

EXHIBIT 1005:

7/13/2012 ORDER IN *INTER PARTES* REEXAMINATION 95/001,973

Munchkin, Inc. & Toys "R" Us, Inc.: 1005



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
95/001,973	04/20/2012	D634,439 S	047122/416892	3482
28083	7590	07/13/2012	EXAMINER	
Goldberg Cohen LLP 1350 Avenue of the Americas 4th Floor New York, NY 10019			SNAPP, SANDRA S	
			ART UNIT	PAPER NUMBER
			2915	
			MAIL DATE	DELIVERY MODE
			07/13/2012	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)



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THIRD PARTY REQUESTER'S CORRESPONDENCE ADDRESS
ALSTON & BIRD LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE, NC 28280-4000

Date:

**Transmittal of Communication to Third Party Requester
Inter Partes Reexamination**

REEXAMINATION CONTROL NO. : 95001973
PATENT NO. : D634439
TECHNOLOGY CENTER : 3999
ART UNIT : 2900

Enclosed is a copy of the latest communication from the United States Patent and Trademark Office in the above identified Reexamination proceeding. 37 CFR 1.903.

Prior to the filing of a Notice of Appeal, each time the patent owner responds to this communication, the third party requester of the inter partes reexamination may once file written comments within a period of 30 days from the date of service of the patent owner's response. This 30-day time period is statutory (35 U.S.C. 314(b)(2)), and, as such, it cannot be extended. See also 37 CFR 1.947.

If an ex parte reexamination has been merged with the inter partes reexamination, no responsive submission by any ex parte third party requester is permitted.

All correspondence relating to this inter partes reexamination proceeding should be directed to the Central Reexamination Unit at the mail, FAX, or hand-carry addresses given at the end of the communication enclosed with this transmittal.

PTOL-2070(Rev.07-04)

ORDER GRANTING/DENYING REQUEST FOR INTER PARTES REEXAMINATION	Control No.	Patent Under Reexamination
	95/001,973	D634,439 S ET AL.
	Examiner	Art Unit
	SANDRA SNAPP	2915

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address. --

The request for *inter partes* reexamination has been considered. Identification of the claims, the references relied on, and the rationale supporting the determination are attached.

Attachment(s): PTO-892 PTO/SB/08 Other: _____

1. The request for *inter partes* reexamination is GRANTED.

An Office action is attached with this order.

An Office action will follow in due course.

2. The request for *inter partes* reexamination is DENIED.

This decision is not appealable. 35 U.S.C. 312(c). Requester may seek review of a denial by petition to the Director of the USPTO within ONE MONTH from the mailing date hereof. 37 CFR 1.927. EXTENSIONS OF TIME ONLY UNDER 37 CFR 1.183. In due course, a refund under 37 CFR 1.26(c) will be made to requester.

All correspondence relating to this *inter partes* reexamination proceeding should be directed to the **Central Reexamination Unit** at the mail, FAX, or hand-carry addresses given at the end of this Order.

DECISION DENYING INTER PARTES REEXAMINATION

The Third Party Requester has not demonstrated a reasonable likelihood that it will prevail (RLP) in its proposed rejections of the sole design claim of U.S. Patent No. D634,439 in the *inter partes* reexamination request filed on 04/20/2012.

References cited in the request

The following references were cited in the request:

- 1) U.S. Patent Application Publication No. 2007/0221604 to Hakim ('604) *
- 2) U.S. Patent No. D617,465 to Hakim ('465)
- 3) Japanese Patent No. D1129061 ('061)
- 4) Japanese Patent Application No. 10-185624 ('624)
- 5) U.S. Patent No. 6,880,713 to Holley ('713)
- 6) U.S. Patent No. D579,722 to Sakulsacha ('722) *
- 7) U.S. Patent No. D567,384 to Sakulsacha ('384) *
- 8) U.S. Patent No. D359,417 to Chen ('417)
- 9) U.S. Patent No. D354,416 to Cautereels ('416)
- 10) U.S. Patent No. D475,890 to Mazonkey ('890)
- 11) U.S. Patent No. D327,818 to Haralson ('818)
- 12) U.S. Patent No. D397,906 to Briggs ('906)
- 13) U.S. Patent No. D476,850 to Featherston ('850)
- 14) U.S. Patent No. D559,622 to Carreno ('622)
- 15) U.S. Patent No. 2,588,069 to Allen ('069)
- 16) U.S. Patent No. 5,186,347 to Freeman ('347)
- 17) U.S. Patent No. 5,474,028 to Larson ('028)
- 18) U.S. Patent No. 5,839,581 to Vagedes ('581)
- 19) U.S. Patent No. 5,988,425 to Yehl ('425)
- 20) U.S. Patent No. 6,102,245 to Haberman ('245)

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