

ESTTA Tracking number: **ESTTA707792**

Filing date: **11/10/2015**

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

Proceeding	92059305
Party	Defendant Theodore A Stoner
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Submission	Reply in Support of Motion
Filer's Name	Matthew H. Swyers
Filer's e-mail	mswyers@thetrademarkcompany.com
Signature	/Matthew H. Swyers/
Date	11/10/2015
Attachments	Reply in Support of Counter-Motion for Summary Judgment.pdf(221838 bytes ) Reply in Support of Counter-Motion for Summary Judgment Exhibits 1 of 4.pdf(2427970 bytes ) Reply in Support of Counter-Motion for Summary Judgment Exhibits 2 of 4.pdf(2328096 bytes ) Reply in Support of Counter-Motion for Summary Judgment Exhibits 3 of 4.pdf(2316183 bytes ) Reply in Support of Counter-Motion for Summary Judgment Exhibits 4 of 4.pdf(1248873 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.	:	

**REPLY IN SUPPORT OF COUNTER-MOTION FOR SUMMARY JUDGMENT**

COMES NOW the Registrant Theodore A. Stoner (hereinafter “Registrant”), by and through counsel, The Trademark Company, PLLC, and pursuant to TBMP § 528 *et seq.* files the instant Reply to Petitioner MWR Holdings, LLC’s (hereinafter “Petitioner”) Opposition to Registrant’s Counter-Motion for Summary Judgment. In reply to the Petitioner’s brief Registrant states as follows:

**SUMMARY OF PETITIONER’S RESPONSE**

In response to the Registrant’s Cross-Motion for Summary Judgment Petitioner’s filing may be distilled into three allegations:

1. The Board should deny Registrant’s Motion for Summary Judgment on the grounds that Registrant did not abandon his Mark;
2. The Board should deny Registrant’s Motion for Summary Judgment on the grounds that Registrant did not commit fraud on the USPTO; and
3. The Board should deny Registrant’s Motion for Summary Judgment on the grounds that Petitioner cannot prove priority of use of Petitioner’s Mark over Registrant’s use of Registrant’s Mark and instead grant Summary Judgment in favor of Petitioner.

## 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 Affidavit of Theodore A. Stoner* attached as Exhibit 1.

2. Registrant first used Registrant’s Mark in connection with Registrant’s Services in interstate commerce as early as June 8, 2004. *Id.*

3. Since first offering goods under Registrant’s Mark around June 8, 2004, Registrant has never ceased use of Registrant’s Mark nor retained intent to abandon or relinquish the same. *Id.*

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.

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.

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*.

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*.

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

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

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*.

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*.

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

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*.

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.

38. On or about July 17, 2015 Counsel for Registrant received Petitioner's documents 00001 – 00165. *See Exhibit 2.*

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

40. On September 16, 2015 Registrant filed *Registrant's Opposition to Petitioner's Motion for Summary Judgment and Registrant's Counter-Motion for Summary Judgment*.

41. On or about October 6, 2015 Petitioner filed *Petitioner's Further Reply in Support of its Motion for Summary Judgment*.

42. On or about October 21, 2015 Petitioner filed *Petitioner's Opposition to Stoner's Cross-Motion for Summary Judgment*.

## **ARGUMENT**

The party opposing summary judgment has the burden of showing sufficient evidence of a genuine issue of material fact in dispute. *See Celotex Corp. v. Catrett*, 477 U.S. 317, 324 (1986). Although Petitioner claims that genuine issues of material fact exist as to Registrant's continuous use of Registrant's Mark for Registrant's Services, Registrant's fraud on the USPTO, and Registrant's priority of use the Petitioner does not put forth any evidence supporting these

allegations and instead simply tries to cast doubt on the evidence Registrant submitted in response to Petitioner's own discovery requests.

Based on the forgoing, the Petitioner has produced no evidence to satisfy its burden and, therefore, there is no issue for trial.

**I. Registrant Did Not Abandon Registrant's Mark.**

In the instant case, Petitioner's first argument in *Petitioner's Opposition to Stoner's Cross-Motion for Summary Judgment* is predicated upon the idea that Registrant did not submit admissible evidence, that the evidence submitted do not meet the burden for a motion for summary judgment, and Petitioner has submitted sufficient evidence to create a genuine issue of material fact. In short, Petitioner claims that there is a genuine issue of material fact regarding Registrant's continuous use of Registrant's Mark. This is simply not the case.

As set forth above, Registrant has continuously advertised and provided Registrant's Services in interstate commerce in connection with Registrant's Mark since at least as early as June 8, 2004. *See* Exhibit 1. Furthermore, in Registrant's Counter-Motion for Summary Judgment Registrant submitted Registrant's answers to Interrogatories and documents produced in response to Requests for Production of Documents which Petitioner submitted in Petitioner's Motion for Summary Judgment as proof of Registrant's abandonment. Petitioner first introduced Registrant's responses and when Registrant used the same Petitioner now argues against the responses.

Moreover even assuming, *en arguendo*, that Registrant did not previously submit sufficient evidence to prove Registrant's continuous use of Registrant's Mark, Registrant has now included an Affidavit in support of the same which demonstrates that Registrant has continuously been using the mark in interstate commerce since first beginning to use the mark. *See* Exhibit 1.

