20, 2008	EXTENSION 1 FILED	98765
Sep. 20, 2008	TEAS EXTENSION RECEIVED	
Mar. 25, 2008	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Jan. 01, 2008	PUBLISHED FOR OPPOSITION	
Dec. 12, 2007	NOTICE OF PUBLICATION	
Nov. 29, 2007	LAW OFFICE PUBLICATION REVIEW COMPLETED	77075
Nov. 29, 2007	APPROVED FOR PUB - PRINCIPAL REGISTER	
Nov. 28, 2007	TEAS/EMAIL CORRESPONDENCE ENTERED	77075
Nov. 28, 2007	CORRESPONDENCE RECEIVED IN LAW OFFICE	77075
Nov. 27, 2007	ASSIGNED TO LIE	77075
Sep. 17, 2007	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Sep. 17, 2007	PETITION TO REVIVE-GRANTED	88888
Sep. 17, 2007	TEAS PETITION TO REVIVE RECEIVED	
Mar. 02, 2007	NON-FINAL ACTION E-MAILED	6325
Mar. 02, 2007	NON-FINAL ACTION WRITTEN	81878
Mar. 01, 2007	TEAS/EMAIL CORRESPONDENCE ENTERED	59272
Mar. 01, 2007	CORRESPONDENCE RECEIVED IN LAW OFFICE	59272
Mar. 01, 2007	ASSIGNED TO LIE	59272
Feb. 01, 2007	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Aug. 01, 2006	NON-FINAL ACTION E-MAILED	6325
Aug. 01, 2006	NON-FINAL ACTION WRITTEN	81878
Aug. 01, 2006	ASSIGNED TO EXAMINER	81878
Feb. 17, 2006	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None
File Location

P00009

Proceedings

Summary

Number of Proceedings: 1

Type of Proceeding: Cancellation

Proceeding Number: 92059305

Filing Date: Jun 05, 2014

Status: Pending

Status Date: Jun 05, 2014

Interlocutory Attorney: ELIZABETH A DUNN

Defendant

Name: Theodore A Stoner

Correspondent Address: MATTHEW H SWYERS
THE TRADEMARK COMPANY PLLC
344 MAPLE AVE W, STE 151
VIENNA VA , 22180
UNITED STATES

Correspondent e-mail: mswyers@TheTrademarkCompany.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
BONGO BI-LINGO BUDDY	Cancellation Pending Plaintiff(s)	<u>78812529</u>	<u>3700403</u>

Name: MWR Holdings, LLC

Correspondent Address: WILLIAM W STROEVER
GREENBERG TRAURIG LLP
200 PARK AVENUE, PO BOX 677
FLORHAM PARK NJ , 07932-0677
UNITED STATES

Correspondent e-mail: stroeverw@gtlaw.com , ameliom@gtlaw.com , njdocket@gtlaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
BONGO BEAR	Report Completed Suspension Check - Case Still Suspended	<u>86146757</u>	

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jun 05, 2014	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jun 05, 2014	Jul 15, 2014
3	PENDING, INSTITUTED	Jun 05, 2014	
4	P NOTICE OF INEFFECTIVE SERVICE	Jun 10, 2014	
5	D UNDELIVERABLE MAIL	Jun 18, 2014	
6	D APPEARANCE / POWER OF ATTORNEY	Jul 14, 2014	
7	ANSWER	Jul 14, 2014	
8	P APPEARANCE / POWER OF ATTORNEY	Sep 12, 2014	
9	P MOT TO COMPEL DISCOVERY	Jan 09, 2015	
10	D OPP/RESP TO MOTION	Jan 29, 2015	
11	TRIAL DATES RESET	Jan 30, 2015	
12	TRIAL DATES SET	Feb 06, 2015	
13	P MOT TO AMEND PLEADING/AMENDED PLEADING	Apr 16, 2015	
14	TRIAL DATES RESET	May 21, 2015	

United States of America

United States Patent and Trademark Office

BONGO Bi-LINGO BUDDY

Reg. No. 3,700,403 STONER, THEODORE A (UNITED STATES INDIVIDUAL)
Registered Oct. 20, 2009 99 S. DOWNING ST. #501
DENVER, CO 80209

Int. Cl.: 41 FOR: ENTERTAINMENT IN THE NATURE OF LIVE THEATRICAL PERFORMANCES BY
MIXED MEDIA OF LIVE CHARACTERS, PUPPETRY AND ANIMATION FOR CHILDREN;
ORGANIZING CULTURAL EVENTS FOR CHILDREN; EDUCATION SERVICES, NAMELY,
SERVICE MARK PROVIDING PROFESSIONAL TRAINING IN THE FIELD OF BILINGUAL LEARNING, IN
PRINCIPAL REGISTER CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 6-8-2004; IN COMMERCE 6-18-2008.

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

SN 78-812,529, FILED 2-10-2006.

JORDAN BAKER, EXAMINING ATTORNEY



David J. Kappas

Director of the United States Patent and Trademark Office

Side - 1



NOTICE OF ACCEPTANCE OF SOU
MAILING DATE: Sep 17, 2009

The statement of use (SOU) filed for the trademark application identified below has been accepted. This acceptance means that the mark identified below is entitled to be registered. Accordingly, the registration will issue in due course barring any extraordinary circumstances.

For further information, visit our website at: <http://www.uspto.gov> or call the Trademark Assistance Center at 1-800-786-9199.

SERIAL NUMBER: 78812529
MARK: BONGO BI-LINGO BUDDY
OWNER: Stoner, Theodore A

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

THEODORE A STONER
99 S DOWNING ST APT 501
DENVER, CO 80209-2405

P00012

Trademark Snap Shot Publication & Issue Review Stylesheet
 (Table presents the data on Publication & Issue Review Complete)

OVERVIEW

SERIAL NUMBER	78812529	FILING DATE	02/10/2006
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	SERVICE MARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	BAKER, JORDAN A	L.O. ASSIGNED	102

PUB INFORMATION

RUN DATE	09/17/2009		
PUB DATE	01/01/2008		
STATUS	819-SU - REGISTRATION REVIEW COMPLETE		
STATUS DATE	09/16/2009		
LITERAL MARK ELEMENT	BONGO BI-LINGO BUDDY		
DATE ABANDONED	N/A	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	REPUB 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	N/A		

FILING BASIS

FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	NO	1 (a)	YES	1 (a)	NO
1 (b)	YES	1 (b)	NO	1 (b)	NO
44D	NO	44D	NO	44D	NO
44E	NO	44E	NO	44E	NO
66A	NO	66A	NO		
NO BASIS	NO	NO BASIS	NO		

MARK DATA

STANDARD CHARACTER MARK	YES
LITERAL MARK ELEMENT	BONGO BI-LINGO BUDDY

MARK DRAWING CODE	4-STANDARD CHARACTER MARK
COLOR DRAWING FLAG	NO

CURRENT OWNER INFORMATION

PARTY TYPE	20-OWNER AT PUBLICATION
NAME	Stoner, Theodore A
ADDRESS	99 S. Downing St. #501 Denver, CO 80209
ENTITY	01-INDIVIDUAL
CITIZENSHIP	United States of America

GOODS AND SERVICES

INTERNATIONAL CLASS	041
DESCRIPTION TEXT	Entertainment in the nature of live theatrical performances by mixed media of live characters, puppetry and animation for children; Organizing cultural events for children; Education services, namely, providing professional training in the field of bilingual learning

GOODS AND SERVICES CLASSIFICATION

INTERNATIONAL CLASS	041	FIRST USE DATE	06/08/2004	FIRST USE IN COMMERCE DATE	06/18/2008	CLASS STATUS	6-ACTIVE
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MISCELLANEOUS INFORMATION/STATEMENTS

CHANGE IN REGISTRATION	NO
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PROSECUTION HISTORY

DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
09/16/2009	REGV	O	LAW OFFICE REGISTRATION REVIEW COMPLETED	037
09/11/2009	CNPR	P	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	036
09/09/2009	SUPC	I	STATEMENT OF USE PROCESSING COMPLETE	035
09/01/2009	IUAF	S	USE AMENDMENT FILED	034
09/01/2009	EISU	I	TEAS STATEMENT OF USE RECEIVED	033
05/27/2009	EX2G	S	EXTENSION 2 GRANTED	032
03/25/2009	EXT2	S	EXTENSION 2 FILED	031
05/27/2009	AITU	A	CASE ASSIGNED TO INTENT TO USE PARALEGAL	030
05/02/2009	TPEX	I	EXTENSION RECEIVED WITH TEAS PETITION	029

05/02/2009	PETG	O	PETITION TO REVIVE-GRANTED	028
05/02/2009	PROA	I	TEAS PETITION TO REVIVE RECEIVED	027
04/27/2009	MAB6	O	ABANDONMENT NOTICE MAILED - NO USE STATEMENT FILED	026
04/27/2009	ABN6	S	ABANDONMENT - NO USE STATEMENT FILED	025
09/20/2008	EX1G	S	EXTENSION 1 GRANTED	024
09/20/2008	EXT1	S	EXTENSION 1 FILED	023
09/20/2008	EEXT	I	TEAS EXTENSION RECEIVED	022
03/25/2008	NOAM	O	NOA MAILED - SOU REQUIRED FROM APPLICANT	021
01/01/2008	PUBO	A	PUBLISHED FOR OPPOSITION	020
12/12/2007	NPUB	O	NOTICE OF PUBLICATION	019
11/29/2007	PREV	O	LAW OFFICE PUBLICATION REVIEW COMPLETED	018
11/29/2007	CNSA	P	APPROVED FOR PUB - PRINCIPAL REGISTER	017
11/28/2007	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED	016
11/28/2007	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	015
11/27/2007	ALIE	A	ASSIGNED TO LIE	014
09/17/2007	TROA	I	TEAS RESPONSE TO OFFICE ACTION RECEIVED	013
09/17/2007	PETG	O	PETITION TO REVIVE-GRANTED	012
09/17/2007	PROA	I	TEAS PETITION TO REVIVE RECEIVED	011
03/02/2007	GNRT	O	NON-FINAL ACTION E-MAILED	010
03/02/2007	CNRT	R	NON-FINAL ACTION WRITTEN	009
03/01/2007	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED	008
03/01/2007	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	007
03/01/2007	ALIE	A	ASSIGNED TO LIE	006
02/01/2007	TROA	I	TEAS RESPONSE TO OFFICE ACTION RECEIVED	005
08/01/2006	GNRT	F	NON-FINAL ACTION E-MAILED	004
08/01/2006	CNRT	R	NON-FINAL ACTION WRITTEN	003
08/01/2006	DOCK	D	ASSIGNED TO EXAMINER	002
02/17/2006	NWAP	I	NEW APPLICATION ENTERED IN TRAM	001

CURRENT CORRESPONDENCE INFORMATION

ATTORNEY	NONE
CORRESPONDENCE ADDRESS	THEODORE A STONER 99 S DOWNING ST APT 501 DENVER, CO 80209-2405
DOMESTIC REPRESENTATIVE	NONE

PRIOR OWNER INFORMATION

PARTY TYPE	10-ORIGINAL APPLICANT
NAME	Stoner, Theodore A
ADDRESS	99 S. Downing St. #501 Denver, CO 80209
ENTITY	01-INDIVIDUAL
CITIZENSHIP	United States of America

BONGO Bi-LINGO BUDDY

Trademark Snap Shot Publication Stylesheet
(Table presents the data on Publication Approval)

OVERVIEW

SERIAL NUMBER	78812529	FILING DATE	02/10/2006
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	SERVICE MARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	BAKER, JORDAN A	L.O. ASSIGNED	102

PUB INFORMATION

RUN DATE	09/12/2009
PUB DATE	01/01/2008
STATUS	818-SU - STATEMENT OF USE ACCEPTED - APPROVED FOR REGISTRATION
STATUS DATE	09/11/2009
LITERAL MARK ELEMENT	BONGO BI-LINGO BUDDY

DATE ABANDONED	N/A	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	REPub 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	N/A		

FILING BASIS

FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	NO	1 (a)	YES	1 (a)	NO
1 (b)	YES	1 (b)	NO	1 (b)	NO
44D	NO	44D	NO	44D	NO
44E	NO	44E	NO	44E	NO
66A	NO	66A	NO		
NO BASIS	NO	NO BASIS	NO		

MARK DATA

STANDARD CHARACTER MARK	YES
LITERAL MARK ELEMENT	BONGO BI-LINGO BUDDY

MARK DRAWING CODE	4-STANDARD CHARACTER MARK
COLOR DRAWING FLAG	NO

CURRENT OWNER INFORMATION

PARTY TYPE	20-OWNER AT PUBLICATION
NAME	Stoner, Theodore A
ADDRESS	99 S. Downing St. #501 Denver, CO 80209
ENTITY	01-INDIVIDUAL
CITIZENSHIP	United States of America

GOODS AND SERVICES

INTERNATIONAL CLASS	041
DESCRIPTION TEXT	Entertainment in the nature of live theatrical performances by mixed media of live characters, puppetry and animation for children; Organizing cultural events for children; Education services, namely, providing professional training in the field of bilingual learning

GOODS AND SERVICES CLASSIFICATION

INTERNATIONAL CLASS	041	FIRST USE DATE	06/08/2004	FIRST USE IN COMMERCE DATE	06/18/2008	CLASS STATUS	6-ACTIVE
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MISCELLANEOUS INFORMATION/STATEMENTS

CHANGE IN REGISTRATION	NO
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PROSECUTION HISTORY

DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
09/11/2009	CNPR	P	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	036
09/09/2009	SUPC	I	STATEMENT OF USE PROCESSING COMPLETE	035
09/01/2009	IUAF	S	USE AMENDMENT FILED	034
09/01/2009	EISU	I	TEAS STATEMENT OF USE RECEIVED	033
05/27/2009	EX2G	S	EXTENSION 2 GRANTED	032
03/25/2009	EXT2	S	EXTENSION 2 FILED	031
05/27/2009	AITU	A	CASE ASSIGNED TO INTENT TO USE PARALEGAL	030
05/02/2009	TPEX	I	EXTENSION RECEIVED WITH TEAS PETITION	029
05/02/2009	PETG	O	PETITION TO REVIVE-GRANTED	028

05/02/2009	PROA	I	TEAS PETITION TO REVIVE RECEIVED	027
04/27/2009	MAB6	O	ABANDONMENT NOTICE MAILED - NO USE STATEMENT FILED	026
04/27/2009	ABN6	S	ABANDONMENT - NO USE STATEMENT FILED	025
09/20/2008	EX1G	S	EXTENSION 1 GRANTED	024
09/20/2008	EXT1	S	EXTENSION 1 FILED	023
09/20/2008	EEXT	I	TEAS EXTENSION RECEIVED	022
03/25/2008	NOAM	O	NOA MAILED - SOU REQUIRED FROM APPLICANT	021
01/01/2008	PUBO	A	PUBLISHED FOR OPPOSITION	020
12/12/2007	N PUB	O	NOTICE OF PUBLICATION	019
11/29/2007	PREV	O	LAW OFFICE PUBLICATION REVIEW COMPLETED	018
11/29/2007	CNSA	P	APPROVED FOR PUB - PRINCIPAL REGISTER	017
11/28/2007	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED	016
11/28/2007	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	015
11/27/2007	ALIE	A	ASSIGNED TO LIE	014
09/17/2007	TROA	I	TEAS RESPONSE TO OFFICE ACTION RECEIVED	013
09/17/2007	PETG	O	PETITION TO REVIVE-GRANTED	012
09/17/2007	PROA	J	TEAS PETITION TO REVIVE RECEIVED	011
03/02/2007	GNRT	O	NON-FINAL ACTION E-MAILED	010
03/02/2007	CNRT	R	NON-FINAL ACTION WRITTEN	009
03/01/2007	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED	008
03/01/2007	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	007
03/01/2007	ALIE	A	ASSIGNED TO LIE	006
02/01/2007	TROA	I	TEAS RESPONSE TO OFFICE ACTION RECEIVED	005
08/01/2006	GNRT	F	NON-FINAL ACTION E-MAILED	004
08/01/2006	CNRT	R	NON-FINAL ACTION WRITTEN	003
08/01/2006	DOCK	D	ASSIGNED TO EXAMINER	002
02/17/2006	NWAP	I	NEW APPLICATION ENTERED IN TRAM	001

CURRENT CORRESPONDENCE INFORMATION

ATTORNEY	NONE
CORRESPONDENCE ADDRESS	THEODORE A STONER 99 S DOWNING ST APT 501 DENVER, CO 80209-2405
DOMESTIC REPRESENTATIVE	NONE

PRIOR OWNER INFORMATION

--	--

PARTY TYPE	10-ORIGINAL APPLICANT
NAME	Stoner, Theodore A
ADDRESS	99 S. Downing St. #501 Denver, CO 80209
ENTITY	01-INDIVIDUAL
CITIZENSHIP	United States of America

BONGO Bi-LINGO BUDDY

Trademark Snap Shot ITU Unit Action
(Table presents the data on ITU Unit Action)

OVERVIEW

SERIAL NUMBER	78812529	FILING DATE	02/10/2006
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	SERVICE MARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	BAKER, JORDAN A	L.O. ASSIGNED	102

PUB INFORMATION

RUN DATE	09/10/2009		
PUB DATE	01/01/2008		
STATUS	748-STATEMENT OF USE - TO EXAMINER		
STATUS DATE	09/09/2009		
LITERAL MARK ELEMENT	BONGO BI-LINGO BUDDY		
DATE ABANDONED	N/A	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	REPub 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	N/A		

FILING BASIS

FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	NO	1 (a)	NO	1 (a)	NO
1 (b)	YES	1 (b)	YES	1 (b)	NO
44D	NO	44D	NO	44D	NO
44E	NO	44E	NO	44E	NO
66A	NO	66A	NO		
NO BASIS	NO	NO BASIS	NO		

MARK DATA

STANDARD CHARACTER MARK	YES
LITERAL MARK ELEMENT	BONGO BI-LINGO BUDDY

MARK DRAWING CODE	4-STANDARD CHARACTER MARK
COLOR DRAWING FLAG	NO

CURRENT OWNER INFORMATION

PARTY TYPE	20-OWNER AT PUBLICATION
NAME	Stoner, Theodore A
ADDRESS	99 S. Downing St. #501 Denver, CO 80209
ENTITY	01-INDIVIDUAL
CITIZENSHIP	United States of America

GOODS AND SERVICES

INTERNATIONAL CLASS	041
DESCRIPTION TEXT	Entertainment in the nature of live theatrical performances by mixed media of live characters, puppetry and animation for children; Organizing cultural events for children; Education services, namely, providing professional training in the field of bilingual learning

GOODS AND SERVICES CLASSIFICATION

INTERNATIONAL CLASS	041	FIRST USE DATE	06/08/2004	FIRST USE IN COMMERCE DATE	06/18/2008	CLASS STATUS	6-ACTIVE
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MISCELLANEOUS INFORMATION/STATEMENTS

CHANGE IN REGISTRATION	NO
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PROSECUTION HISTORY

DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
09/09/2009	SUPC	I	STATEMENT OF USE PROCESSING COMPLETE	035
09/01/2009	IUAF	S	USE AMENDMENT FILED	034
09/01/2009	EISU	I	TEAS STATEMENT OF USE RECEIVED	033
05/27/2009	EX2G	S	EXTENSION 2 GRANTED	032
03/25/2009	EXT2	S	EXTENSION 2 FILED	031
05/27/2009	AITU	A	CASE ASSIGNED TO INTENT TO USE PARALEGAL	030
05/02/2009	TPEX	I	EXTENSION RECEIVED WITH TEAS PETITION	029
05/02/2009	PETG	O	PETITION TO REVIVE-GRANTED	028
05/02/2009	PROA	I	TEAS PETITION TO REVIVE RECEIVED	027

04/27/2009	MAB6	O	ABANDONMENT NOTICE MAILED - NO USE STATEMENT FILED	026
04/27/2009	ABN6	S	ABANDONMENT - NO USE STATEMENT FILED	025
09/20/2008	EX1G	S	EXTENSION 1 GRANTED	024
09/20/2008	EXT1	S	EXTENSION 1 FILED	023
09/20/2008	EEXT	I	TEAS EXTENSION RECEIVED	022
03/25/2008	NOAM	O	NOA MAILED - SOU REQUIRED FROM APPLICANT	021
01/01/2008	PUBO	A	PUBLISHED FOR OPPOSITION	020
12/12/2007	NPUB	O	NOTICE OF PUBLICATION	019
11/29/2007	PREV	O	LAW OFFICE PUBLICATION REVIEW COMPLETED	018
11/29/2007	CNSA	P	APPROVED FOR PUB - PRINCIPAL REGISTER	017
11/28/2007	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED	016
11/28/2007	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	015
11/27/2007	ALIE	A	ASSIGNED TO LIE	014
09/17/2007	TROA	I	TEAS RESPONSE TO OFFICE ACTION RECEIVED	013
09/17/2007	PETG	O	PETITION TO REVIVE-GRANTED	012
09/17/2007	PROA	I	TEAS PETITION TO REVIVE RECEIVED	011
03/02/2007	GNRT	O	NON-FINAL ACTION E-MAILED	010
03/02/2007	CNRT	R	NON-FINAL ACTION WRITTEN	009
03/01/2007	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED	008
03/01/2007	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	007
03/01/2007	ALIE	A	ASSIGNED TO LIE	006
02/01/2007	TROA	I	TEAS RESPONSE TO OFFICE ACTION RECEIVED	005
08/01/2006	GNRT	F	NON-FINAL ACTION E-MAILED	004
08/01/2006	CNRT	R	NON-FINAL ACTION WRITTEN	003
08/01/2006	DOCK	D	ASSIGNED TO EXAMINER	002
02/17/2006	NWAP	I	NEW APPLICATION ENTERED IN TRAM	001

CURRENT CORRESPONDENCE INFORMATION

ATTORNEY	NONE
CORRESPONDENCE ADDRESS	THEODORE A STONER 99 S DOWNING ST APT 501 DENVER, CO 80209-2405
DOMESTIC REPRESENTATIVE	NONE

PRIOR OWNER INFORMATION

PARTY TYPE	10-ORIGINAL APPLICANT
------------	-----------------------

NAME	Stoner, Theodore A
ADDRESS	99 S. Downing St. #501 Denver, CO 80209
ENTITY	01-INDIVIDUAL
CITIZENSHIP	United States of America

BONGO Bi-LINGO BUDDY

"Will you be my Bi-lingo Buddy?"

