

ESTTA Tracking number: **ESTTA342893**

Filing date: **04/19/2010**

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

Notice of Opposition

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

Opposer Information

Name	Frank Frazetta Jr.		
Entity	Individual	Citizenship	UNITED STATES
Address	53 Washington Street East Stroudsburg, PA 18301 UNITED STATES		

Correspondence information	Frank Frazetta Jr. 53 Washington Street East Stroudsburg, PA 18301 UNITED STATES frazettatwins@yahoo.com, tkessler.att@prodigy.net Phone:212-477-3200		
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Applicant Information

Application No	77849556	Publication date	03/23/2010
Opposition Filing Date	04/19/2010	Opposition Period Ends	04/22/2010
Applicant	Frazetta Properties LLC P.O. Box 919 Marshalls Creek, PA 18335 UNITED STATES		

Goods/Services Affected by Opposition

Class 016. First Use: 1995/07/31 First Use In Commerce: 1995/07/31 All goods and services in the class are opposed, namely: Publications in the form of comic books and comic magazines
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Grounds for Opposition

Deceptiveness	Trademark Act section 2(a)
False suggestion of a connection	Trademark Act section 2(a)
<i>Torres v. Cantine Torresella S.r.l.Fraud</i>	808 F.2d 46, 1 USPQ2d 1483 (Fed. Cir. 1986)
Other	Registrant does not have rights to the name DEATH DEALER

Attachments	notice of opposition.pdf (1 page)(25125 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Frank Frazetta Jr./
Name	Frank Frazetta Jr.
Date	04/19/2010

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

In the Matter of Trademark Application SERIAL NUMBER: 77849566

For the Mark: DEATH DEALER

Published in the Official Gazette on March 23, 2010

Frank Frazetta, Jr. in Trust for Frank Frazetta, Sr.

v.

Frazetta Properties LLC

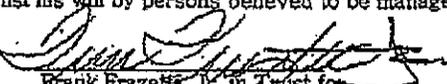
NOTICE OF OPPOSITION

Frank Frazetta, Jr.
53 Washington St.
E. Stroudsburg, Pennsylvania 18301

THE ABOVE IDENTIFIED OPPOSER BELIEVES THAT HE WILL BE DAMAGED BY REGISTRATION OF THE MARK SHOWN IN THE ABOVE IDENTIFIED APPLICATION, AND HEREBY OPPOSES THE SAME.

The grounds for opposition are as follows:

1. Frank Frazetta, Sr. owns the rights to the term Death Dealer. He is the prior holder of the trademark on these words. Frank Frazetta, Sr. has used and licensed the term Death Dealer. Upon information and belief, no legitimate transfer has been made by Frank Frazetta, Sr.
2. Frazetta Properties LLC does not have rights to the term Death Dealer.
3. That Frank Frazetta, Sr. did not assign his rights to the term Death Dealer to anyone, including Frazetta Properties LLC.
4. Any alleged agreement between Frank Frazetta, Sr. and Frazetta Properties LLC is, upon information and belief, a fraudulent document.
5. Frank Frazetta, Sr. is incapable of making this application on his own behalf as he is, upon information and belief, being held against his will by persons believed to be managers of Frazetta Properties LLC who exert undue influence and coercion upon him.

By: 
Frank Frazetta, Jr. in Trust for
Frank Frazetta, Sr.

Date: April 6, 2010