This shows that Registrant never had any intent to cease use of the mark which shows that Petitioner cannot prove the elements of abandonment.

Accordingly, Petitioner's claim that there are genuine issues of material fact regarding Registrant's continuous use of Registrant's Mark in connection with Registrant's Services is simply without merit.

## **II. Registrant Did Not Commit Fraud on the USPTO.**

Petitioner's second argument is predicated upon the same ideas as above that Registrant did not submit admissible evidence and that the evidence submitted do not meet the burden for a motion for summary judgment as there are genuine issues of material fact as to whether Stoner committed fraud on the USPTO.

As stated above the Registrant has been using the mark continuously in interstate commerce in connection with Registrant's Mark since at least as early as June 8, 2004. *See* Exhibit 1. Registrant filed Registrant's Statement of Use on September 1, 2009. *Id.* At that time Registrant was using the mark and had been since Registrant's claimed use dates. *Id.* As such Registrant made no false representation to the USPTO and, therefore, Registrant could not have made a representation knowing it to be false with the intent to deceive the USPTO, could not have relied on the misrepresentation, nor caused damage as a result of the misrepresentation.

Accordingly, Petitioner's claim that there are genuine issues of material fact as to whether Stoner committed fraud on the USPTO is groundless.

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

Petitioner's final argument is predicated upon the idea that Registrant has not used Registrant's Mark in commerce in connection with Registrant's Services and even if Registrant did that use does not prove priority over Petitioner's Mark. This is simply not the case.

As shown above Registrant began using Registrant's Mark in connection with Registrant's Services at least as early as June 8, 2004. *See* Exhibit 1. However, Petitioner has not been able to establish that it first used its mark in commerce until January 12, 2014 and no proof that it has used the mark in interstate commerce instead showing the use of the mark in Woodstock, GA only. *See* P00001 – P00165 of Exhibit 2. 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.

Accordingly, Petitioner's claim that there are genuine issues of material fact as to the priority of use in this matter are unfounded as Registrant retains priority of use in this matter by virtue of its first and continuous use of Registrant's Mark in commerce while no evidence has been submitted that shows that the other party used their mark prior to January 12, 2014 and that use was in Woodstock, GA only.

### **CONCLUSION**

Accordingly, for the sum of the reasons set forth above the Registrant again respectfully moves the Board for an order granting Registrant's Counter-Motion for Summary Judgment and, accordingly, an order be entered dismissing the instant proceeding, with prejudice.

Respectfully submitted this 10<sup>th</sup> day of November, 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 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

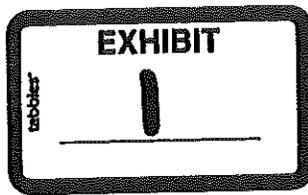
MWR Holdings, LLC,	:	
	:	
Petitioner,	:	
	:	
vs.	:	Cancellation No. 92059305
	:	
Stoner, Theodore A.,	:	
	:	
Registrant.	:	

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that I caused a copy of the foregoing this 10<sup>th</sup> day of November, 2014, 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



**AFFIDAVIT OF THEODORE A. STONER**

COMES NOW Mr. Theodore A. Stoner, a resident of Florida and a citizen of the United States of America above the age 18 and states as follows:

My name is Theodore A. Stoner and I am a citizen of the United States of America and resident of Florida.

As identified in U.S. Registration Number 3,700,403, Theodore A. Stoner is the registered owner of the mark BONGO BI-LINGO BUDDY. In the course and scope of my work I have become familiar with the BONGO BI-LINGO BUDDY mark and its history.

In this regard, I state the following based upon my own knowledge:

1. The current mark BONGO BI-LINGO BUDDY 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; Education services, namely, providing professional training in the field of bilingual learning" in International Class 41 (hereinafter "Stoner Services").
2. I selected and adopted the BONGO BI-LINGO BUDDY mark in connection with the Stoner Services at least as early as June 8, 2004 and began using the BONGO BI-LINGO BUDDY mark in connection with the Stoner Services in interstate commerce at least as early as June 8, 2004.
3. I began using the mark in good faith that there was no party that had prior rights to the mark.
4. I applied for the BONGO BI-LINGO BUDDY mark on February 10, 2006 with the United States Patent and Trademark Office and was assigned U.S. Ser. No. 78/812,529.
5. On September 1, 2009 I filed a Statement of Use with the knowledge that I had been using the mark since at least as early as June 8, 2004.
6. Since beginning to use the mark in commerce, in 2004, I have advertised, marketed, and offered the Stoner Services in connection with the BONGO BI-LINGO BUDDY Mark through Registrant's websites, social media accounts, personal sales and live shows to various children's institutions, churches, public relations articles, and live trade shows. Furthermore, I have rendered the Stoner Services in connection with the BONGO BI-LINGO BUDDY Mark for the last 11 years at various

tradeshows, various children's institutions (most recently summer of 2015), and festivals throughout several different states and regions of the United States and abroad.

7. From starting to use the BONGO BI-LINGO BUDDY Mark in connection with the Stoner Services in 2004 until today, I spent an average of about \$5,000 annually in marketing and promotion expenditures for the BONGO BI-LINGO BUDDY Mark in connection with the Stoner Services.

