

ESTTA Tracking number: **ESTTA606528**

Filing date: **05/27/2014**

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

Proceeding	91200643
Party	Defendant Nowlan Family Trust
Correspondence Address	JOHN J OMALLEY VOLPE AND KOENIG PC 30 S 17TH STREET, UNITED PLAZA PHILADELPHIA, PA 19103 UNITED STATES Jomalley@vklaw.com, ktinker@vklaw.com, trademarks@vklaw.com
Submission	Defendant's Notice of Reliance
Filer's Name	John J. O'Malley
Filer's e-mail	trademarks@vklaw.com, jomalley@vklaw.com, ktinker@vklaw.com
Signature	/John J. O'Malley/
Date	05/27/2014
Attachments	Notice of Reliance-Applicant-20140527.pdf(411619 bytes)

TRADEMARK

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

In the Trademark Opposition of:

Mark: BUCK ROGERS
Serial No.: 77/650,082
Filed: January 15, 2009

Opposition No. 91200643

Dille Family Trust,
Opposer

v.

Nowlan Family Trust,
Applicant

**APPLICANT, NOWLAN FAMILY TRUST'S
NOTICE OF RELIANCE**

Pursuant to C.F.R. § 2.122, Nowlan Family Trust ("Applicant") hereby introduces into evidence the following:

Pursuant to Trademark Rules 2.122 and 37 C.F.R. 2.122, Opposer hereby introduces into evidence copies of the following:

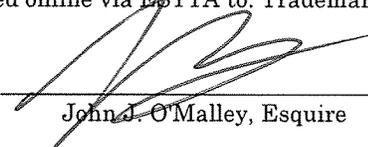
1. Copy of the computer-generated TSDR status page for Application No. 77/650,082 printed from the USPTO's TSDR internet website page at <http://tsdr.uspto.gov/> (Applicant's Exhibit A).

* * *

Certificate of Filing

I hereby certify that this correspondence is filed online via ESTTA to: Trademark Trial and Appeal Board on 5/27/2014.

5/27/14
Date of Signature


John J. O'Malley, Esquire

Respectfully submitted,

NOWLAN FAMILY TRUST

Date: May 27, 2014

By s/John J. O'Malley
John J. O'Malley
Volpe and Koenig, P.C.
United Plaza
30 South 17th Street
Philadelphia, PA 19103
(215) 568-6400
Attorney for Applicant

JJO/kat

APPLICANT'S EXHIBIT A

Generated on: This page was generated by TSDR on 2014-05-27 19:20:56 EDT

Mark: BUCK ROGERS

BUCK ROGERS

US Serial Number: 77650082

Application Filing Date: Jan. 15, 2009

Register: Principal

Mark Type: Trademark, Service Mark

Status: An opposition after publication is pending at the Trademark Trial and Appeal Board. For further information, see TTABVue on the Trademark Trial and Appeal Board web page.

Status Date: Jul. 12, 2011

Publication Date: Jun. 14, 2011

Mark Information

Mark Literal Elements: BUCK ROGERS

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Name Portrait Consent: The name shown in the mark does not identify a particular individual.

Related Properties Information

International Registration Number: 1022754

International Application(s) /Registration(s) Based on this Property: A0016591/1022754

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks "*" identify additional (new) wording in the goods/services.

For: Motion picture films about science fiction, fantasy heroism and action adventure; science fiction, and motion picture films about fantasy heroism and action adventure for broadcast on broadcast mediums; audio tapes, audio-video tapes, audio video cassettes, audio video discs, and digital versatile discs featuring music, comedy, drama, action, adventure, and animation; stereo headphones; batteries; cordless telephones; audio cassette and CD players; CD ROM computer game discs; telephone and radio pagers; short motion picture films about science fiction, fantasy heroism and action adventure and adventure; video cassette recorders and players, compact disc players, digital audio recorders and players; radios; mouse pads; eyeglasses, sunglasses and cases therefore; game equipment, namely, video game machines for use with televisions, hand-held electronic games adapted for use with television receivers only and player operated electronic controllers for electronic video game machines; video and computer game programs; video game cartridges and cassettes; cellular telephone accessories, namely, cell phone covers, batteries, fitted plastic films known as skins for covering and providing a scratch proof barrier, decorative charms, decorative ornaments, headsets, boosters, connectivity kits and memory cards; encoded magnetic cards

