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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	Geoffrey, Inc.
Granted to Date of previous extension	05/21/2006
Address	One Geoffrey Way Wayne, NJ 07470 UNITED STATES

Attorney information	Todd Braverman, Esq. 1290 Avenue of the Americas New York, NY 10104 UNITED STATES toysuspto@bryancave.com Phone:212-541-2064

Applicant Information

Application No	78465223	Publication date	11/22/2005
Opposition Filing Date	05/22/2006	Opposition Period Ends	05/21/2006
Applicant	KIDRO PRODUCTIONS, INC. 1500 BROADWAY, SUITE 1710 NEW YORK, NY 10036 UNITED STATES		

Goods/Services Affected by Opposition

Class 016. All goods and sevices in the class are opposed, namely: paper goods and printed matter, namely address books, adhesive labels, agendas, albums for photos, anniversary books, announcement cards, appliqués in the form of decals, appointment books, art paper, autograph books, baby books, binders, book covers, book marks, calendars, children's books, children's activity books, coloring books, comic books, comic strips, composition books, cook books, construction paper, crossword puzzles, daily planners, decals, diaries, encyclopedias, envelopes, events programs, general feature magazines, gift cards, graphic novels, greeting cards, guest books, guide books featuring international travel destinations, impression stamps, letter openers, loose leaf binders, magazines featuring international travel destinations, maps, memo pads, newsletters in the field of international travel destinations, newspapers in the field of international travel destinations, painting sets for children, paper baby bibs, passport covers, postcards, plastic shopping bags, printed teaching materials in the field of international travel destinations, recipe books, scrapbook albums, scrapbook pages, sketch books, sketch pads, souvenir programs concerning international travel destinations, story books, tarot cards, and travel books relating to international travel destinations
Class 025. All goods and sevices in the class are opposed, namely: clothing, namely bathing suits, bathrobes, beachwear, blouses, bottoms, camisoles, cloth bibs, coats, coveralls, fleece pullovers, infant wear, jackets, jeans, jogging suits, knit shirts, lingerie, loungewear, neckwear, nightgowns, pajamas, plastic

baby bibs, pullovers, raincoats, robes, shirts, shorts, short sleeved or long sleeved t-shirts, shower caps, skirts and dresses, sleepwear, socks, sport shirts, sport jackets, sun suits, surf wear, suspenders, sweaters, sweat suits, swimwear, tops, trousers, ladies', men's and children's underwear, vests, waterproof jackets, foot wear, namely men's, women's and children's shoes, flip-flops and slippers, and head wear

Attachments	opp1.pdf (13 pages)(903624 bytes)

Signature	/tjbraverman/
Name	Todd Braverman, Esq.
Date	05/22/2006

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

GEOFFREY, INC.,	
Opposer,	Opposition No. Application Serial No. 78/465,223 Mark: R FAMILY
v.	
KIDRO PRODUCTIONS, INC.,	
Applicant.	

NOTICE OF OPPOSITION

Geoffrey, Inc., a Delaware corporation, having its principal place of business located at One Geoffrey Way, Wayne, NJ 07470 ("the Opposer"), believes that it will be damaged by registration of the mark "R FAMILY", shown in Application Serial No. 78/465,223, which was filed on August 10, 2004, by Kidro Productions, Inc., a California corporation, located at 1500 Broadway, Suite 1710, New York, NY 10036, (the "Applicant"), and hereby opposes the same under the provisions of Section 13 of the Trademark Act of 1946 (15 U.S.C. §1063).

As grounds of opposition, it is alleged that:

1. The Applicant seeks to register "R FAMILY" as a trademark for the following goods: "paper goods and printed matter, namely address books, adhesive labels, agendas, albums for photos, anniversary books, announcement cards, appliqués in the form of decals, appointment books, art paper, autograph books, baby books, binders, book covers, book

