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

Proceeding	91182695
Party	Plaintiff DavidO'Neill, The Rose O'Neill Foundation, Inc., David O'Neill, personal representative of the estate of Rose O'Neill
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Application Serial Number 78522045

For the Mark: ROSE O'NEILL'S ORIGINAL KEWPIE

Filed on November 23, 2004

Published in the *Official Gazette (Trademarks)* on November 13, 2007

David O'Neill, individually and as personal representative of the estate of Rose O'Neill, and The Rose O'Neill Foundation, Inc.

Opposers,

v.

Jesco Imports, Inc.

Applicant.

Opposition No. 91-182,695

United States Patent and Trademark Office
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

OPPOSER'S INITIAL DISCLOSURES

David O'Neill, individually and as personal representative of the estate of Rose O'Neill, and The Rose O'Neill Foundation, Inc., a Missouri corporation (collectively the "*Opposers*") make the following disclosures of witnesses and documents. The Opposers incorporate any disclosures made by Jesco and also retain the right to amend or supplement this disclosure as necessary.

A. INDIVIDUALS LIKELY TO HAVE DISCOVERABLE INFORMATION

David O'Neill (can be contacted through Opposer's counsel)

Mr. O'Neill has extensive knowledge of the history of the work of Rose O'Neill, including the use by her, and others, of ROSE O'NEILL'S ORIGINAL KEWPIE. He has knowledge of the history of the contracts and agreements between Rose O'Neill and others particular to the rights in and to the mark at issue. Further, he can distinguish between the original Kewpie dolls created and marketed by Rose O'Neal and the later designed works of others. He has also sold dolls and other collectibles using "ROSE O'NEILL", "KEWPIE", "ROSE O'NEILL'S KEWPIES" and other variations of those trademarks to promote products bearing the images of Kewpies.

Representatives of The Rose O'Neill Foundation, Inc. (to be contacted through Opposer's counsel)

Individuals affiliated with The Rose O'Neill Foundation have knowledge of the history of Rose O'Neill and her works and the distinction of the original designs and creations of Rose O'Neill.

B. DOCUMENTS WHICH SUPPORT OPPOSER'S CLAIMS

Books:

“Collecting Rose O’Neill’s Kewpies” by David O’Neill; With Kewpish Love: Memorabilia & Collectibles of Rose O’Neill by Florence Theriault; The one Rose, mother of the immortal Kewpies; A biography of Rose O’Neill and the story of her work, by Rowena Fay Godding Ruggles; Rose O’Neill Kewpies and other works by Lois Holliday Holman; Collecting Rose O’Neill’s Kewpies (Schiffer Book for Collectors) by David O’Neill and Janet O’Neill Sullivan; The Story of Rose O’Neill: An Autobiography by Rose Cecil O’Neill and Miriam Formanek-Brunell; The Art of Rose O’Neill by Helen Goodman; Titans and kewpies;: The life and art of Rose O’Neill by Ralph Alan McCause; Memories of Rose O’Neill by Maude M. Horine and Illustrated; Rose O’Neill, Cordially Yours (Creator of Kewpies) by Barbara (Trimble) Abernathy and Mary H. Trimble; A La Rose: Ozark recipes from the era of Rose O’Neill (1890’s to 1940’s); The antique postcards of Rose O’Neill by Janet A Banneck; American Illustrator: Rose O’Neill (The Great Heartlanders Series) by J. L. Wilkerson and Rose Cecil O’Neill; The Woman Who Loved Babies and Kewpies, Rose O’Neill by Vereca R. Williams, Reta Spears Stewart, and Maureen Stewart.

Publicly available documents from Google, Yahoo and Ebay.

All contracts, correspondence and other historic documents showing the dealings of Rose O’Neill with Joseph Kallus and others.

Documents previously provided in TTAB Opposition No. 91115853.

Respectfully submitted,

LATHROP & GAGE LC

/s/Joseph L. Johnson

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CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing document has been served on Robert W. Dickerson, legal counsel for JESCO IMPORTS, INC., by U.S. Mail on June 9, 2008:

Robert W. Dickerson
Jones Day
555 S. Flower St., 50th Fl.
Los Angeles, CA 90071

/s/ Joseph L. Johnson
Joseph L. Johnson