

ESTTA Tracking number: **ESTTA594872**

Filing date: **03/26/2014**

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	Little Busy Bodies, LLC
Granted to Date of previous extension	03/26/2014
Address	1130 Findlay Street Cincinnati, OH 45214 UNITED STATES

Attorney information	Hillary A. Brooks Marger Johnson & McCollom PC 210 SW Morrison Street Suite 400 Portland, OR 97204 UNITED STATES hillary_brooks@techlaw.com, AmandaBernardy@techlaw.com, LisaDavis@techlaw.com, docketing@techlaw.com Phone:(503) 222-3613
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Applicant Information

Application No	86000406	Publication date	11/26/2013
Opposition Filing Date	03/26/2014	Opposition Period Ends	03/26/2014
Applicant	Mordkovich, Yary 7 STUART ST WALDWICK, NJ 07463 USX		

Goods/Services Affected by Opposition

Class 010. First Use: 0 First Use In Commerce: 0
All goods and services in the class are opposed, namely: External nasal dilators; Nasal aspirators; Vacuum pumps for medical purposes

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
The mark is merely descriptive	Trademark Act section 2(e)(1)
Other	Likelihood of confusion with Opposer's family of BOOGIE marks - Trademark Act section 2(d)

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	4162748	Application Date	04/01/2009
Registration Date	06/26/2012	Foreign Priority	NONE

		Date	
Word Mark	BOOGIE		
Design Mark	<h1>BOOGIE</h1>		
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 2007/11/00 First Use In Commerce: 2007/11/00 Baby wipes; disposable nasal wipes impregnated with saline; disposable wipes impregnated with saline for personal hygiene; pre-moistened cosmetic wipes; scent-infused pre-moistened cosmetic wipes; moisturizing disposable wipes impregnated with cleansing chemicals or compounds for personal hygiene; moisturizing baby wipes for animals; pre-moistened cosmetic wipes for animals		

U.S. Registration No.	3541165	Application Date	07/18/2007
Registration Date	12/02/2008	Foreign Priority Date	NONE
Word Mark	BOOGIE WIPES		
Design Mark	<h1>BOOGIE WIPES</h1>		
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 2007/11/00 First Use In Commerce: 2007/11/00 wipes for noses, namely, disposable paper materials impregnated with saline		

U.S. Registration No.	3750406	Application Date	05/28/2008
Registration Date	02/16/2010	Foreign Priority Date	NONE
Word Mark	BOOGIE MOMS		
Design Mark	<h1>BOOGIE MOMS</h1>		

Description of Mark	NONE
Goods/Services	Class 003. First use: First Use: 2008/02/00 First Use In Commerce: 2008/02/00 wipes for noses, namely, disposable paper materials impregnated with saline

U.S. Registration No.	3560905	Application Date	06/05/2008
Registration Date	01/13/2009	Foreign Priority Date	NONE


Word Mark	BOOGIES ON THE RUN
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Design Mark	 <p>BOOGIES ON THE RUN</p>
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Description of Mark	NONE
Goods/Services	Class 003. First use: First Use: 2008/03/01 First Use In Commerce: 2008/03/01 wipes for noses, namely, disposable paper materials impregnated with saline

U.S. Registration No.	4109524	Application Date	05/14/2010
Registration Date	03/06/2012	Foreign Priority Date	NONE

Word Mark	BOOGIE BUDDY
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Design Mark	 <p>BOOGIE BUDDY</p>
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Description of Mark	NONE
Goods/Services	Class 028. First use: First Use: 2010/08/00 First Use In Commerce: 2010/08/00 plush toys; fluff toys; stuffed toys; stuffed toy animals; dolls; promotional toys, namely, stuffed animals

Attachments	77704750#TMSN.jpeg(bytes) 77233002#TMSN.gif(bytes)
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	77485579#TMSN.jpeg(bytes) 77492320#TMSN.jpeg(bytes) 85039330#TMSN.jpeg(bytes) BOOGIE VAC - Notice of Opposition.pdf(78929 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Hillary A. Brooks/
Name	Hillary A. Brooks
Date	03/26/2014

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

In the matter of U.S. Trademark Application Serial No. 86/000,406
For the mark: BOOGIE VAC
Filed: July 2, 2013
Published: November 26, 2013

LITTLE BUSY BODIES, LLC,)	
)	Opposition No. _____
Opposer,)	
)	
v.)	
)	
YARY MORDKOVICH,)	
)	
Applicant.)	

