

ESTTA Tracking number: **ESTTA631647**

Filing date: **10/08/2014**

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

| | |
|------------------------|--|
| Proceeding | 91200643 |
| Party | Plaintiff Dille Family Trust |
| Correspondence Address | DANIEL I HERMAN KLOSS STENGER & LOTEMPIO 69 DELAWARE AVENUE, SUITE 1002 BUFFALO, NY 14202 UNITED STATES daniel@geerandherman.com, vglotempio@klosslaw.com |
| Submission | Plaintiff's Notice of Reliance |
| Filer's Name | Vincent G. LoTempio |
| Filer's e-mail | vglotempio@klosslaw.com, ajolek@klosslaw.com |
| Signature | /vgl/ |
| Date | 10/08/2014 |
| Attachments | Dille Amended Notice of Reliance.pdf(3258904 bytes) |

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

| | | |
|---------------------------------|---|--------------------------|
| In the Trademark Opposition of: |) | |
| |) | |
| Mark: BUCK ROGERS |) | |
| Appl. No. 77/650082 |) | Opposition No.: 91200643 |
| Filed: July 12, 2011 |) | |
| Published: June 14, 2011 |) | Date: October 8, 2014 |
| |) | |
| DILLE FAMILY TRUST, |) | |
| Opposer, |) | |
| |) | |
| vs. |) | |
| |) | |
| NOWLAN FAMILY TRUST, |) | |
| Applicant. |) | |
| _____ |) | |

OPPOSER’S REVISED NOTICE OF RELIANCE

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

Dear Sir or Madam:

Pursuant to the Order of the Trademark Trial and Appeal Board mailed on October 3, 2014, Opposer Dille Family Trust submits this Revised Notice of Reliance for the above-captioned matter.

Opposer, Dille Family Trust, pursuant to 37 C.F.R. § 2.122, makes the following of record:

1. Summary from USPTO.gov website for Opposer’s application number 77831213 for the mark “Buck Rogers”. The relevant pages to be read are page 1 and 2. The relevant sections of this document are the “Word Mark” and “Goods and Services” sections. The “Goods and

Services” section indicates the dates of first use in commerce of the mark by the Dille Family Trust.

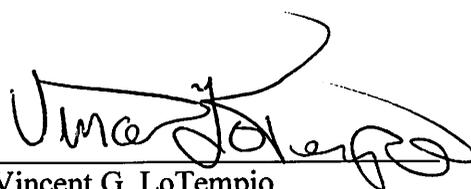
2. Summary from USPTO.gov website for Opposer’s application number 77831393 for the mark “Buck Rogers”. The relevant pages to be read are page 1 and 2. The relevant sections of this document are the “Word Mark” and “Goods and Services” sections. The “Goods and Services” section indicates the dates of first use in commerce of the mark by the Dille Family Trust.

3. Copy of pages 300-303 from *Previews* November 2012 edition featuring Buck Rogers comic books for sale. The pages from *Previews* are relevant as they demonstrate use of the Buck Rogers mark by the Dille Family Trust in commerce through the sale of comic books. Pages 300-303 of the *Previews* November 2012 edition also show the potential for a likelihood of confusion should Applicant be granted rights in the “Buck Rogers” mark. Consumers have long recognized the Buck Rogers mark used by the Dille Family Trust, as published by Hermes Press; use of the mark by Applicant would confuse the consumer, and dilute the goodwill the Dille Family Trust has achieved with consumers through its years of using the mark in commerce.

The above-described documents are filed concurrently herewith.

Dated: October 8, 2014

By:



Vincent G. LoTempio
KLOSS, STENGER & LOTEMPIO
Attorneys for Opposer
69 Delaware Avenue, Suite 1003
Buffalo, NY 14202
Telephone: (716) 853-1111
Email: vglotempio@klosslaw.com

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the foregoing Opposer's Notice Reliance was served upon Applicant via first class mail, postage prepaid, in an envelope addressed to:

John J. O'Malley, Esq.
Volpe and Koenig P.C.
United Plaza
30 South 17th Street
Philadelphia, PA 19103
jomalley@vklaw.com

Dated: October 8, 2014

By:


Vincent G. LoTempio, Esq.



United States Patent and Trademark Office

Home | Site Index | Search | FAQ | Glossary | Guides | Contacts | eBusiness | eBiz alerts | News | Help

Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Thu Mar 20 03:10:26 EDT 2014

TESS HOME NEW USER STRUCTURED FREE FORM BROWSE DICT SEARCH OG BOTTOM HELP PREV LIST CURR LIST NEXT LIST FIRST DOC PREV DOC NEXT DOC

LAST DOC

Logout

Please logout when you are done to release system resources allocated for you.

