


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

MITCHELL GOLDMAN)
)
)
Opposer,)
)
v.) Opposition No.
)
HASBRO, INC.)
)
Applicant.)


10-22-2003
U.S. Patent & TMOfc/TM Mail Rcpt Dt. #78

NOTICE OF OPPOSITION

In the matter of an application to register a trademark under the Trademark Act of 1946, Serial No. 76/466,449, filed November 13, 2002, published for opposition in the Trademark Official Gazette of June 24, 2003, Vol. 1271, No. 4, at page TM 297, for the mark RAZZAROO, in the name of Hasbro, Inc., the Opposer, Mitchell Goldman, believes he will be damaged by registration of said alleged trademark and hereby opposes same. The grounds for opposition are as follows:

1. The Opposer, Mitchell Goldman, is a United States citizen, with an address of 11427 Bedfordshire Avenue, Potomac, Maryland 20854. Mr. Goodman produces and sells interactive, multimedia and children's products, toys, and provides entertainment services.

2. Since prior to the filing date of the application opposed herein, Opposer has advertised, marketed, distributed, rendered, offered for sale, and/or sold his services and goods in connection with the marks RAZZ and BLOO, alone and together, and in conjunction with the designation THE BERRY BÉBÉS (said marks hereafter collectively referred to as Opposer's "RAZZ and BLOO Marks"), as well as other words and symbols. Opposer continuously has used his RAZZ and BLOO Marks in commerce in connection with his products and services advertised, offered, rendered, marketed, distributed and sold by Opposer, to identify and designate same, and to distinguish those goods and services from those of others.

3. On February 7, 2001, Opposer filed an application with the U.S. Patent and Trademark Office to register the trademark RAZZ AND BLOO, THE BERRY BÉBÉS. Said application was designated serial no. 76/206,214 (hereafter Opposer's "Pleaded Application"), with the following identification of goods: "toys, namely, dolls, dollhouses, doll cases, doll furniture, action figures and cases and accessories therefor, plush toys, bath toys, puppets, children multiple activity toys, ride-on toys, musical toys, toy building and construction blocks, children's wire and construction and art activity sets, construction toys, game tables, children's activity tables containing manipulative toys which convert to easels, cube-type, jigsaw, and manipulative puzzles, doll costumes, costume masks, battery-powered computer game with lcd screen which features animation and sound effects, board games, electronic educational game machines for children, and manipulative games." On May 28, 2002, a Notice of allowance issued in Opposer's Pleaded Application, and said application is pending and has not been abandoned by Opposer.

4. When registration on Opposer's Pleaded Application issues, Opposer will obtain the benefit of a constructive use and priority date of the February 7, 2001 filing date of the said application of Opposer.

5. On November 13, 2002, Applicant filed an application to register the mark RAZZAROO. Said application was accorded Serial No. 76/466,449, and was published for opposition in the Official Gazette of June 24, 2003, at page 297, identifying the goods as "interactive entertainment software, namely, interactive video game programs, interactive multimedia computer game programs, interactive video games of virtual reality comprised of computer hardware and software; computer game software; computer and video game apparatus, namely, video game machines for use with televisions; telephones; radio telephones; radios; pre-recorded audio and video tapes featuring music; laser discs, DVD discs; video discs, phonograph

records, compact discs, and CD-ROMS, all featuring games, films, and music; electronic calculators; batteries; sunglasses; carrying cases for portable electronic devices; head phones; audio cassette players and records; CD players; DVD players; mouse pads; gaming machines.”

6. The mark sought to be registered by Applicant is a colorable imitation of, and confusingly similar to, Opposer's prior and aforesaid RAZZ and BLOO Marks, including the mark of Opposer’s Plead Application.

7. The goods set forth in the application opposed herein are the same, and/or similar and/or related to the goods set forth in Opposer’s Plead Application and/or the goods and services in connection with which Opposer uses and/or intends to use his RAZZ and BLOO Marks, and on information and belief, the goods set forth in the opposed application are and/or will be sold through the same and/or similar channels of trade, and/or to the same general class of purchasers, in and to which such products and services of Opposer are and/or will be marketed and/or sold.

8. The registration and/or use of the opposed mark, as set forth in the opposed application, is likely to cause confusion, mistake, and/or to deceive as to origin, sponsorship, and/or association of Applicant's goods to be sold under the opposed mark sought to be registered by Applicant vis-a-vis Opposer and/or his RAZZ and BLOO Marks, including the mark of Opposer’s Plead Application, and/or to mislead purchasers of Applicant's and/or Opposer's goods and/or services, and/or the public in general, into believing that Applicant's goods are sold by, emanate from, and/or in some way, directly or indirectly, are associated with Opposer, and/or Opposer’s mark, products, or services, or vice versa, to the damage and detriment of Opposer.

9. On information and belief, prior to the filing date of the application opposed herein, Applicant had actual knowledge of Opposer’s RAZZ and BLOO Marks, and the use thereof by Opposer.

10. By virtue of the foregoing, Opposer believes he will be damaged by the registration by Applicant of the RAZZAROO mark, as set forth in the application therefor, Serial No. 76/466,449.

11. If Applicant is granted the registration opposed herein, and Applicant obtains such rights as conferred under the Principal Register of the Trademark Act of 1946, Applicant will obtain unlawful gain and advantage to which it is not entitled under the Trademark Act of 1946, to the detriment and harm of Opposer.

WHEREFORE, this Opposer believes and alleges that he will be damaged by registration of the RAZZAROO mark of application serial no. 76/466,449, as aforesaid, and prays that:

1. judgment in the present opposition be entered in favor of Opposer;
2. the present opposition be sustained; and
3. registration of application serial no. 76/466,449 be rejected and refused.

Respectfully submitted,

MITCHELL GOLDMAN

Date: October 22, 2003

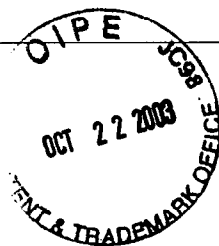
By: 

Marsha G. Gentner
JACOBSON HOLMAN PLLC
400 Seventh Street, N.W.
Washington, D.C. 20004
(202) 638-6666



Law Offices
Jacobson Holman
 Professional Limited Liability Company
 400 Seventh Street, N.W.
 Washington, D.C. 20004-2218

THAB
 (202) 638-6666
 (202) 393-5350/51/52 (fax)
 www.jhip.com
 Firm e-mail: ip@jhip.com



October 22, 2003

Assistant Commissioner for Trademarks
 2900 Crystal Drive
 Arlington, Virginia 22202-3513

RE: New Opposition
 Mitchell Goldman v. Hasbro, Inc.
 RAZZAROO - Serial No. 76/466,449
 Our Ref.: 12005/I-4942



10-22-2003
 U.S. Patent & TMO/c/TM Mail Rcpt Dt. #78

Sir:

We enclose the following for filing in the Patent and Trademark Office:

- Notice of Opposition (in duplicate)
- Notice of Appeal

Also enclosed is our check for the required filing fee in the amount of \$300.00. Should this check become detached, or the amount be insufficient, please charge our Deposit Account, No. 06-1358.

Respectfully submitted,

Marsha G. Gentner

MGG/tlb
 Enclosures