NOTICE OF OPPOSITION

1. Little Busy Bodies, LLC, an Ohio limited liability company having a business address of 1130 Findlay Street, Cincinnati, Ohio 45214 (“Opposer”), believes that it will be damaged by registration of the mark BOOGIE VAC that is the subject of U.S. Trademark Application Serial No. 86/000,406 (“Applicant’s BOOGIE VAC Mark”) for “external nasal dilators; nasal aspirators; vacuum pumps for medical purposes” filed July 2, 2013, by Yary Mordkovich, an individual having an address of 7 Stuart Street, Waldwick, New Jersey 07463 (“Applicant”). Opposer opposes registration of Applicant’s BOOGIE VAC Mark.

As first grounds for opposition, Opposer alleges as follows:

2. Opposer owns U.S. Trademark Registration No. 4,162,748 for the mark BOOGIE for “baby wipes; disposable nasal wipes impregnated with saline; disposable wipes impregnated with saline for personal hygiene; pre-moistened cosmetic wipes; scent-infused pre-moistened cosmetic wipes; moisturizing disposable wipes impregnated with cleansing chemicals or compounds for personal hygiene; moisturizing baby wipes for animals; pre-moistened cosmetic wipes for animals” issued June 26, 2012. Opposer owns U.S. Trademark Registration No. 3,541,165 for the mark BOOGIE WIPES for “wipes for noses, namely, disposable paper materials impregnated with saline” issued December 2, 2008. Opposer owns U.S. Trademark

Registration No. 3,750,406 for the mark BOOGIE MOMS for “wipes for noses, namely, disposable paper materials impregnated with saline” issued February 16, 2010. Opposer owns U.S. Trademark Registration No. 3,560,905 for the mark BOOGIES ON THE RUN for “wipes for noses, namely, disposable paper materials impregnated with saline” issued January 13, 2009. Opposer owns U.S. Trademark Registration No. 4,109,524 for the mark BOOGIE BUDDY for “plush toys; fluff toys; stuffed toys; stuffed toy animals; dolls; promotional toys, namely, stuffed animals” issued March 6, 2012. (Collectively, “BOOGIE Marks”).

3. Applicant’s BOOGIE VAC Mark so resembles Opposer’s previously registered BOOGIE Marks as to be likely, when used on or in connection with the goods of Applicant, to cause confusion, mistake, or deception.

As second, alternative, grounds for opposition, Opposer alleges as follows:

4. Opposer, since prior to Applicant’s filing date or any date of first use upon which Applicant can rely, has used and not abandoned the BOOGIE Marks as trademarks for disposable nasal wipes and/or other related goods.

5. Applicant’s BOOGIE VAC Mark so resembles Opposer’s BOOGIE Marks as to be likely, when used on or in connection with the goods of Applicant, to cause confusion, mistake, or deception.

As third, alternative, grounds for opposition, Opposer alleges as follows:

6. Opposer is the owner of a family of BOOGIE marks, including BOOGIE, BOOGIE WIPES, BOOGIE MOMS, BOOGIES ON THE RUN, and BOOGIE BUDDY for disposable nasal wipes and/or other related goods.

7. Opposer, since prior to Applicant’s filing date or any date of first use upon which Applicant can rely, has used and promoted its marks BOOGIE, BOOGIE WIPES, BOOGIE MOMS, BOOGIES ON THE RUN, and BOOGIE BUDDY as a family of marks.

8. Applicant's BOOGIE VAC Mark is so similar to Opposer's family of marks that, when used on or in connection with the goods of Applicant, is likely to be perceived as another member of Opposer's family of marks, and is likely to cause confusion, mistake, or deception.

As fourth, alternative, grounds for opposition, Opposer alleges as follows:

9. Applicant's BOOGIE VAC Mark when used on or in connection with the goods of Applicant is merely descriptive.

Opposer prays that this opposition is sustained and that registration to Applicant is refused.

Respectfully submitted,

MARGER JOHNSON & McCOLLOM, P.C.

/Hillary A. Brooks/
Hillary A. Brooks
Registration No. 45,815
Attorney for Opposer

MARGER JOHNSON & McCOLLOM, P.C.
210 SW Morrison Street, Suite 400
Portland, OR 97204
(503) 222-3613

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing NOTICE OF OPPOSITION was served upon Applicant on March 26, 2014, by forwarding said copy via first class mail to the Correspondent of Record at the following address:

YARY MORDKOVICH
7 Stuart Street
Waldwick, NJ 07463-2418

/Lisa M. Davis/
Lisa M. Davis