

ESTTA Tracking number: **ESTTA43035**

Filing date: **08/23/2005**

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

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	JAKKS Pacific, Inc.
Granted to Date of previous extension	08/24/2005
Address	22619 Pacific Coast Highway Malibu, CA 90625 UNITED STATES

Attorney information	Larry Miller Feder, Kaszovitz, Isaacson, Weber, Skala, Bass & Rhine LLP 750 Lexington Avenue 23rd Floor New York, NY 10022 UNITED STATES lmiller@fkiwsb.com Phone:212-888-8200
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Applicant Information

Application No	78337577	Publication date	04/26/2005
Opposition Filing Date	08/23/2005	Opposition Period Ends	08/24/2005
Applicant	JAX Ltd., Inc. 141 Cheshire Lane Suite 100 Plymouth, MN 55441		

UNITED STATES

Goods/Services Affected by Opposition

Class 028. First Use: 19810312 First Use In Commerce: 19810312

All goods and services in the class are opposed, namely: Games, namely, board and card games, specifically excluding video output game machines, video game disks and cartridges, software programs for video games and hand-held video games

Attachments	jaksoppositionto jax registration.pdf (3 pages)
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Signature	/larry miller/
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Name	Larry Miller
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Date	08/23/2005
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the matter of trademark application Serial No.: 78/337,577
For the mark: **JAX**
Published in the Official Gazette on: April 26, 2005

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JAKKS Pacific, Inc.

Opposer,

Opposition No.

v.

Jax, Ltd.,

Applicant.

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Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

NOTICE OF OPPOSITION

Opposer, JAKKS Pacific, Inc., a Delaware corporation, located and doing business at 22619 Pacific Coast Highway, Malibu, California 90265 (hereinafter "Opposer") believes that it will be damaged by the registration of the mark shown in the above-identified application, and hereby opposes it.

The grounds for opposition are as follows:

1. Applicant, Jax, Ltd. ("Jax"), filed an application for registration on the Principal Register of the mark JAX in International Class 28 on December 8, 2003. The description of goods for this application is as follows: "games, namely, board and card games, specifically excluding video output game machines, video game disks and cartridges, software programs for video games and hand-held video games." This

application was assigned Serial No. 78/337,577 and was published for opposition on April 26, 2005. In the application, Applicant listed its address as: Cheshire Lane Suite 100, Plymouth, MN 55441.

2. Opposer requested and was granted a sixty-day extension of the deadline to file an opposition by the U.S. Patent and Trademark office trademark Trial and Appeal Board (“TTAB”), which extended the deadline to file an opposition to August 24, 2005.

3. Opposer is a multi-brand company that designs and markets a broad range of toys and leisure products.

4. Opposer owns the registered mark JAKKS PACIFIC in class 28 for “toys, namely, male action figures, radio controlled vehicles, fashion dolls and mini dolls,” Reg. No. 2,267,543, registered on August 3, 1998.

5. Opposer’s JAKKS PACIFIC mark is incontestable, valid, and in full force and effect.

6. As a result of the confusing similarity between the JAKKS PACIFIC mark and Applicant’s mark and because the goods of Applicant and Opposer are similar, registration of Applicant’s mark in connection with Applicant’s goods is likely to cause confusion or mistake or is likely to deceive purchasers as to the source or sponsorship of such goods.

WHEREFORE, Opposer, JAKKS Pacific, Inc. prays that the application for the mark **JAX** be rejected and that the registration for that mark be refused.

Respectfully submitted,

JAKKS PACIFIC, INC.

Dated: 8/23/05

By: /Larry Miller/

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