

TTAB

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May 31, 2005

Cheryl Butler
Trademark Trial and Appeal Board
P. O. Box 1451
Alexandria, VA 22313-1451

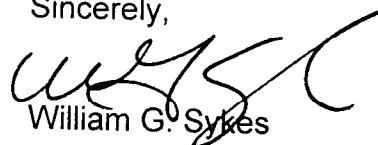
Re: Mattel, Inc. v. Patricia G. Briden
Opposition No. 91-160087

Dear Ms. Butler:

This letter is in response to your letter dated May 10, 2005. On April 15, 2005 Applicant mailed the Applicant's 2nd Amended Answers to Opposer's First Set of Interrogatories and Production of Documents. Copies of these documents are enclosed. These documents were not returned to Applicant and it was assumed that they were received by the Trademark and Appeal Board and Opposer's attorney.

The Applicant's April 15, 2005, 2nd Amended discovery answers provides all requested information contained in your May 10, 2005 letter. Please let me know if there is any additional information that you may need.

Sincerely,



William G. Sykes

cc: Jill M. Pietrini, Esquire
Patricia G. Briden



06-03-2005

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

<p><i>In re Matter of Application No. 78/223,428 for the mark: SOCK-UM</i></p> <p>Mattel, Inc., Opposer,</p> <p>Vs.</p> <p>Patricia G. Briden, Applicant.</p>	<p>Opposition No. 91-160087</p> <p>APPLICANT'S 2nd AMENDED ANSWERS TO OPPOSER'S FIRST SET OF INTERROGATORIES AND PRODUCTION OF DOCUMENTS AND OPPOSER'S MOTION TO COMPEL RESPONSES TO FIRST SET OF INTERROGATORIES</p>
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Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure and 37 C.F.R. §2.120, Applicant, Patricia G. Briden ("Applicant") files 2ND Amended Answers to Mattel, Inc. ("Opposer"), first set of Interrogatories and Production of Documents and Opposer's Motion to Compel Responses in writing and under oath as follows:

INTERROGATORY NO. 3:

For each product or service offered under or intended to be offered under the SOCK-UM Mark, describe in detail the channels of trade in which such products or services are offered or are intended to be offered, including, without limitation, the type of outlet from which each such product or service is distributed from.

ANSWER:

The child's game has not been used in commerce. The intention of the Applicant is to license the game to a retail company that markets and sells

child's games. The Applicant intends on contacting the following toy and game brokers that are in the business of licensing child's games to retail companies that market and sell child's games to the public; Jonathan Becker, Anjar Company; George Delaney, Delaney Product Development; Andrew Berton, Excel Development Group; Frank Young, Franklin Associates; Paul Lapidus, TTG/New Funtiers; Gary Carlin, Inventor's Greenhouse; Michael Marra, Marra Design Associates; Michael Molinoff, Electronic Licensing Organization, Inc.; Frederick Fierst, Fierst and Pucci; Jeff Hibert, Hibert Interactive; Mike Trunfio, Invention Incubator; Shelly Goldberg, Lot O Fun Marketing; Carol Rehtmeyer, Rehtmeyer Desing & Licensing; Dan Lauer, Haystack Toys, Inc.; Richard Blank, How Rich Unlimited, LLC; and Bob Fulner, Nextoy.

INTERROGATORY NO. 4:

For each product or service offered under or intended to be offered under the SOCK-UM Mark, describe in detail the demographic market to which those products or services are offered under or intended to be offered.

ANSWER:

The Applicant intends on having retail stores in every State of the United States marketing and selling the child's game.

INTERROGATORY NO. 24:

Identify the geographic areas in which Applicant sells or intends to sell products or services offered under the SOCK-UM Mark.

ANSWER:

The Applicant intends on having retail stores in every State of the United States marketing and selling the child's game.

INTERROGATORY NO. 31:

Identify and describe all third party uses, names, and trademarks containing

ROCK'EM or SOCK'EM or the phonetic equivalent of either, upon which Applicant intends to rely in this case, and for each such third party use, name, or trademark, state the following:

- (a) the user or owner of such third party use, name or mark;
- (b) the address and telephone number and/or email or website address for each such user or owner;
- (c) the goods or services associated with each third party use, name or mark;
- (d) the geographic location of the sales or advertising associated with each third party use, name or mark;
- (e) the total units sold of any product bearing or offered under such third party revenue generated from any products or services bearing or offered under such third party use, name or mark.
- (f) the total revenue generated from any products or services bearing or offered under such third party use, name or mark.

ANSWER:

ROCK'EM SOCK'EM HOCKEY. The third party user or owner is Don Cherry; his address and telephone number is unknown to Applicant; his website is www.epinions.com; this is a video about hockey; this video is advertised all over the world on the internet; the Applicant has no knowledge of the total units sold or the revenue generated from the product.

SOC 'EM. The third party user or owner is Counter Assault Corporation Montana; their address is 120 Industry Court, Kalispell, Montana 59901; this is a trademark; the Applicant does not know the geographic location of the sales or advertising associated with this trademark; the Applicant has no knowledge of the total units sold or the revenue generated from the product.

SOCK'EM BOPPERS. The third party user or owner is Big Time Toys, LLC; their address is 42 Wyn Oak, Nashville, Tennessee, 37205, the telephone number is unknown to Applicant; this is an inflatable toy in the nature of hand covers; the Applicant does not know the geographic location of the sales or advertising associated with this trademark; the Applicant has no knowledge of

the total units sold or the revenue generated from the product.

BLOCKEM-SOCKEM PADDLE BAT. The third party user or owner is Jack Mack, Inc.; their address is 808 First Avenue, South Buffalo, Minnesota 55313; the telephone number is unknown to Applicant; this is a paddle ball game and paddle; the Applicant does not know the geographic location of the sales or advertising associated with this trademark; the Applicant has no knowledge of the total units sold or the revenue generated from the product.

SOCK'EM. The third party user or owner is Clip-it Company; their address is Karihaugveien 89 N-1086, Oslo, Norway; the telephone number is unknown to Applicant; this is a non-metal clothing clips and non-metal stocking clips; the Applicant does not know the geographic location of the sales or advertising associated with this trademark; the Applicant has no knowledge of the total units sold or the revenue generated from the product.

SOCKEM DOG. The third party user or owner is Craig W. Ewing; his address is 1429 Woodford Road, Clemmons, North Carolina 27012; the telephone number is unknown to Applicant; this is a trademark for café and bar services; the Applicant does not know the geographic location of the sales or advertising associated with this trademark; the Applicant has no knowledge of the total units sold or the revenue generated from the product.

Other third party names and trademarks may come up during discovery. This interrogatory will be amended as the new names and trademarks are discovered.

INTERROGATORY NO. 32:

Identify and describe in detail each product or service with a similar name to ROCK'EM SOCK'EM Marks upon which Applicant intends to rely. For each identification, describe the product, state the name of the product, identify the individual(s) with knowledge of the product with a similar name, the date the product with a similar name was first discovered, how the product with a similar name was discovered, identify the manufacturer of the product, and specify where the product with a similar name was viewed (e.g. particular website, particular magazine, etc.).

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