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March 23, 2005

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

RE: New Opposition
California Closet Company, Inc. v. Build-A-Bear Retail Management, Inc.
STUFF FOR STUFF - Serial No. 78/433,579
Our Ref.: 5824/I-5191

Sir:

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

Notice of Opposition
 Notice of Appeal

Payment of the required filing fee in the amount of \$300.00 has been charged to our firm's credit card. Should this be insufficient, authorization is granted to deduct such amount/deficiency from Deposit Account No. 06-1358.1

Respectfully submitted,


Marsha G. Gentner

MGG/tlb

1 Opposer attempted to file the present papers electronically, but the system, erroneously, would not permit it.

03-25-2005

U.S. Patent & TMO/TM Mail Report #72

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

CALIFORNIA CLOSET COMPANY, INC.)
)
 Opposer,)
)
 v.) Opposition No.
)
 BUILD-A-BEAR RETAIL MANAGEMENT, INC.)
)
 Applicant.)

NOTICE OF OPPOSITION

In the matter of application to register a trademark under the Trademark Act of 1946, Serial No. 78/433,579, for the mark STUFF FOR STUFF, filed June 10, 2004, in the name of Build-a-Bear Retail Management, Inc., published for opposition in the Trademark Official Gazette of November 23, 2004, Vol. 1288, No. 4, at page TM 148, the Opposer, California Closet Company, Inc., believes it will be damaged by registration of said alleged trademark and hereby opposes same.

The grounds for opposition are as follows:

1. The Opposer, California Closet Company, Inc., is a corporation duly organized and existing under the laws of the state of California and having a place of business at 1000 Fourth Street, San Rafael, California 94901. Opposer provides furniture, cabinets and storage space systems, and custom construction, design and installation services, and retail services, with respect to such goods and business.

2. Since prior to the filing date alleged in the application opposed herein, Opposer California Closet Company, Inc. has, and is now, engaged in the production, advertisement, marketing, distribution and sale of its goods and services in commerce under and in connection with the mark **LIFE STUFF STORAGE**. Opposer California Closet Company, Inc. continuously has

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used said Opposer's **LIFE STUFF STORAGE** mark and name, in commerce in connection with its products and services advertised, offered, marketed, distributed, and sold by California Closet Company, Inc., and to identify and designate same, and to distinguish those goods, services, and Opposer California Closet Company, Inc.'s business, from those of others.

3. Opposer California Closet Company, Inc. is the owner of U.S. registration no. 2,793,626, for the mark **LIFE STUFF STORAGE** and will rely on said registration herein. Said registration is valid and subsisting, and operates as *prima facie* evidence of Opposer's exclusive right to use the registered mark in commerce.

4. On June 10, 2004, Applicant filed an application to register the mark **STUFF FOR STUFF**. Said application was accorded serial no. 78/433,579, and was published for opposition in the Official Gazette of November 23, 2004, at page TM 148, identifying the services as A retail store services featuring children's clothing, toys, jewelry, backpacks and other similar children related items and accessories, and featuring a frequent shopper program. @

5. The mark sought to be registered by Applicant is a colorable imitation of, and confusingly similar to, Opposer's prior and aforesaid **LIFE STUFF STORAGE** mark and name.

6. On information and belief, the services identified in the application opposed herein are similar and/or related, to the goods and services in connection with which California Closet Company, Inc. uses Opposer's **LIFE STUFF STORAGE** mark and name, and 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 California Closet Company, Inc.'s products are marketed and/or sold.

7. The registration and/or use of the mark 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 sold under the mark sought to be registered by Applicant vis-a-vis Opposer and/or Opposer's **LIFE STUFF STORAGE** mark and name, and/or to mislead purchasers of Applicant's services and/or Opposer's goods and/or services, and/or the public in general, into believing that Applicant's services are sold by, emanate from, and/or in some way, directly or indirectly, are associated with California Closet Company, Inc., and/or Opposer's **LIFE STUFF STORAGE** mark and name and/or Opposer's goods, services or business, or vice versa, to the damage and detriment of California Closet Company, Inc.

8. If Applicant is granted registration on the application 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, California Closet Company, Inc., believes and alleges that it will be damaged by registration of Serial No. 78/433,579, as aforesaid, and prays that:

- A. judgment in the present opposition be entered in favor of Opposer;
- B. the present opposition be sustained; and

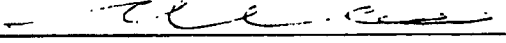
C. registration of application serial no. 78/433,579 be rejected and refused.

Respectfully submitted,

CALIFORNIA CLOSET COMPANY, INC.

Date: March 23, 2005


By:


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CERTIFICATE OF MAILING

I hereby certify that this correspondence is
being deposited with the United States Postal Service
with sufficient postage as first-class mail in an envelope addressed
to: Commissioner for Trademarks
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

on March 23, 2005


Marsha G. Gentner