BEFORE ME, the undersigned authority, this 10 day of November 2015, personally appeared Theodore A. Stoner, who after being first duly sworn, states that the above information is true and correct, and who is personally known to me or who has produced Driver License as identification and who did take an oath.

Theodore A. Stoner  
Theodore A. Stoner

11-10-2015  
Date

Notary Public: KBelg (signature)

Notary Public: KELSHA BELGROVE (Typed/Printed name of Notary Public)

Commission No. \_\_\_\_\_

My Commission Expires:



Keisha Belgrove  
Notary Public  
State of Florida  
My Commission Expires 08/27/2019  
Commission No. FF 901599



**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 11<sup>th</sup> day of March, 2015.

THE TRADEMARK COMPANY, PLLC

/Matthew H. Swyers/  
Matthew H. Swyers, Esq.  
344 Maple Avenue West, Suite 151  
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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 11<sup>th</sup> 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



Learning Experience  
@TheLearningExp

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fb.me/1wHt4Gsec

RETWEET

1

FAVORITE

1



1:56 PM - 21 Jan 2015

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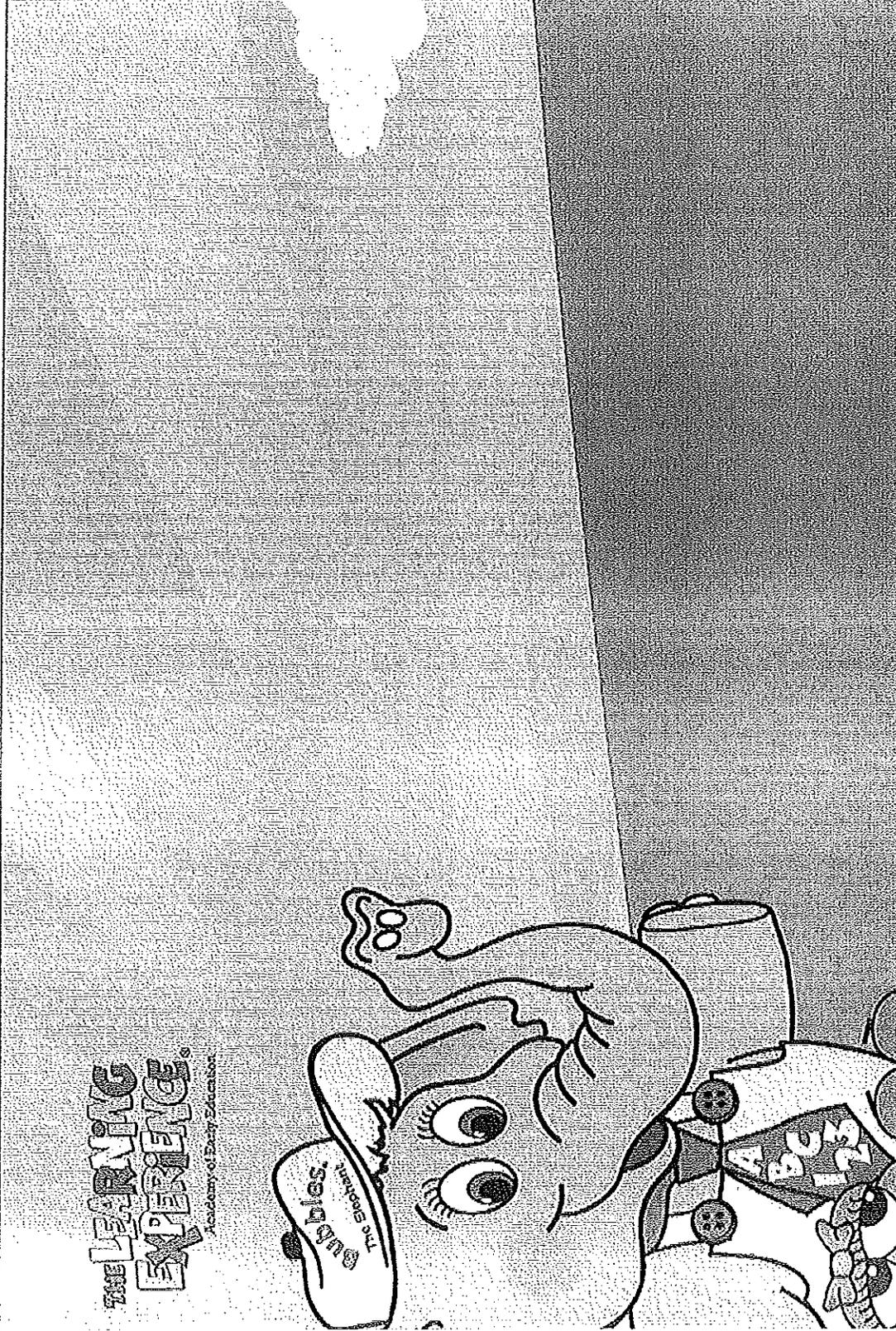
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P00007