Join Bongo on his musical island hopping

Adventures around Bi-Lingo Bay!

FIRST 10 players will receive a

FREE T-SHIRT!

Friday June 18th Time 10:00am-11:00am

YMCA Winter Park



Trademark/Service Mark Statement of Use (15 U.S.C. Section 1051(d))

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	78812529
LAW OFFICE ASSIGNED	LAW OFFICE 102
EXTENSION OF USE	NO
MARK SECTION	
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	BONGO BI-LINGO BUDDY
OWNER SECTION (no change)	
GOODS AND/OR SERVICES SECTION	
INTERNATIONAL CLASS	041
CURRENT IDENTIFICATION	Entertainment services in the nature of on-going educational television programs in the field of children's entertainment; Entertainment in the nature of live theatrical performances by mixed media of live characters, puppetry and animation for children; Organizing cultural events for children; Education services, namely, providing professional training in the field of bilingual learning
GOODS OR SERVICES DELETED FROM THE APPLICATION OR INCLUDED IN A REQUEST TO DIVIDE	Entertainment services in the nature of on-going educational television programs in the field of children's entertainment;
GOODS OR SERVICES IN USE IN COMMERCE	Entertainment in the nature of live theatrical performances by mixed media of live characters, puppetry and animation for children; Organizing cultural events for children; Education services, namely, providing professional training in the field of bilingual learning
FIRST USE ANYWHERE DATE	06/08/2004

FIRST USE IN COMMERCE DATE	06/18/2008
SPECIMEN FILE NAME(S)	<u>\\TICRS\EXPORT7\IMAGEOUT7</u> <u>\788\125\78812529\xml4\SO U0002.JPG</u>
SPECIMEN DESCRIPTION	advertising flyer, June 18th 2008, used in Winter Park, Florida. Organizing cultural events for children -a bi-lingual edutainment workshop.
REQUEST TO DIVIDE	NO
PAYMENT SECTION	
NUMBER OF CLASSES IN USE	1
SUBTOTAL AMOUNT [ALLEGATION OF USE FEE]	100
TOTAL AMOUNT	100
SIGNATURE SECTION	
DECLARATION SIGNATURE	/Theodore A Stoner/
SIGNATORY'S NAME	Theodore A Stoner
SIGNATORY'S POSITION	owner
DATE SIGNED	09/01/2009
FILING INFORMATION	
SUBMIT DATE	Tue Sep 01 11:25:57 EDT 2009
TEAS STAMP	USPTO/SOU-174.51.73.38-20 090901112557617261-788125 29-440e229955be59f9f9a669 5891451afc2-CC-8234-20090 901111057951875

**Trademark/Service Mark Statement of Use
(15 U.S.C. Section 1051(d))**

To the Commissioner for Trademarks:

MARK: BONGO BI-LINGO BUDDY
SERIAL NUMBER: 78812529

The applicant, Stoner, Theodore A, having an address of
99 S. Downing St. #501
Denver, Colorado 80209
United States

is submitting the following allegation of use information:

For International Class 041:

Current identification: Entertainment services in the nature of on-going educational television programs in the field of children's entertainment; Entertainment in the nature of live theatrical performances by mixed media of live characters, puppetry and animation for children; Organizing cultural events for children; Education services, namely, providing professional training in the field of bilingual learning

This **allegation of use** does **NOT** cover the following goods or services listed in either the application or Notice of Allowance or as subsequently modified for this specific class; these goods or services are either being **permanently deleted or included in a Request to Divide**: Entertainment services in the nature of on-going educational television programs in the field of children's entertainment;

The mark is in use in commerce on or in connection with the following goods or services listed in either the application or Notice of Allowance or as subsequently modified for this specific class: Entertainment in the nature of live theatrical performances by mixed media of live characters, puppetry and animation for children; Organizing cultural events for children; Education services, namely, providing professional training in the field of bilingual learning

The mark was first used by the applicant, or the applicant's related company, licensee, or predecessor in interest at least as early as 06/08/2004, and first used in commerce at least as early as 06/18/2008, and is now in use in such commerce. The applicant is submitting one specimen for the class showing the mark as used in commerce on or in connection with any item in the class, consisting of a(n) advertising flyer, June 18th 2008, used in Winter Park, Florida. Organizing cultural events for children -a bi-lingual edutainment workshop..

Specimen File-1

The applicant is not filing a Request to Divide with this Allegation of Use form.

A fee payment in the amount of \$100 will be submitted with the form, representing payment for the allegation of use for 1 class.

Declaration

Applicant requests registration of the above-identified trademark/service mark in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq., as amended). Applicant is the owner of the mark sought to be registered, and is using the mark in commerce on or in connection with the goods/services identified above, as evidenced by the attached specimen(s) showing the mark as used in commerce.

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements may jeopardize the validity of the form or any resulting registration, declares that he/she is properly authorized to execute this form on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the form is being filed under 15 U.S.C. Section 1126(d) or (e), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

Signature: /Theodore A Stoner/ Date Signed: 09/01/2009

Signatory's Name: Theodore A Stoner

Signatory's Position: owner

RAM Sale Number: 8234

RAM Accounting Date: 09/01/2009

Serial Number: 78812529

Internet Transmission Date: Tue Sep 01 11:25:57 EDT 2009

TEAS Stamp: USPTO/SOU-174.51.73.38-20090901112557617

261-78812529-440e229955be59f9f9a66958914

51afc2-CC-8234-20090901111057951875

"Will you be my Bi-lingo Buddy?"

Join Bongo on his musical island hopping

Adventures around Bi-Lingo Bay!

FIRST 10 players will receive a

FREE T-SHIRT!

Friday June 18th Time 10:00am-11:00am

YMCA Winter Park



FEE RECORD SHEET

Serial Number: 78812529



RAM Sale Number: 8234

Total Fees: \$100

RAM Accounting Date: 20090901

<u>Transaction</u>	<u>Fee Code</u>	<u>Transaction Date</u>	<u>Fee per Class</u>	<u>Number of Classes</u>	<u>Total Fee</u>
Statement of Use (SOU)	7003	20090901	\$100	1	\$100

Transaction Date: 20090901



Side - 1



**NOTICE OF APPROVAL
OF EXTENSION REQUEST
MAILING DATE: May 28, 2009**

A Notice of Allowance issued for the trademark application identified below on Mar 25, 2008. The SECOND request for extension of time to file a Statement of Use has been approved. Applicant must continue to file extension requests every 6 months calculated from the date the Notice of Allowance was issued until a Statement of Use is filed. Please note that a Statement of Use cannot be filed more than 36 months from the issuance date of the Notice of Allowance.

For further information, visit our website at: <http://www.uspto.gov> or call the Trademark Assistance Center at 1-800-786-9199.

SERIAL NUMBER: 78812529
MARK: BONGO BI-LINGO BUDDY
OWNER: Stoner, Theodore A

Side - 2

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

FIRST-CLASS
MAIL
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THEODORE A STONER
99 S DOWNING ST APT 501
DENVER, CO 80209-2405

P00035

Trademark Snap Shot ITU Unit Action
(Table presents the data on ITU Unit Action)

OVERVIEW

SERIAL NUMBER	78812529	FILING DATE	02/10/2006
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	SERVICE MARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	BAKER, JORDAN A	L.O. ASSIGNED	102

PUB INFORMATION

RUN DATE	05/28/2009		
PUB DATE	01/01/2008		
STATUS	616-REVIVE-AWAITING FURTHER ACTION		
STATUS DATE	05/04/2009		
LITERAL MARK ELEMENT	BONGO BI-LINGO BUDDY		
DATE ABANDONED	N/A	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	REPub 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	N/A		

FILING BASIS

FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	NO	1 (a)	NO	1 (a)	NO
1 (b)	YES	1 (b)	YES	1 (b)	NO
44D	NO	44D	NO	44D	NO
44E	NO	44E	NO	44E	NO
66A	NO	66A	NO		
NO BASIS	NO	NO BASIS	NO		

MARK DATA

STANDARD CHARACTER MARK	YES
LITERAL MARK ELEMENT	BONGO BI-LINGO BUDDY

MARK DRAWING CODE	4-STANDARD CHARACTER MARK
COLOR DRAWING FLAG	NO

CURRENT OWNER INFORMATION

PARTY TYPE	20-OWNER AT PUBLICATION
NAME	Stoner, Theodore A
ADDRESS	99 S. Downing St. #501 Denver, CO 80209
ENTITY	01-INDIVIDUAL
CITIZENSHIP	United States of America

GOODS AND SERVICES

INTERNATIONAL CLASS	041
DESCRIPTION TEXT	Entertainment services in the nature of on-going educational television programs in the field of children's entertainment; Entertainment in the nature of live theatrical performances by mixed media of live characters, puppetry and animation for children; Organizing cultural events for children; Education services, namely, providing professional training in the field of bilingual learning

GOODS AND SERVICES CLASSIFICATION

INTERNATIONAL CLASS	041	FIRST USE DATE	NONE	FIRST USE IN COMMERCE DATE	NONE	CLASS STATUS	6-ACTIVE
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MISCELLANEOUS INFORMATION/STATEMENTS

CHANGE IN REGISTRATION	NO
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PROSECUTION HISTORY

DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
05/02/2009	TPEX	I	EXTENSION RECEIVED WITH TEAS PETITION	029
05/02/2009	PETG	O	PETITION TO REVIVE-GRANTED	028
05/02/2009	PROA	I	TEAS PETITION TO REVIVE RECEIVED	027
04/27/2009	MAB6	O	ABANDONMENT NOTICE MAILED - NO USE STATEMENT FILED	026
04/27/2009	ABN6	S	ABANDONMENT - NO USE STATEMENT FILED	025
09/20/2008	EX1G	S	EXTENSION 1 GRANTED	024
09/20/2008	EXT1	S	EXTENSION 1 FILED	023

09/20/2008	EEXT	I	TEAS EXTENSION RECEIVED	022
03/25/2008	NOAM	O	NOA MAILED - SOU REQUIRED FROM APPLICANT	021
01/01/2008	PUBO	A	PUBLISHED FOR OPPOSITION	020
12/12/2007	NPUB	O	NOTICE OF PUBLICATION	019
11/29/2007	PREV	O	LAW OFFICE PUBLICATION REVIEW COMPLETED	018
11/29/2007	CNSA	P	APPROVED FOR PUB - PRINCIPAL REGISTER	017
11/28/2007	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED	016
11/28/2007	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	015
11/27/2007	ALIE	A	ASSIGNED TO LIE	014
09/17/2007	TROA	I	TEAS RESPONSE TO OFFICE ACTION RECEIVED	013
09/17/2007	PETG	O	PETITION TO REVIVE-GRANTED	012
09/17/2007	PROA	I	TEAS PETITION TO REVIVE RECEIVED	011
03/02/2007	GNRT	O	NON-FINAL ACTION E-MAILED	010
03/02/2007	CNRT	R	NON-FINAL ACTION WRITTEN	009
03/01/2007	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED	008
03/01/2007	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	007
03/01/2007	ALIE	A	ASSIGNED TO LIE	006
02/01/2007	TROA	I	TEAS RESPONSE TO OFFICE ACTION RECEIVED	005
08/01/2006	GNRT	F	NON-FINAL ACTION E-MAILED	004
08/01/2006	CNRT	R	NON-FINAL ACTION WRITTEN	003
08/01/2006	DOCK	D	ASSIGNED TO EXAMINER	002
02/17/2006	NWAP	I	NEW APPLICATION ENTERED IN TRAM	001

CURRENT CORRESPONDENCE INFORMATION

ATTORNEY	NONE
CORRESPONDENCE ADDRESS	THEODORE A STONER 99 S DOWNING ST APT 501 DENVER, CO 80209-2405
DOMESTIC REPRESENTATIVE	NONE

PRIOR OWNER INFORMATION

PARTY TYPE	10-ORIGINAL APPLICANT
NAME	Stoner, Theodore A
ADDRESS	99 S. Downing St. #501 Denver, CO 80209
ENTITY	01-INDIVIDUAL
CITIZENSHIP	United States of America

BONGO Bi-LINGO BUDDY

Side - 1



NOTICE OF REVIVAL
MAILING DATE: May 4, 2009

The trademark application identified below has been revived to pending status. The application file will be forwarded to the appropriate section of the Office for further processing.

To verify the status and location of your application, please wait approximately three weeks and check the USPTO website at <http://tarr.uspto.gov/> or call the Trademark Assistance Center at 1-800-786-9199.

SERIAL NUMBER: 78812529
MARK: BONGO BI-LINGO BUDDY
OWNER: Stoner, Theodore A
REVIVAL DATE: May 4, 2009

Side - 2

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

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THEODORE A STONER
99 S DOWNING ST APT 501
DENVER, CO 80209-2405

P00040

Petition to Revive Abandoned Application - Failure to File Timely Statement of Use or Extension Request

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	78812529
LAW OFFICE ASSIGNED	LAW OFFICE 102
DATE OF NOTICE OF ABANDONMENT	04/27/2009
MARK SECTION	
MARK	BONGO BI-LINGO BUDDY
PETITION	
PETITION STATEMENT	Applicant has firsthand knowledge that the failure to file an SOU or Extension Request by the specific deadline was unintentional, and requests the USPTO to revive the abandoned application.
NOTICE OF ALLOWANCE	Notice of Allowance was received by applicant
EXTENSION OF TIME TO FILE STATEMENT OF USE	
OWNER SECTION (current)	
NAME	Stoner, Theodore A
STREET	99 S. Downing St. #501
CITY	Denver
STATE	Colorado
ZIP/POSTAL CODE	80209
COUNTRY	United States
PHONE	303.733.7086
GOODS AND/OR SERVICES SECTION	
INTERNATIONAL CLASS	041
	Entertainment services in the nature of on-going educational television programs in the field of

CURRENT IDENTIFICATION	children's entertainment; Entertainment in the nature of live theatrical performances by mixed media of live characters, puppetry and animation for children; Organizing cultural events for children; Education services, namely, providing professional training in the field of bilingual learning
KEEP EXISTING GOODS AND/OR SERVICES	YES
EXTENSION SECTION	
EXTENSION PERIOD(S)	2
ONGOING EFFORT	product or service research or development; market research; manufacturing activities; promotional activities; steps to acquire distributors; steps to obtain required governmental approval
PAYMENT SECTION	
PETITION FEE	100
NUMBER OF CLASSES	1
EXTENSION FEE	150
TOTAL FEE PAID	250
SIGNATURE SECTION	
SIGNATURE	/Theodore A Stoner/
SIGNATORY'S NAME	Theodore A Stoner
SIGNATORY DATE	05/02/2009
SIGNATORY'S POSITION	owner
FILING INFORMATION	
SUBMIT DATE	Sat May 02 22:08:11 EDT 2009
TEAS STAMP	USPTO/PSE-207.200.116.8-200905 02220811403299-78812529-400ba6 1f8a31efba1946a1201657b76a-CC- 5304-20090502215543742201

**Petition to Revive Abandoned Application - Failure to File Timely Statement of Use
or Extension Request**

To the Commissioner for Trademarks:

MARK: BONGO BI-LINGO BUDDY
SERIAL NUMBER: 78812529

PETITION

Applicant has firsthand knowledge that the failure to file an SOU or Extension Request by the specific deadline was unintentional, and requests the USPTO to revive the abandoned application.

Notice of Allowance was received by applicant.

EXTENSION OF TIME TO FILE STATEMENT OF USE

The applicant, Stoner, Theodore A, having an address of
99 S. Downing St. #501
Denver, Colorado 80209
United States

requests revival of the application identified above, and submits extension(s) of time to file the Statement of Use under 37 C.F.R. Section 2.89. The Notice of Allowance mailing date was 03/25/2008.

Notice of Allowance was received by applicant

For International Class 041:

Current identification: Entertainment services in the nature of on-going educational television programs in the field of children's entertainment; Entertainment in the nature of live theatrical performances by mixed media of live characters, puppetry and animation for children; Organizing cultural events for children; Education services, namely, providing professional training in the field of bilingual learning

The applicant has a continued bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with all of the goods and/or services listed in the Notice of Allowance, or as subsequently modified.

The applicant is filing extension number(s): 2.

The applicant has made the following ongoing efforts to use the mark in commerce on or in connection with each of those goods and/or services covered by the extension request: product or service research or development; market research; manufacturing activities; promotional activities; steps to acquire distributors; steps to obtain required governmental approval.

A fee payment in the amount of \$250 will be submitted.

Declaration

The undersigned being hereby warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements and the like may jeopardize the validity of this document, declares that he/she is properly authorized to execute this document on behalf of the Owner; and all statements made of his/her own knowledge are true and that all statements made on information and belief are believed to be true.

Signature: /Theodore A Stoner/ Date: 05/02/2009

Signatory's Name: Theodore A Stoner

Signatory's Position: owner

RAM SALE NUMBER: 5304
RAM ACCOUNTING DATE: 20090504

INTERNET TRANSMISSION DATE:
2009/05/02

SERIAL NUMBER:
78/812529

Description	Fee Code	Transaction	Total Fees Paid
POA	7005	2009/05/02	100
ESU	7004	2009/05/02	150

Trademark Snap Shot TTM Unit Action
 (Table presents the data on TTM Unit Action)

OVERVIEW

SERIAL NUMBER	78812529	FILING DATE	02/10/2006
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	SERVICE MARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	BAKER, JORDAN A	L.O. ASSIGNED	102

PUB INFORMATION

RUN DATE	04/28/2009		
PUB DATE	01/01/2008		
STATUS	606-ABANDONED - NO STATEMENT OF USE FILED		
STATUS DATE	04/27/2009		
LITERAL MARK ELEMENT	BONGO BI-LINGO BUDDY		
DATE ABANDONED	04/27/2009	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	REPub 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	N/A		

FILING BASIS

FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	NO	1 (a)	NO	1 (a)	NO
1 (b)	YES	1 (b)	YES	1 (b)	NO
44D	NO	44D	NO	44D	NO
44E	NO	44E	NO	44E	NO
66A	NO	66A	NO		
NO BASIS	NO	NO BASIS	NO		

MARK DATA

STANDARD CHARACTER MARK	YES
LITERAL MARK ELEMENT	BONGO BI-LINGO BUDDY

MARK DRAWING CODE	4-STANDARD CHARACTER MARK
COLOR DRAWING FLAG	NO

CURRENT OWNER INFORMATION

PARTY TYPE	20-OWNER AT PUBLICATION
NAME	Stoner, Theodore A
ADDRESS	99 S. Downing St. #501 Denver, CO 80209
ENTITY	01-INDIVIDUAL
CITIZENSHIP	United States of America

GOODS AND SERVICES

INTERNATIONAL CLASS	041
DESCRIPTION TEXT	Entertainment services in the nature of on-going educational television programs in the field of children's entertainment; Entertainment in the nature of live theatrical performances by mixed media of live characters, puppetry and animation for children; Organizing cultural events for children; Education services, namely, providing professional training in the field of bilingual learning

GOODS AND SERVICES CLASSIFICATION

INTERNATIONAL CLASS	041	FIRST USE DATE	NONE	FIRST USE IN COMMERCE DATE	NONE	CLASS STATUS	6-ACTIVE
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MISCELLANEOUS INFORMATION/STATEMENTS

CHANGE IN REGISTRATION	NO
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PROSECUTION HISTORY

DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
04/27/2009	MAB6	O	ABANDONMENT NOTICE MAILED - NO USE STATEMENT FILED	026
04/27/2009	ABN6	S	ABANDONMENT - NO USE STATEMENT FILED	025
09/20/2008	EX1G	S	EXTENSION 1 GRANTED	024
09/20/2008	EXT1	S	EXTENSION 1 FILED	023
09/20/2008	EEXT	I	TEAS EXTENSION RECEIVED	022
03/25/2008	NOAM	O	NOA MAILED - SOU REQUIRED FROM APPLICANT	021
01/01/2008	PUBO	A	PUBLISHED FOR OPPOSITION	020

12/12/2007	NPUB	O	NOTICE OF PUBLICATION	019
11/29/2007	PREV	O	LAW OFFICE PUBLICATION REVIEW COMPLETED	018
11/29/2007	CNSA	P	APPROVED FOR PUB - PRINCIPAL REGISTER	017
11/28/2007	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED	016
11/28/2007	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	015
11/27/2007	ALIE	A	ASSIGNED TO LIE	014
09/17/2007	TROA	I	TEAS RESPONSE TO OFFICE ACTION RECEIVED	013
09/17/2007	PETG	O	PETITION TO REVIVE-GRANTED	012
09/17/2007	PROA	I	TEAS PETITION TO REVIVE RECEIVED	011
03/02/2007	GNRT	O	NON-FINAL ACTION E-MAILED	010
03/02/2007	CNRT	R	NON-FINAL ACTION WRITTEN	009
03/01/2007	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED	008
03/01/2007	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	007
03/01/2007	ALIE	A	ASSIGNED TO LIE	006
02/01/2007	TROA	I	TEAS RESPONSE TO OFFICE ACTION RECEIVED	005
08/01/2006	GNRT	F	NON-FINAL ACTION E-MAILED	004
08/01/2006	CNRT	R	NON-FINAL ACTION WRITTEN	003
08/01/2006	DOCK	D	ASSIGNED TO EXAMINER	002
02/17/2006	NWAP	I	NEW APPLICATION ENTERED IN TRAM	001

CURRENT CORRESPONDENCE INFORMATION

ATTORNEY	NONE
CORRESPONDENCE ADDRESS	THEODORE A STONER 99 S DOWNING ST APT 501 DENVER, CO 80209-2405
DOMESTIC REPRESENTATIVE	NONE

PRIOR OWNER INFORMATION

PARTY TYPE	10-ORIGINAL APPLICANT
NAME	Stoner, Theodore A
ADDRESS	99 S. Downing St. #501 Denver, CO 80209
ENTITY	01-INDIVIDUAL
CITIZENSHIP	United States of America

BONGO Bi-LINGO BUDDY

Side - 1



NOTICE OF ABANDONMENT
MAILING DATE: Apr 27, 2009

The trademark application identified below was abandoned because the applicant failed to file for a statement of use or an extension of time.

