

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Nmt

Mailed: April 20, 2010

Opposition No. 91192402
Opposition No. 91192413
Opposition No. 91192414
Opposition No. 91192434
Opposition No. 91192435
Opposition No. 91192507
Opposition No. 91192508
Opposition No. 91192568
Opposition No. 91192626
Opposition No. 91192634
Opposition No. 91192635
Opposition No. 91192639
Opposition No. 91192643
Opposition No. 91192647
Opposition No. 91192650
Opposition No. 91192955
Opposition No. 91193030
Opposition No. 91193031
Opposition No. 91193032
Opposition No. 91193033
Opposition No. 91193034
Opposition No. 91193036
Opposition No. 91193038¹
Opposition No. 91193040
Opposition No. 91193041
Opposition No. 91193042
Opposition No. 91193043

Disney Consumer Products
Inc. and Disney Destinations
LLC

v.

THOIP

¹ Because the Board found that it was a duplicate to Opposition No. 91193036, by order issued April 19, 2010, Opposition No. 91193038 was declared null, dismissed, and is no longer part of this consolidated proceeding. No further papers should be filed with proceeding number Opposition No. 91193038.

Elizabeth A. Dunn, Attorney (571-272-4267):

On February 25, 2010, applicant filed a proposed amendment to its application Serial Nos. 77311572 (for the mark LITTLE MISS BOSSY, the subject of Opposition No. 91192626) and 77312568 (for the mark LITTLE MISS BOSSY AND DESIGN, the subject of Opposition No. 91193036), with opposer's consent. In both applications the identification of goods and services in five classes, all of which were opposed, are identical.

By the proposed amendment applicant seeks to change the identification of goods in International Class 25 and 28 in both applications to delete the good that are underlined:²
International Class 25

"Clothing for adults and children, namely, t-shirts and sweatshirts, footwear, slippers, flip flops, sports shoes, basketball shoes, tennis shoes, boots, beach sandals, rain boots, ski boots; shirts, pants, jeans, dungarees, sweaters; fleece tops, namely, pullovers, vests, sweatshirts; blouses; jackets; trousers; ties; shorts; socks; belts; scarves; suits; coats; vest; dresses; skirts; miniskirts; leggings; nightwear; pajamas; shorts; nightdresses; singlets; fleece dressing gowns; dressing gowns made of terry cloth or cotton; tracksuits, training suits, sweat pants; hooded tops, namely, pullovers, vests, sweatshirts; zip up jogging suits; headwear, namely, caps and hats; headbands; overalls; cardigans; gloves; over-coats; underwear; boxer shorts; bras; briefs; camisoles; bodysuits; swimwear; toweling robes; eye masks, namely, sleep masks of fabric; babies and infants clothes, namely, bibs made of cloth, t-shirts for babies, and romper suits; aprons; tabards; gardening aprons; costumes, namely, party costumes for Halloween and masquerades, costumes for

² The identification of goods and services in Int. Cl. 9, 16 and 41 remain the same.

live events, namely, dance and role-playing; belts as parts of clothes; suspenders; plastic baby bibs; bathing caps"

International Class 28

"Figures representing cartoon characters; games and playthings, namely, soft-sculpture toys; wooden toys, namely, building blocks, alphabet blocks and pull out wooden puzzles; electrical and mechanical action toys; electronic action toys; radio controlled toys, swimming aids, namely, pool rings, arm floats for recreational use, kick board flotation device for recreational use, swim rings, floating recreational lounge chairs, air beds, namely, inflatable float mattresses for recreational use; inflatable ride-on toys; swim fins; beach balls; paddling pools, namely, play swimming pools; play mats containing infant toys; dolls; action figures and play figures; plush toys; beanbag toys; stuffed toy animals; toy figures; puppet toys for babies and infants, namely, rattles, mobiles, play quilts as doll accessory and multiple activity toys; toys designed to be attached to car seats, strollers, cribs, high chairs; play sets designed to interact with dolls, play figures and action figures; make-believe sets, namely, play houses and play tea sets; vehicles for dolls, action figures and play figures; carrying or collecting cases for dolls, play figures and action figures; doll clothing and accessories; children's multiple activity toys, namely, picture activity sets comprised of felt, wipe-away sets comprised of dry erase writing boards and writing surfaces, slate boards for writing, water color boards, decorative glitter sets; children's multiple activity toys, namely, knitting sets comprised of stitch markers, stitch gauges, stitch holders, yam bobbins, needles, and toy construction sets; jokes and novelty items, namely, paper face masks, rude noise-makers, false faces, false noses, false eyeglasses, false beards, false moustaches, windup toys, water squirting toys, magic tricks; party favors in the nature of small toys; kaleidoscopes; balloons; jigsaw puzzles, manipulative puzzles and cube-type puzzles; tic-tac-toe; domino sets; equipment sold as a unit for board, card and skill action games and floor games; Christmas tree decorations, not including confectionery or illumination articles; knee, elbow and wrist protectors for use in skating and other

sports; toy vehicles; construction toys; wooden toy model train sets; ride-on toys; ride on toys, namely, pedal cars and pedal planes; toy bicycles, toy tricycles, toy scooters; gymnastic apparatus; sporting articles, namely, sport balls; tennis, squash, badminton, racquetball, paddle ball and table tennis rackets and racket covers; baseball and softball mitts; baseball and softball gloves, bats, catcher's masks; leg guards for athletic use, athletic supporters and protective cups, shin, thigh, leg, hip, shoulder, rib and arm pads for athletic use; baseball and softball bases; kicking tees; field hockey and lacrosse sticks; mouth guards for athletic use; archery bows, bow strings, arrows, targets, quivers; basketball goals, nets, and backboards; croquet sets; boxing gloves; barbells; skis, ski poles; snowboards; bowling balls; golf equipment and accessories, namely, clubs, bags, golf tees, gloves, ball markers, club head covers, divot repair tools; ice hockey sticks and pucks; shuffleboard sticks; badminton shuttlecocks; volleyball, tennis, and table tennis nets; cricket sticks and wickets; snow sleds for recreational use; surf boards; body boards; skim boards; windsurfing boards; ice skates; roller skates; in-line skates; skate boards; stationery exercise bicycles; flying discs; water skis; dartboards; darts; fishing rods, reels and lures; trampolines; bounce-on inflatable toys; wooden skittles; yo-yos; skipping ropes; kites; toy phones, toy torches; arcade games; coin-operated ride-on toys; confetti; hobby craft sets consisting of felt shapes for making pictures"

Inasmuch as the amendment is clearly limiting in nature as required by Trademark Rule 2.71(a), and because the opposer consents thereto, it is approved and entered. See Trademark Rule 2.133(a).

Proceedings otherwise remain suspended pending the disposition of the civil action between the parties.

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