

ESTTA Tracking number: **ESTTA5131**

Filing date: **01/27/2004**

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

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

Opposer Name	Rose Art Industries, Inc.
Granted to Date of previous extension	01/28/2004
Address	Rose Art Industries, Inc. 6 Regent Street Livingston, NJ 07039 UNITED STATES

Attorney information	Robert W. Smith McCarter & English, LLP 100 Mulberry Street Four Gateway Center Newark, NJ 07102 UNITED STATES rsmith@mccarter.com Phone:973-622-4444
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Applicant Information

Application No	76444226	Publication date	09/30/2003
Opposition Filing Date	01/27/2004	Opposition Period Ends	01/28/2004
Applicant	Spin Master Toys		
Address	450 Front Street West Toronto, Ontario M5V 1B6, CANADA		

Goods/Services Affected by Opposition

Class 016. First Use: First Use In Commerce:

All goods and services in the class are opposed, namely: CHILDREN'S PAINT SETS;
CHILDREN'S ARTS AND CRAFT PAINT KITS

Attachments **ROLL-ART Opposition.pdf (6 pages)**

ROSE ART INDUSTRIES, INC.,	:	
	:	
Opposer,	:	
	:	
-VS-	:	
	:	
SPIN MASTER LTD.,	:	
	:	
	:	
Applicant.	:	
	:	

NOTICE OF OPPOSITION

1. Opposer is a corporation which has been engaged in the manufacture and distribution of writing, coloring and painting instruments, stationery products, arts and crafts activity sets, and toys and games for sale in the United States for more than seventy years.
2. Since at least as early as December 31, 1982, Rose Art has adopted and used in United States commerce the mark ROSE ART and/or ROSE ART & Design (“ROSE ART Mark”).

3. Rose Art owns the following registrations and trademark registration applications for marks consisting of or including the terms ROSE ART as used in connection with stationery, paints and arts and crafts supplies:

[INSERT CHART]

MARK	REG./APP. NO.	REG'N. /APP. FILING DATE	CLASS/GOODS
ROSE ART	1,957,626	2/20/96	Class 2 – Poster, water color and finger paints.
ROSE ART	1,957,625	2/20/96	Class 16 - Crayons, paint brushes, chalk, slates for writing, blackboards, chalkboards for school, office and home use, wipe off boards and erasers, cork bulletin boards, flash cards, markers, felt-tipped pens, pencils, pens, poster pen sets consisting of markers, poster pens, erasers, stampers, black and white posters, and message board cleaner sold as a unit, colored pencils, coloring books, color by number kits consisting of pre-printed panels, crayons, pencils, paints, and paint brushes, sold as a unit, playing cards, stencils, stickers, construction paper, children's art easel with a desk feature, modeling compounds, namely putty, dough and clay and modeling compound and related accessories, namely modeling tools, play mats, extruders, cookie cutter shapes, plastic molds, and plastic pieces such as geometric shapes, rulers, hats, eyeglasses, and facial components, sold as a unit therewith.
ROSE ART & Design	1,309,985	12/18/84	Class 16 - Modeling clay; crayons; markers; and a kit containing modeling clay, crayons, coloring book, paints, chalk, markers, and a chalk board
ROSE ART & Double Band Design	1,308,936	12/11/84	Class 16 - Chalk, push pins, markers, chalk boards, cork bulletin boards, modeling clay, blackboard erasers, crayons, paint sets, and marker boards.

ROSE ART & Slate Design	1,287,540	7/31/84	Class 2 – Poster, water color and finger paints Class 16 – Crayons artists’ paint brushes, chalk, blackboards, chalk boards, wipe-off boards, cork boards and erasers Class 19 - Clay
ROSE ART & Design	1,833,319	4/26/94	Class 16 - Crayons.
ROSE ART SINCE 1923 & Design	75/899,905	1/21/00	Class 8 - Scissors. Class 16 - Crayons; markers; colored pencils; glue for stationary or household use; arts and craft paint kits; modeling compounds; craft kits comprised of crayons, markers, colored pencils, glue for stationary or household use, arts and craft paints, and modeling compounds.
ROSE ART SINCE 1923 & Squiggle Design	2,519,834	12/18/01	Class 16 - Crayons; paintbrushes; chalk; slates for writing; blackboards; chalkboards for school, office and home use; wipe off boards and erasers; chalk erasers; cork bulletin boards; flash cards; markers; felt- tipped pens; pencils; pens; poster pen sets consisting of markers, poster pens, erasers, stampers, black and white posters, and message board cleaner sold as a unit; colored pencils; coloring books; color by number kits consisting of pre-printed panels, crayons, pencils, paints, and paint brushes, sold as a unit; playing cards; stencils; stickers; construction paper; children's art easel with a desk feature; modeling compounds; namely putty, dough and clay and modeling compound and related accessories; namely modeling tools, play mats, extruders, cookie cutter shapes, plastic molds, and plastic pieces such as geometric shapes, rulers, hats, eyeglasses, and facial components, sold as a unit therewith; poster paints; watercolor paints; finger paints; arts and crafts paint kits; cases for pens and pencils; children’s activity books; construction paper; craft paper; stationery glitter; glue for stationery or household use; pencil sharpeners; stampers used to make geometric shapes, letters,

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