International Class(es): 009 - Primary Class

U.S Class(es): 021, 023, 026, 036, 038

Class Status: ACTIVE

Basis: 1(b)

For: Printed matter and paper goods, namely, books featuring science fiction, fantasy heroism and action adventure, comic books, magazines featuring science fiction, fantasy heroism and action adventure; stationery, writing paper, envelopes, notebooks, diaries, note cards, greeting cards, trading cards; lithographs; pens, pencils, cases therefor, erasers, crayons, markers, colored pencils, painting sets for children, chalk and chalkboards; decals, heat transfers; posters; mounted and unmounted photographs; book covers, book marks, calendars, gift wrapping paper; Paper party decorations; Printed patterns for costumes, pajamas, sweatshirts and t-shirts; paper party favors

International Class(es): 016 - Primary Class

U.S Class(es): 002, 005, 022, 023, 029, 037, 038, 050

Class Status: ACTIVE

Basis: 1(b)

For: Clothing, namely, pajamas, t-shirts, shirts, jumpers, sweatshirts, vests, coats, jackets, overcoats, trousers, shorts, socks, gloves, ties, scarves, skirts, underwear, footwear; headgear, namely, hats, caps, head scarves, baseball caps and headbands, clothing accessories, namely, belts, gloves, suspenders, sweat bands, straps for bras

International Class(es): 025 - Primary Class

U.S Class(es): 022, 039

Class Status: ACTIVE

Basis: 1(b)

For: Toys, namely, musical toys, inflatable toys, electric action toys, punch toys, plush toys, talking toys, toy cars, role-playing toys in the nature of play sets for children to imitate real life occupations, toy boats, toy airplanes, toy weapons, toy rocket ships, construction toys, toy putty, toy scooters, toy action figures and accessories for use with toy action figures, toy model vehicles, water squirting toys and toy model space craft, toy building blocks, toy model hobby craft kits comprising paints, beads, ceramics, plastics, crayons, stencils, toy model vehicles and related accessories sold as a units, toy modeling dough kits comprising toy modeling dough, molds and accessories for use therewith sold as units, toy vehicles, toy weapons, toy model vehicles and accessories therefor sold as a unit, wind-up toys and miniature toy helmets; sporting goods, namely, beach balls, playground balls, soccer balls, sport balls, baseball balls, basketball balls, baseball bats, and baseball gloves; games, namely, action type target games, board games, card games, hand held units for playing electronic games other than those adapted for use with an external display screen or monitor, virtual arcade shooting game machines, trading card games, parlor games, action skill games, coin operated and non-coin operated pinball machine games, stand alone video game machines, collectible card games, and collectible miniature board games

International Class(es): 028 - Primary Class

U.S Class(es): 022, 023, 038, 050

Class Status: ACTIVE

Basis: 1(b)

For: Entertainment services, namely, an on-going series provided through broadcast mediums, namely, television, webcasts, and radio broadcasts

International Class(es): 041 - Primary Class

U.S Class(es): 100, 101, 107

Class Status: ACTIVE

Basis: 1(b)

Basis Information (Case Level)

Filed Use: No	Currently Use: No	Amended Use: No
Filed ITU: Yes	Currently ITU: Yes	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: Nowlan Family Trust
Composed of: Brian McDevitt, Trustee, a US Citizen
Owner Address: 325 Swede Street
Norristown, PENNSYLVANIA 19401
UNITED STATES
Legal Entity Type: TRUST
State or Country Where Organized: PENNSYLVANIA

