

ESTTA Tracking number: **ESTTA315708**

Filing date: **11/06/2009**

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

Proceeding	91184213
Party	Defendant Direct Access Technology, Inc.
Correspondence Address	MICHAEL C. OLSON 1400 BRISTOL STREET N SUITE 270 NEWPORT BEACH, CA 92660 UNITED STATES molson@lawyer.com
Submission	Defendant's Notice of Reliance
Filer's Name	Michael C. Olson
Filer's e-mail	molson@lawyer.com
Signature	/mco/
Date	11/06/2009
Attachments	dat.notice.reliance.002.pdf (9 pages)(236308 bytes)

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

**In the matter of Trademark Application Serial No. 78914975
For the mark, METAL GEAR**

Galaxy Metal Gear, Inc.)	
)	Opposition No. 91184213
Opposer)	
)	
v.)	
)	NOTICE OF RELIANCE
)	
Direct Access Technology, Inc.)	
)	
Applicant)	

**APPLICANT'S NOTICE OF RELIANCE
ON THIRD PARTY REGISTRATION**

Pursuant to TBMP § 704.03(b)(1)(B), Applicant, Direct Access Technology, Inc. hereby gives notice of its intent to rely on a third party registration for Metal Gear a copy of which is attached hereto.

Opposition No. 91184213

November 6, 2009

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "m. c. olson", written over a horizontal line.

Michael C. Olson Reg. No. 45,728

LAW OFFICE OF MICHAEL C. OLSON, P.C.

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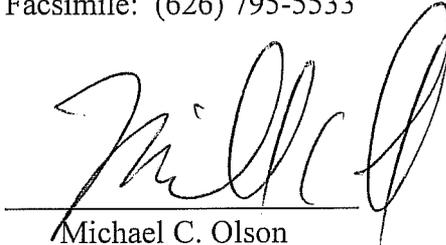
Attorneys for Applicant
Direct Access Technology, Inc.

Opposition No. 91184213

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the foregoing **NOTICE OF RELIANCE** with attachments was served on Jen-Feng Lee, counsel for applicant on this 6th day of November, 2009 by depositing a copy of the same in the United States mail, first class postage prepaid, addressed to:

Jen-Feng Lee, Esq.
World Esquire Law Firm, LLP
80 South Lake Avenue, Ste 708
Pasadena, CA 91101
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Michael C. Olson



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METAL GEAR

Word Mark	METAL GEAR
Goods and Services	IC 011. US 013 021 023 031 034. G & S: Flashlights. FIRST USE: 20050703. FIRST USE IN COMMERCE: 20050703
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	78622615
Filing Date	May 4, 2005
Current Filing Basis	1A
Original Filing Basis	1B
Published for Opposition	March 7, 2006
Registration Number	3190111
Registration Date	December 26, 2006
Owner	(REGISTRANT) Dorcy International, Inc. CORPORATION OHIO 2700 Port Road Columbus OHIO 43217
Attorney of Record	Kathleen A. Kress
Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "METAL" APART FROM THE MARK AS SHOWN
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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No assignment has been recorded at the USPTO

For Serial Number: 78622615

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Web interface last modified: October 18, 2008 v.2.0.2

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Serial Number: 78622615 [Assignment Information](#) [Trademark Document Retrieval](#)

Registration Number: 3190111

Mark

METAL GEAR

(words only): METAL GEAR

Standard Character claim: Yes

Current Status: Registered.

Date of Status: 2006-12-26

Filing Date: 2005-05-04

Transformed into a National Application: No

Registration Date: 2006-12-26

Register: Principal

Law Office Assigned: LAW OFFICE 111

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2006-11-17

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Dorcy International, Inc.

Address:

Dorcy International, Inc.
2700 Port Road

Columbus, OH 43217
United States
Legal Entity Type: Corporation
State or Country of Incorporation: Ohio
Phone Number: 614/497-5830

GOODS AND/OR SERVICES

International Class: 011
Class Status: Active
Flashlights
Basis: 1(a)
First Use Date: 2005-07-03
First Use in Commerce Date: 2005-07-03

ADDITIONAL INFORMATION

Disclaimer: "METAL"

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2006-12-26 - Registered - Principal Register
2006-11-15 - Law Office Registration Review Completed
2006-11-01 - Assigned To LIE
2006-10-25 - Allowed for Registration - Principal Register (SOU accepted)
2006-10-20 - Statement of use processing complete
2006-09-22 - Amendment to Use filed
2006-09-22 - TEAS Statement of Use Received
2006-05-30 - Noa Mailed - SOU Required From Applicant
2006-03-07 - Published for opposition
2006-02-15 - Notice of publication

2006-01-26 - Law Office Publication Review Completed

2006-01-20 - Assigned To LIE

2006-01-04 - Approved for Pub - Principal Register (Initial exam)

2006-01-04 - Teas/Email Correspondence Entered

2005-12-29 - Communication received from applicant

2005-12-29 - TEAS Response to Office Action Received

2005-12-05 - Non-final action e-mailed

2005-12-05 - Non-Final Action Written

2005-12-02 - Assigned To Examiner

2005-05-12 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

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Correspondent

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