

From: Liu, Philip

Sent: 10/15/2018 3:46:03 PM

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Subject: U.S. TRADEMARK APPLICATION NO. 87538243 - FLYING COLORS - 11018flycol2 - Request for Reconsideration Denied - Return to TTAB

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Attachment Information:

Count: 67

Files: Shopko.jpg, Malky 2.jpg, Malky.jpg, MD 4.jpg, MD 3.jpg, MD 2.jpg, MD 1.jpg, for smallhands 3.jpg, forsmall hands 2.jpg, for small hands 1.jpg, 76700302P001OF003.JPG, 76700302P002OF003.JPG, 76700302P003OF003.JPG, 78052947P001OF002.JPG, 78052947P002OF002.JPG, 85587659P001OF003.JPG, 85587659P002OF003.JPG, 85587659P003OF003.JPG, 86346554P001OF003.JPG, 86346554P002OF003.JPG, 86346554P003OF003.JPG, 86696731P001OF003.JPG, 86696731P002OF003.JPG, 86696731P003OF003.JPG, 87031635P001OF003.JPG, 87031635P002OF003.JPG, 87031635P003OF003.JPG, 87043183P001OF003.JPG, 87043183P002OF003.JPG, 87043183P003OF003.JPG, 87206972P001OF003.JPG, 87206972P002OF003.JPG, 87206972P003OF003.JPG, 87265888P001OF003.JPG, 87265888P002OF003.JPG, 87265888P003OF003.JPG, 87309305P001OF003.JPG, 87309305P002OF003.JPG, 87309305P003OF003.JPG, 87392355P001OF003.JPG, 87392355P002OF003.JPG, 87392355P003OF003.JPG, 87420155P001OF003.JPG, 87420155P002OF003.JPG, 87420155P003OF003.JPG, 87426810P001OF003.JPG, 87426810P002OF003.JPG, 87426810P003OF003.JPG, 87443595P001OF003.JPG, 87443595P002OF003.JPG, 87443595P003OF003.JPG, 87447484P001OF003.JPG, 87447484P002OF003.JPG, 87447484P003OF003.JPG, 87578613P001OF003.JPG, 87578613P002OF003.JPG, 87578613P003OF003.JPG, 87605759P001OF003.JPG, 87605759P002OF003.JPG, 87605759P003OF003.JPG, 87691392P001OF003.JPG, 87691392P002OF003.JPG, 87691392P003OF003.JPG, 87696896P001OF003.JPG, 87696896P002OF003.JPG, 87696896P003OF003.JPG, 87538243.doc



**UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)  
OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION**

**U.S. APPLICATION SERIAL NO.** 87538243

**MARK:** FLYING COLORS



**CORRESPONDENT ADDRESS:**

LARRY MILLER

FEDER KASZOVITZ LLP

845 THIRD AVE, 11TH FLOOR

NEW YORK, NY 10022

**GENERAL TRADEMARK INFORMATION:**

<http://www.uspto.gov/trademarks/index.jsp>

[VIEW YOUR APPLICATION FILE](#)

**APPLICANT:** JAKKS Pacific, Inc.

**CORRESPONDENT'S REFERENCE/DOCKET NO:**

11018flycol2

**CORRESPONDENT E-MAIL ADDRESS:**

lmiller@fedkas.com

**REQUEST FOR RECONSIDERATION DENIED**

**ISSUE/MAILING DATE:** 10/15/2018

The trademark examining attorney has carefully reviewed applicant's request for reconsideration and is denying the request for the reasons stated below. See 37 C.F.R. §2.63(b)(3); TMEP §§715.03(a)(ii)(B), 715.04(a). The following requirement(s) and/or refusal(s) made final in the Office action dated March 22, 2018 are maintained and continue to be final: Section 2(d) Refusal – Likelihood of Confusion. See TMEP §§715.03(a)(ii)(B), 715.04(a). The following requirement(s) and/or refusal(s) made final in the Office action are withdrawn/obviated/satisfied: Identification and Classification of Goods. See TMEP §§715.03(a)(ii)(B), 715.04(a).

