

ESTTA Tracking number: **ESTTA1087550**

Filing date: **10/09/2020**

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

Application Serial No.	88524779
Applicant	Marvel Characters, Inc.

## Notice of Appeal

Notice is hereby given that Marvel Characters, Inc. appeals to the Trademark Trial and Appeal Board the refusal to register the mark depicted in Application Serial No. 88524779.

Applicant has filed a request for reconsideration of the refusal to register, and requests suspension of the appeal pending consideration of the request by the Examining Attorney.

The refusal to register has been appealed as to the following class of goods/services:

- Class 028. First Use: 0 First Use In Commerce: 0  
All goods and services in the class are appealed, namely: Action skill games; action figures; board games; card games; children's multiple activity toys; badminton sets; balloons; basketballs; bath toys; baseball bats; baseballs; beach balls; bean bags; bean bag dolls; bobblehead dolls; bowling balls; bubble making wand and solution sets; chess sets; toy imitation cosmetics; Christmas stockings; Christmas tree ornaments and decorations; collectable toy figures; crib mobiles; crib toys; disc toss toys; dolls; doll clothing; doll accessories; doll playsets; electric actiontoys; equipment sold as a unit for playing card games; fishing tackle; fishing rods; footballs; golf balls; golf gloves; golf ball markers; hand-held units for playing electronic games for use with or without an external display screen or monitor; hockey pucks; hockey sticks; infant toys; inflatable toys; inflatable pool toys; jump ropes; kites; magic tricks; marbles; manipulative games; mechanical toys; music box toys; musical toys; parlor games; party favors in the nature of small toys; paper party favors; paper party hats; party games; playing cards; plush toys; puppets; roller skates; role playing toys in the nature of play sets for children to imitate real life occupations; rubber balls; skateboards; snowboards; snow globes; soccer balls; spinning tops; squeeze toys; stuffed toys; table tennis balls; table tennis paddles and rackets; table tennis tables; talking toys; target games; teddy bears; tennis balls; tennis rackets; toy action figures and accessories therefor; toy boats; toy bucket and shovel sets in the nature of sand toys; toy building blocks; toymobiles; toy vehicles; toy scooters; toy cars; toy figures; toy banks; toy vehicles in the nature of trucks; toy watches; toy weapons; toy building structures and toy vehicle tracks; video game machines for use with televisions; volley balls; wind-up toys; yo-yos; toy trains and parts and accessories therefor; toy aircraft; fitted plastic films known as skins for covering and protecting electronic game playing apparatus, namely, video game consoles, and hand-held video game units; balls for games; battery operated action toys; bendable toys; construction toys; game tables; inflatable inner tubes for aquatic recreational use; inflatable swimming pools; piñatas; radio controlled toy vehicles; role playing games; snow sleds for recreational use; stacking toys; surf boards; swim fins; toy furniture; toy gliders; toy masks; toy model train sets; water slides

Respectfully submitted,  
/Linda McLeod/  
10/09/2020

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Docket Number	6182.10642
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