If the delay in filing a response was unintentional, you may file a petition to revive the application with a fee. If the abandonment of this application was due to USPTO error, you may file a request for reinstatement. Please note that a petition to revive or request for reinstatement **must be received within two months from the mailing date of this notice.**

For additional information, go to <http://www.uspto.gov/teas/petinfo.htm>. If you are unable to get the information you need from the website, call the Trademark Assistance Center at 1-800-786-9199.

SERIAL NUMBER: 78812529
MARK: BONGO BI-LINGO BUDDY
OWNER: Stoner, Theodore A

Side - 2

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

FIRST-CLASS
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THEODORE A STONER
99 S DOWNING ST APT 501
DENVER, CO 80209-2405

P00050

Side - 1



**NOTICE OF APPROVAL
OF EXTENSION REQUEST
MAILING DATE: Sep 23, 2008**

A Notice of Allowance issued for the trademark application identified below on Mar 25, 2008. The FIRST request for extension of time to file a Statement of Use has been approved. Applicant must continue to file extension requests every 6 months calculated from the date the Notice of Allowance was issued until a Statement of Use is filed. Please note that a Statement of Use cannot be filed more than 36 months from the issuance date of the Notice of Allowance.

For further information, visit our website at: <http://www.uspto.gov> or call the Trademark Assistance Center at 1-800-786-9199.

SERIAL NUMBER: 78812529
MARK: BONGO BI-LINGO BUDDY
OWNER: Stoner, Theodore A

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

THEODORE A STONER
99 S DOWNING ST APT 501
DENVER, CO 80209-2405

P00051

Trademark Snap Shot ITU Unit Action
 (Table presents the data on ITU Unit Action)

OVERVIEW

SERIAL NUMBER	78812529	FILING DATE	02/10/2006
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	SERVICE MARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	BAKER, JORDAN A	L.O. ASSIGNED	102

PUB INFORMATION

RUN DATE	09/23/2008		
PUB DATE	01/01/2008		
STATUS	730-FIRST EXTENSION - GRANTED		
STATUS DATE	09/20/2008		
LITERAL MARK ELEMENT	BONGO BI-LINGO BUDDY		
DATE ABANDONED	N/A	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	REPUB 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	N/A		

FILING BASIS

FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	NO	1 (a)	NO	1 (a)	NO
1 (b)	YES	1 (b)	YES	1 (b)	NO
44D	NO	44D	NO	44D	NO
44E	NO	44E	NO	44E	NO
66A	NO	66A	NO		
NO BASIS	NO	NO BASIS	NO		

MARK DATA

STANDARD CHARACTER MARK	YES
LITERAL MARK ELEMENT	BONGO BI-LINGO BUDDY

MARK DRAWING CODE	4-STANDARD CHARACTER MARK
COLOR DRAWING FLAG	NO

CURRENT OWNER INFORMATION

PARTY TYPE	20-OWNER AT PUBLICATION
NAME	Stoner, Theodore A
ADDRESS	99 S. Downing St. #501 Denver, CO 80209
ENTITY	01-INDIVIDUAL
CITIZENSHIP	United States of America

GOODS AND SERVICES

INTERNATIONAL CLASS	041
DESCRIPTION TEXT	Entertainment services in the nature of on-going educational television programs in the field of children's entertainment; Entertainment in the nature of live theatrical performances by mixed media of live characters, puppetry and animation for children; Organizing cultural events for children; Education services, namely, providing professional training in the field of bilingual learning

GOODS AND SERVICES CLASSIFICATION

INTERNATIONAL CLASS	041	FIRST USE DATE	NONE	FIRST USE IN COMMERCE DATE	NONE	CLASS STATUS	6-ACTIVE
---------------------	-----	----------------	------	----------------------------	------	--------------	----------

MISCELLANEOUS INFORMATION/STATEMENTS

CHANGE IN REGISTRATION	NO
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PROSECUTION HISTORY

DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
09/20/2008	EX1G	S	EXTENSION 1 GRANTED	024
09/20/2008	EXT1	S	EXTENSION 1 FILED	023
09/20/2008	EEXT	I	TEAS EXTENSION RECEIVED	022
03/25/2008	NOAM	O	NOTICE OF ALLOWANCE-MAILED	021
01/01/2008	PUBO	A	PUBLISHED FOR OPPOSITION	020
12/12/2007	NPUB	O	NOTICE OF PUBLICATION	019
11/29/2007	PREV	O	LAW OFFICE PUBLICATION REVIEW COMPLETED	018
11/29/2007	CNSA	P	APPROVED FOR PUB - PRINCIPAL REGISTER	017

11/28/2007	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED	016
11/28/2007	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	015
11/27/2007	ALIE	A	ASSIGNED TO LIE	014
09/17/2007	TROA	I	TEAS RESPONSE TO OFFICE ACTION RECEIVED	013
09/17/2007	PETG	O	PETITION TO REVIVE-GRANTED	012
09/17/2007	PROA	I	TEAS PETITION TO REVIVE RECEIVED	011
03/02/2007	GNRT	O	NON-FINAL ACTION E-MAILED	010
03/02/2007	CNRT	R	NON-FINAL ACTION WRITTEN	009
03/01/2007	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED	008
03/01/2007	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	007
03/01/2007	ALIE	A	ASSIGNED TO LIE	006
02/01/2007	TROA	I	TEAS RESPONSE TO OFFICE ACTION RECEIVED	005
08/01/2006	GNRT	F	NON-FINAL ACTION E-MAILED	004
08/01/2006	CNRT	R	NON-FINAL ACTION WRITTEN	003
08/01/2006	DOCK	D	ASSIGNED TO EXAMINER	002
02/17/2006	NWAP	I	NEW APPLICATION ENTERED IN TRAM	001

CURRENT CORRESPONDENCE INFORMATION

ATTORNEY	NONE
CORRESPONDENCE ADDRESS	THEODORE A STONER 99 S DOWNING ST APT 501 DENVER, CO 80209-2405
DOMESTIC REPRESENTATIVE	NONE

PRIOR OWNER INFORMATION

PARTY TYPE	10-ORIGINAL APPLICANT
NAME	Stoner, Theodore A
ADDRESS	99 S. Downing St. #501 Denver, CO 80209
ENTITY	01-INDIVIDUAL
CITIZENSHIP	United States of America

BONGO Bi-LINGO BUDDY

SOU Extension Request (15 U.S.C. Section 1051(d))

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	78812529
LAW OFFICE ASSIGNED	LAW OFFICE 102
MARK SECTION	
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	BONGO BI-LINGO BUDDY
OWNER SECTION (no change)	
GOODS AND/OR SERVICES SECTION	
INTERNATIONAL CLASS	041
CURRENT IDENTIFICATION	Entertainment services in the nature of on-going educational television programs in the field of children's entertainment; Entertainment in the nature of live theatrical performances by mixed media of live characters, puppetry and animation for children; Organizing cultural events for children; Education services, namely, providing professional training in the field of bilingual learning
GOODS OR SERVICES	KEEP ALL LISTED
EXTENSION SECTION	
EXTENSION NUMBER	1
ALLOWANCE MAIL DATE	03/25/2008
STATEMENT OF USE	NO
PAYMENT SECTION	
NUMBER OF CLASSES	1
SUBTOTAL AMOUNT	150
TOTAL AMOUNT	150

SIGNATURE SECTION	
SIGNATURE	/Theodore A Stoner/
SIGNATORY'S NAME	Theodore A Stoner
SIGNATORY'S POSITION	owner
DATE SIGNED	09/20/2008
FILING INFORMATION	
SUBMIT DATE	Sat Sep 20 22:29:11 EDT 2008
TEAS STAMP	USPTO/ESU-207.200.116.74- 20080920222911620022-7881 2529-4005559959879696ff99 1f0b18b1dc11b9-CC-12944-2 0080920222539655288

**SOU Extension Request
(15 U.S.C. Section 1051(d))**

To the Commissioner for Trademarks:

U.S. Patent and Trademark Office (USPTO)

NOTICE OF ALLOWANCE

NOTE: If any data on this notice is incorrect, please fax a request for correction to the Intent to Use Unit at 571-273-9550. Please include the serial number of your application on ALL correspondence with the USPTO.

ISSUE DATE: Mar 25, 2008

THEODORE A STONER
99 S DOWNING ST APT 501
DENVER, CO 80209-2405

**** IMPORTANT INFORMATION: 6 MONTH DEADLINE ****

You filed the trademark application identified below based upon a bona fide intention to use the mark in commerce. You must use the mark in commerce and file a Statement of Use (a.k.a. Allegation of Use) before the USPTO will register the mark. You have six (6) MONTHS from the ISSUE DATE of this Notice of Allowance (NOA) to file either a Statement of Use, or if you are not yet using the mark in commerce, a Request for Extension of Time to File a Statement of use ("Extension Request"). If you file an extension request, you must continue to file a new request every six months until the Statement of Use is filed. Applicant may file a total of five (5) extension requests. FAILURE TO FILE A REQUIRED DOCUMENT DURING THE APPROPRIATE TIME PERIOD WILL RESULT IN THE ABANDONMENT OF YOUR APPLICATION.

Please note that both the "Statement of Use " and "Extension Request" have many legal requirements including fees. Therefore, we encourage use of the USPTO forms, available online at <http://www.uspto.gov/teas/index.html> (under "File a PRE-registration form"), to avoid the possible omission of important information. Please note that the Trademark Electronic Application System (TEAS) provides line-by-line help instructions for completing the Extension Request or Statement of Use forms online. If you do not have access to the Internet, you may call 1-800-786-9199 to request the printed form(s).

The following information should be reviewed for accuracy:

SERIAL NUMBER: 78/812529
MARK: BONGO BI-LINGO BUDDY (STANDARD CHARACTER MARK)
OWNER: Stoner, Theodore A
99 S. Downing St. #501
Denver , COLORADO 80209

Section 1(a): NO

Section 1(b): YES

Section 44(e): NO

GOODS/SERVICES BY INTERNATIONAL CLASS

041 - Entertainment services in the nature of on-going educational television programs in the field of children's entertainment; Entertainment in the nature of live theatrical performances by mixed media of live characters, puppetry and animation for children; Organizing cultural events for children; Education services, namely, providing professional training in the field of bilingual learning -- FIRST USE DATE: NONE; -- USE IN COMMERCE DATE: NONE

ALL OF THE GOODS/SERVICES IN EACH CLASS ARE LISTED

ADDITIONAL INFORMATION MAY BE PRESENT IN THE USPTO RECORDS

Side - 1



NOTICE OF PUBLICATION UNDER §12(a)
MAILING DATE: Dec 12, 2007
PUBLICATION DATE: Jan 1, 2008

The mark identified below will be published in the Official Gazette on Jan 1, 2008. Any party who believes they will be damaged by registration of the mark may oppose its registration by filing an opposition to registration or a request to extend the time to oppose within thirty (30) days from the publication date on this notice. If no opposition is filed within the time specified by law, the USPTO may issue a Notice of Allowance.

To view the Official Gazette online or to order a paper copy, visit the USPTO website at <http://www.uspto.gov/web/trademarks/tmog/> any time within the five-week period after the date of publication. You may also order a printed version from the U.S. Government Printing Office (GPO) at <http://bookstore.gpo.gov> or 202-512-1800. To check the status of your application, go to <http://tarr.uspto.gov/>.

SERIAL NUMBER: 78812529
MARK: BONGO BI-LINGO BUDDY
OWNER: Stoner, Theodore A

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

THEODORE A STONER
99 S DOWNING ST APT 501
DENVER, CO 80209-2405

P00061

Trademark Snap Shot Publication & Issue Review Stylesheet
 (Table presents the data on Publication & Issue Review Complete)

OVERVIEW

SERIAL NUMBER	78812529	FILING DATE	02/10/2006
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	SERVICE MARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	BAKER, JORDAN A	L.O. ASSIGNED	102

PUB INFORMATION

RUN DATE	11/30/2007		
PUB DATE	01/01/2008		
STATUS	681-PUBLICATION/ISSUE REVIEW COMPLETE		
STATUS DATE	11/29/2007		
LITERAL MARK ELEMENT	BONGO BI-LINGO BUDDY		
DATE ABANDONED	N/A	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	REPUB 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	N/A		

FILING BASIS

FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	NO	1 (a)	NO	1 (a)	NO
1 (b)	YES	1 (b)	YES	1 (b)	NO
44D	NO	44D	NO	44D	NO
44E	NO	44E	NO	44E	NO
66A	NO	66A	NO		
NO BASIS	NO	NO BASIS	NO		

MARK DATA

STANDARD CHARACTER MARK	YES
LITERAL MARK ELEMENT	BONGO BI-LINGO BUDDY

MARK DRAWING CODE	4-STANDARD CHARACTER MARK
COLOR DRAWING FLAG	NO

CURRENT OWNER INFORMATION

PARTY TYPE	10-ORIGINAL APPLICANT
NAME	Stoner, Theodore A
ADDRESS	99 S. Downing St. #501 Denver, CO 80209
ENTITY	01-INDIVIDUAL
CITIZENSHIP	United States of America

GOODS AND SERVICES

INTERNATIONAL CLASS	041
DESCRIPTION TEXT	Entertainment services in the nature of on-going educational television programs in the field of children's entertainment; Entertainment in the nature of live theatrical performances by mixed media of live characters, puppetry and animation for children; Organizing cultural events for children; Education services, namely, providing professional training in the field of bilingual learning

GOODS AND SERVICES CLASSIFICATION

INTERNATIONAL CLASS	041	FIRST USE DATE	NONE	FIRST USE IN COMMERCE DATE	NONE	CLASS STATUS	6-ACTIVE
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MISCELLANEOUS INFORMATION/STATEMENTS

CHANGE IN REGISTRATION	NO
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PROSECUTION HISTORY

DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
11/29/2007	PREV	O	LAW OFFICE PUBLICATION REVIEW COMPLETED	018
11/29/2007	CNSA	P	APPROVED FOR PUB - PRINCIPAL REGISTER	017
11/28/2007	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED	016
11/28/2007	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	015
11/27/2007	ALIE	A	ASSIGNED TO LIE	014
09/17/2007	TROA	I	TEAS RESPONSE TO OFFICE ACTION RECEIVED	013
09/17/2007	PETG	O	PETITION TO REVIVE-GRANTED	012
09/17/2007	PROA	I	TEAS PETITION TO REVIVE RECEIVED	011

03/02/2007	GNRT	O	NON-FINAL ACTION E-MAILED	010
03/02/2007	CNRT	R	NON-FINAL ACTION WRITTEN	009
03/01/2007	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED	008
03/01/2007	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	007
03/01/2007	ALIE	A	ASSIGNED TO LIE	006
02/01/2007	TROA	I	TEAS RESPONSE TO OFFICE ACTION RECEIVED	005
08/01/2006	GNRT	F	NON-FINAL ACTION E-MAILED	004
08/01/2006	CNRT	R	NON-FINAL ACTION WRITTEN	003
08/01/2006	DOCK	D	ASSIGNED TO EXAMINER	002
02/17/2006	NWAP	I	NEW APPLICATION ENTERED IN TRAM	001

CURRENT CORRESPONDENCE INFORMATION

ATTORNEY	NONE
CORRESPONDENCE ADDRESS	THEODORE A STONER 99 S DOWNING ST APT 501 DENVER, CO 80209-2405
DOMESTIC REPRESENTATIVE	NONE

BONGO Bi-LINGO BUDDY

Trademark Snap Shot Publication Stylesheet
 (Table presents the data on Publication Approval)

OVERVIEW

SERIAL NUMBER	78812529	FILING DATE	02/10/2006
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	SERVICE MARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	BAKER, JORDAN A	L.O. ASSIGNED	102

PUB INFORMATION

RUN DATE	11/30/2007		
PUB DATE	01/01/2008		
STATUS	681-PUBLICATION/ISSUE REVIEW COMPLETE		
STATUS DATE	11/29/2007		
LITERAL MARK ELEMENT	BONGO BI-LINGO BUDDY		
DATE ABANDONED	N/A	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	REPUB 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	N/A		

FILING BASIS

FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	NO	1 (a)	NO	1 (a)	NO
1 (b)	YES	1 (b)	YES	1 (b)	NO
44D	NO	44D	NO	44D	NO
44E	NO	44E	NO	44E	NO
66A	NO	66A	NO		
NO BASIS	NO	NO BASIS	NO		

MARK DATA

STANDARD CHARACTER MARK	YES
LITERAL MARK ELEMENT	BONGO BI-LINGO BUDDY

MARK DRAWING CODE	4-STANDARD CHARACTER MARK
COLOR DRAWING FLAG	NO

CURRENT OWNER INFORMATION

PARTY TYPE	10-ORIGINAL APPLICANT
NAME	Stoner, Theodore A
ADDRESS	99 S. Downing St. #501 Denver, CO 80209
ENTITY	01-INDIVIDUAL
CITIZENSHIP	United States of America

GOODS AND SERVICES

INTERNATIONAL CLASS	041
DESCRIPTION TEXT	Entertainment services in the nature of on-going educational television programs in the field of children's entertainment; Entertainment in the nature of live theatrical performances by mixed media of live characters, puppetry and animation for children; Organizing cultural events for children; Education services, namely, providing professional training in the field of bilingual learning

GOODS AND SERVICES CLASSIFICATION

INTERNATIONAL CLASS	041	FIRST USE DATE	NONE	FIRST USE IN COMMERCE DATE	NONE	CLASS STATUS	6-ACTIVE
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MISCELLANEOUS INFORMATION/STATEMENTS

CHANGE IN REGISTRATION	NO
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PROSECUTION HISTORY

DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
11/29/2007	PREV	O	LAW OFFICE PUBLICATION REVIEW COMPLETED	018
11/29/2007	CNSA	P	APPROVED FOR PUB - PRINCIPAL REGISTER	017
11/28/2007	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED	016
11/28/2007	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	015
11/27/2007	ALIE	A	ASSIGNED TO LIE	014
09/17/2007	TROA	I	TEAS RESPONSE TO OFFICE ACTION RECEIVED	013
09/17/2007	PETG	O	PETITION TO REVIVE-GRANTED	012
09/17/2007	PROA	I	TEAS PETITION TO REVIVE RECEIVED	011

03/02/2007	GNRT	O	NON-FINAL ACTION E-MAILED	010
03/02/2007	CNRT	R	NON-FINAL ACTION WRITTEN	009
03/01/2007	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED	008
03/01/2007	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	007
03/01/2007	ALIE	A	ASSIGNED TO LIE	006
02/01/2007	TROA	I	TEAS RESPONSE TO OFFICE ACTION RECEIVED	005
08/01/2006	GNRT	F	NON-FINAL ACTION E-MAILED	004
08/01/2006	CNRT	R	NON-FINAL ACTION WRITTEN	003
08/01/2006	DOCK	D	ASSIGNED TO EXAMINER	002
02/17/2006	NWAP	I	NEW APPLICATION ENTERED IN TRAM	001

CURRENT CORRESPONDENCE INFORMATION

ATTORNEY	NONE
CORRESPONDENCE ADDRESS	THEODORE A STONER 99 S DOWNING ST APT 501 DENVER, CO 80209-2405
DOMESTIC REPRESENTATIVE	NONE

BONGO Bi-LINGO BUDDY

Trademark Snap Shot Amendment & Mail Processing Stylesheet
 (Table presents the data on Amendment & Mail Processing Complete)

OVERVIEW

SERIAL NUMBER	78812529	FILING DATE	02/10/2006
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	SERVICE MARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	BAKER, JORDAN A	L.O. ASSIGNED	102

PUB INFORMATION

RUN DATE	11/29/2007		
PUB DATE	N/A		
STATUS	616-REVIVE-AWAITING FURTHER ACTION		
STATUS DATE	09/18/2007		
LITERAL MARK ELEMENT	BONGO BI-LINGO BUDDY		
DATE ABANDONED	N/A	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	REPUB 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	N/A		

FILING BASIS

FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	NO	1 (a)	NO	1 (a)	NO
1 (b)	YES	1 (b)	YES	1 (b)	NO
44D	NO	44D	NO	44D	NO
44E	NO	44E	NO	44E	NO
66A	NO	66A	NO		
NO BASIS	NO	NO BASIS	NO		

MARK DATA

STANDARD CHARACTER MARK	YES
LITERAL MARK ELEMENT	BONGO BI-LINGO BUDDY

MARK DRAWING CODE	4-STANDARD CHARACTER MARK
COLOR DRAWING FLAG	NO

CURRENT OWNER INFORMATION

PARTY TYPE	10-ORIGINAL APPLICANT
NAME	Stoner, Theodore A
ADDRESS	99 S. Downing St. #501 Denver, CO 80209
ENTITY	01-INDIVIDUAL
CITIZENSHIP	United States of America

GOODS AND SERVICES

INTERNATIONAL CLASS	041
DESCRIPTION TEXT	Entertainment services in the nature of on-going educational television programs in the field of children's entertainment; Entertainment in the nature of live theatrical performances by mixed media of live characters, puppetry and animation for children; Organizing cultural events for children; Education services, namely, providing professional training in the field of bilingual learning

GOODS AND SERVICES CLASSIFICATION

INTERNATIONAL CLASS	041	FIRST USE DATE	NONE	FIRST USE IN COMMERCE DATE	NONE	CLASS STATUS	6-ACTIVE
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MISCELLANEOUS INFORMATION/STATEMENTS

CHANGE IN REGISTRATION	NO
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PROSECUTION HISTORY

DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
11/28/2007	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED	016
11/28/2007	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	015
11/27/2007	ALIE	A	ASSIGNED TO LIE	014
09/17/2007	TROA	I	TEAS RESPONSE TO OFFICE ACTION RECEIVED	013
09/17/2007	PETG	O	PETITION TO REVIVE-GRANTED	012
09/17/2007	PROA	I	TEAS PETITION TO REVIVE RECEIVED	011
03/02/2007	GNRT	O	NON-FINAL ACTION E-MAILED	010
03/02/2007	CNRT	R	NON-FINAL ACTION WRITTEN	009

03/01/2007	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED	008
03/01/2007	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	007
03/01/2007	ALIE	A	ASSIGNED TO LIE	006
02/01/2007	TROA	I	TEAS RESPONSE TO OFFICE ACTION RECEIVED	005
08/01/2006	GNRT	F	NON-FINAL ACTION E-MAILED	004
08/01/2006	CNRT	R	NON-FINAL ACTION WRITTEN	003
08/01/2006	DOCK	D	ASSIGNED TO EXAMINER	002
02/17/2006	NWAP	I	NEW APPLICATION ENTERED IN TRAM	001

CURRENT CORRESPONDENCE INFORMATION

ATTORNEY	NONE
CORRESPONDENCE ADDRESS	THEODORE A STONER 99 S DOWNING ST APT 501 DENVER, CO 80209-2405
DOMESTIC REPRESENTATIVE	NONE

BONGO Bi-LINGO BUDDY

*** User:jbaker2 ***

#	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/ Search Duration	Search
01	1	N/A	0	0	0:01	78812529
02	3	2	1	1	0:01	"theodore a stoner"[on]
03	23983	N/A	0	0	0:04	*b{v:2}n\$1{"kgc"}*[bi,ti]
04	366695	N/A	0	0	0:05	*{"iye"}n\$1g*[bi,ti]
05	15508	N/A	0	0	0:03	*b{v:2}d\$1{"iy"}*[bi,ti]
06	7075	N/A	0	0	0:01	3 and (4 5)
07	1798	N/A	0	0	0:01	4 and 5
08	155	90	65	42	0:01	*bongo*[bi,ti]
09	40	22	0	0	0:03	8 and "041"[cc]

Session started 11/29/2007 10:25:43 AM
Session finished 11/29/2007 10:28:46 AM
Total search duration 0 minutes 20 seconds
Session duration 3 minutes 3 seconds
Default NEAR limit=1ADJ limit=1

Sent to TICRS as Serial Number: 78812529

Side - 1



NOTICE OF REVIVAL
MAILING DATE: Sep 18, 2007

The trademark application identified below has been revived to pending status. The application file will be forwarded to the appropriate section of the Office for further processing.