Attorney/Correspondence Information

Attorney of Record
Attorney Name: Kristine L. Butler
Attorney Primary Email Address: trademarks@vklaw.com
Docket Number: PFN-TM001
Attorney Email Authorized: Yes

Correspondent
Correspondent Name/Address: JOHN J OMALLEY
VOLPE AND KOENIG PC
30 S 17TH STREET
UNITED PLAZA
PHILADELPHIA, PENNSYLVANIA 19103
UNITED STATES
Phone: 215-568-6400
Fax: 215-568-6499
Correspondent e-mail: trademarks@vklaw.com
Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jul. 12, 2011	OPPOSITION INSTITUTED NO. 999999	200643
Jul. 12, 2011	OPPOSITION PAPERS RECEIVED AT TTAB	
Jun. 14, 2011	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	

Jun. 14, 2011	PUBLISHED FOR OPPOSITION	
May 11, 2011	LAW OFFICE PUBLICATION REVIEW COMPLETED	68552
May 10, 2011	APPROVED FOR PUB - PRINCIPAL REGISTER	
May 10, 2011	EXAMINER'S AMENDMENT ENTERED	88888
May 10, 2011	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
May 10, 2011	EXAMINERS AMENDMENT E-MAILED	6328
May 10, 2011	EXAMINERS AMENDMENT -WRITTEN	76079
May 09, 2011	DATA MODIFICATION COMPLETED	68552
May 04, 2011	ASSIGNED TO EXAMINER	76079
Apr. 08, 2011	ATTORNEY REVOKED AND/OR APPOINTED	
Apr. 08, 2011	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Apr. 09, 2011	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Apr. 08, 2011	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Apr. 08, 2011	TEAS RESPONSE TO SUSPENSION INQUIRY RECEIVED	
Nov. 12, 2010	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	68552
May 07, 2010	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	68552
Nov. 05, 2009	LETTER OF SUSPENSION MAILED	
Nov. 04, 2009	SUSPENSION LETTER WRITTEN	81091
Oct. 14, 2009	TEAS/EMAIL CORRESPONDENCE ENTERED	68552
Oct. 14, 2009	CORRESPONDENCE RECEIVED IN LAW OFFICE	68552
Oct. 12, 2009	ASSIGNED TO LIE	68552
Sep. 30, 2009	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Mar. 30, 2009	NON-FINAL ACTION MAILED	
Mar. 30, 2009	NON-FINAL ACTION WRITTEN	81091
Mar. 27, 2009	ASSIGNED TO EXAMINER	81091
Jan. 30, 2009	APPLICANT AMENDMENT PRIOR TO EXAMINATION - ENTERED	76529
Jan. 30, 2009	ASSIGNED TO LIE	76529
Jan. 27, 2009	TEAS VOLUNTARY AMENDMENT RECEIVED	
Jan. 21, 2009	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information

TM Attorney: ENGEL, MICHAEL L

Law Office Assigned: LAW OFFICE 107

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: May 11, 2011

Proceedings

Summary

Number of Proceedings: 1

Type of Proceeding: Opposition

Proceeding Number: 91200643

Filing Date: Jul 12, 2011

Status: Pending

Status Date: Jul 12, 2011

Interlocutory Attorney: BENJAMIN U OKEKE

Defendant

Name: Nowlan Family Trust

Correspondent Address: JOHN J OMALLEY
VOLPE AND KOENIG PC
30 S 17TH STREET, UNITED PLAZA
PHILADELPHIA PA , 19103
UNITED STATES

Correspondent e-mail: Jomalley@vklaw.com , ktinker@vklaw.com , trademarks@vklaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
BUCK ROGERS	Opposition Pending Plaintiff(s)	<u>77650082</u>	

Name: Dille Family Trust
Correspondent Address: DANIEL I HERMAN
 KLOSS STENGER & LOTEMPIO
 69 DELAWARE AVENUE, SUITE 1002
 BUFFALO NY , 14202
 UNITED STATES