<https://twitter.com/thelearningexp/status/558020323535491073>

6/9/2015



Phone: 303.733.7080

Correspondent e-mail: [ladinc123@aol.com](mailto: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](mailto:mswyers@TheTrademarkCompany.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
BONGO BI-LINGO BUDDY	Cancellation Pending Plaintiff(s)	<u>78812629</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](mailto:stroeverw@glaw.com), [amellom@glaw.com](mailto:amellom@glaw.com), [njdocket@glaw.com](mailto: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	

# 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. C.I.S. 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 BARKER, 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

**Trademark Snap Shot Publication & Issue Review Stylesheet**  
 (Table presents the data on Publication & Issue Review Complete)

**OVERVIEW**

SERIAL NUMBER	78812529	FILING DATE	02/10/2008
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 & Service Mark Publication System  
 (TM) 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	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 Sharp Shot (R) Unit Action  
 (table presents the data on the Unit Action)

**OVERVIEW**

SERIAL NUMBER	78812629	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
03/26/2008	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 18<sup>th</sup> 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
<b>SERIAL NUMBER</b>	78812529
<b>LAW OFFICE ASSIGNED</b>	LAW OFFICE 102
<b>EXTENSION OF USE</b>	NO
<b>MARK SECTION</b>	
<b>STANDARD CHARACTERS</b>	YES
<b>USPTO-GENERATED IMAGE</b>	YES
<b>LITERAL ELEMENT</b>	BONGO BI-LINGO BUDDY
<b>OWNER SECTION (no change)</b>	
<b>GOODS AND/OR SERVICES SECTION</b>	
<b>INTERNATIONAL CLASS</b>	041
<b>CURRENT IDENTIFICATION</b>	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
<b>GOODS OR SERVICES DELETED FROM THE APPLICATION OR INCLUDED IN A REQUEST TO DIVIDE</b>	Entertainment services in the nature of on-going educational television programs in the field of children's entertainment;
<b>GOODS OR SERVICES IN USE IN COMMERCE</b>	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
<b>FIRST USE ANYWHERE DATE</b>	06/08/2004

FIRST USE IN COMMERCE DATE	06/18/2008
SPECIMEN FILE NAME(S)	<u>WTICRS\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
<b>PAYMENT SECTION</b>	
NUMBER OF CLASSES IN USE	1
SUBTOTAL AMOUNT [ALLEGATION OF USE FEE]	100
TOTAL AMOUNT	100
<b>SIGNATURE SECTION</b>	
DECLARATION SIGNATURE	/Theodore A Stoner/
SIGNATORY'S NAME	Theodore A Stoner
SIGNATORY'S POSITION	owner
DATE SIGNED	09/01/2009
<b>FILING INFORMATION</b>	
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

261-78812529-440e229955be59f9fa66958914

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 18<sup>th</sup> 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  
U.S. POSTAGE  
PAID

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

P00035

Trademark & Service Mark Unit Action  
 (table represents the data from TLU0001 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	Sloner, 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

FIRST-CLASS  
MAIL  
U.S POSTAGE  
PAID

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
<b>MARK SECTION</b>	
MARK	BONGO BI-LINGO BUDDY
<b>PETITION</b>	
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
<b>EXTENSION OF TIME TO FILE STATEMENT OF USE</b>	
<b>OWNER SECTION (current)</b>	
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
<b>GOODS AND/OR SERVICES SECTION</b>	
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
<b>EXTENSION SECTION</b>	
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
<b>PAYMENT SECTION</b>	
PETITION FEE	100
NUMBER OF CLASSES	1
EXTENSION FEE	150
TOTAL FEE PAID	250
<b>SIGNATURE SECTION</b>	
SIGNATURE	/Theodore A Stoner/
SIGNATORY'S NAME	Theodore A Stoner
SIGNATORY DATE	05/02/2009
SIGNATORY'S POSITION	owner
<b>FILING INFORMATION</b>	
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 Shop Shows (TM) Unit Action  
 (Table presents Trademark (TM) 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/leas/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  
MAIL  
U.S. POSTAGE  
PAID

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 & Service Mark Unit Action**  
 (Table presents the data on TM/SM 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	Sloner, 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
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
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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
<b>MARK SECTION</b>	
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	BONGO BI-LINGO BUDDY
<b>OWNER SECTION (no change)</b>	
<b>GOODS AND/OR SERVICES SECTION</b>	
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
<b>EXTENSION SECTION</b>	
EXTENSION NUMBER	1
ALLOWANCE MAIL DATE	03/25/2008
STATEMENT OF USE	NO
<b>PAYMENT SECTION</b>	
NUMBER OF CLASSES	1
SUBTOTAL AMOUNT	150
TOTAL AMOUNT	150

<b>SIGNATURE SECTION</b>	
<b>SIGNATURE</b>	/Theodore A Stoner/
<b>SIGNATORY'S NAME</b>	Theodore A Stoner
<b>SIGNATORY'S POSITION</b>	owner
<b>DATE SIGNED</b>	09/20/2008
<b>FILING INFORMATION</b>	
<b>SUBMIT DATE</b>	Sat Sep 20 22:29:11 EDT 2008
<b>TEAS STAMP</b>	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

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**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 Sheet**  
 (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	881-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

