

ESTTA Tracking number: **ESTTA296132**

Filing date: **07/20/2009**

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

Proceeding	91184213
Party	Plaintiff Galaxy Metal Gear, Inc.
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Date	07/20/2009
Attachments	galaxy-ttab-req judicial notice.pdf (3 pages)(56815 bytes) galaxy-ttab-dictionary.pdf (3 pages)(207125 bytes)

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

In the matter of Application Serial No.: 78914975
Filed: 6/22/2006
Mark: METAL GEAR

GALAXY METAL GEAR, INC., Opposer, vs. DIRECT ACCESS TECHNOLOGY, INC. Applicant.

Opposition No.: 91184213

Action filed: May 20, 2008

**OPPOSER'S REQUEST FOR JUDICIAL
NOTICE OF DICTIONARY DEFINITIONS**

**OPPOSER'S REQUEST FOR JUDICIAL NOTICE OF
DICTIONARY DEFINITIONS**

Pursuant to TBMP §704.12(a); *University of Notre Dame du Lac v. J.C. Gourmet Food Imports Co.*, 213 USPQ 594 (TTAB 1982), *aff'd*, 703 F.2d 1372, 217 USPQ 505 (Fed. Cir. 1983), Opposer Galaxy Metal Gear, Inc., hereby requests that judicial notice be taken of dictionary definitions of the words "equipment," "metal," and "gear."

Definitions of these terms from the Merriam-Webster website are attached. Judicial notice should be taken of these dictionary definitions as they are facts capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned.

Respectfully submitted,

Dated: July 17, 2009



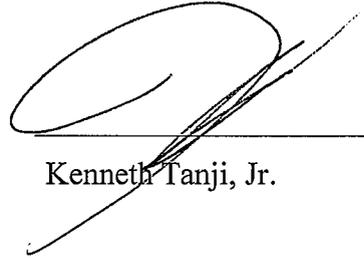
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WorldEsquire Law Firm
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CERTIFICATE OF SERVICE

The undersigned Attorney hereby certifies that a true copy of the foregoing
OPPOSER'S REQUEST FOR JUDICIAL NOTICE OF DICTIONARY DEFINITIONS
was served by depositing a copy of same in the United States mail, first class postage
prepaid, to the following address on JULY 20, 2009.

Michael Olson, Esq.
Law Office of Michael C. Olson
1400 Bristol St. N.
Suite 270
Newport Beach, CA 92660



Kenneth Tanji, Jr.



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Main Entry: **equipment**

Pronunciation: \i-'kwip-mənt\

Function: *noun*

Date: 1651

1 a : the set of articles or physical resources serving to equip a person or thing; as (1) : the implements used in an operation or activity : **APPARATUS** <Sports *equipment*> (2) : all the fixed assets other than land and buildings of a business enterprise (3) : the rolling stock of a railway **b** : a piece of such equipment

2 a : the **equipping** of a person or thing **b** : the state of being **equipped**

3 : mental or emotional traits or resources : **ENDOWMENT**

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"equipment." *Merriam-Webster Online Dictionary*. 2009.

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equipment. (2009). In *Merriam-Webster Online Dictionary*.

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gear

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- 1** gear (noun)
- 2** gear (verb)
- bevel gear
- differential gear

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Main Entry: **1**gear **1**

Pronunciation: \ˈgɪr\

Function: *noun*

Etymology: Middle English *gere*, from Old Norse *gervi*, *gǫrvi*; akin to Old English *gearwe* equipment, clothing, *gearu* ready — more at [YARE](#)

Date: 14th century

1 a : [CLOTHING](#), [GARMENTS](#) **b :** movable property : [GOODS](#)

2 : [EQUIPMENT](#), [PARAPHERNALIA](#) <fishing gear>

3 a : the rigging of a ship or boat **b :** the harness especially of horses

4 *dialect chiefly British* : absurd talk : [NONSENSE](#)

5 *dialect chiefly British* : [DOINGS](#)

6 a (1) : a mechanism that performs a specific function in a complete machine <steering gear> **(2) :** a toothed wheel **(3) :** working relation, position, order, or adjustment <got her career in gear> **(4) :** a level or pace of functioning <kicked their performance into high gear> **b :** one of two or more adjustments of a transmission (as of a bicycle or motor vehicle) that determine mechanical advantage, relative speed, and direction of travel

— **gear-less** **1** \-ləs\ *adjective*

[\[GEAR ILLUSTRATION\]](#)

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- 1 metal (noun)
- 2 metal (transitive verb)
- alkali metal
- alkaline earth metal

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www.Monex.com/How-To-Trade

Main Entry: ¹metal **n**
Pronunciation: \ˈme-təl
Function: *noun*
Usage: *often attributive*
Etymology: Middle English, from Anglo-French, from Latin *metallum* mine, metal, from Greek *metallon*
Date: 14th century

1 : any of various opaque, fusible, ductile, and typically lustrous substances that are good conductors of electricity and heat, form cations by loss of electrons, and yield basic oxides and hydroxides ; *especially* : one that is a chemical element as distinguished from an alloy

2 a : **METAL** **1 a b** : the substance out of which a person or thing is made
3 : glass in its molten state
4 a : printing type metal **b** : matter set in metal type

5 : **ROAD METAL**

6 : **HEAVY METAL**

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