To verify the status and location of your application, please wait approximately three weeks and check the USPTO website at <http://tarr.uspto.gov/> or call the Trademark Assistance Center at 1-800-786-9199.

SERIAL NUMBER: 78812529
MARK: BONGO BI-LINGO BUDDY
OWNER: Theodore A Stoner
REVIVAL DATE: Sep 18, 2007

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

THEODORE A STONER
99 S DOWNING ST APT 501
DENVER, CO 80209-2405

Petition To Revive For Office Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	78812529
LAW OFFICE ASSIGNED	LAW OFFICE 102
PETITION	
PETITION STATEMENT	Applicant has firsthand knowledge that the failure to respond to the Office Action by the specified deadline was unintentional, and requests the USPTO to revive the abandoned application.
RESPONSE TO OFFICE ACTION	
MARK SECTION (no change)	
GOODS AND/OR SERVICES SECTION (current)	
INTERNATIONAL CLASS	041
DESCRIPTION	
Entertainment in the nature of educational television for children; live theatrical performances and cultural activities for children; education in the nature of providing professional training	
FILING BASIS	Section 1(b)
GOODS AND/OR SERVICES SECTION (proposed)	
INTERNATIONAL CLASS	041
DESCRIPTION	
Class 41: ?Entertainment services in the nature of on-going educational television programs in the field of children's entertainment; Entertainment in the nature of live theatrical performances by mixed media of live characters, puppetry and animation for children; Organizing cultural events for children; Education services, namely providing professional training in the field of bilingual learning?	
FILING BASIS	Section 1(b)
PAYMENT SECTION	
TOTAL AMOUNT	100
TOTAL FEES DUE	100
SIGNATURE SECTION	

DECLARATION SIGNATURE	/Theodore A Stoner/
SIGNATORY'S NAME	Theodore A Stoner
SIGNATORY'S POSITION	owner
DATE SIGNED	09/17/2007
RESPONSE SIGNATURE	/Theodore A Stoner/
SIGNATORY'S NAME	Theodore A Stoner
SIGNATORY'S POSITION	owner
DATE SIGNED	09/17/2007
AUTHORIZED SIGNATORY	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Mon Sep 17 18:35:04 EDT 2007
TEAS STAMP	USPTO/POA-207.200.116.69- 20070917183504852494-7881 2529-400406ac6fa25d265ad2 b78082e3b8d044-CC-2992-20 070917181031044030

PTO Form 2194 (Rev 9/2005)
OMB No. 0651-0054 (Exp. 11/30/2008)

**Petition To Revive For Office Action
To the Commissioner for Trademarks:**

Application serial no. 78812529 has been amended as follows:

**PETITION
Petition Statement**

Applicant has firsthand knowledge that the failure to respond to the Office Action by the specified deadline was unintentional, and requests the USPTO to revive the abandoned application.

RESPONSE TO OFFICE ACTION

CLASSIFICATION AND LISTING OF GOODS/SERVICES

Applicant proposes to amend the following class of goods/services in the application:

Current: Class 041 for Entertainment in the nature of educational television for children; live theatrical performances and cultural activities for children; education in the nature of providing professional training
Original Filing Basis:

Filing Basis: Section 1(b), Intent to Use: The applicant has a bona fide intention to use or use through

the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. (15 U.S.C. Section 1051(b)).

Proposed: Class 041 for Class 41: ?Entertainment services in the nature of on-going educational television programs in the field of children's entertainment; Entertainment in the nature of live theatrical performances by mixed media of live characters, puppetry and animation for children; Organizing cultural events for children; Education services, namely providing professional training in the field of bilingual learning?

Filing Basis: Section 1(b), Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. (15 U.S.C. Section 1051(b)).

FEE(S)

Fee(s) in the amount of \$100 is being submitted.

SIGNATURE(S)

Declaration Signature

If the applicant is seeking registration under Section 1(b) and/or Section 44 of the Trademark Act, the applicant had a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. 37 C.F.R. Secs. 2.34(a)(2)(i); 2.34 (a)(3)(i); and 2.34(a)(4)(ii). If the applicant is seeking registration under Section 1(a) of the Trademark Act, the mark was in use in commerce on or in connection with the goods or services listed in the application as of the application filing date. 37 C.F.R. Secs. 2.34(a)(1)(i). The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. §1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; that if the original application was submitted unsigned, that all statements in the original application and this submission made of the declaration signer's knowledge are true; and all statements in the original application and this submission made on information and belief are believed to be true.

Signature: /Theodore A Stoner/ Date: 09/17/2007

Signatory's Name: Theodore A Stoner

Signatory's Position: owner

Petition/Response Signature

Signature: /Theodore A Stoner/ Date: 09/17/2007

Signatory's Name: Theodore A Stoner

Signatory's Position: owner

The signatory has confirmed that he/she is not represented by either an authorized attorney or Canadian attorney/agent, and that he/she is either (1) the applicant or (2) a person(s) with legal authority to bind the applicant; and if an authorized U.S. attorney or Canadian attorney/agent previously represented him/her in this matter, either he/she has filed a signed revocation of power of attorney with the USPTO or the

USPTO has granted the request of his/her prior representative to withdraw.

RAM Sale Number: 2992

RAM Accounting Date: 09/18/2007

Serial Number: 78812529

Internet Transmission Date: Mon Sep 17 18:35:04 EDT 2007

TEAS Stamp: USPTO/POA-207.200.116.69-200709171835048

52494-78812529-400406ac6fa25d265ad2b7808

2e3b8d044-CC-2992-20070917181031044030

RAM SALE NUMBER: 2992
RAM ACCOUNTING DATE: 20070918

INTERNET TRANSMISSION DATE:
2007/09/17

SERIAL NUMBER:
78/812529

Description	Fee Code	Transaction	Total Fees Paid
POA	7005	2007/09/17	100

Trademark Snap Shot Amendment & Mail Processing Stylesheet
 (Table presents the data on Amendment & Mail Processing Complete)

OVERVIEW

SERIAL NUMBER	78812529	FILING DATE	02/10/2006
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	SERVICE MARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	BAKER, JORDAN A	L.O. ASSIGNED	102

PUB INFORMATION

RUN DATE	03/02/2007
PUB DATE	N/A
STATUS	661-RESPONSE AFTER NON-FINAL-ACTION-ENTERED
STATUS DATE	03/01/2007
LITERAL MARK ELEMENT	BONGO BI-LINGO BUDDY

DATE ABANDONED	N/A	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	REPUB 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	N/A		

FILING BASIS

FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	NO	1 (a)	NO	1 (a)	NO
1 (b)	YES	1 (b)	YES	1 (b)	NO
44D	NO	44D	NO	44D	NO
44E	NO	44E	NO	44E	NO
66A	NO	66A	NO		
NO BASIS	NO	NO BASIS	NO		

MARK DATA

STANDARD CHARACTER MARK	YES
LITERAL MARK ELEMENT	BONGO BI-LINGO BUDDY

MARK DRAWING CODE	4-STANDARD CHARACTER MARK
COLOR DRAWING FLAG	NO

CURRENT OWNER INFORMATION

PARTY TYPE	10-ORIGINAL APPLICANT
NAME	Theodore A Stoner
ADDRESS	99 S. Downing St. #501 Denver, CO 80209
ENTITY	01-INDIVIDUAL
CITIZENSHIP	United States of America

GOODS AND SERVICES

INTERNATIONAL CLASS	041
DESCRIPTION TEXT	Entertainment in the nature of educational television for children; live theatrical performances and cultural activities for children; education in the nature of providing professional training

GOODS AND SERVICES CLASSIFICATION

INTERNATIONAL CLASS	041	FIRST USE DATE	NONE	FIRST USE IN COMMERCE DATE	NONE	CLASS STATUS	6-ACTIVE
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MISCELLANEOUS INFORMATION/STATEMENTS

CHANGE IN REGISTRATION	NO
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PROSECUTION HISTORY

DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
03/01/2007	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED	008
03/01/2007	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	007
03/01/2007	ALIE	A	ASSIGNED TO LIE	006
02/01/2007	TROA	I	TEAS RESPONSE TO OFFICE ACTION RECEIVED	005
08/01/2006	GNRT	F	NON-FINAL ACTION E-MAILED	004
08/01/2006	CNRT	R	NON-FINAL ACTION WRITTEN	003
08/01/2006	DOCK	D	ASSIGNED TO EXAMINER	002
02/17/2006	NWAP	I	NEW APPLICATION ENTERED IN TRAM	001

CURRENT CORRESPONDENCE INFORMATION

ATTORNEY	NONE
CORRESPONDENCE ADDRESS	THEODORE A STONER 99 S DOWNING ST APT 501 DENVER, CO 80209-2405
DOMESTIC REPRESENTATIVE	NONE

BONGO Bi-LINGO BUDDY

To: Theodore A Stoner (ladinc123@aol.com)
Subject: TRADEMARK APPLICATION NO. 78812529 - BONGO BI-LINGO BUDDY - N/A
Sent: 3/2/2007 8:37:15 AM
Sent As: ECOM102@USPTO.GOV
Attachments:

UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 78/812529

APPLICANT: Theodore A Stoner

CORRESPONDENT ADDRESS:
THEODORE A STONER
99 S DOWNING ST APT 501
DENVER, CO 80209-2405

78812529

RETURN ADDRESS:
Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

MARK: BONGO BI-LINGO BUDDY

CORRESPONDENT'S REFERENCE/DOCKET NO : N/A

CORRESPONDENT EMAIL ADDRESS:
ladinc123@aol.com

Please provide in all correspondence:

1. Filing date, serial number, mark and applicant's name.
2. Date of this Office Action.
3. Examining Attorney's name and Law Office number.
4. Your telephone number and e-mail address.

OFFICE ACTION

SECOND ACTION

RESPONSE TIME LIMIT: TO AVOID ABANDONMENT, THE OFFICE MUST RECEIVE A PROPER RESPONSE TO THIS OFFICE ACTION WITHIN 6 MONTHS OF THE MAILING OR E-MAILING DATE.

MAILING/E-MAILING DATE INFORMATION: If the mailing or e-mailing date of this Office action does not appear above, this information can be obtained by visiting the USPTO website at <http://tarr.uspto.gov/>, inserting the application serial number, and viewing the prosecution history for the mailing date of the most recently issued Office communication.

Serial Number 78/812529

This letter responds to applicant's communication filed on February 1, 2007. In an Office Action dated August 1, 2006, the examining attorney deferred action on the merits of the mark and a search for references due to applicant failing to pay all of the necessary fees for its six class application. In its Response, applicant has deleted five classes and has chosen to proceed forward solely on its Class 41 services.

The assigned trademark examining attorney has reviewed the referenced application and has determined the following:

Identification of Services

Applicant's identification of services is unacceptable because it is indefinite. TMEP §1402.01. Specifically, applicant must note that its television shows are "on-going," and must clarify the nature of its theatrical performances and cultural activities. Additionally, applicant must specify the field in which it provides professional training. Applicant may adopt the following identification of services^[11], if accurate:

Class 41: "Entertainment services in the nature of on-going educational television programs in the field of children's entertainment; Entertainment in the nature of live theatrical performances by mixed media of live characters, puppetry and animation for children; Organizing cultural events for children; Education services, namely providing professional training in the field of bilingual learning"

Please note that, while the identification of goods and/or services may be amended to clarify or limit the goods and/or services, adding to the goods and/or services or broadening the scope of the goods and/or services is not permitted. 37 C.F.R. §2.71(a); TMEP §1402.06. Therefore, applicant may not amend the identification to include goods and/or services that are not within the scope of the goods and/or services set forth in the present identification.

For assistance with identifying and classifying goods and/or services in trademark applications, please see the online searchable *Manual of Acceptable Identifications of Goods and Services* at <http://tess2.uspto.gov/netahtml/tidm.html>.

If applicant has questions about its application or needs assistance in responding to this Office action, please telephone the assigned trademark examining attorney directly at the number below.

/Jordan A. Baker/
Trademark Examining Attorney
Law Office 102
571-272-8844
jordan.baker@uspto.gov

HOW TO RESPOND TO THIS OFFICE ACTION:

- **ONLINE RESPONSE:** You may respond using the Office's Trademark Electronic Application System (TEAS) Response to Office action form available on our website at <http://www.uspto.gov/teas/index.html>. If the Office action issued via e-mail, you must wait 72 hours after receipt of the Office action to respond via TEAS. **NOTE: Do not respond by e-mail. THE USPTO WILL NOT ACCEPT AN E-MAILED RESPONSE.**

- **REGULAR MAIL RESPONSE:** To respond by regular mail, your response should be sent to the mailing return address above, and include the serial number, law office number, and examining attorney's name. **NOTE:** The filing date of the response will be the *date of receipt in the Office*, not the postmarked date. To ensure your response is timely, use a certificate of mailing. 37 C.F.R. §2.197.

STATUS OF APPLICATION: To check the status of your application, visit the Office's Trademark Applications and Registrations Retrieval (TARR) system at <http://tarr.uspto.gov>.

VIEW APPLICATION DOCUMENTS ONLINE: Documents in the electronic file for pending applications can be viewed and downloaded online at <http://portal.uspto.gov/external/portal/tow>.

GENERAL TRADEMARK INFORMATION: For general information about trademarks, please visit the Office's website at <http://www.uspto.gov/main/trademarks.htm>

FOR INQUIRIES OR QUESTIONS ABOUT THIS OFFICE ACTION, PLEASE CONTACT THE ASSIGNED EXAMINING ATTORNEY SPECIFIED ABOVE.

^[1] The suggested identification of services is identical to the services in Application Serial No. 78793745, which is an application also owned by applicant.

*** User:jbaker2 ***

#	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/ Search Duration	Search
01	1	0	1	1	0:01	78812529
02	3	2	1	1	0:02	"theodore a stoner"[on]
03	22663	N/A	0	0	0:04	*b{v:2}n\$1{"kgc"}*[bi,ti]
04	21580	N/A	0	0	0:03	*l{"iye"}n\$1g*[bi,ti]
05	14640	N/A	0	0	0:03	*b{v:2}d\$1{"iy"}*[bi,ti]
06	219	120	99	75	0:01	3 and (4 5)
07	116	56	60	42	0:01	4 and 5
08	146	N/A	0	0	0:01	*bongo*[bi,ti]
09	34	21	13	9	0:02	8 and "041"[cc]

Session started 3/2/2007 7:58:00 AM
Session finished 3/2/2007 8:13:51 AM
Total search duration 0 minutes 18 seconds
Session duration 15 minutes 51 seconds
Default NEAR limit=1ADJ limit=1

Sent to TICRS as Serial Number: 78812529

Response to Office Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	78812529
LAW OFFICE ASSIGNED	LAW OFFICE 102
MARK SECTION (no change)	
GOODS AND/OR SERVICES SECTION (009)(class deleted)	
INTERNATIONAL CLASS	009
DESCRIPTION	
<p>IC 009; US 021 023 026 036 038; G & S: Class 9 Computer game cartridges, computer game cassettes, and computer game tapes and DVD's; video game cartridges, video game cassettes and DVDs; computer game joysticks; Player-operated electronic controllers for electronic video game machines, prerecorded audio cassettes, prerecorded video cassettes, prerecorded audio tapes, prerecorded video tapes and DVDs, prerecorded compact discs and phonograph records featuring music and motion picture sound tracks; multimedia software recorded on CD-ROM featuring music and motion picture sound tracks; computer operating system software; prerecorded multimedia computer software programs featuring music and motion picture sound tracks; interactive multimedia software programs for entertainment, namely, adventure stories and animated stories; interactive multimedia software for playing games; sunglasses, prerecorded audio cassettes, compact discs, and laser video discs featuring music, stories, activities and other such educational and entertainment topics for children; prerecorded video cassettes and DVD's featuring animated entertainment; multimedia computer software featuring music, stories, activities and other such educational and entertainment topics for children; motion picture films featuring animated entertainment</p>	
FILING BASIS	Section 1(b)
GOODS AND/OR SERVICES SECTION (016)(class deleted)	
INTERNATIONAL CLASS	016
DESCRIPTION	
<p>IC 016; US 002 005 022 023 029 037 038 050; G & S: Class 16 Printed matter, namely note paper, loose leaf paper, series of fiction books, series of educational books, decals, trading cards, note cards, greetings cards, posters, folders, pencils, pens, calenders, interactive electronic books</p>	
FILING BASIS	Section 1(b)
GOODS AND/OR SERVICES SECTION (021)(class deleted)	
INTERNATIONAL CLASS	021

DESCRIPTION	storage containers
FILING BASIS	Section 1(b)
GOODS AND/OR SERVICES SECTION (025)(class deleted)	
INTERNATIONAL CLASS	025
DESCRIPTION	IC 025; US 022 039; G & S: IC 025; US 022 039; G & S: Bathing suits, bathrobes, beachwear, clothing belts, shorts, jackets, coats, socks, footwear, bandannas, sweaters, Halloween costumes, dresses, gloves, gym shorts, ear muffs, neckwear, pajamas, pants, shirts, t-shirts, ski wear, slacks, sun visors, suspenders, turtlenecks, underclothes, vests, warm-up suits, headwear
FILING BASIS	Section 1(b)
GOODS AND/OR SERVICES SECTION (028)(class deleted)	
INTERNATIONAL CLASS	028
DESCRIPTION	IC 028; US 022 023 038 050; G & S: Class 28 Plush toys, cloth dolls, hand puppets, molded plastic toy figurines, jigsaw puzzles, board games, infant rattles, card games, battery-operated action toys, ride-on toys, toy vehicles, Christmas tree ornaments; coin-operated arcade games, Hand held unit for playing electronic games; action figures and accessories therefor, stuffed toy animals, sport balls, bath toys, bean bags, toy building blocks, music box toys, party favors in the nature of crackers, small toys or noisemakers, toy mobiles, flying discs, musical toy instruments, namely, drums, brass and percussion, drawing toys, talking toys, outdoor jungle gyms, bendable play figures, wind-up toys, action skill games; balloons, and latex squeeze toys, storage containers
FILING BASIS	Section 1(b)
GOODS AND/OR SERVICES SECTION (041)(no change)	
SIGNATURE SECTION	
DECLARATION SIGNATURE	/Theodore A Stoner/
SIGNATORY'S NAME	Theodore A Stoner
SIGNATORY'S POSITION	owner
DATE SIGNED	02/01/2007
RESPONSE SIGNATURE	/Theodore A Stoner/
SIGNATORY'S NAME	Theodore A Stoner
SIGNATORY'S POSITION	owner
DATE SIGNED	02/01/2007
AUTHORIZED SIGNATORY	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Thu Feb 01 20:20:06 EST 2007

TEAS STAMP

USPTO/ROA-207.200.116.138
-20070201202006123943-788
12529-3609e93beb230dcfb55
43ba3178fdbaf73-N/A-N/A-2
0070201201517210958

PTO Form 1957 (Rev 9/2005)
OMB No. 0651-0050 (Exp. 04/2009)

Response to Office Action To the Commissioner for Trademarks:

Application serial no. **78812529** has been amended as follows:

Classification and Listing of Goods/Services

Applicant hereby deletes the following class of goods/services from the application.

Class 009 for IC 009; US 021 023 026 036 038; G & S: Class 9 Computer game cartridges, computer game cassettes, and computer game tapes and DVD's; video game cartridges, video game cassettes and DVD's; computer game joysticks; Player-operated electronic controllers for electronic video game machines, prerecorded audio cassettes, prerecorded video cassettes, prerecorded audio tapes, prerecorded video tapes and DVD's, prerecorded compact discs and phonograph records featuring music and motion picture sound tracks; multimedia software recorded on CD-ROM featuring music and motion picture sound tracks; computer operating system software; prerecorded multimedia computer software programs featuring music and motion picture sound tracks; interactive multimedia software programs for entertainment, namely, adventure stories and animated stories; interactive multimedia software for playing games; sunglasses, prerecorded audio cassettes, compact discs, and laser video discs featuring music, stories, activities and other such educational and entertainment topics for children; prerecorded video cassettes and DVD's featuring animated entertainment; multimedia computer software featuring music, stories, activities and other such educational and entertainment topics for children; motion picture films featuring animated entertainment

Applicant hereby deletes the following class of goods/services from the application.