The following Sheet Shows Publication Statistics  
 (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 Snapshot Amendment & Mail Processing Statusheet**  
 (table presents information 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	RE PUB 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
06/01/2006	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\${"kgc"}*[bi,ti]
04	366695	N/A	0	0	0:05	*{"iye"}n\${g}*[bi,ti]
05	15508	N/A	0	0	0:03	*b{v:2}d\${"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 TICKS 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
<b>SERIAL NUMBER</b>	78812529
<b>LAW OFFICE ASSIGNED</b>	LAW OFFICE 102
<b>PETITION</b>	
<b>PETITION STATEMENT</b>	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.
<b>RESPONSE TO OFFICE ACTION</b>	
<b>MARK SECTION (no change)</b>	
<b>GOODS AND/OR SERVICES SECTION (current)</b>	
<b>INTERNATIONAL CLASS</b>	041
<b>DESCRIPTION</b>	
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	
<b>FILING BASIS</b>	Section 1(b)
<b>GOODS AND/OR SERVICES SECTION (proposed)</b>	
<b>INTERNATIONAL CLASS</b>	041
<b>DESCRIPTION</b>	
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?	
<b>FILING BASIS</b>	Section 1(b)
<b>PAYMENT SECTION</b>	
<b>TOTAL AMOUNT</b>	100
<b>TOTAL FEES DUE</b>	100
<b>SIGNATURE SECTION</b>	

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
<b>FILING INFORMATION SECTION</b>	
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 2184 (Rev 8/2005)  
OMB No. 0651-0051 (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 & Service Mark Amendment & Mail Processing System**  
 (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	861-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
---------------------	-----	----------------	------	----------------------------	------	--------------	----------

**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

## Courtney Sission

---

**From:** thetrademc@shared2.our-ns.com on behalf of The Trademark Company  
<info@thetrademarkcompany.com>  
**Sent:** Tuesday, November 10, 2015 4:22 PM  
**To:** info@thetrademarkcompany.com; jreynolds@thetrademarkcompany.com;  
aharke@thetrademarkcompany.com; pauls@thetrademarkcompany.com;  
courtneys@thetrademarkcompany.com; ashleyj@thetrademarkcompany.com  
**Subject:** [The Trademark Company] New Customer Order (9905) - November 10, 2015



**THE TRADEMARK  
COMPANY**

## New Customer Order

You have received an order from Michele Barnette. The order is as follows:

### Order #9905 (November 10, 2015)

Product	Quantity	Price
Platinum U.S. Registration Package Name: Daniel Shane Barnette Address: 2 Justamere LaneHopewell Junction, NY 12533United StatesMap It Phone: (914) 953-8401 Email: <a href="mailto:info@mcvests.com">info@mcvests.com</a> Name of the Trademark Owner: DSB Enterprises, Inc. Entity Type: Corporation State or Country of Citizenship Organization: NY Address: 2 Justamere LaneHopewell Junction, NY 12533United StatesMap It Website: <a href="http://www.mcvests.com">http://www.mcvests.com</a> Trademark: MCVESTS If Your Trademark Includes a Logo or Design Upload it Here: <a href="http://www.thetrademarkcompany.com/cms/wp-content/uploads/gravity_forms/29-2c326b4628a7f1c1a4750dcb46bcd9e/2015/11/mcVests.jpg">http://www.thetrademarkcompany.com/cms/wp-content/uploads/gravity_forms/29-2c326b4628a7f1c1a4750dcb46bcd9e/2015/11/mcVests.jpg</a>	1	\$674.00

List the Goods / Services with Which Your Trademark is or Will Be Used: Leather Motorcycle Apparel  
Is Your Trademark in Use?: Yes  
If it is in Use, When was the Date of First Use?: 4/9/11  
If Your Trademark is Currently in Use Upload a Picture or Sample of How the Trademark is Used. If you Do Not Have a Sample of How It Is Used Available This May Be Added Later.: [http://www.thetrademarkcompany.com/cms/wp-content/uploads/gravity\\_forms/29-2c326b4628a7f1e1a4750dcb46bcd9e/2015/11/inside-cloth-tag.jpg](http://www.thetrademarkcompany.com/cms/wp-content/uploads/gravity_forms/29-2c326b4628a7f1e1a4750dcb46bcd9e/2015/11/inside-cloth-tag.jpg)  
How did you hear about us?: Google  
Government Filing Fee: Government Filing Fee, Qty: 1, Price: \$225.00  
Terms of Service: I agree to the Terms of Service.

<b>Subtotal:</b>	\$674.00
<b>Payment Method:</b>	Credit Card
<b>Total:</b>	\$674.00

### Customer details

Email: [info@mcvests.com](mailto:info@mcvests.com)

Tel: 914-473-8884

### Billing address

Michele Barnette  
48 Lindy Dr  
Carmel, NY 10512

The Trademark Company

**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](mailto: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

**\*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](mailto: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<sup>[1]</sup>, 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.**

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11 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=1 ADJ 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 &amp; 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 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 &amp; 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)
<b>GOODS AND/OR SERVICES SECTION (025)(class deleted)</b>	
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)
<b>GOODS AND/OR SERVICES SECTION (028)(class deleted)</b>	
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)
<b>GOODS AND/OR SERVICES SECTION (041)(no change)</b>	
<b>SIGNATURE SECTION</b>	
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
<b>FILING INFORMATION SECTION</b>	
SUBMIT DATE	Thu Feb 01 20:20:06 EST 2007

TEAS STAMP

USPTO/ROA-207.200.116.138  
-20070201202006123943-788  
12529-3609e93beb230defb55  
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](mailto: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](mailto: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/tov>.