In the present case, applicant's request has not resolved all the outstanding issue(s), nor does it raise a new issue or provide any new or compelling evidence with regard to the outstanding issue(s) in the final Office action. In addition, applicant's analysis and arguments are not persuasive nor do they shed new light on the issues. Accordingly, the request is denied.

If applicant has already filed a timely notice of appeal with the Trademark Trial and Appeal Board, the Board will be notified to resume the appeal. *See* TMEP §715.04(a).

If no appeal has been filed and time remains in the six-month response period to the final Office action, applicant has the remainder of the response period to (1) comply with and/or overcome any outstanding final requirement(s) and/or refusal(s), and/or (2) file a notice of appeal to the Board. TMEP §715.03(a)(ii)(B); *see* 37 C.F.R. §2.63(b)(1)-(3). The filing of a request for reconsideration does not stay or extend the time for filing an appeal. 37 C.F.R. §2.63(b)(3); *see* TMEP §§715.03, 715.03(a)(ii)(B), (c).

/Philip Liu/

Trademark Examining Attorney

U.S. Patent and Trademark Office

Law Office 109

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home	action figures & playsets	games & puzzles	video games
bed & bath	arts & crafts	board games	playstation 3
furniture	clay & modelling dough	trading cards & card games	playstation 4
electronics	crafts	puzzles	nintendo 3ds
kitchen & dining	painting & easels	learning toys	nintendo switch
women	building sets & blocks	outdoor toys	wii u
men	dolls & dollhouses	bikes & ride-on toys	xbox 360
kids	baby dolls	lawn games	xbox one
baby	doll furniture & accessories	sand toys	toy clearance
toys	fashion dolls & playsets	swing sets & playhouses	featured brands
shoes	stuffed animals & plush	trampolines & bounce house	Kidkraft
jewelry & watches	dress up & pretend play	poools & water toys	Little Tikes
sports & team shop	costumes & accessories	pool toys	Melissa & Doug
grocery, household & pet	kitchen, playfood & housekeeping	water toys	Lego
health & beauty	play tents & play tunnels	vehicles, trains & remote control	Nerf
halloween & seasonal	workshop & tools	baby toys	Barbie
clearance			Fisher Price

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This sophisticated book and craft kit teaches teens and tweens how to design their very own jewelry. The booklet contains simple, step by step instructions on how to put the shapes, hooks and clasps together in order to produce wearable, giftable and beautiful pieces. Includes: 20 jump rings, 18 metal shapes, 1 cotton cord, 3 pairs of earring hooks, necklace clasp and a book with ideas.

Israeli youth will proudly wear their own jewelry.

TYPE: Crafts  
BRAND: Melissa & Doug  
AGE: 10+

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Your girly-girl will love spunky Anya, who is Super fashionable and always wearing something sparkly. She has silky blonde hair, gray-blue eyes that open and close, and pierced ears! The Anya doll includes playable accessories and is ready for endless hours of imagination, play, and friendship! Includes: 1 doll with earring holes, 1 dress, 1 shrug, 2 headbands, 1 pair of undies, 1 pair of shoes, 1 jewelry stand, 2 necklaces, 1 bracelet, 2 hair pins and 3 pairs of doll earrings are for doll only\*.