marks, calendars, children's books, children's activity books, coloring books, comic books, comic strips, composition books, cook books, construction paper, crossword puzzles, daily planners, decals, diaries, encyclopedias, envelopes, events programs, general feature magazines, gift cards, graphic novels, greeting cards, guest books, guide books featuring international travel destinations, impression stamps, letter openers, loose leaf binders, magazines featuring international travel destinations, maps, memo pads, newsletters in the field of international travel destinations, newspapers in the field of international travel destinations, painting sets for children, paper baby bibs, passport covers, postcards, plastic shopping bags, printed teaching materials in the field of international travel destinations, recipe books, scrapbook albums, scrapbook pages, sketch books, sketch pads, souvenir programs concerning international travel destinations, story books, tarot cards, and travel books relating to international travel destinations," in International Class 16, and "clothing, namely bathing suits, bathrobes, beachwear, blouses, bottoms, camisoles, cloth bibs, coats, coveralls, fleece pullovers, infant wear, jackets, jeans, jogging suits, knit shirts, lingerie, loungewear, neckwear, nightgowns, pajamas, plastic baby bibs, pullovers, raincoats, robes, shirts, shorts, short sleeved or long sleeved t-shirts, shower caps, skirts and dresses, sleepwear, socks, sport shirts, sport jackets, sun suits, surf wear, suspenders, sweaters, sweat suits, swimwear, tops, trousers, ladies', men's and children's underwear, vests, waterproof jackets, foot wear, namely men's, women's and children's shoes, flip-flops and slippers, and head wear," in International Class 25, as evidenced by the publication of said mark in the *Official Gazette* in the November 22, 2005 issue.

2. The Applicant, Kidro Productions, Inc, a California corporation, located at 1500 Broadway, Suite 1710, New York, NY 10036, filed the application for the mark "R FAMILY", on August 10, 2004, pursuant to Section 1(b) of the Lanham Act, 15 U.S.C. 1051.

3. The U.S. Patent and Trademark Office assigned U.S. Trademark Application Serial No. 78/465,223 to the application for the mark "R FAMILY."

4. Opposer, through its predecessors and related companies, has been and still is engaged in the sale of various goods, including but not limited to educational toys, games, books, audio and visual products and the rendering of retail store services for these goods in interstate commerce under the marks TOYS "R" US, "R US", "R" and "Я", alone and with other terms, prior to August 10, 2004.

5. Since prior to August 10, 2004, Opposer, through its predecessors and/or related companies, has been, and is still, engaged in the marketing and sale of a variety of goods and services under the marks TOYS "R" US, "R US", "R" and "Я", alone and with other terms.

6. As a result of Opposer's long and extensive promotion, marketing and use of a number of TOYS "R" US, "R US", "R" and "Я" marks, Opposer has established and owns a family of "R US" marks.

7. Opposer is the owner of United States Service Mark Registration No. 2,282,394 for the mark "R" US for retail department store services. Said Federal Registration, dated October. 5, 1999, is valid and subsisting and is now incontestable in accordance with Section 33(b) of the Trademark Act, 15 U.S.C. § 1115(b).

8. Opposer is the owner of United States Trademark Registration No. 2,004,335 for the mark TOYS "R" US for construction paper, note pads and writing tablets. Said Federal Registration, dated October 1, 1996, is valid, subsisting and is now incontestable in accordance with Section 33(b) of the Trademark Act, 15 U.S.C. § 1115(b).

9. Opposer is the owner of United States Trademark Registration No. 2,442,370 for the mark R US for gift cards. Said Federal Registration, dated April 10, 2001, is valid and subsisting.

10. Opposer is the owner of United States Trademark Registration No. 902,125 for the mark TOYS "R" US for a general line of children's toys and toy novelties. Said Federal Registration, dated November 10, 1970, is valid and subsisting and is now incontestable in accordance with Section 33(b) of the Trademark Act, 15 U.S.C. § 1115(b).

11. Opposer is the owner of United States Service Mark Registration No. 1,215,353 for the mark TOYS "R" US for retail department store services. Said Federal Registration, dated November 2, 1982, is valid and subsisting and is now incontestable in accordance with Section 33(b) of the Trademark Act, 15 U.S.C. § 1115(b).

12. Opposer is the owner of United States Service Mark Registration No. 2,364,201 for the mark TOYS "R" US for retail department store services. Said Federal Registration, dated July 4, 2000, is valid and subsisting.

13. Opposer is the owner of United States Service Mark Registration No. 2,362,269 for the mark TOYS "R" US & STAR DESIGN for retail department store services. Said Federal Registration, dated June 27, 2000, is valid and subsisting.

14. Opposer is the owner of United States Service Mark Registration No. 2,364,575 for the mark TOYS "R" US & STAR DESIGN for retail department store services. Said Federal Registration, dated July 4, 2000, is valid and subsisting.