**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
<b>MARK SECTION</b>	
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.
<b>OWNER SECTION</b>	
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
<b>LEGAL ENTITY SECTION</b>	
TYPE	INDIVIDUAL
COUNTRY OF CITIZENSHIP	United States
<b>GOODS AND/OR SERVICES SECTION</b>	
INTERNATIONAL CLASS	009

<p>DESCRIPTION</p>	<p>IC 009. US 021 023 026 036 038. G &amp; 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><b>GOODS AND/OR SERVICES SECTION</b></p>	
<p>INTERNATIONAL CLASS</p>	<p>016</p>
<p>DESCRIPTION</p>	<p>IC 016. US 002 005 022 023 029 037 038 050. G &amp; 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><b>GOODS AND/OR SERVICES SECTION</b></p>	

INTERNATIONAL CLASS	021
DESCRIPTION	storage containers.
FILING BASIS	Section 1(b)
<b>GOODS AND/OR SERVICES SECTION</b>	
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)
<b>GOODS AND/OR SERVICES SECTION</b>	
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)
<b>GOODS AND/OR SERVICES SECTION</b>	
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)
<b>SIGNATURE SECTION</b>	
SIGNATURE	/Theodore A Stoner/
SIGNATORY NAME	Theodore A Stoner
SIGNATORY DATE	02/10/2006
SIGNATORY POSITION	owner
<b>PAYMENT SECTION</b>	
NUMBER OF CLASSES	6
NUMBER OF CLASSES PAID	1
SUBTOTAL AMOUNT	325
TOTAL AMOUNT	325
PAYMENT METHOD	CC
<b>CORRESPONDENCE SECTION</b>	
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
<b>FILING INFORMATION</b>	
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 2015-00-09 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, 2016

## 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 parentheses ((..)) 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. Stroover

Attorney Primary Email Address: [wjdoeket@glaw.com](mailto:wjdoeket@glaw.com)

Attorney Email Address: Yes  
Authorized:

### Correspondent

Correspondent Name/Address: William W. Stroover  
Greenberg Treurig, LLP  
200 Park Avenue

P00106

Florham Park, NEW JERSEY 07932  
UNITED STATES

Correspondent e-mail: [njlocket@glaw.com](mailto:njlocket@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, KHELIE 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

Roll/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](mailto: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@glaw.com](mailto:stroeverw@glaw.com), [aneliom@glaw.com](mailto:aneliom@glaw.com), [njdocket@glaw.com](mailto: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/Output	Output/Output
<b>SERIAL NUMBER</b>	86146757
<b>LAW OFFICE ASSIGNED</b>	LAW OFFICE 103
<b>MARK SECTION</b>	
<b>MARK</b>	BONGO BEAR
<b>ATTORNEY SECTION</b>	
<b>ORIGINAL ADDRESS</b>	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
<b>NEW ATTORNEY ADDRESS</b>	
<b>STATEMENT TEXT</b>	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:
<b>NAME</b>	William W. Stroever
<b>FIRM NAME</b>	Greenberg Traurig, LLP
<b>STREET</b>	200 Park Avenue
<b>CITY</b>	Florham Park
<b>STATE</b>	New Jersey
<b>COUNTRY</b>	United States
<b>POSTAL/ZIP CODE</b>	07932
<b>EMAIL</b>	njdocket@glaw.com

ATTORNEY AUTHORIZED TO COMMUNICATE VIA E-MAIL	YES
NEW OTHER APPOINTED ATTORNEYS	Ralph W. Selitto, Jr.; John K. Kim; Joseph Agostino
<b>NEW CORRESPONDENCE ADDRESS</b>	
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
AUTHORIZED TO COMMUNICATE VIA E-MAIL	YES
OTHER APPOINTED ATTORNEY	Ralph W. Selitto, Jr.; John K. Kim; Joseph Agostino
<b>SIGNATURE SECTION</b>	
SIGNATORY FILE	
ORIGINAL PDF FILE	hw_1982101521-155304430_42.pdf
CONVERTED PDF FILE(S) (1 page)	\\FICRS\EXPORT16\IMAGEOUT16\861\467\86146757\xml7\RAA0002.JPG
SIGNATORY NAME	Michael Weissman
SIGNATORY POSITION	Managing Member
SIGNATORY PHONE NUMBER	561-886-6400
<b>FILING INFORMATION SECTION</b>	

SUBMIT DATE	Wed Aug 27 15:57:20 EDT 2014
TEAS STAMP	USPTO/RAA-198.210.15.21-2 0140827155720783379-86296 009-500d378e48eb9dce110a8 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

njdockel@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

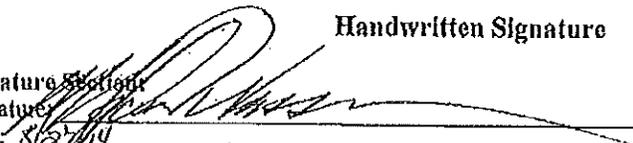
Signatory's Name: Michael Weissman  
Signatory's Position: Managing Member  
Signatory's Phone Number: 561-886-6400