Correspondent e-mail: daniel@geerandherman.com , vglotempio@klosslaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
BUCK ROGERS	Report Completed Suspension Check - Case Still Suspended	<u>77831393</u>	
BUCK ROGERS	Report Completed Suspension Check - Case Still Suspended	<u>77831213</u>	
BUCK ROGERS	Cancelled - Section 18	<u>72100230</u>	<u>714184</u>
BUCK ROGERS	Cancelled - Section 18	<u>73755284</u>	<u>1555871</u>

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jul 12, 2011	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jul 12, 2011	Aug 21, 2011
3	PENDING, INSTITUTED	Jul 12, 2011	
4	ANSWER	Aug 22, 2011	
5	P'S MOTION FOR AN EXTENSION OF TIME	Nov 18, 2011	
6	D'S OPPOSITION/RESPONSE TO MOTION	Dec 08, 2011	
7	TRIAL DATES RESET	Feb 09, 2012	
8	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Mar 19, 2012	
9	EXTENSION OF TIME GRANTED	Mar 19, 2012	
10	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Apr 17, 2012	
11	EXTENSION OF TIME GRANTED	Apr 27, 2012	
12	P'S MOT FOR EXTEN. OF TIME W/ CONSENT	Jun 01, 2012	
13	EXTENSION OF TIME GRANTED	Jun 01, 2012	
14	CHANGE OF CORRESPONDENCE ADDRESS	Jun 05, 2012	
15	P'S MOTION TO COMPEL DISCOVERY	Jun 13, 2012	
16	SUSPENDED PENDING DISP OF OUTSTNDNG MOT	Jun 15, 2012	
17	D'S OPPOSITION/RESPONSE TO MOTION	Jul 03, 2012	
18	P'S REPLY IN SUPPORT OF MOTION	Aug 06, 2012	
19	D'S MOTION TO STRIKE	Aug 10, 2012	
20	DEF'S REQUEST FOR STATUS	Sep 19, 2012	
21	DEF'S REQUEST FOR STATUS	Dec 14, 2012	
22	TRIAL DATES RESET	Jan 14, 2013	
23	D MOT FOR JGT ON PLEADINGS	Mar 22, 2013	
24	SUSP PEND DISP OF OUTSTNDNG MOT	Apr 05, 2013	
25	P OPP/RESP TO MOTION	Apr 10, 2013	
26	P OPP/RESP TO MOTION	Apr 11, 2013	
27	D REPLY IN SUPPORT OF MOTION	Apr 30, 2013	
28	TRIAL DATES RESET	Aug 07, 2013	
29	P MOT FOR EXT W/ CONSENT	Aug 27, 2013	
30	EXTENSION OF TIME GRANTED	Sep 10, 2013	

31	P APPEARANCE / POWER OF ATTORNEY	Oct 11, 2013
32	P APPEARANCE / POWER OF ATTORNEY	Oct 11, 2013
33	D MOT FOR EXT W/ CONSENT	Oct 18, 2013
34	EXTENSION OF TIME GRANTED	Nov 15, 2013
35	P MOT FOR EXT W/ CONSENT	Nov 26, 2013
36	PAPER RECEIVED AT TTAB	Dec 26, 2013
37	D OPP/RESP TO MOTION	Jan 13, 2014
38	PROCEEDINGS RESUMED	Jan 17, 2014
39	P NOTICE OF RELIANCE	Mar 26, 2014
40	P TESTIMONY	Apr 25, 2014
41	P TESTIMONY	Apr 25, 2014
42	PAPER RECEIVED AT TTAB	May 22, 2014

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Applicant's Notice or Reliance was served on Applicant's Attorney of Record by electronic and first-class mail, postage pre-paid, to the following:

Vincent G. LoTempio, Esq.
Kloss, Stenger & LoTempio
69 Delaware Avenue, Suite 1002
Buffalo, NY 14202
vglotempio@klosslaw.com

Date: May 27, 2014

By: s/John J. O'Malley
John J. O'Malley, Esquire