15. Opposer is the owner of United States Trademark Registration No. 1,399,419 for the mark TOYS "R" US for handbags, luggage, coin purses, back-packs, tote bags, knapsacks, umbrellas, dishes, nursing bottles, canteens, cups and paper plates, macrame

cord, tents, yarns, blankets, comforters, wash cloths, towels, sheets, general line of children's clothing, cloth diapers, earrings of non-precious metals, shoe laces, ribbon, decorative bows made of ribbon and decorative patches for clothing. Said Federal Registration, dated July 1, 1986, is valid and subsisting and is now incontestable in accordance with Section 33(b) of the Trademark Act, 15 U.S.C. § 1115(b).

16. Opposer is the owner of United States Services Mark Registration No. 2,271,828 for the mark TOYS "R" US for educational services, namely, conducting seminars in the field of toy safety. Said Federal Registration, dated August 24, 1999, is valid and subsisting and is now incontestable in accordance with Section 33(b) of the Trademark Act, 15 U.S.C. § 1115(b).

17. Opposer is the owner of United States Service Mark Registration No. 1,531,202 for the mark TOYS "R" US for insurance services, namely, underwriting life, health and disability insurance. Said Federal Registration, dated March 21, 1989, is valid and subsisting and is now incontestable in accordance with Section 33(b) of the Trademark Act, 15 U.S.C. § 1115(b).

18. Opposer is the owner of United States Service Mark Registration No. 1,942,805 for the mark TOYS "R" US for leasing of real estate and real estate development. Said Federal Registration, dated December 19, 1995, is valid and subsisting.

19. Opposer is the owner of United States Service Mark Registration No. 2,063,369 for the mark TOYS "R" US for credit card services. Said Federal Registration, dated May 20, 1997, is valid and subsisting.

20. Opposer is the owner of United States Service Mark Registration No. 2,295,531 for the mark TOYS "R" US for entertainment in the nature of competitions in the

field of athletics and softball games and organizing exhibitions for sports or entertainment purposes. Said Federal Registration, dated November 30, 1999, is valid and subsisting.

21. Opposer is the owner of United States Trademark Registration No. 2,117,667 for the mark BABIES "R" US for baby bottles, window shades for use with automobiles to protect infants and children from direct sunlight, and infant's training cups. Said Federal Registration, dated December 2, 1997, is valid and subsisting and is now incontestable in accordance with the Section 33(b) the Trademark Act, 15 U.S.C. § 1115(b).

22. Opposer is the owner of United States Trademark Registration No. 2,046,673 for the mark BABIES "R" US for retail department store services. Said Federal Registration, dated March 18, 1997, is valid and subsisting and is now incontestable in accordance with the Section 33(b) the Trademark Act, 15 U.S.C. § 1115(b).

23. Opposer is the owner of United States Trademark Registration No. 2,494,425 for the mark BABIES "R" US for gift registry services. Said Federal Registration, dated October 1, 2001, is valid and subsisting.

24. Opposer is the owner of United States Trademark Registration No. 2,651,373 for the mark GOODIES "R" US for vending machines featuring gum, candy and toy novelties. Said Federal Registration, dated November 19, 2002, is valid and subsisting.

25. Opposer is the owner of United States Service Mark Registration No. 3,065,294 for the mark BIRTHDAYS "R" US for birthday party planning. Said Federal Registration, dated March 7, 2006, is valid and subsisting.

26. Opposer is the owner of United States Service Mark Registration No. 2,981,142 for the mark SPORTS "R" US for on-line retail store services featuring sporting goods, inflatable pools, games, telescopes, apparel, watches and accessories therefore and retail

department store services. Said Federal Registration, dated August 2, 2005, is valid and subsisting.

27. Opposer is the owner of United States Service Mark Registration No. 2,019,153 for the mark TOYS "R" US for on line retail store services featuring computer related products. Said Federal Registration, dated November 26, 1996, is valid and subsisting.

28. Opposer is the owner of United States Service Mark Registration No. 2,988,090 for the mark "R" ROOM for retail department store services. Said Federal Registration, dated August 23, 2005, is valid and subsisting.

29. Opposer is the owner of United States Service Mark Registration No. 2,886,286 for the mark "R" ZONE for retail department store services and on-line retail department store services and on-line department store services excluding retail auto parts store services. Said Federal Registration, dated September 23, 2003, is valid and subsisting.