Class 016 for IC 016; US 002 005 022 023 029 037 038 050; G & S: Class 16 Printed matter, namely note paper, loose leaf paper, series of fiction books, series of educational books, decals, trading cards, note cards, greetings cards, posters, folders, pencils, pens, calenders, interactive electronic books

Applicant hereby deletes the following class of goods/services from the application.

Class 021 for storage containers

Applicant hereby deletes the following class of goods/services from the application.

Class 025 for IC 025; US 022 039; G & S: IC 025; US 022 039; G & S: Bathing suits, bathrobes, beachwear, clothing belts, shorts, jackets, coats, socks, footwear, bandannas, sweaters, Halloween costumes, dresses, gloves, gym shorts, ear muffs, neckwear, pajamas, pants, shirts, t-shirts, ski wear, slacks, sun visors, suspenders, turtlenecks, underclothes, vests, warm-up suits, headwear

Applicant hereby deletes the following class of goods/services from the application.

Class 028 for IC 028; US 022 023 038 050; G & S: Class 28 Plush toys, cloth dolls, hand puppets, molded plastic toy figurines, jigsaw puzzles, board games, infant rattles, card games, battery-operated action toys, ride-on toys, toy vehicles, Christmas tree ornaments; coin-operated arcade games, Hand held unit for

playing electronic games; action figures and accessories therefor, stuffed toy animals, sport balls, bath toys, bean bags, toy building blocks, music box toys, party favors in the nature of crackers, small toys or noisemakers, toy mobiles, flying discs, musical toy instruments, namely, drums, brass and percussion, drawing toys, talking toys, outdoor jungle gyms, bendable play figures, wind-up toys, action skill games; balloons, and latex squeeze toys, storage containers

Declaration Signature

If the applicant is seeking registration under Section 1(b) and/or Section 44 of the Trademark Act, the applicant had a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. 37 C.F.R. Secs. 2.34(a)(2)(i); 2.34 (a)(3)(i); and 2.34(a)(4)(ii). If the applicant is seeking registration under Section 1(a) of the Trademark Act, the mark was in use in commerce on or in connection with the goods or services listed in the application as of the application filing date. 37 C.F.R. Secs. 2.34(a)(1)(i). The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. §1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; that if the original application was submitted unsigned, that all statements in the original application and this submission made of the declaration signer's knowledge are true; and all statements in the original application and this submission made on information and belief are believed to be true.

Signature: /Theodore A Stoner/ Date: 02/01/2007

Signatory's Name: Theodore A Stoner

Signatory's Position: owner

Response Signature

Signature: /Theodore A Stoner/ Date: 02/01/2007

Signatory's Name: Theodore A Stoner

Signatory's Position: owner

Serial Number: 78812529

Internet Transmission Date: Thu Feb 01 20:20:06 EST 2007

TEAS Stamp: USPTO/ROA-207.200.116.138-20070201202006

123943-78812529-3609e93beb230dcfb5543ba3

178fdbaf73-N/A-N/A-20070201201517210958

To: Theodore A Stoner (ladinc123@aol.com)
Subject: TRADEMARK APPLICATION NO. 78812529 - BONGO BI-LINGO BUDDY - N/A
Sent: 8/1/2006 2:00:00 PM
Sent As: ECOM102@USPTO.GOV
Attachments:

UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 78/812529

APPLICANT: Theodore A Stoner

78812529

CORRESPONDENT ADDRESS:
THEODORE A STONER
99 S DOWNING ST APT 501
DENVER, CO 80209-2405

RETURN ADDRESS:
Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

MARK: BONGO BI-LINGO BUDDY

CORRESPONDENT'S REFERENCE/DOCKET NO : N/A

CORRESPONDENT EMAIL ADDRESS:
ladinc123@aol.com

Please provide in all correspondence:

1. Filing date, serial number, mark and applicant's name.
2. Date of this Office Action.
3. Examining Attorney's name and Law Office number.
4. Your telephone number and e-mail address.

OFFICE ACTION

RESPONSE TIME LIMIT: TO AVOID ABANDONMENT, THE OFFICE MUST RECEIVE A PROPER RESPONSE TO THIS OFFICE ACTION WITHIN 6 MONTHS OF THE MAILING OR E-MAILING DATE.

MAILING/E-MAILING DATE INFORMATION: If the mailing or e-mailing date of this Office action does not appear above, this information can be obtained by visiting the USPTO website at <http://tarr.uspto.gov/>, inserting the application serial number, and viewing the prosecution history for the mailing date of the most recently issued Office communication.

Serial Number 78/812529

The assigned trademark examining attorney has reviewed the referenced application and has determined

the following:

Action on Merits of the Mark and Search for References Deferred – Insufficient Fees

A search of the Office records and a review of the merits of the application are both deferred until applicant responds to this Office action by satisfying one of the following:

- (1) specifying the number of classes for which registration is sought *and* providing the filing fees for all such classes; or
- (2) deleting class(es) from the application not covered by the fee(s) already submitted.

TMEP §§704.02 and 810.01. Class designations must be determined and fees provided before a trademark examining attorney will conduct an extensive search of a mark with a large number of classes. TMEP §§810.01 and 1401.04.

The application was filed via the Trademark Electronic Application System (TEAS) and therefore the filing fee per class was \$325. 37 C.F.R. §2.6. The application identifies goods and/or services in at least SIX class(es), which would have required a total of fees in the amount of \$1950. Applicant submitted \$325 with the application. The fee(s) submitted is sufficient for only ONE class(es).

The fee for adding classes to the application is as follows: (1) \$325 if the fee(s) are submitted electronically via the Trademark Electronic Application System (TEAS) at <http://www.uspto.gov/teas/index.html>; or (2) \$375 if the fee(s) are submitted with a paper-filed response. See 37 C.F.R. §2.6.

If applicant has questions about its application or needs assistance in responding to this Office action, please telephone the assigned trademark examining attorney directly at the number below.

/Jordan A. Baker/
Trademark Examining Attorney
Law Office 102
571-272-8844
jordan.baker@uspto.gov

HOW TO RESPOND TO THIS OFFICE ACTION:

- **ONLINE RESPONSE:** You may respond using the Office's Trademark Electronic Application System (TEAS) Response to Office action form available on our website at <http://www.uspto.gov/teas/index.html>. If the Office action issued via e-mail, you must wait 72 hours after receipt of the Office action to respond via TEAS. **NOTE: Do not respond by e-mail. THE USPTO WILL NOT ACCEPT AN E-MAILED RESPONSE.**
- **REGULAR MAIL RESPONSE:** To respond by regular mail, your response should be sent to the mailing return address above, and include the serial number, law office number, and examining attorney's name. **NOTE: The filing date of the response will be the date of receipt in the Office,** not the postmarked date. To ensure your response is timely, use a certificate of mailing. 37 C.F.R. §2.197.

STATUS OF APPLICATION: To check the status of your application, visit the Office's Trademark

Applications and Registrations Retrieval (TARR) system at <http://tarr.uspto.gov>.

VIEW APPLICATION DOCUMENTS ONLINE: Documents in the electronic file for pending applications can be viewed and downloaded online at <http://portal.uspto.gov/external/portal/tow>.

GENERAL TRADEMARK INFORMATION: For general information about trademarks, please visit the Office's website at <http://www.uspto.gov/main/trademarks.htm>

FOR INQUIRIES OR QUESTIONS ABOUT THIS OFFICE ACTION, PLEASE CONTACT THE ASSIGNED EXAMINING ATTORNEY SPECIFIED ABOVE.

Trademark/Service Mark Application, Principal Register

Serial Number: 78812529

Filing Date: 02/10/2006

The table below presents the data as entered.

Input Field	Entered
MARK SECTION	
MARK	<u>BONGO BI-LINGO BUDDY</u>
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	BONGO BI-LINGO BUDDY
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font, style, size, or color.
OWNER SECTION	
NAME	Theodore A Stoner
STREET	99 S. Downing St. #501
CITY	Denver
STATE	Colorado
ZIP/POSTAL CODE	80209
COUNTRY	United States
PHONE	303.733.7086
EMAIL	ladinc123@aol.com
AUTHORIZED EMAIL COMMUNICATION	Yes
LEGAL ENTITY SECTION	
TYPE	INDIVIDUAL
COUNTRY OF CITIZENSHIP	United States
GOODS AND/OR SERVICES SECTION	
INTERNATIONAL CLASS	009

<p>DESCRIPTION</p>	<p>IC 009. US 021 023 026 036 038. G & S: Class 9 Computer game cartridges, computer game cassettes, and computer game tapes and DVD's; video game cartridges, video game cassettes and DVDs; computer game joysticks; Player-operated electronic controllers for electronic video game machines, prerecorded audio cassettes, prerecorded video cassettes, prerecorded audio tapes, prerecorded video tapes and DVDs, prerecorded compact discs and phonograph records featuring music and motion picture sound tracks; multimedia software recorded on CD-ROM featuring music and motion picture sound tracks; computer operating system software; prerecorded multimedia computer software programs featuring music and motion picture sound tracks; interactive multimedia software programs for entertainment, namely, adventure stories and animated stories; interactive multimedia software for playing games; sunglasses, prerecorded audio cassettes, compact discs, and laser video discs featuring music, stories, activities and other such educational and entertainment topics for children; prerecorded video cassettes and DVD's featuring animated entertainment; multimedia computer software featuring music, stories, activities and other such educational and entertainment topics for children; motion picture films featuring animated entertainment.</p>
<p>FILING BASIS</p>	<p>Section 1(b)</p>
<p>GOODS AND/OR SERVICES SECTION</p>	
<p>INTERNATIONAL CLASS</p>	<p>016</p>
<p>DESCRIPTION</p>	<p>IC 016. US 002 005 022 023 029 037 038 050. G & S: Class 16 Printed matter, namely note paper, loose leaf paper, series of fiction books, series of educational books, decals, trading cards, note cards, greetings cards, posters, folders, pencils, pens, calenders, interactive electronic books.</p>
<p>FILING BASIS</p>	<p>Section 1(b)</p>
<p>GOODS AND/OR SERVICES SECTION</p>	

INTERNATIONAL CLASS	021
DESCRIPTION	storage containers.
FILING BASIS	Section 1(b)
GOODS AND/OR SERVICES SECTION	
INTERNATIONAL CLASS	025
DESCRIPTION	IC 025. US 022 039. G & S: IC 025; US 022 039; G & S: Bathing suits, bathrobes, beachwear, clothing belts, shorts, jackets, coats, socks, footwear, bandannas, sweaters, Halloween costumes, dresses, gloves, gym shorts, ear muffs, neckwear, pajamas, pants, shirts, t-shirts, ski wear, slacks, sun visors, suspenders, turtlenecks, underclothes, vests, warm-up suits, headwear
FILING BASIS	Section 1(b)
GOODS AND/OR SERVICES SECTION	
INTERNATIONAL CLASS	028
DESCRIPTION	IC 028. US 022 023 038 050. G & S: Class 28 Plush toys, cloth dolls, hand puppets, molded plastic toy figurines, jigsaw puzzles, board games, infant rattles, card games, battery-operated action toys, ride-on toys, toy vehicles, Christmas tree ornaments; coin-operated arcade games, Hand held unit for playing electronic games; action figures and accessories therefor, stuffed toy animals, sport balls, bath toys, bean bags, toy building blocks, music box toys, party favors in the nature of crackers, small toys or noisemakers, toy mobiles, flying discs, musical toy instruments, namely, drums, brass and percussion, drawing toys, talking toys, outdoor jungle gyms, bendable play figures, wind-up toys, action skill games; balloons, and latex squeeze toys, storage containers.
FILING BASIS	Section 1(b)
GOODS AND/OR SERVICES SECTION	
INTERNATIONAL CLASS	041
DESCRIPTION	IC 041. US 100 101 107. G & S: Class 41 Entertainment in the nature of educational television for children; live theatrical

	performances and cultural activities for children; education in the nature of providing professional training
FILING BASIS	Section 1(b)
SIGNATURE SECTION	
SIGNATURE	/Theodore A Stoner/
SIGNATORY NAME	Theodore A Stoner
SIGNATORY DATE	02/10/2006
SIGNATORY POSITION	owner
PAYMENT SECTION	
NUMBER OF CLASSES	6
NUMBER OF CLASSES PAID	1
SUBTOTAL AMOUNT	325
TOTAL AMOUNT	325
PAYMENT METHOD	CC
CORRESPONDENCE SECTION	
NAME	Theodore A Stoner
STREET	99 S. Downing St. #501
CITY	Denver
STATE	Colorado
ZIP/POSTAL CODE	80209
COUNTRY	United States
EMAIL	ladinc123@aol.com
AUTHORIZED EMAIL COMMUNICATION	Yes
FILING INFORMATION	
SUBMIT DATE	Fri Feb 10 17:49:37 EST 2006
TEAS STAMP	USPTO/BAS-207200116198-20 060210174937251801-788125 29-2005472925fbc909982aaf bad5562218567-CC-545-2006 0210174720471819

Trademark/Service Mark Application, Principal Register

Serial Number: 78812529

Filing Date: 02/10/2006

To the Commissioner for Trademarks:

MARK: (Standard Characters, see mark)

The mark consists of standard characters, without claim to any particular font, style, size, or color.

The literal element of the mark consists of BONGO Bi-LINGO BUDDY.

The applicant, Theodore A Stoner, a citizen of United States, residing at 99 S. Downing St. #501, Denver, Colorado, United States, 80209, requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended.

Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

International Class 009: IC 009. US 021 023 026 036 038. G & S: Class 9 Computer game cartridges, computer game cassettes, and computer game tapes and DVD's; video game cartridges, video game cassettes and DVDs; computer game joysticks; Player-operated electronic controllers for electronic video game machines, prerecorded audio cassettes, prerecorded video cassettes, prerecorded audio tapes, prerecorded video tapes and DVDs, prerecorded compact discs and phonograph records featuring music and motion picture sound tracks; multimedia software recorded on CD-ROM featuring music and motion picture sound tracks; computer operating system software; prerecorded multimedia computer software programs featuring music and motion picture sound tracks; interactive multimedia software programs for entertainment, namely, adventure stories and animated stories; interactive multimedia software for playing games; sunglasses, prerecorded audio cassettes, compact discs, and laser video discs featuring music, stories, activities and other such educational and entertainment topics for children; prerecorded video cassettes and DVD's featuring animated entertainment; multimedia computer software featuring music, stories, activities and other such educational and entertainment topics for children; motion picture films featuring animated entertainment.

International Class 016: IC 016. US 002 005 022 023 029 037 038 050. G & S: Class 16 Printed matter, namely note paper, loose leaf paper, series of fiction books, series of educational books, decals, trading cards, note cards, greetings cards, posters, folders, pencils, pens, calenders, interactive electronic books.

International Class 021: storage containers.

International Class 025: IC 025. US 022 039. G & S: IC 025; US 022 039; G & S: Bathing suits, bathrobes, beachwear, clothing belts, shorts, jackets, coats, socks, footwear, bandannas, sweaters, Halloween costumes, dresses, gloves, gym shorts, ear muffs, neckwear, pajamas, pants, shirts, t-shirts, ski wear, slacks, sun visors, suspenders, turtlenecks, underclothes, vests, warm-up suits, headwear

International Class 028: IC 028. US 022 023 038 050. G & S: Class 28 Plush toys, cloth dolls, hand puppets, molded plastic toy figurines, jigsaw puzzles, board games, infant rattles, card games, battery-operated action toys, ride-on toys, toy vehicles, Christmas tree ornaments; coin-operated arcade games, Hand held unit for playing electronic games; action figures and accessories therefor, stuffed toy animals, sport balls, bath toys, bean bags, toy building blocks, music box toys, party favors in the nature of crackers, small toys or noisemakers, toy mobiles, flying discs, musical toy instruments, namely, drums, brass and percussion, drawing toys, talking toys, outdoor jungle gyms, bendable play figures, wind-up toys, action skill games; balloons, and latex squeeze toys, storage containers.

International Class 041: IC 041. US 100 101 107. G & S: Class 41 Entertainment in the nature of educational television for children; live theatrical performances and cultural activities for children; education in the nature of providing professional training

The USPTO is authorized to communicate with the applicant or its representative at the following email address: ladinc123@aol.com.

A fee payment in the amount of \$325 will be submitted with the application, representing payment for 1 class(es).

Declaration

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

Signature: /Theodore A Stoner/ Date: 02/10/2006

Signatory's Name: Theodore A Stoner

Signatory's Position: owner

Mailing Address:

Theodore A Stoner
99 S. Downing St. #501
Denver, Colorado 80209

RAM Sale Number: 545

RAM Accounting Date: 02/13/2006

Serial Number: 78812529

Internet Transmission Date: Fri Feb 10 17:49:37 EST 2006

TEAS Stamp: USPTO/BAS-207200116198-20060210174937251

801-78812529-2005472925fbc909982aafbad55
62218567-CC-545-20060210174720471819

BONGO Bi-LINGO BUDDY

BONGO Bi-LINGO BUDDY

Generated on: This page was generated by TSDR on 2015-06-09 16:51:25 EDT

Mark: BONGO BEAR

BONGO BEAR

US Serial Number: 86146757

Application Filing Date: Dec. 18, 2013

Register: Principal

Mark Type: Service Mark

Status: Suspension check completed. Application remains suspended.

Status Date: Jan. 28, 2015

Mark Information

Mark Literal Elements: BONGO BEAR

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Disclaimer: "BEAR"

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks "*" identify additional (new) wording in the goods/services.

For: ENTERTAINMENT SERVICES, NAMELY LIVE THEATRICAL PERFORMANCES FEATURING ELECTRONICALLY ANIMATED CHARACTERS FOR USE IN CHILD DEVELOPMENT AND PERSONAL APPEARANCES BY A COSTUMED CHARACTER

International Class(es): 041 - Primary Class

U.S Class(es): 100, 101, 107

Class Status: ACTIVE

Basis: 1(a)

First Use: Mar. 01, 2003

Use in Commerce: Mar. 01, 2003

Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: MWR Holdings, LLC

Owner Address: Suite 700
4855 Technology Way
Boca Raton, FLORIDA 33431
UNITED STATES

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: William W. Stroever

Attorney Primary Email Address: njdocket@qllaw.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: William W. Stroever
Greenberg Traurig, LLP
200 Park Avenue

Florham Park, NEW JERSEY 07932
UNITED STATES

Correspondent e-mail: njdocket@glaw.com

Correspondent e-mail Yes
Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jan. 28, 2015	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	
Aug. 27, 2014	ATTORNEY REVOKED AND/OR APPOINTED	
Aug. 27, 2014	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Jul. 25, 2014	NOTIFICATION OF LETTER OF SUSPENSION E-MAILED	6332
Jul. 25, 2014	LETTER OF SUSPENSION E-MAILED	6332
Jul. 25, 2014	SUSPENSION LETTER WRITTEN	81094
Jul. 03, 2014	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Jul. 02, 2014	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Jul. 02, 2014	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Apr. 01, 2014	UNDELIVERABLE MAIL - COURTESY COPY MAILED	99888
Mar. 30, 2014	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Mar. 30, 2014	NON-FINAL ACTION E-MAILED	6325
Mar. 30, 2014	NON-FINAL ACTION WRITTEN	81094
Mar. 26, 2014	ASSIGNED TO EXAMINER	81094
Jan. 04, 2014	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Dec. 21, 2013	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information

TM Attorney: KUNG, KAELIE ELIZABETH

Law Office Assigned: LAW OFFICE 103

File Location

Current Location: TMEG LAW OFFICE 103 - EXAMINING
ATTORNEY ASSIGNED

Date In Location: Jul. 25, 2014

Assignment Abstract Of Title Information

Summary

Total Assignments: 1

Applicant: MWR Holdings, LLC

Assignment 1 of 1

Conveyance: SECURITY INTEREST

Reel/Frame: [5422/0407](#)

Pages: 13

Date Recorded: Dec. 18, 2014

Supporting Documents: [assignment-tm-5422-0407.pdf](#)

Assignor

Name: [MWR MERGER SUB, LLC](#)

Execution Date: Dec. 18, 2014

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

Name: [MWR HOLDINGS, LLC](#)

Execution Date: Dec. 18, 2014

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

Assignee

Name: [ONEWEST BANK N.A. FOR THE BENEFIT OF LENDERS](#)

Legal Entity Type: NATIONAL ASSOCIATION

State or Country Where Organized: UNITED STATES

Address: 888 EAST WALNUT STREET
HQ-05-01
PASADENA, CALIFORNIA 91101

Correspondent

P00107

Correspondent Name: VICKIE LEE C/O KATTEN MUCHIN ROSENMAN
Correspondent Address: 2029 CENTURY PARK EAST
 2600
 LOS ANGELES, CA 90067

Domestic Representative - Not Found

Proceedings

Summary

Number of Proceedings: 1

Type of Proceeding: Cancellation

Proceeding Number: 92059305 **Filing Date:** Jun 05, 2014
Status: Pending **Status Date:** Jun 05, 2014

Interlocutory Attorney: ELIZABETH A DUNN

Defendant

Name: Theodore A Stoner

Correspondent Address: MATTHEW H SWYERS
 THE TRADEMARK COMPANY PLLC
 344 MAPLE AVE W, STE 151
 VIENNA VA , 22180
 UNITED STATES

Correspondent e-mail: mswyers@TheTrademarkCompany.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
BONGO BI-LINGO BUDDY	Cancellation Pending Plaintiff(s)	<u>78812529</u>	<u>3700403</u>

Name: MWR Holdings, LLC

Correspondent Address: WILLIAM W STROEVER
 GREENBERG TRAUERIG LLP
 200 PARK AVENUE, PO BOX 677
 FLORHAM PARK NJ , 07932-0677
 UNITED STATES

Correspondent e-mail: stroeverw@glaw.com , ameliom@glaw.com , njdocket@glaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
BONGO BEAR	Report Completed Suspension Check - Case Still Suspended	<u>86146757</u>	