Serial Number: 86146757

Internet Transmission Date: Wed Aug 27 15:57:20 EDT 2014  
TEAS Stamp: USPTO/RAA-198,210,15,21-2014082715572078  
3379-86296009-500d378e48eb9dce110a86bfbf  
af7ca862d85d2ade91217fa32dd6411564441b4f  
-N/A-N/A-20140827155304430371

**Revocation of Attorney/Domestic Representative and/or Appointment of  
Attorney/Domestic Representative**

**Handwritten Signature**

Signature:   
Signature: \_\_\_\_\_  
Date: 8/27/14  
Signatory's Name: Michael Wissman  
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](mailto: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](mailto: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](mailto: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](mailto: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:**

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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](mailto: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 Single Shot Amendment & Mail Processing System  
(File 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	861-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 Data	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" [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].
SPECIMEN FILE NAME(S)	
ORIGINAL PDF FILE	SPU0-96572130-180956336 . 319-93B-Sub Specimen.pdf
CONVERTED PDF FILE(S) (1 page)	\\TICRS\EXPORT16\IMAGEOUT16\861\467\86146757\xml4\ROA0002.JPG
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-20140702180956336148

PTO 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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WWW.THELEARNINGEXPERIENCE.COM

**To:** MWR Holdings, LLC ([Trademarks@tb-iplaw.com](mailto: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:** [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\\_forum.jsp](http://www.uspto.gov/trademarks/teas/response_forum.jsp)

APPLICANT: MWR Holdings, LLC

CORRESPONDENT'S REFERENCE/DOCKET NO :

319-93b

CORRESPONDENT E-MAIL ADDRESS:

[Trademarks@tb-iplaw.com](mailto:Trademarks@tb-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 Viterro 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 Ist 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 Mithor 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 Oppedaht & 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/  
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Examining Attorney  
Law Office 103  
(571) 272-8265  
kaelie.kung@uspto.gov

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Print: Mar 28, 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.

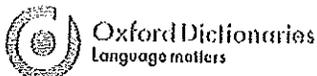
**Filing Date**

2006/02/10

**Examining Attorney**

BAKER, JORDAN

# BONGO Bi-LINGO BUDDY



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ENGLISH (US) Type a word or phrase SEARCH

There are 2 definitions of bear in English: 1 2

# bear

Syllabification: bear

Pronunciation: /be(ə)r /

VERB (past bore /bɔːr/; past participle borne /bɔːn/)

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 Kerrera 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

13 Be called by (a name or title):

*'he bore the surname Tiller'*

MORE EXAMPLE SENTENCES

14 (bear oneself) 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

15 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

16 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

into English

bear up

into English

and bear

into English

bear arms

into English

bear down

into English

bear off

into 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 (FORMAL AND NEGATIVE) Manage to tolerate (a situation or experience):

*'she could hardly bear his sarcasm'*

(AND NEGATIVE) *'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'*

(AND TO BE BORN) *'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

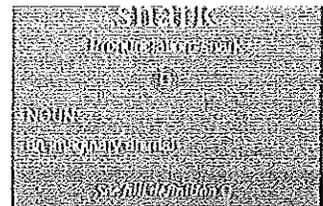
SYNONYMS

5.2 (TO GO LEFT) 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**  
*Verb* Change course away from the wind.

MORE EXAMPLE SENTENCES

*Paul had to bear off* 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

*(with someone)* 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

Phonetic transcription: / ɪ. be(e)r /

**NOU**

- 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

1.1 A **toddy bear**.

MORE EXAMPLE SENTENCES

1.2 • **Informal** A rough, unmannerly, or uncouth person.

MORE EXAMPLE SENTENCES

1.3 A large, heavy, cumbersome man:

'a lumbering bear of a man'

MORE EXAMPLE SENTENCES

1.4 **(the Bear)** • **Informal** A nickname for Russia.

1.5 **(the Bear)** The constellation Ursa Major or Ursa Minor.

MORE EXAMPLE SENTENCES

2. **Bear & 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:

He is a **bear** in the **market**.

Often contrasted with **bull**.

[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

beaver

bear up

beaver

ant bear

beaver

bear arms

beaver

bear down

beaver

bear off

beaver

Result list for bear

Translate bear

### Origin

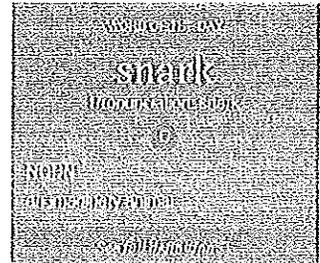
Old English *bora*; related to Dutch *beer* and German *Bär*.

### More definitions of bear

Definition of bear in:

- The British & World English dictionary
- The English Synonyms
- The US English Synonyms

- into French
- into German
- into Italian
- into Spanish



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**Sent:** 3/30/2014 10:17:03 AM  
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**Attachments:**

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03	20702	N/A	0	0	0:02	*b{v0:l}ar*[bi,tl] 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]

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Input Field	Entered
SERIAL NUMBER	86146757
<b>MARK INFORMATION</b>	
*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
<b>APPLICANT INFORMATION</b>	
*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\xml1\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
<b>CORRESPONDENCE INFORMATION</b>	
NAME	John G. Tutunjian
FIRM NAME	Tutunjian & Bitetto, P.C.
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STATE	New York
COUNTRY	United States
ZIP/POSTAL CODE	11747
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NUMBER OF CLASSES	1
FEE PER CLASS	325
*TOTAL FEE DUE	325
*TOTAL FEE PAID	325
<b>SIGNATURE INFORMATION</b>	
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.