30. Opposer is the owner of United States Service Mark Registration No. 2,715,408 for the mark "Я" & STAR DESIGN for retail department store services and on-line retail department store services. Said Federal Registration, dated May 13, 2003, is valid and subsisting.

31. Opposer is the owner of United States Service Mark Registration No. 2,794,853 for the mark "Я" & STAR DESIGN for retail department store services. Said Federal Registration, dated December 16, 2003, is valid and subsisting.

32. Opposer is the owner of United States Service Mark Registration No. 2,469,154 for the mark "Я" for retail department store services. Said Federal Registration, dated July 17, 2001, is valid and subsisting.

33. Opposer is the owner of numerous other United States Trademark and Service Mark Registrations, the dominant portion of which is the designation "R US". Examples of these registrations are: Registration No. 1,407,192 for the mark BIKES "R" US for retail bicycle store services; Registration No. 1,413,778 for the mark COMPUTERS "R" US for retail computer store services; Registration No. 2,454,904 for the mark PETS "R" US for pet toys; Registration No. 2,456,969 for the mark LIGHTS "R" US for ornamental electric lights for Christmas trees and indoor/outdoor decoration; Registration No. 1,473,595 for the mark MATHEMATICS "R" US (Stylized), for entertainment services in the nature of a television program; Registration No. 2,467,339 for the mark STICKERS "R" US for vending machines featuring stickers and tattoos; Registration No. 1,405,364 for the mark PORTRAITS "R" US for photography services; Registration No. 1,405,363 for the mark SHOES "R" US for retail shoe store services; Registration No. 1,554,613 for the mark I'M A TOYS "R" US KID! for charitable fund raising services; and Registration No. 2,132,057 for the mark 1-800-TOYS-R-US for providing merchandising information for the goods of others by means of telephone information.

34. In addition to the aforesaid "R US" registered marks, Opposer owns the common law rights to a family of marks, the dominant portion of which are the designations "R", "Я" and "R US". These marks include TREATS "R" US, GIFTS "R" US and other "R US" marks that have been used in connection with the sale of products and the rendering of services.

35. Opposer provides credit card services under its "Я," "R" US, TOYS "R" US, and BABIES "R" US marks.

36. Opposer also owns the following Internet domain name registrations: TOYSRUS.COM, TOYSRUS.NET, KIDSRUS.COM, BOYSRUS.COM, DOLLSRUS.COM, GIRLSRUS.COM, BABIESRUS.COM, BABIESRUS.NET, BOOKSRUS.COM,

BIKESRUS.COM, MOVIESRUS.COM, MOVIESRUS.NET, PARTIESRUS.COM, PARTIESRUS.NET, POOLSRUS.COM, PORTRAITSRUS.COM, TREATSRUS.COM, SPORTSRUS.COM, SWEETSRUS.COM, GIFTSRUS.COM, OPPORTUNITIESRUS.COM and numerous other domain names that incorporate the "R" US designation.

37. Opposer also uses TOYSRUS.COM and BABIESRUS.COM as marks and domain names in connection with the operation of web sites that provide on-line shopping and information services. All of the domain names listed immediately above, except BABIESRUS.COM, link directly to the TOYSRUS.COM web site. The web site is actively promoted to encourage potential Internet customers to visit the site and take advantage of its product and information offerings.

38. The wide variety of products and services promoted, sold, or offered for sale under Opposer's family of "R US" marks have been commercially promoted, sold, and rendered throughout the United States and internationally by Opposer with skill and care. Opposer has expended large sums of money to maintain the quality of the products and services through the careful selection and careful methods used in the commercial promotion and sale of its goods and services under Opposer's family of "R US" marks. As a result, the sales of goods and services under Opposer's family of "R US" marks, have grown tremendously.

39. Opposer's family of "R US" marks have been, and are continuously being, applied to numerous and various products. Opposer uses these marks on labeling and/or packaging for products. Opposer's family of "R US" marks also have been used in extensive nationwide advertising and promotion of Opposer's products, services, and businesses.

40. By reason of the extensive advertising, promotion and sale of Opposer's family of "R US" products and services, the family of "R US" marks have acquired, and now

enjoy, fame, distinctiveness, and substantial secondary meaning signifying Opposer's products and services. Opposer now owns valuable goodwill that is symbolized by the family of "R US" marks.