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jun 05, 2014	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jun 05, 2014	Jul 15, 2014
3	PENDING, INSTITUTED	Jun 05, 2014	
4	P NOTICE OF INEFFECTIVE SERVICE	Jun 10, 2014	
5	D UNDELIVERABLE MAIL	Jun 18, 2014	
6	D APPEARANCE / POWER OF ATTORNEY	Jul 14, 2014	
7	ANSWER	Jul 14, 2014	
8	P APPEARANCE / POWER OF ATTORNEY	Sep 12, 2014	
9	P MOT TO COMPEL DISCOVERY	Jan 09, 2015	
10	D OPP/RESP TO MOTION	Jan 29, 2015	
11	TRIAL DATES RESET	Jan 30, 2015	
12	TRIAL DATES SET	Feb 06, 2015	
13	P MOT TO AMEND PLEADING/AMENDED PLEADING	Apr 16, 2015	
14	TRIAL DATES RESET	May 21, 2015	

Revocation of Attorney/Domestic Representative and/or Appointment of Attorney/Domestic Representative

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	86146757
LAW OFFICE ASSIGNED	LAW OFFICE 103
MARK SECTION	
MARK	BONGO BEAR
ATTORNEY SECTION	
ORIGINAL ADDRESS	JOHN G. TUTUNJIAN 319-93b 425 BROADHOLLOW RD STE 302 MELVILLE New York (NY) 11747-4701 US 631-844-0080 631-844-0081 Trademarks@tb-iplaw.com;John@tb-iplaw.com
NEW ATTORNEY ADDRESS	
STATEMENT TEXT	By submission of this request, the undersigned REVOKES the power of attorney currently of record, as listed above, and hereby APPOINTS the following new attorney:
NAME	William W. Stroeever
FIRM NAME	Greenberg Traurig, LLP
STREET	200 Park Avenue
CITY	Florham Park
STATE	New Jersey
COUNTRY	United States
POSTAL/ZIP CODE	07932
EMAIL	njdocket@gtlaw.com

ATTORNEY AUTHORIZED TO COMMUNICATE VIA E-MAIL	YES
NEW OTHER APPOINTED ATTORNEYS	Ralph W. Selitto, Jr.; John K. Kim; Joseph Agostino
NEW CORRESPONDENCE ADDRESS	
NAME	William W. Stroever
FIRM NAME	Greenberg Traurig, LLP
STREET	200 Park Avenue
CITY	Florham Park
STATE	New Jersey
COUNTRY	United States
POSTAL/ZIP CODE	07932
EMAIL	njdocket@gtlaw.com
AUTHORIZED TO COMMUNICATE VIA E-MAIL	YES
OTHER APPOINTED ATTORNEY	Ralph W. Selitto, Jr.; John K. Kim; Joseph Agostino
SIGNATURE SECTION	
SIGNATORY FILE	
ORIGINAL PDF FILE	<u>hw 1982101521-155304430 . 42.pdf</u>
CONVERTED PDF FILE(S) (1 page)	<u>\\TICRS\EXPORT16\IMAGEOUT16\861\467\86146757\xml7\RAA0002.JPG</u>
SIGNATORY NAME	Michael Weissman
SIGNATORY POSITION	Managing Member
SIGNATORY PHONE NUMBER	561-886-6400
FILING INFORMATION SECTION	

SUBMIT DATE	Wed Aug 27 15:57:20 EDT 2014
TEAS STAMP	USPTO/RAA-198.210.15.21-2 0140827155720783379-86296 009-500d378e48eb9dcc110a8 6bfbfaf7ca862d85d2ade9121 7fa32dd6411564441b4f-N/A- N/A-20140827155304430371

Revocation of Attorney/Domestic Representative and/or Appointment of Attorney/Domestic Representative

To the Commissioner for Trademarks:

MARK: BONGO BEAR

SERIAL NUMBER: 86146757

The original attorney

JOHN G. TUTUNJIAN

319-93b

425 BROADHOLLOW RD STE 302

MELVILLE New York 11747-4701

US

631-844-0080

631-844-0081

Trademarks@tb-iplaw.com;John@tb-iplaw.com

Original Correspondence Address :

JOHN G. TUTUNJIAN

TUTUNJIAN & BITETTO, P.C.

425 BROADHOLLOW RD STE 302

MELVILLE New York 11747-4701

US

631-844-0080

631-844-0081

Trademarks@tb-iplaw.com;John@tb-iplaw.com

By submission of this request, the undersigned REVOKES the power of attorney currently of record, as listed above, and hereby APPOINTS the following new attorney: In addition, any additional previously-appointed attorneys that are currently listed in the application are replaced with the new "Other Appointed Attorneys" listed below.

Newly Appointed Attorney:

William W. Stroeve

Greenberg Traurig, LLP

200 Park Avenue

Florham Park, New Jersey 07932

United States

njdocket@gtlaw.com

Other Appointed Attorneys:

Ralph W. Selitto, Jr.; John K. Kim; Joseph Agostino

The following is to be used as the correspondence address:

William W. Stroever
Greenberg Traurig, LLP
200 Park Avenue
Florham Park, New Jersey 07932
United States
njdocket@gtlaw.com

Original PDF file:

hw_1982101521-155304430 . 42.pdf

Converted PDF file(s) (1 page)

Signature File1

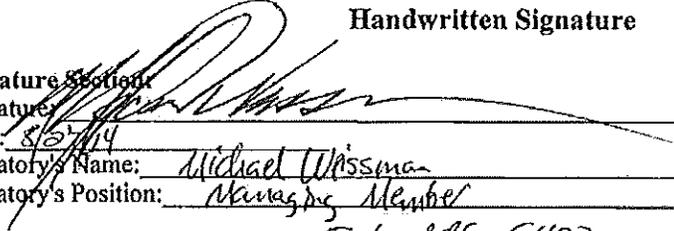
Signatory's Name: Michael Weissman
Signatory's Position: Managing Member
Signatory's Phone Number: 561-886-6400

Serial Number: 86146757

Internet Transmission Date: Wed Aug 27 15:57:20 EDT 2014
TEAS Stamp: USPTO/RAA-198.210.15.21-2014082715572078
3379-86296009-500d378e48eb9dcc110a86bfbf
af7ca862d85d2ade91217fa32dd6411564441b4f
-N/A-N/A-20140827155304430371

**Revocation of Attorney/Domestic Representative and/or Appointment of
Attorney/Domestic Representative**

Handwritten Signature

Signature: 
Signature: _____
Date: 8/26/14
Signatory's Name: Michael Weissman
Signatory's Position: Managing Member
Signatory's Phone Number: 561-886-6400

NOTE TO APPLICANT: When filed as part of the electronic form (i.e., scanned and attached as an image file), include only the signature page (no declaration is required, nor should any other information from the actual revocation be included).

To: MWR Holdings, LLC (Trademarks@tb-iplaw.com)
Subject: U.S. TRADEMARK APPLICATION NO. 86146757 - BONGO BEAR - 319-93b
Sent: 7/25/2014 2:02:10 PM
Sent As: ECOM103@USPTO.GOV
Attachments:

UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)
OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION

U.S. APPLICATION SERIAL NO. 86146757

MARK: BONGO BEAR

86146757

CORRESPONDENT ADDRESS:

JOHN G. TUTUNJIAN
TUTUNJIAN & BITETTO, P.C.
425 BROADHOLLOW RD STE 302
MELVILLE, NY 11747-4701

GENERAL TRADEMARK INFORMATION:
<http://www.uspto.gov/trademarks/index.jsp>

APPLICANT: MWR Holdings, LLC

CORRESPONDENT'S REFERENCE/DOCKET NO :
319-93b

CORRESPONDENT E-MAIL ADDRESS:
Trademarks@tb-iplaw.com

SUSPENSION NOTICE: NO RESPONSE NEEDED

ISSUE/MAILING DATE: 7/25/2014

The trademark examining attorney is suspending action on the application for the reason(s) stated below. *See* 37 C.F.R. §2.67; TMEP §§716 *et seq.*

The USPTO will periodically conduct a status check of the application to determine whether suspension remains appropriate, and the trademark examining attorney will issue as needed an inquiry letter to applicant regarding the status of the matter on which suspension is based. TMEP §§716.04, 716.05. Applicant will be notified when suspension is no longer appropriate. *See* TMEP §716.04.

No response to this notice is necessary; however, if applicant wants to respond, applicant should use the "Response to Suspension Inquiry or Letter of Suspension" form online at <http://teasroa.uspto.gov/rsi/rsi>.

PENDING CIVIL PROCEEDING(S): The pending civil proceeding(s) below pertains to (1) a registered mark that conflicts with applicant's mark under Trademark Act Section 2(d), (2) a mark in a pending application(s) that could conflict with applicant's mark under Section 2(d) if it registers, and/or (3) the registrability of applicant's mark. See 15 U.S.C. §1052; 37 C.F.R. §2.83; TMEP §§716.02(a), (c)-(d), 1208 *et seq.* Because the civil proceeding(s) pertains to an issue that could directly affect whether applicant's mark can be registered, action on this application is suspended pending termination of the civil proceeding(s). See 37 C.F.R. §2.67; TMEP §§716.02(a), (c)-(d).

- Cancellation No(s). 92059305

ADDITIONAL MATTERS

This Office action is in response to applicant's communication filed on July 2, 2014. Applicant's communication is hereinafter referenced as: "Response".

The previous Office Action of March 30, 2014, and all supporting evidence attached thereto, is incorporated by reference herein.

After review of the Response, the following is determined:

- the substitute specimen of use is **ACCEPTED** and will be **ENTERED INTO THE RECORD**;
- the Name of Character refusal is **OBVIATED** by the acceptable substitute specimen of use; and
- the disclaimer is **ACCEPTED** and will be **ENTERED INTO THE RECORD**.

/Kaelie E. Kung/
Kaelie E. Kung
Examining Attorney
Law Office 103
(571) 272-8265
kaelie.kung@uspto.gov

PERIODICALLY CHECK THE STATUS OF THE APPLICATION: To ensure that applicant does not miss crucial deadlines or official notices, check the status of the application every three to four months using the Trademark Status and Document Retrieval (TSDR) system at <http://tsdr.uspto.gov/>. Please keep a copy of the TSDR status screen. If the status shows no change for more than six months, contact the Trademark Assistance Center by e-mail at TrademarkAssistanceCenter@uspto.gov or call 1-800-786-9199. For more information on checking status, see <http://www.uspto.gov/trademarks/process/status/>.

TO UPDATE CORRESPONDENCE/E-MAIL ADDRESS: Use the Trademark Electronic Application System (TEAS) form at <http://www.uspto.gov/trademarks/teas/correspondence.jsp>.

To: MWR Holdings, LLC (Trademarks@tb-iplaw.com)
Subject: U.S. TRADEMARK APPLICATION NO. 86146757 - BONGO BEAR - 319-93b
Sent: 7/25/2014 2:02:10 PM
Sent As: ECOM103@USPTO.GOV
Attachments:

UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)

**IMPORTANT NOTICE REGARDING YOUR
U.S. TRADEMARK APPLICATION**

USPTO OFFICE ACTION (OFFICIAL LETTER) HAS ISSUED
ON **7/25/2014** FOR U.S. APPLICATION SERIAL NO. 86146757

Please follow the instructions below:

(1) TO READ THE LETTER: Click on this [link](#) or go to <http://tsdr.uspto.gov/>, enter the U.S. application serial number, and click on "Documents."

The Office action may not be immediately viewable, to allow for necessary system updates of the application, but will be available within 24 hours of this e-mail notification.

(2) QUESTIONS: For questions about the contents of the Office action itself, please contact the assigned trademark examining attorney. For *technical* assistance in accessing or viewing the Office action in the Trademark Status and Document Retrieval (TSDR) system, please e-mail TSDR@uspto.gov.

WARNING

PRIVATE COMPANY SOLICITATIONS REGARDING YOUR APPLICATION: Private companies not associated with the USPTO are using information provided in trademark applications to mail or e-mail trademark-related solicitations. These companies often use names that closely resemble the USPTO and their solicitations may look like an official government document. Many solicitations require that you pay "fees."

Please carefully review all correspondence you receive regarding this application to make sure that you are responding to an official document from the USPTO rather than a private company solicitation. All official USPTO correspondence will be mailed only from the "United States Patent and Trademark Office" in Alexandria, VA; or sent by e-mail from the domain "@uspto.gov." For more information on how to handle private company solicitations, see <http://www.uspto.gov/trademarks/>

solicitation_warnings.jsp.

Trademark Snap Shot Amendment & Mail Processing Stylesheet
 (Table presents the data on Amendment & Mail Processing Complete)

OVERVIEW

SERIAL NUMBER	86146757	FILING DATE	12/18/2013
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	SERVICE MARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	KUNG, KHELIE ELIZABETH	L.O. ASSIGNED	103

PUB INFORMATION

RUN DATE	07/04/2014		
PUB DATE	N/A		
STATUS	661-RESPONSE AFTER NON-FINAL-ACTION-ENTERED		
STATUS DATE	07/03/2014		
LITERAL MARK ELEMENT	BONGO BEAR		
DATE ABANDONED	N/A	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	REPUB 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	N/A		

FILING BASIS

FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	YES	1 (a)	YES	1 (a)	NO
1 (b)	NO	1 (b)	NO	1 (b)	NO
44D	NO	44D	NO	44D	NO
44E	NO	44E	NO	44E	NO
66A	NO	66A	NO		
NO BASIS	NO	NO BASIS	NO		

MARK DATA

STANDARD CHARACTER MARK	YES
LITERAL MARK ELEMENT	BONGO BEAR

MARK DRAWING CODE	4-STANDARD CHARACTER MARK
COLOR DRAWING FLAG	NO

CURRENT OWNER INFORMATION

PARTY TYPE	10-ORIGINAL APPLICANT
NAME	MWR Holdings, LLC
ADDRESS	Suite 700 4855 Technology Way Boca Raton, FL 33431
ENTITY	16-LTD LIAB CO
CITIZENSHIP	Delaware

GOODS AND SERVICES

INTERNATIONAL CLASS	041
DESCRIPTION TEXT	ENTERTAINMENT SERVICES, NAMELY LIVE THEATRICAL PERFORMANCES FEATURING ELECTRONICALLY ANIMATED CHARACTERS FOR USE IN CHILD DEVELOPMENT AND PERSONAL APPEARANCES BY A COSTUMED CHARACTER

GOODS AND SERVICES CLASSIFICATION

INTERNATIONAL CLASS	041	FIRST USE DATE	03/01/2003	FIRST USE IN COMMERCE DATE	03/01/2003	CLASS STATUS	6-ACTIVE
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MISCELLANEOUS INFORMATION/STATEMENTS

CHANGE IN REGISTRATION	NO
DISCLAIMER W/PREDETER TXT	"BEAR"

PROSECUTION HISTORY

DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
07/03/2014	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED	010
07/02/2014	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	009
07/02/2014	TROA	I	TEAS RESPONSE TO OFFICE ACTION RECEIVED	008
04/01/2014	UNDC	O	UNDELIVERABLE MAIL - COURTESY COPY MAILED	007
03/30/2014	GNRN	O	NOTIFICATION OF NON-FINAL ACTION E-MAILED	006
03/30/2014	GNRT	F	NON-FINAL ACTION E-MAILED	005
03/30/2014	CNRT	R	NON-FINAL ACTION WRITTEN	004

03/26/2014	DOCK	D	ASSIGNED TO EXAMINER	003
01/04/2014	NWOS	I	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	002
12/21/2013	NWAP	I	NEW APPLICATION ENTERED IN TRAM	001

CURRENT CORRESPONDENCE INFORMATION

ATTORNEY	John G. Tutunjian
CORRESPONDENCE ADDRESS	JOHN G. TUTUNJIAN TUTUNJIAN & BITETTO, P.C. 425 BROADHOLLOW RD STE 302 MELVILLE, NY 11747-4701
DOMESTIC REPRESENTATIVE	NONE

BONGO BEAR

Response to Office Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	86146757
LAW OFFICE ASSIGNED	LAW OFFICE 103
MARK SECTION (no change)	
ARGUMENT(S)	
<p>In response to the Likelihood of Confusion rejection, Applicant filed a Petition to Cancel (Cancellation No. 92059305) on June 5, 2014 against the cited registration 3,700,403 for BONGO BI LINGO BUDDY.</p> <p>Accordingly, the Examiner is requested to suspend action on this case, pending disposition of this cancellation action.</p>	
GOODS AND/OR SERVICES SECTION (current)	
INTERNATIONAL CLASS	041
DESCRIPTION	
ENTERTAINMENT SERVICES, NAMELY LIVE THEATRICAL PERFORMANCES FEATURING ELECTRONICALLY ANIMATED CHARACTERS FOR USE IN CHILD DEVELOPMENT AND PERSONAL APPEARANCES BY A COSTUMED CHARACTER	
FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 03/01/2003
FIRST USE IN COMMERCE DATE	At least as early as 03/01/2003
GOODS AND/OR SERVICES SECTION (proposed)	
INTERNATIONAL CLASS	041
DESCRIPTION	
ENTERTAINMENT SERVICES, NAMELY LIVE THEATRICAL PERFORMANCES FEATURING ELECTRONICALLY ANIMATED CHARACTERS FOR USE IN CHILD DEVELOPMENT AND PERSONAL APPEARANCES BY A COSTUMED CHARACTER	

FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 03/01/2003
FIRST USE IN COMMERCE DATE	At least as early as 03/01/2003
STATEMENT TYPE	"The substitute (or new, if appropriate) specimen(s) was/were in use in commerce at least as early as the filing date of the application" <i>[for an application based on Section 1(a), Use in Commerce]</i> OR "The substitute (or new, if appropriate) specimen(s) was/were in use in commerce prior either to the filing of the Amendment to Allege Use or expiration of the filing deadline for filing a Statement of Use" <i>[for an application based on Section 1(b) Intent-to-Use]</i> .
SPECIMEN FILE NAME(S)	
ORIGINAL PDF FILE	<u>SPU0-96572130-180956336 . 319-93B-Sub Specimen.pdf</u>
CONVERTED PDF FILE(S) (1 page)	<u>\\TICRS\EXPORT16\IMAGEOUT16\861\467\86146757\xml4\ROA0002.JPG</u>
SPECIMEN DESCRIPTION	scanned brochure bearing mark and describing services
ADDITIONAL STATEMENTS SECTION	
DISCLAIMER	No claim is made to the exclusive right to use BEAR apart from the mark as shown.
SIGNATURE SECTION	
DECLARATION SIGNATURE	/JGT/
SIGNATORY'S NAME	John G. Tutunjian
SIGNATORY'S POSITION	Attorney of record, NY Bar member
SIGNATORY'S PHONE NUMBER	631 844 0080
DATE SIGNED	07/02/2014
RESPONSE SIGNATURE	/JGT/
SIGNATORY'S NAME	John G. Tutunjian
SIGNATORY'S POSITION	Attorney of record, NY bar member
SIGNATORY'S PHONE NUMBER	631 844 0080
DATE SIGNED	07/02/2014
AUTHORIZED SIGNATORY	YES

FILING INFORMATION SECTION**SUBMIT DATE** Wed Jul 02 18:19:04 EDT 2014**TEAS STAMP**USPTO/ROA-96.57.2.130-201
40702181904847974-8614675
7-50029e4f2397751486c931b
20962c97f1a221acb2ed3fe60
9bbab57c7299d2b5a9-N/A-N/
A-20140702180956336148PTO Form 1957 (Rev 9/2005)
OMB No. 0651-0050 (Exp. 07/31/2017)**Response to Office Action
To the Commissioner for Trademarks:**Application serial no. **86146757** has been amended as follows:**ARGUMENT(S)****In response to the substantive refusal(s), please note the following:**

In response to the Likelihood of Confusion rejection, Applicant filed a Petition to Cancel (Cancellation No. 92059305) on June 5, 2014 against the cited registration 3,700,403 for BONGO BI LINGO BUDDY.

Accordingly, the Examiner is requested to suspend action on this case, pending disposition of this cancellation action.

CLASSIFICATION AND LISTING OF GOODS/SERVICES**Applicant proposes to amend the following class of goods/services in the application:****Current:** Class 041 for ENTERTAINMENT SERVICES, NAMELY LIVE THEATRICAL PERFORMANCES FEATURING ELECTRONICALLY ANIMATED CHARACTERS FOR USE IN CHILD DEVELOPMENT AND PERSONAL APPEARANCES BY A COSTUMED CHARACTER

Original Filing Basis:

Filing Basis: Section 1(a), Use in Commerce: The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended. The mark was first used at least as early as 03/01/2003 and first used in commerce at least as early as 03/01/2003 , and is now in use in such commerce.**Proposed:** Class 041 for ENTERTAINMENT SERVICES, NAMELY LIVE THEATRICAL PERFORMANCES FEATURING ELECTRONICALLY ANIMATED CHARACTERS FOR USE IN CHILD DEVELOPMENT AND PERSONAL APPEARANCES BY A COSTUMED CHARACTER

Filing Basis: Section 1(a), Use in Commerce: The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended. The mark was first used at least as early as 03/01/2003 and first used in commerce at least as early as 03/01/2003 , and is now in use in such commerce.

Applicant hereby submits one(or more) specimen(s) for Class 041 . The specimen(s) submitted consists of scanned brochure bearing mark and describing services .

" **The substitute (or new, if appropriate) specimen(s) was/were in use in commerce at least as early as the filing date of the application**" *[[for an application based on Section 1(a), Use in Commerce]* OR " **The substitute (or new, if appropriate) specimen(s) was/were in use in commerce prior either to the filing of the Amendment to Allege Use or expiration of the filing deadline for filing a Statement of Use** " *[[for an application based on Section 1(b) Intent-to-Use]* .

Original PDF file:

[SPU0-96572130-180956336 . 319-93B-Sub Specimen.pdf](#)

Converted PDF file(s) (1 page)

[Specimen File1](#)

ADDITIONAL STATEMENTS

Disclaimer

No claim is made to the exclusive right to use BEAR apart from the mark as shown.