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**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

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# BONGO BEAR



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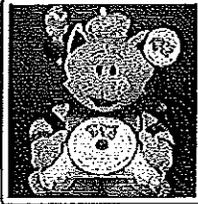
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"Will you be my Bi-Lingo Buddy?" - Bongo

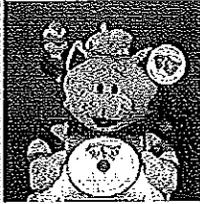
Kids love helping Bongo on the musical island hopping adventure around Bi-Lingo Bay.

Help Bongo reunite with...

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Kathy Purdie What a cute Bongo! Haha he is getting to be friends with many children. I will be a Bi-Lingo buddy..... January 6, 2011 at 3:50pm

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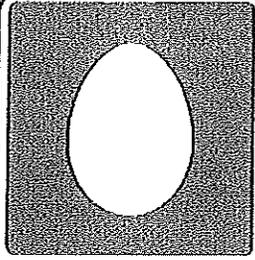




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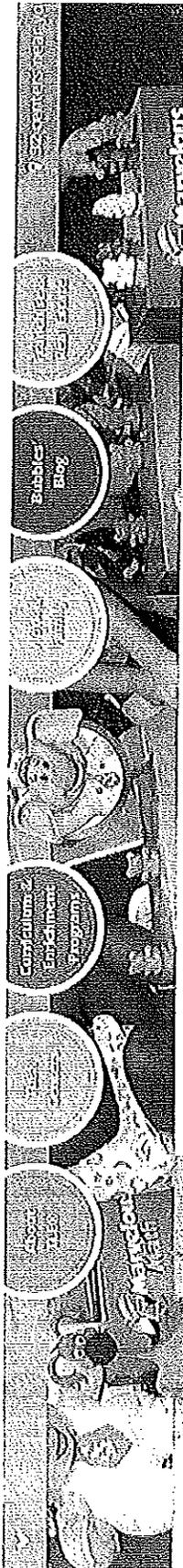
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bongo bi-lingo buddy @bongocats · 29 Dec 2010  
compassion, friendship and alegrial

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## 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 TLEO, 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 TLEO teachers with implementing the enrichment programs inside their own classrooms. This approach gives TLEO teachers the flexibility to incorporate the thematic activities into the core TLEO 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.

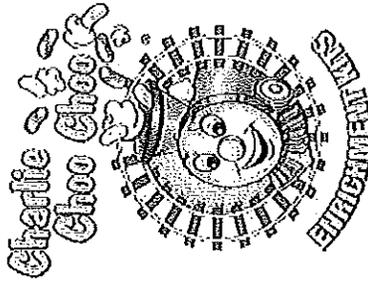
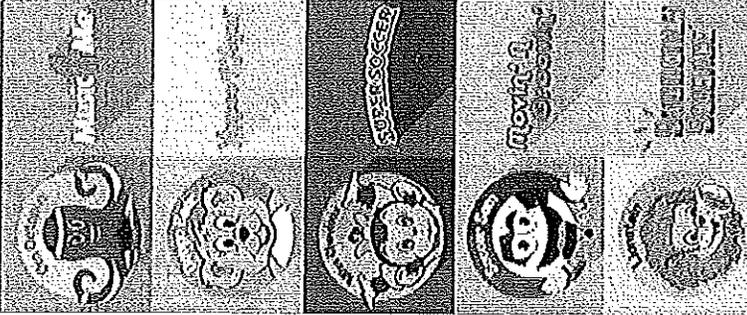
To learn more about these programs, please click on our Enrichment Wheel below.

[LEO Curriculum](#)  
[LEO Interactive](#)

Find a TLEO  
 childcare  
 center near  
 you

## ENRICHMENT GAME

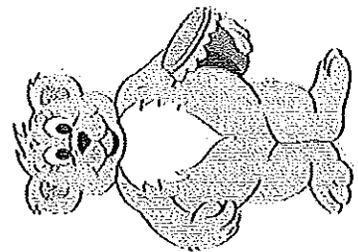
How to Play >





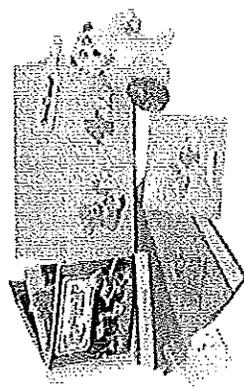
Through our Charlie Choo Choo enrichment programs children are introduced to:

### Music 4 Me®



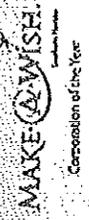
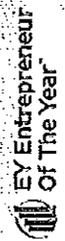
### Music 4 Me®

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 Experiences® is a proud sponsor of the Make-A-Wish foundation. To donate, click below.