TYPE: Dolls  
BRAND: Our Generation  
AGE: 3+

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Wooden Grill & Serve BBQ  
Set  
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## Playsets & Kitchens

The perfect places and play sets for budding chefs to hone their craft and nourish



MD 4

2:52:12 PM 10/15/2018







Our Toys > Pretend Play > Play Food



Melissa's Pick



3 - 5 years

### Slice and Bake Cookie Set - Wooden Play Food

Item # 4074

★★★★★ 109 reviews

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MD 3

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- Active Play & Outdoor
- Activity Pads
- Arts & Crafts**
- Baby & Toddler Toys
- Developmental Toys
- Dolls & Dollhouses
- Games
- Magic
- Musical Instruments
- Playspaces & Room Decor
- Pretend Play
- Puppets & Puppet Theaters
- Puzzles
- Seasonal & Religious
- Stuffed Animals & Plush Toys
- Vehicles

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- Arts & Crafts
- Developmental Toys
- Magic

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- Jewelry
- Painting
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- Stickers
- Tattoos
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- [Discover Arts & Crafts](#)

Shop By Age

- 0-12 months
- 2-3 years
- 3-4 years
- 5-7 years
- 8 and up

Basic Supplies

Beading

Craft Kits

Drawing

Easels & Accessories

Stamp Pads & Sets

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Active Play & Outdoor

- Activity Pads
- Arts & Crafts
- Baby & Toddler Toys
- Developmental Toys
- Dolls & Dollhouses
- Games
- Magic
- Musical Instruments
- Playspaces & Room Decor
- Pretend Play
- Puppets & Puppet Theaters
- Puzzles
- Seasonal & Religious
- Stuffed Animals & Plush Toys
- Vehicles



- More Active Play & Outdoor
- Pool Toys
  - Sand Toys
  - Science & Nature
  - Sunny Patch
  - Tents & Sleeping Bags
  - Kites
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Shop By Age

12-24 months	2-3 years
3-4 years	5-7 years
8 and up	

what's new our toys melissa's picks outlet

- Games & Activities
- Stacking & Balancing
- Building & Construction
- Cooperative Games
- Games
- Puzzles
- Active Play
- Just for Fun
- On the Go
- Vehicles & Machines
- Infant & Toddler
- Books & Resources
- Care of Self
- Gift Certificates

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characteristic as you play. If in moving to a blue square, you can't find any game organized by shape or color into a learning opportunity! Practice counting with hopscotch skips or add aloud with dice. It's hard to say who will enjoy those "Montessori moments" more--you or the children.



Stacking & Balancing



Building & Construction



Cooperative Games



Games



Puzzles



Active Play



Just for Fun



On the Go



Vehicles & Machines

- Cooking
- Preparing Food
- Baking
- Serving & Clean Up
- Snack & Lunch Time
- Babes about Food
- Cleaning Up
- Sewing & Weaving
- Woodworking
- Yard & Garden
- Eco Education
- Science & Nature
- Around the World
- Community & Peace
- Music & Sound
- Arts & Crafts
- Early Learning
- Games & Activities
- Infant & Toddler
- Books & Resources
- Care of Self
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Cooking / Preparing Food

**Preparing Food**

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Personal Pizza Pans, Rolling Pin, and Cut "N" Roll Slicer - Ages 4+

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**Pizza Day - Ages 2-6**

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D68 \$22.50  
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for-smallhands 2  
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- Cooking
- Preparing Food
- Baking
- Serving & Cleaning
- Snack & Lunch
- Books about Food
- Cleaning Up
- Sewing & Weaving
- Woodworking
- Yard & Garden
- Eco Education
- Science & Nature
- Around the World
- Community & Peace
- Music & Sound
- Arts & Crafts
- Early Learning
- Games & Activities
- Books & Resources
- Care of Self
- Gift Certificates
- SHOP SALE ITEMS
- Earn Free Materials
- School - LEARN
- NEW NEW NEW!

- Cooking
- Cleaning Up
- Sewing & Weaving
- Woodworking
- Yard & Garden
- Eco Education
- Science & Nature
- Around the World
- Community & Peace
- Music & Sound
- Arts & Crafts
- Early Learning
- Games & Activities
  - Stacking & Balancing
  - Building & Construction
  - Cooperative Games
  - Games
  - Puzzles
  - Active Play
  - Just for Fun
  - On the Go
  - Vehicles & Machines
- Infant & Toddler
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