SIGNATURE(S)

Declaration Signature

DECLARATION: The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements and the like may jeopardize the validity of the application or submission or any registration resulting therefrom, declares that, if the applicant submitted the application or amendment to allege use (AAU) unsigned, all statements in the application or AAU and this submission based on the signatory's own knowledge are true, and all statements in the application or AAU and this submission made on information and belief are believed to be true.

STATEMENTS FOR UNSIGNED SECTION 1(a) APPLICATION/AAU: If the applicant filed an unsigned application under 15 U.S.C. Section 1051(a) or AAU under 15 U.S.C. Section 1051(c), the signatory additionally believes that: the applicant is the owner of the trademark/service mark sought to be registered; the applicant or the applicant's related company or licensee is using the mark in commerce and has been using the mark in commerce as of the filing date of the application or AAU on or in connection with the goods/services in the application or AAU, and such use by the applicant's related company or licensee inures to the benefit of the applicant; the original specimen(s), if applicable, shows the mark in use in commerce as of the filing date of the application or AAU on or in connection with the goods/services in the application or AAU; and to the best of the signatory's knowledge and belief, no other person has the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion or mistake, or to deceive.

STATEMENTS FOR UNSIGNED SECTION 1(b)/SECTION 44 APPLICATION: If the applicant filed an unsigned application under 15 U.S.C. Section 1051(b), Section 1126(d), and/or Section 1126(e), the signatory additionally believes that: the applicant is entitled to use the mark in commerce; the applicant

has a bona fide intention and has had a bona fide intention as of the application filing date to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the goods/services in the application; and to the best of the signatory's knowledge and belief, no other person has the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion or mistake, or to deceive.

Signature: /JGT/ Date: 07/02/2014
Signatory's Name: John G. Tutunjian
Signatory's Position: Attorney of record, NY Bar member
Signatory's Phone Number: 631 844 0080

Response Signature

Signature: /JGT/ Date: 07/02/2014
Signatory's Name: John G. Tutunjian
Signatory's Position: Attorney of record, NY bar member

Signatory's Phone Number: 631 844 0080

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the applicant's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the applicant in this matter: (1) the applicant has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the applicant has filed a power of attorney appointing him/her in this matter; or (4) the applicant's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

Serial Number: 86146757
Internet Transmission Date: Wed Jul 02 18:19:04 EDT 2014
TEAS Stamp: USPTO/ROA-96.57.2.130-201407021819048479
74-86146757-50029e4f2397751486c931b20962
c97f1a221acb2ed3fe609bbab57c7299d2b5a9-N
/A-N/A-20140702180956336148



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To: MWR Holdings, LLC (Trademarks@fb-iplaw.com)
Subject: U.S. TRADEMARK APPLICATION NO. 86146757 - BONGO BEAR - 319-93b
Sent: 3/30/2014 10:17:03 AM
Sent As: ECOM103@USPTO.GOV
Attachments: [Attachment - 1](#)
[Attachment - 2](#)
[Attachment - 3](#)
[Attachment - 4](#)
[Attachment - 5](#)
[Attachment - 6](#)
[Attachment - 7](#)
[Attachment - 8](#)
[Attachment - 9](#)
[Attachment - 10](#)
[Attachment - 11](#)
[Attachment - 12](#)

**UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)
OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION**

U.S. APPLICATION SERIAL NO. 86146757

MARK: BONGO BEAR

86146757

CORRESPONDENT ADDRESS:

JOHN G. TUTUNJIAN
TUTUNJIAN & BITETTO, P.C.
425 BROADHOLLOW RD STE 302
MELVILLE, NY 11747-4701

CLICK HERE TO RESPOND TO THIS LETTER
http://www.uspto.gov/trademarks/teas/response_forms.jsp

APPLICANT: MWR Holdings, LLC

CORRESPONDENT'S REFERENCE/DOCKET NO :

319-93b

CORRESPONDENT E-MAIL ADDRESS:

Trademarks@fb-iplaw.com

OFFICE ACTION

STRICT DEADLINE TO RESPOND TO THIS LETTER

TO AVOID ABANDONMENT OF APPLICANT'S TRADEMARK APPLICATION, THE USPTO MUST RECEIVE APPLICANT'S COMPLETE RESPONSE TO THIS LETTER WITHIN 6 MONTHS OF THE ISSUE/MAILING DATE BELOW.

ISSUE/MAILING DATE: 3/30/2014

The referenced application has been reviewed by the assigned trademark examining attorney. Applicant must respond timely and completely to the issue(s) below. 15 U.S.C. §1062(b); 37 C.F.R. §§2.62(a), 2.65(a); TMEP §§711, 718.03.

SUMMARY OF ISSUES

- Section 2(d) likelihood of confusion refusal;
- Name of character refusal; and
- Disclaimer requirement.

SECTION 2(d) LIKELIHOOD OF CONFUSION REFUSAL

Registration of the applied-for mark is refused because of a likelihood of confusion with the mark in U.S. Registration No. 3700403. Trademark Act Section 2(d), 15 U.S.C. §1052(d); *see* TMEP §§1207.01 *et seq.* See the enclosed registration.

I. 2(d) STANDARD OF REVIEW

Trademark Act Section 2(d) bars registration of an applied-for mark that so resembles a registered mark that it is likely a potential consumer would be confused, mistaken, or deceived as to the source of the goods and/or services of the applicant and registrant. *See* 15 U.S.C. §1052(d). A determination of likelihood of confusion under Section 2(d) is made on a case-by case basis and the factors set forth in *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 177 USPQ 563 (C.C.P.A. 1973) aid in this determination. *Citigroup Inc. v. Capital City Bank Grp., Inc.*, 637 F.3d 1344, 1349, 98 USPQ2d 1253, 1256 (Fed. Cir. 2011) (citing *On-Line Careline, Inc. v. Am. Online, Inc.*, 229 F.3d 1080, 1085, 56 USPQ2d 1471, 1474 (Fed. Cir. 2000)). Not all the *du Pont* factors, however, are necessarily relevant or of equal weight, and any one of the factors may control in a given case, depending upon the evidence of record. *Citigroup Inc. v. Capital City Bank Grp., Inc.*, 637 F.3d at 1355, 98 USPQ2d at 1260; *In re Majestic Distilling Co.*, 315 F.3d 1311, 1315, 65 USPQ2d 1201, 1204 (Fed. Cir. 2003); *see In re E. I. du Pont de Nemours & Co.*, 476 F.2d at 1361-62, 177 USPQ at 567.

In this case, the following factors are the most relevant: similarity of the marks, similarity and nature of the goods and/or services, and similarity of the trade channels of the goods and/or services. *See In re Viterra Inc.*, 671 F.3d 1358, 1361-62, 101 USPQ2d 1905, 1908 (Fed. Cir. 2012); *In re Dakin's Miniatures Inc.*, 59 USPQ2d 1593, 1595-96 (TTAB 1999); TMEP §§1207.01 *et seq.*

II. APPLICATION OF THE 2(d) STANDARD OF REVIEW

The cited registration is the mark BONGO BI-LINGO BUDDY for "Entertainment in the nature of live theatrical performances by mixed media of live characters, puppetry and animation for children; Organizing cultural events for children; Education services, namely, providing professional training in the field of bilingual learning".

The applied-for mark is BONGO BEAR for "ENTERTAINMENT SERVICES, NAMELY LIVE THEATRICAL PERFORMANCES FEATURING ELECTRONICALLY ANIMATED CHARACTERS

FOR USE IN CHILD DEVELOPMENT AND PERSONAL APPEARANCES BY A COSTUMED CHARACTER”.

A. COMPARISON OF SOUND, APPEARANCE AND MEANING

Marks are compared in their entireties for similarities in appearance, sound, connotation, and commercial impression. *In re Viterra Inc.*, 671 F.3d 1358, 1362, 101 USPQ2d 1905, 1908 (Fed. Cir. 2012) (quoting *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 1361, 177 USPQ 563, 567 (C.C.P.A. 1973)); TMEP §1207.01(b)-(b)(v). Similarity in any one of these elements may be sufficient to find the marks confusingly similar. *In re White Swan Ltd.*, 8 USPQ2d 1534, 1535 (TTAB 1988); see *In re 1st USA Realty Prof'ls, Inc.*, 84 USPQ2d 1581, 1586 (TTAB 2007); TMEP §1207.01(b).

Marks may be confusingly similar in appearance where there are similar terms or phrases or similar parts of terms or phrases appearing in both applicant's and registrant's mark. See *Crocker Nat'l Bank v. Canadian Imperial Bank of Commerce*, 228 USPQ 689 (TTAB 1986), *aff'd sub nom. Canadian Imperial Bank of Commerce v. Wells Fargo Bank, Nat'l Ass'n*, 811 F.2d 1490, 1 USPQ2d 1813 (Fed. Cir. 1987) (COMMCASH and COMMUNICASH); *In re Phillips-Van Heusen Corp.*, 228 USPQ 949 (TTAB 1986) (21 CLUB and “21” CLUB (stylized)); *In re Corning Glass Works*, 229 USPQ 65 (TTAB 1985) (CONFIRM and CONFIRMCELLS); *In re Collegian Sportswear Inc.*, 224 USPQ 174 (TTAB 1984) (COLLEGIAN OF CALIFORNIA and COLLEGIENNE); *In re Pellerin Milnor Corp.*, 221 USPQ 558 (TTAB 1983) (MILTRON and MILLTRONICS); *In re BASF A.G.*, 189 USPQ 424 (TTAB 1975) (LUTEXAL and LUTEX); TMEP §1207.01(b)(ii)-(iii).

Applicant's mark BONGO BEAR is confusingly similar to the cited registered mark BONGO BI-LINGO BUDDY because the marks share the identical first, arbitrary term “BONGO”.

Consumers are generally more inclined to focus on the first word, prefix, or syllable in any trademark or service mark. See *Palm Bay Imps., Inc. v. Veuve Clicquot Ponsardin Maison Fondée En 1772*, 396 F.3d 1369, 1372, 73 USPQ2d 1689, 1692 (Fed. Cir. 2005); *Presto Prods., Inc. v. Nice-Pak Prods., Inc.*, 9 USPQ2d 1895, 1897 (TTAB 1988) (“it is often the first part of a mark which is most likely to be impressed upon the mind of a purchaser and remembered” when making purchasing decisions). Consumers are therefore likely to confuse the source of services offered under the applied-for mark and cited registered mark as both mark begin with the identical, arbitrary term “BONGO”.

B. COMPARISON OF SERVICES

The goods and/or services of the parties need not be identical or even competitive to find a likelihood of confusion. See *On-line Careline Inc. v. Am. Online Inc.*, 229 F.3d 1080, 1086, 56 USPQ2d 1471, 1475 (Fed. Cir. 2000); *Recot, Inc. v. Becton*, 214 F.3d 1322, 1329, 54 USPQ2d 1894, 1898 (Fed. Cir. 2000) (“[E]ven if the goods in question are different from, and thus not related to, one another in kind, the same goods can be related in the mind of the consuming public as to the origin of the goods.”); TMEP §1207.01(a)(i).

The respective goods and/or services need only be “related in some manner and/or if the circumstances surrounding their marketing [be] such that they could give rise to the mistaken belief that [the goods and/or services] emanate from the same source.” *Coach Servs., Inc. v. Triumph Learning LLC*, 668 F.3d 1356, 1369, 101 USPQ2d 1713, 1722 (Fed. Cir. 2012) (quoting *7-Eleven Inc. v. Wechsler*, 83 USPQ2d 1715, 1724 (TTAB 2007)); *Gen. Mills Inc. v. Fage Dairy Processing Indus. SA*, 100 USPQ2d 1584, 1597 (TTAB 2011); TMEP §1207.01(a)(i).

The services identified in the cited registered mark include “Entertainment in the nature of live theatrical performances by mixed media of live characters, puppetry and animation for children; Organizing cultural events for children”.

The services identified in the application are for “live theatrical performances featuring electronically animated characters for use in child development and personal appearances by a costumed character”.

Consumers are likely to confuse the source of the services for the applied for mark and cited registration because the services of the applied for mark and the cited registration are at a minimum, related, and could be overlapping. Specifically, applicant’s live theatrical performances featuring animated characters are the same services as registrant’s live theatrical performances featuring live characters, puppets and animation; and registrant’s cultural events for children encompass applicant’s personal appearances by a costumed character services.

Furthermore, as the services of the applied for mark and the cited registration are related and possibly overlapping, they may travel within the same channels of trade.

C. SUMMARY OF 2(d) REVIEW

The applied for mark is confusingly similar to the cited registered mark because the marks share the identical first, arbitrary term “BONGO”. Because the marks are confusingly similar and because the services are related and/or travel within the same channels of trade, the applicant’s mark is refused on grounds of likelihood of confusion.

Although applicant’s mark has been refused registration, applicant may respond to the refusal(s) by submitting evidence and arguments in support of registration.

Applicant should note the following additional ground for refusal.

REFUSAL – DOES NOT FUNCTION AS A SERVICE MARK – IDENTIFIES NAME OF CHARACTER

Registration is refused because the applied-for mark, as used on the specimen of record, identifies only the name of a particular character; it does not function as a service mark to identify and distinguish applicant’s services from those of others and to indicate the source of applicant’s services. Trademark Act Sections 1, 2, 3 and 45, 15 U.S.C. §§1051-1053, 1127; *see In re Hechinger Inv. Co. of Del.*, 24 USPQ2d 1057, 1059 (TTAB 1991); *In re McDonald’s Corp.*, 229 USPQ 555, 555 (TTAB 1985); TMEP §§904.07(b), 1301.02(b).

The name of a character is registrable as a service mark only where the record shows that it is used in a manner that would be perceived by consumers as identifying the services in addition to identifying the character. *In re Fla. Cypress Gardens Inc.*, 208 USPQ 288, 292 (TTAB 1980); TMEP §1301.02(b). In this case, the specimen shows the applied-for mark used only to identify the name of a character and not as a service mark for applicant’s services because the specimen flyer identifies only that a costumed character named “BONGO BEAR” will make an appearance at an event, not that personal appearance services or performances will be provided under the mark “BONGO BEAR”.

Although applicant’s mark has been refused registration, applicant may respond to the refusal(s) by submitting evidence and arguments in support of registration.

Applicant must respond to the requirement(s) set forth below.

DISCLAIMER

A “disclaimer” is a statement in the application record that applicant does not claim exclusive rights to an unregistrable component of a mark; a disclaimer of unregistrable matter does not affect the appearance of the mark or physically remove disclaimed matter from the mark. *See Schwarzkopf v. John H. Breck, Inc.*, 340 F.2d 978, 978, 144 USPQ 433, 433 (C.C.P.A. 1965); TMEP §1213. An unregistrable component of a mark includes wording and designs that are merely descriptive of an applicant’s goods and/or services. 15 U.S.C. §1052(e); *see* TMEP §§1209.03(f), 1213.03 *et seq.* Such words or designs need to be freely available for other businesses to market comparable goods or services and should not become the proprietary domain of any one party. *See Dena Corp. v. Belvedere Int’l, Inc.*, 950 F.2d 1555, 1560, 21 USPQ2d 1047, 1051 (Fed. Cir. 1991); *In re Aug. Storck KG*, 218 USPQ 823, 825 (TTAB 1983).

The following cases further explain the disclaimer requirement: *Dena Corp. v. Belvedere Int’l Inc.*, 950 F.2d 1555, 21 USPQ2d 1047 (Fed. Cir. 1991); *In re Brown-Forman Corp.*, 81 USPQ2d 1284 (TTAB 2006); *In re Kraft, Inc.*, 218 USPQ 571 (TTAB 1983).

Applicant must disclaim the descriptive wording “BEAR” apart from the mark as shown because it merely describes an ingredient, quality, characteristic, function, feature, purpose, or use of applicant’s goods and/or services. *See* 15 U.S.C. §§1052(e)(1), 1056(a); *DuoProSS Meditech Corp. v. Inviro Med. Devices, Ltd.*, 695 F.3d 1247, 1251, 103 USPQ2d 1753, 1755 (Fed. Cir. 2012) (quoting *In re Oppedahl & Larson LLP*, 373 F.3d 1171, 1173, 71 USPQ2d 1370, 1371 (Fed. Cir. 2004)); *In re Steelbuilding.com*, 415 F.3d 1293, 1297, 75 USPQ2d 1420, 1421 (Fed. Cir. 2005); TMEP §§1213, 1213.03(a).

Specifically, the attached dictionary evidence shows this wording means a type of large, furry animal. Therefore, the wording merely describes a characteristic of the identified services provided by a person or machinery wearing a costume resembling a bear.

Applicant may submit the following standardized format for a disclaimer:

No claim is made to the exclusive right to use “BEAR” apart from the mark as shown.

TMEP §1213.08(a)(i); *see In re Owatonna Tool Co.*, 231 USPQ 493 (Comm’r Pats. 1983).

/Kaelie E. Kung/
Kaelie E. Kung
Examining Attorney
Law Office 103
(571) 272-8265
kaelie.kung@uspto.gov

TO RESPOND TO THIS LETTER: Go to http://www.uspto.gov/trademarks/teas/response_forms.jsp. Please wait 48-72 hours from the issue/ mailing date before using the Trademark Electronic Application System

(TEAS), to allow for necessary system updates of the application. For *technical* assistance with online forms, e-mail TEAS@uspto.gov. For questions about the Office action itself, please contact the assigned trademark examining attorney. **E-mail communications will not be accepted as responses to Office actions; therefore, do not respond to this Office action by e-mail.**

All informal e-mail communications relevant to this application will be placed in the official application record.

WHO MUST SIGN THE RESPONSE: It must be personally signed by an individual applicant or someone with legal authority to bind an applicant (i.e., a corporate officer, a general partner, all joint applicants). If an applicant is represented by an attorney, the attorney must sign the response.

PERIODICALLY CHECK THE STATUS OF THE APPLICATION: To ensure that applicant does not miss crucial deadlines or official notices, check the status of the application every three to four months using the Trademark Status and Document Retrieval (TSDR) system at <http://tsdr.uspto.gov/>. Please keep a copy of the TSDR status screen. If the status shows no change for more than six months, contact the Trademark Assistance Center by e-mail at TrademarkAssistanceCenter@uspto.gov or call 1-800-786-9199. For more information on checking status, see <http://www.uspto.gov/trademarks/process/status/>.

TO UPDATE CORRESPONDENCE/E-MAIL ADDRESS: Use the TEAS form at <http://www.uspto.gov/trademarks/teas/correspondence.jsp>.

Print: Mar 29, 2014

78812529

DESIGN MARK

Serial Number

78812529

Status

REGISTERED

Word Mark

BONGO BI-LINGO BUDDY

Standard Character Mark

Yes

Registration Number

3700403

Date Registered

2009/10/20

Type of Mark

SERVICE MARK

Register

PRINCIPAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

Stoner, Theodore A INDIVIDUAL UNITED STATES 99 S. Downing St. #501
Denver COLORADO 80209

Goods/Services

Class Status -- ACTIVE. IC 041. US 100 101 107. G & S:
Entertainment in the nature of live theatrical performances by mixed
media of live characters, puppetry and animation for children;
Organizing cultural events for children; Education services, namely,
providing professional training in the field of bilingual learning.
First Use: 2004/06/08. First Use In Commerce: 2008/06/18.

Filing Date

2006/02/10

Examining Attorney

BAKER, JORDAN

BONGO Bi-LINGO BUDDY

Dictionary Synonyms Grammar B Explore [Get premium](#)

 ENGLISH (US) Type a word or phrase

There are 2 definitions of *bear* in English:  2

bear

Syllabification: bear

Pronunciation: /be(ə)r /

VERB (past bore /bɔːr/; past participle borne /bɔːn/)

(verb)

1 (Of a person) carry:

'he was bearing a tray of brimming glasses'

'the warriors bore lances tipped with iron'

[MORE EXAMPLE SENTENCES](#)

[SYNONYMS](#)

2 (Of a vehicle or boat) convey (passengers or cargo):

'steamboats bear the traveler out of Kerretta Sound'

[MORE EXAMPLE SENTENCES](#)

3 Have or display as a visible mark or feature:

'a small boat bearing a white flag'

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[MORE ON BEAR](#)

Nearby words

beanpole

beanstalk

bear

bear a hand

'many of the papers bore his flamboyant signature'

MORE EXAMPLE SENTENCES

SYNONYMS

1.3 **Be called by (a name or title):**

'he bore the surname Tiller'

MORE EXAMPLE SENTENCES

1.4 **(bear oneself) [WITH ADVERBIAL] Carry or conduct oneself in a particular manner:**

'she bore herself with dignity'

MORE EXAMPLE SENTENCES

SYNONYMS

2 **Support:**

'walls that cannot bear a stone vault'

MORE EXAMPLE SENTENCES

SYNONYMS

2.1 **Take responsibility for:**

'no one likes to bear the responsibility for such decisions'

'the expert's fee shall be borne by the tenant'

MORE EXAMPLE SENTENCES

SYNONYMS

2.2 **Be able to accept or stand up to:**

'it is doubtful whether either of these distinctions would bear scrutiny'

MORE EXAMPLE SENTENCES

SYNONYMS

3 **Endure (an ordeal or difficulty):**

bear a nano

bear a relation or relationship to

See also

bear on

US English

bear up

US English

ant bear

US English

bear arms

US English

bear down

US English

bear off

US English

Result list for bear

Translate bear

into French

into German

into Italian

into Spanish



'she bore the pain stoically'

MORE EXAMPLE SENTENCES

3.1 (WITH MODAL AND NEGATIVE) Manage to tolerate (a situation or experience):

'she could hardly bear his sarcasm'

(WITH INFINITIVE) *'I cannot bear to see you hurt'*

MORE EXAMPLE SENTENCES

SYNONYMS

3.2 (cannot bear someone/something) Strongly dislike:

'I can't bear caviar'

MORE EXAMPLE SENTENCES

4 Give birth to (a child):

'she bore six daughters'

(WITH INFINITIVE) *'his wife had borne him a son'*

MORE EXAMPLE SENTENCES

SYNONYMS

5.1 (Of a tree or plant) produce (fruit or flowers):

'a squash that bears fruit shaped like cucumbers'

MORE EXAMPLE SENTENCES

SYNONYMS

6 (INTRANSITIVE) Turn and proceed in a specified direction:

'bear left and follow the old road'

MORE EXAMPLE SENTENCES

SYNONYMS



Phrases

be borne in upon

Come to be realized by:

'the folly of her action was borne in on her with devastating precision'

MORE EXAMPLE SENTENCES

bear arms

1 Carry firearms.

MORE EXAMPLE SENTENCES

2 Wear or display a coat of arms.

MORE EXAMPLE SENTENCES

bear the brunt of

see *brunt*.

bear the burden of

Suffer the consequences of.