41. The Opposer and its predecessors in title have used the mark TOYS "R" US in various forms and iterations in commerce on or in connection with retail store services, since at least as early as 1960.

42. Opposer has used and is now using its family of "R" US marks in commerce on or in connection with the goods and services listed above. This use has been valid and continuous and has not been abandoned.

43. Applicant seeks to register the mark R FAMILY for use in connection with paper goods and printed matter and clothing. There is no issue as to priority. Upon information and belief, Applicant has not made any use in interstate commerce or commerce with the United States of the mark R FAMILY in connection with the goods identified in U.S. Application Serial No. 78/465,223 either prior to August 10, 2004, the filing date of the R FAMILY application or prior to 1960, Opposer's date of first use in commerce of the mark TOYS "R" US.

44. Opposer, by virtue of its efforts, and the expenditure of considerable sums for advertising, marketing and promotional activities, and by virtue of the excellence of its products and services, has developed an exceedingly valuable goodwill and reputation in respect to its family of "R" US marks.

45. Opposer's family of "R" US marks, by virtue of Opposer's efforts in selling and distributing goods and services bearing such marks, and through Opposer's

substantially exclusive and continuous use of such marks in commerce since 1960, has become distinctive of the goods and services listed above.

46. Applicant's mark R FAMILY is confusingly similar in sound, appearance and/or meaning to Opposer's family of "R" US marks.

47. The "R" within Applicant's mark is phonetically equivalent to the "R" in Opposer's family of "R" US marks.

48. Opposer uses the "R" US designation with additional words relating to families, such as BABIES, KIDS, BOYS and GIRLS.

49. Upon information and belief, Applicant uses the mark R FAMILY on and in connection with goods that are similar and related to those offered by Opposer under Opposer's family of "R" US marks.

50. Upon information and belief, Applicant intends to offer and offers goods in whole or in part within the same channels of trade and to the same class of purchasers as Opposer.

51. Opposer believes and alleges that when Applicant uses R FAMILY in connection with the goods listed in Application Serial No. 78/465,223, consumers are likely to believe that the goods originate with Opposer.

52. Applicant's use and registration of the mark R FAMILY for the goods identified in Application Serial No. 78/465,223 will enable Applicant to trade upon and utilize the goodwill established by Opposer in its family of "R" US marks.

53. Opposer believes and alleges that Applicant's mark when used on or in connection with the goods identified in Application Serial No. 78/465,223 is likely to cause confusion or mistake or to deceive and will deceive and mislead the public and/or potential

clients into believing that Applicant is licensed or controlled by Opposer or that Applicant is in some way related to Opposer.

54. If the Applicant is permitted to use and register its mark for its goods and services, as specified in the application herein opposed, confusion in trade resulting in damage and injury to the Opposer would be caused and would result by reason of the similarity between the Applicant's mark and the Opposer's mark. Persons familiar with Opposer's marks would be likely to purchase or make use of Applicant's goods thinking such goods are related to Opposer's goods and services. Any such confusion in trade inevitably would result in loss of sales and business opportunities under the mistaken belief that such goods and services are offered by or connected with Opposer. Furthermore, any defect, objection or fault found with Applicant's goods marketed and performed under its mark R FAMILY would necessarily reflect upon and seriously injure the reputation which the Opposer has established for its products and services merchandised, sold and distributed under its family of "R" US marks.

55. If the Applicant is granted the registration herein opposed, it would thereby obtain at least a *prima facie* exclusive right to the use of its mark. Such registration would be a source of damage and injury to the Opposer, as well as confusion in the relevant marketplace.

56. In view of the similarity in overall commercial impression of the respective marks, the related nature of the goods and services of the respective parties, and Opposer's priority as to use of the mark, Opposer alleges that Applicant's mark R FAMILY so resembles Opposer's family of "R" US marks as to be likely to cause confusion, or mistake, or to deceive under Trademark Act Section 2(d), 15 U.S.C. Section 1052(d) and to damage Opposer and its goodwill represented by its prior-used mark.

WHEREFORE, the Opposer prays that the application Serial No. 78/465,223 be rejected, that the mark therein sought for the goods therein specified in International Classes 16 and 25 be denied and refused and that this opposition be sustained in favor of Opposer.

57. Opposer has enclosed the required filing fee of $600 herewith.

Respectfully submitted,

BRYAN CAVE LLP
Attorneys for Opposer

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Date: May 21, 2006