MORE EXAMPLE SENTENCES

bear fruit

Yield positive results:

'plans for power-sharing may be about to bear fruit'

MORE EXAMPLE SENTENCES

SYNONYMS

bear someone a grudge

Nurture a feeling of resentment against someone.

MORE EXAMPLE SENTENCES

bear a hand

• *archaic* Help in a task or enterprise.

MORE EXAMPLE SENTENCES

bear someone malice (or ill will)

(WITH NEGATIVE) *Wish someone harm.*

MORE EXAMPLE SENTENCES

bear a resemblance (or similarity) to

Resemble.

MORE EXAMPLE SENTENCES

bear a relation (or relationship) to

(WITH NEGATIVE) *Be logically consistent with:*

'the map didn't seem to bear any relation to the roads'

MORE EXAMPLE SENTENCES

bear the stamp of

Be clearly identifiable with:

'every work of mine must inevitably bear the stamp of my own personality'

MORE EXAMPLE SENTENCES

bear witness (or testimony) to

Testify to:

'little is left to bear witness to the past greatness of the city'

MORE EXAMPLE SENTENCES

SYNONYMS

does not bear thinking about

Is too terrible to contemplate.

MORE EXAMPLE SENTENCES

grin and bear it

see grin.

have one's cross to bear

see cross.

Phrasal verbs

bear away

another way of saying .

bear down

(Of a woman in labor) exert downward pressure in order to push the baby out

MORE EXAMPLE SENTENCES

Put pressure on someone or something:

'he bore down and allowed the Bears only one more run'

bear down on

Move quickly toward someone, in a purposeful or an intimidating manner.

MORE EXAMPLE SENTENCES

SYNONYMS

Take strict measures to deal with:

'a commitment to bear down on inflation'

MORE EXAMPLE SENTENCES

bear off

Sailing Change course away from the wind.

MORE EXAMPLE SENTENCES

Nautical Steer away from something, typically the land.

MORE EXAMPLE SENTENCES

bear on

Be relevant to (something):

'two kinds of theories that bear on literary studies'

MORE EXAMPLE SENTENCES

SYNONYMS

(FORMAL) Be a burden on (someone):

'a tax that will bear heavily on poorer households'

MORE EXAMPLE SENTENCES

bear something out

Support or confirm something:

'this assumption is not borne out by any evidence'

MORE EXAMPLE SENTENCES

SYNONYMS

bear up

Remain cheerful in the face of adversity:

'she's bearing up remarkably well'

MORE EXAMPLE SENTENCES

bear with

Be patient or tolerant with.

MORE EXAMPLE SENTENCES

SYNONYMS

Origin

Old English *beran*, of Germanic origin; from an Indo-European root shared by Sanskrit *bharati*, Greek *pherein*, and Latin *ferre*.

Usage

In the early 17th century, *borne* and *born* were simply variant forms of the past participle of *bear* used interchangeably with no distinction in meaning. By around 1775, however, the present distinction in use had become established. At that time, *borne* became the standard past participle used in all the senses listed in this dictionary entry, e.g., *'she has borne you another son'*, *'the findings have been borne out'*, and so on. *Born* became restricted to just one very common use (which remains the case today), in the passive, without *by*, as the standard, neutral

way to refer to birth: '*she was born in 1965*', '*he was born lucky*', or '*I was born and bred in Boston*'.

More definitions of bear

Definition of bear in:

- [The British & World English dictionary](#)
- [The English Synonyms](#)
- [The US English Synonyms](#)

There are 2 definitions of *bear* in English: 1 

bear

Syllabification: bear

Pronunciation: / ˈ b e (ə) r /

NOUN

- A large, heavy, mammal that walks on the soles of its feet, with thick fur and a very short tail. Bears are related to the dog family, but most species are omnivorous.
Family *Ursidae*: several genera and species

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MORE EXAMPLE SENTENCES

SYNONYMS

11 A **leddy bear**.

MORE EXAMPLE SENTENCES

12 • **informal** A rough, unmannerly, or uncouth person.

MORE EXAMPLE SENTENCES

13 A large, heavy, cumbersome man:

'a lumbering bear of a man'

MORE EXAMPLE SENTENCES

14 **(the Bear)** • **informal** A nickname for Russia.

15 **(the Bear)** The constellation Ursa Major or Ursa Minor.

MORE EXAMPLE SENTENCES

16 **Stock Market** A person who forecasts that prices of stocks or commodities will fall, especially a person who sells shares hoping to buy them back later at a lower price:

'bear markets'

Often contrasted with **bull** (see **bull market**).

[said to be from a proverb warning against 'selling the bear's skin before one has caught the bear']

MORE EXAMPLE SENTENCES

Phrases

loaded for bear

North American • **informal** Fully prepared for any eventuality, typically a confrontation or challenge.

MORE EXAMPLE SENTENCES

MORE ON BEAR

Nearby words

beanpole

beanstalk

bear

bear a hand

bear a relation or relationship to

See also

bear on

AMERICAN ENGLISH

bear up

BRITISH ENGLISH

ant bear

AMERICAN ENGLISH

hear arms

AMERICAN ENGLISH

bear down

BRITISH ENGLISH

bear off

AMERICAN ENGLISH

Result list for bear

Translate bear

Origin

Old English *bera*; related to Dutch *beer* and German *Bär*.

More definitions of bear

Definition of bear in:

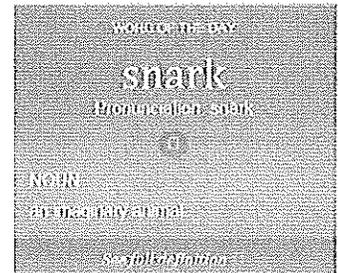
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To: MWR Holdings, LLC (Trademarks@tb-iplaw.com)
Subject: U.S. TRADEMARK APPLICATION NO. 86146757 - BONGO BEAR - 319-93b
Sent: 3/30/2014 10:17:03 AM
Sent As: ECOM103@USPTO.GOV
Attachments:

UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)

**IMPORTANT NOTICE REGARDING YOUR
U.S. TRADEMARK APPLICATION**

USPTO OFFICE ACTION (OFFICIAL LETTER) HAS ISSUED
ON **3/30/2014** FOR U.S. APPLICATION SERIAL NO. 86146757

Please follow the instructions below:

(1) **TO READ THE LETTER:** Click on this [link](#) or go to <http://tsdr.uspto.gov>, enter the U.S. application serial number, and click on "Documents."

The Office action may not be immediately viewable, to allow for necessary system updates of the application, but will be available within 24 hours of this e-mail notification.

(2) **TIMELY RESPONSE IS REQUIRED:** Please carefully review the Office action to determine (1) how to respond, and (2) the applicable response time period. Your response deadline will be calculated from **3/30/2014** (*or sooner if specified in the Office action*). For information regarding response time periods, see <http://www.uspto.gov/trademarks/process/status/responsetime.jsp>.

Do **NOT** hit "Reply" to this e-mail notification, or otherwise e-mail your response because the USPTO does NOT accept e-mails as responses to Office actions. Instead, the USPTO recommends that you respond online using the Trademark Electronic Application System (TEAS) response form located at http://www.uspto.gov/trademarks/teas/response_forms.jsp.

(3) **QUESTIONS:** For questions about the contents of the Office action itself, please contact the assigned trademark examining attorney. For *technical* assistance in accessing or viewing the Office action in the Trademark Status and Document Retrieval (TSDR) system, please e-mail TSDR@uspto.gov.

WARNING

Failure to file the required response by the applicable response deadline will result in the

ABANDONMENT of your application. For more information regarding abandonment, see <http://www.uspto.gov/trademarks/basics/abandon.jsp>.

PRIVATE COMPANY SOLICITATIONS REGARDING YOUR APPLICATION: Private companies **not** associated with the USPTO are using information provided in trademark applications to mail or e-mail trademark-related solicitations. These companies often use names that closely resemble the USPTO and their solicitations may look like an official government document. Many solicitations require that you pay “fees.”

Please carefully review all correspondence you receive regarding this application to make sure that you are responding to an official document from the USPTO rather than a private company solicitation. All official USPTO correspondence will be mailed only from the “United States Patent and Trademark Office” in Alexandria, VA; or sent by e-mail from the domain “@uspto.gov.” For more information on how to handle private company solicitations, see http://www.uspto.gov/trademarks/solicitation_warnings.jsp.

*** User:kkung ***

#	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/Search Duration	Search
01	1	0	1	1	0:01	86146757[SN]
02	171	N/A	0	0	0:02	*bong*[bi,ti] not dead[ld]
03	20702	N/A	0	0	0:02	*b{v0:1}ar*[bi,ti] not dead[ld]
04	2	0	2	2	0:01	2 and 3
05	71	N/A	0	0	0:02	*bongo*[bi,ti] not dead[ld]
06	2624	N/A	0	0	0:02	*bear*[bi,ti] not dead[ld]
07	8	0	8	8	0:01	5 and ("041" or a or b or 200)[ic]
08	3	0	3	2	0:02	5 and ("042" or a or b or 200)[ic]
09	294	0	32	30	0:01	6 and ("041" or a or b or 200)[ic]

Session started 3/29/2014 9:52:53 PM

Session finished 3/29/2014 9:56:54 PM

Total search duration 0 minutes 14 seconds

Session duration 4 minutes 1 seconds

Default NEAR limit=1ADJ limit=1

Sent to TICRS as Serial Number: 86146757

Trademark/Service Mark Application, Principal Register

Serial Number: 86146757

Filing Date: 12/18/2013

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	86146757
MARK INFORMATION	
*MARK	<u>BONGO BEAR</u>
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	BONGO BEAR
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font, style, size, or color.
REGISTER	Principal
APPLICANT INFORMATION	
*OWNER OF MARK	MWR Holdings, LLC
INTERNAL ADDRESS	Suite 700
*STREET	4855 Technology Way
*CITY	Boca Raton
*STATE (Required for U.S. applicants)	Florida
*COUNTRY	United States
*ZIP/POSTAL CODE (Required for U.S. applicants only)	33431

LEGAL ENTITY INFORMATION	
TYPE	limited liability company
STATE/COUNTRY WHERE LEGALLY ORGANIZED	Delaware
GOODS AND/OR SERVICES AND BASIS INFORMATION	
INTERNATIONAL CLASS	041
* IDENTIFICATION	ENTERTAINMENT SERVICES, NAMELY LIVE THEATRICAL PERFORMANCES FEATURING ELECTRONICALLY ANIMATED CHARACTERS FOR USE IN CHILD DEVELOPMENT AND PERSONAL APPEARANCES BY A COSTUMED CHARACTER
FILING BASIS	SECTION 1(a)
FIRST USE ANYWHERE DATE	At least as early as 03/01/2003
FIRST USE IN COMMERCE DATE	At least as early as 03/01/2003
SPECIMEN FILE NAME(S)	
ORIGINAL PDF FILE	<u>SPE0-96572130-094224999 . Bongo Bear Costume.indd.pdf</u>
CONVERTED PDF FILE(S) (1 page)	<u>\\TICRS\EXPORT16\IMAGEOUT16\861\467\86146757\xml\1\APP0003.JPG</u>
SPECIMEN DESCRIPTION	advertising flyer
ATTORNEY INFORMATION	
NAME	John G. Tutunjian
ATTORNEY DOCKET NUMBER	319-93b
FIRM NAME	Tutunjian & Bitetto, P.C.
INTERNAL ADDRESS	Suite 302
STREET	425 Broadhollow Road
CITY	Melville
STATE	New York
COUNTRY	United States

ZIP/POSTAL CODE	11747
PHONE	631-844-0080
FAX	631-844-0081
EMAIL ADDRESS	Trademarks@tb-iplaw.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
CORRESPONDENCE INFORMATION	
NAME	John G. Tutunjian
FIRM NAME	Tutunjian & Bitetto, P.C.
INTERNAL ADDRESS	Suite 302
STREET	425 Broadhollow Road
CITY	Melville
STATE	New York
COUNTRY	United States
ZIP/POSTAL CODE	11747
PHONE	631-844-0080
FAX	631-844-0081
EMAIL ADDRESS	Trademarks@tb-iplaw.com;John@tb-iplaw.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
FEE INFORMATION	
NUMBER OF CLASSES	1
FEE PER CLASS	325
*TOTAL FEE DUE	325
*TOTAL FEE PAID	325
SIGNATURE INFORMATION	
SIGNATURE	/j. tutunjian/
SIGNATORY'S NAME	John Tutunjian

SIGNATORY'S POSITION	attorney
DATE SIGNED	12/18/2013

Trademark/Service Mark Application, Principal Register

Serial Number: 86146757

Filing Date: 12/18/2013

To the Commissioner for Trademarks:

MARK: BONGO BEAR (Standard Characters, see mark)

The literal element of the mark consists of BONGO BEAR.

The mark consists of standard characters, without claim to any particular font, style, size, or color.

The applicant, MWR Holdings, LLC, a limited liability company legally organized under the laws of Delaware, having an address of

Suite 700,
4855 Technology Way
Boca Raton, Florida 33431
United States

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

International Class 041: ENTERTAINMENT SERVICES, NAMELY LIVE THEATRICAL PERFORMANCES FEATURING ELECTRONICALLY ANIMATED CHARACTERS FOR USE IN CHILD DEVELOPMENT AND PERSONAL APPEARANCES BY A COSTUMED CHARACTER

In International Class 041, the mark was first used by the applicant or the applicant's related company or licensee or predecessor in interest at least as early as 03/01/2003, and first used in commerce at least as early as 03/01/2003, and is now in use in such commerce. The applicant is submitting one(or more) specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods and/or services, consisting of a(n) advertising flyer.

Original PDF file:

[SPE0-96572130-094224999 . Bongo Bear Costume.indd.pdf](#)

Converted PDF file(s) (1 page)

[Specimen File1](#)

The applicant's current Attorney Information:

John G. Tutunjian of Tutunjian & Bitetto, P.C.

Suite 302
425 Broadhollow Road
Melville, New York 11747

United States

The attorney docket/reference number is 319-93b.

The applicant's current Correspondence Information:

John G. Tutunjian

Tutunjian & Bitetto, P.C.

Suite 302

425 Broadhollow Road

Melville, New York 11747

631-844-0080(phone)

631-844-0081(fax)

Trademarks@tb-iplaw.com;John@tb-iplaw.com (authorized)

A fee payment in the amount of \$325 has been submitted with the application, representing payment for 1 class(es).

Declaration

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

Declaration Signature

Signature: /j. tutunjian/ Date: 12/18/2013

Signatory's Name: John Tutunjian

Signatory's Position: attorney

RAM Sale Number: 86146757

RAM Accounting Date: 12/18/2013

Serial Number: 86146757

Internet Transmission Date: Wed Dec 18 09:47:32 EST 2013

TEAS Stamp: USPTO/BAS-96.57.2.130-201312180947321235

72-86146757-50074a6345962baf6af3fd4e4c21

177461a73442c4febd68e6f737fb9bffb383f8-C

C-9178-20131218094224999492

BONGO BEAR



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ABOUT

"Will you be my Bi-Lingo Buddy?" - Bongo

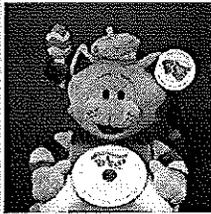
Kids love helping Bongo on their musical island hopping adventure around Bi-Lingo Bay.

Help Bongo reunite with...

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http://www.Bi-Lingo.com/

PHOTOS



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Write Post

Bi-Lingo July 17, 2009

Join me on my musical Bilingual adventures at www.Bi-Lingo.com and sample 6 free games!

Like · Comment

Bi-Lingo July 17, 2009

Will you be my Bi-Lingo Buddy?

Like · Comment

Kathy Purdie likes this.

Kathy Purdie What a cute Bongo! Hope he is getting to be friends with many children. I will be a Bi-lingo buddy..... January 6, 2011 at 3:50pm

2009

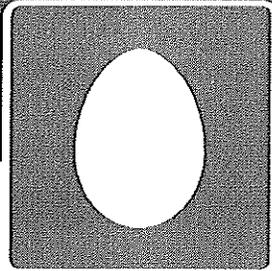
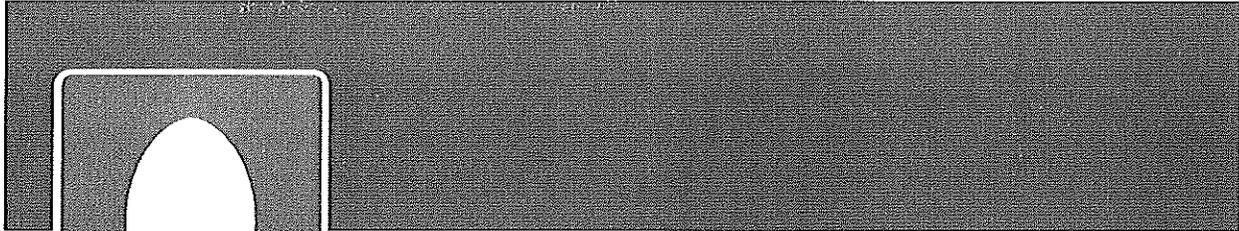
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Home Curriculum & Enrichment Programs Enrichment Programs



Enrichment Programs

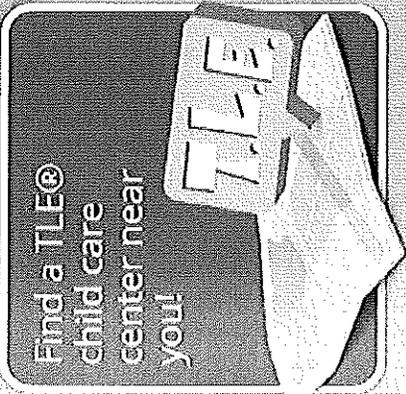
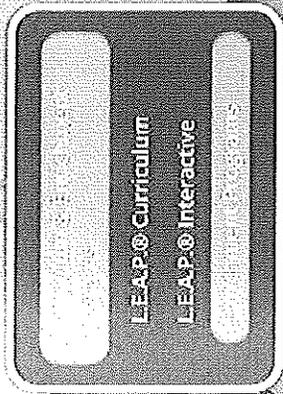
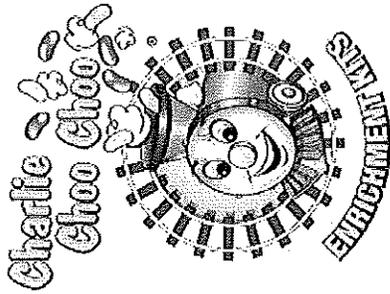
The Learning Experience® is devoted to cultivating creative, compassionate, and innovative thinkers. Our enrichment kit programs serve as fundamental components to help achieve that goal. Music, math, science, dance, Yoga, performing arts, and physical fitness are all components of our exceptional Charlie Choo Choo® enrichment series. These programs encourage children to explore different avenues of learning. Because at TLE®, we believe that what is good for one child, is good for all children. Unlike other child care centers, our

enrichment programs are included in the cost of regular tuition. Charlie Choo Choo® enrichment programs offer a unique approach to education geared toward broadening the children's scope of learning. The enrichment programs are offered through unique kits that are given to each child. These enrichment kits are packed with tools designed to assist TLE® teachers with implementing the enrichment programs inside their own classrooms. This approach gives TLE® teachers the flexibility to incorporate the thematic activities into the core TLE® curriculum. The learning experiences that these kits offer do not stop at the end of each 12-week session. Afterwards, the children get to bring their kits home to share what they have learned with their parents and to continue to use the resources for further learning.

To learn more about these programs, please click on our Enrichment Wheel below.

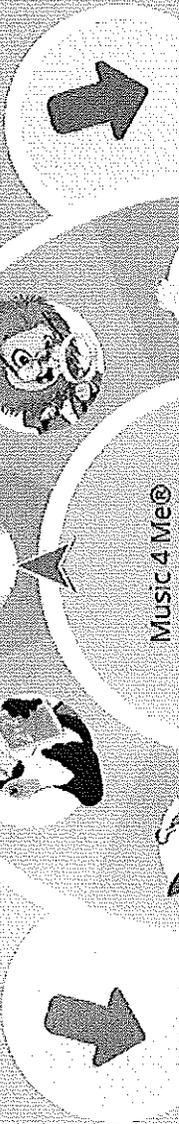
ENRICHMENT GAME

How to Play >

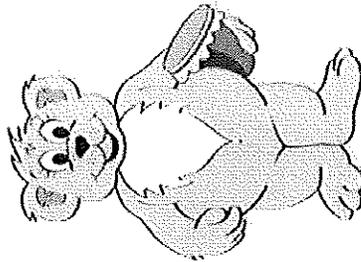


Through our Charlie Choo Choo® enrichment programs, children are introduced to:

Scroll to view all Enrichment Programs

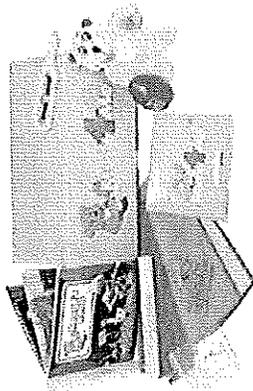


Music 4 Me®



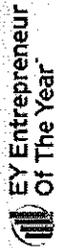
Music 4 Me®

This program includes a variety of music rhythm and movement. It encompasses American, Latin, opera, Dixieland, show tunes, traditional children's music, and contemporary children's music. Music 4 Me® is offered to all age groups and is a wonderful way to teach emotional values and promote positive energy outlets.



Music 4 Me® kit that each child receives.

Be a part of the TLE® family and join us in the recognitions that we have received.



The Learning Experience® is a proud sponsor of the Make-A-Wish foundation. To donate, click below.

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