Start List At: OR Jump to record: **Record 4 out of 17**

TSDR ASSIGN Status TTAB Status (Use the "Back" button of the Internet Browser to return to TESS)

BUCK ROGERS

Word Mark BUCK ROGERS

Goods and Services IC 009. US 021 023 026 036 038. G & S: Motion picture films featuring science fiction and adventure; audio-visual recordings featuring science fiction and adventure; Audiovisual recordings featuring a series of television programs featuring science fiction and adventure; downloadable audio visual recordings featuring science fiction and adventure; sound recordings featuring musical soundtracks; downloadable sound recordings featuring musical soundtracks. FIRST USE: 19390000. FIRST USE IN COMMERCE: 19390000

IC 016. US 002 005 022 023 029 037 038 050. G & S: A series of books featuring a collection of comic strips and information on comic strips; a series of fiction books; comic books. FIRST USE: 19320000. FIRST USE IN COMMERCE: 19320000

IC 020. US 002 013 022 025 032 050. G & S: Figurines made of plastic. FIRST USE: 19790000. FIRST USE IN COMMERCE: 19790000

IC 028. US 022 023 038 050. G & S: Toy rocket pistols, toy action figures; toy action figures with MP3 player; action dolls sold as a unit with

an MP3 player. FIRST USE: 19340000. FIRST USE IN COMMERCE: 19340000

IC 041. US 100 101 107. G & S: Provision of non-downloadable television programs featuring science fiction and adventure via a global computer network and via a video on demand service; Entertainment services in the nature of on-going television programs featuring science fiction and adventure; Production of television programs featuring science fiction and adventure which are aired on television, via a global computer network, and played online periodically. FIRST USE: 19500000. FIRST USE IN COMMERCE: 19500000

**Standard
Characters
Claimed**

**Mark
Drawing
Code**

(4) STANDARD CHARACTER MARK

**Serial
Number**

77831213

Filing Date

September 21, 2009

**Current
Basis**

1A

**Original
Filing Basis**

1A;44D

Owner

(APPLICANT) The Trustees of the Dille Family Trust, an Illinois Trust, the trustees comprising Arthur Martin, a United States Citizen Arthur Martin, United States Citizen TRUST ILLINOIS P.O. Box 533 Lake Forest ILLINOIS 60045

**Attorney of
Record**

Maurice B. Pilosof

Priority Date

March 25, 2009

**Prior
Registrations**

0714184;1555871

Type of Mark TRADEMARK. SERVICE MARK

Register

PRINCIPAL

Other Data

The name "BUCK ROGERS" does not identify a living individual.

**Live/Dead
Indicator**

LIVE

[TESS HOME](#)

[NEW USER](#)

[STRUCTURED](#)

[FREE FORM](#)

[BROWSE DICT](#)

[SEARCH OG](#)

[TOP](#)

[HELP](#)

[PREV LIST](#)

[CURR LIST](#)

[NEXT LIST](#)

[FIRST DOC](#)

[PREV DOC](#)

[NEXT DOC](#)

[LAST DOC](#)

3/20/2014

Trademark Electronic Search System (TESS)



United States Patent and Trademark Office

Home | Site Index | Search | FAQ | Glossary | Guides | Contacts | eBusiness | eBiz alerts | News | Help

Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Thu Mar 20 03:10:26 EDT 2014

TESS HOME NEW USER STRUCTURED FREE FORM BROWSE DICT SEARCH OG BOTTOM HELP PREV LIST CURR LIST NEXT LIST FIRST DOC PREV DOC NEXT DOC

LAST DOC

Logout Please logout when you are done to release system resources allocated for you.

Start List At: [] OR Jump to record: [] Record 3 out of 17

TSDR ASSIGN Status TTAB Status (Use the "Back" button of the Internet Browser to return to TESS)

BUCK ROGERS

Word Mark BUCK ROGERS

Goods and Services IC 009. US 021 023 026 036 038. G & S: Downloadable electronic games, computer game programs, computer game software; downloadable electronic games via the Internet and wireless devices; downloadable multimedia files containing games; downloadable and non-downloadable sound recordings and audiovisual recordings featuring music, science fiction and adventure

IC 016. US 002 005 022 023 029 037 038 050. G & S: Printed materials, namely, paper party supplies in the nature of paper party bags, paper party decorations; paper school supplies, namely, paper folders, paper; paper desk supplies, namely, paper, paper folders; calendars, greeting cards

IC 018. US 001 002 003 022 041. G & S: Bags, namely, carrying cases; small articles made of leather or materials that look like leather, namely, key cases, wallets, leather cases, leather pouches, leather purses; umbrellas, wallets, all-purpose sport bags, messenger bags

IC 021. US 002 013 023 029 030 033 040 050. G & S: Mugs, dinnerware, serving dishes

IC 024. US 042 050. G & S: Bed linens, towels, comforters, curtains, shower curtains

IC 025. US 022 039. G & S: Clothing, namely, T-shirts, shirts, jackets; headwear; footwear

IC 026. US 037 039 040 042 050. G & S: Belt buckles

IC 028. US 022 023 038 050. G & S: Toys, games, and playthings, namely, action figures and accessories therefor, toy pistols

IC 035. US 100 101 102. G & S: Online retail store services, mail order services, retail store services, all featuring games, books, bags, clothing, toys, videos

IC 041. US 100 101 107. G & S: Entertainment services, namely, providing an online computer game, providing a website with entertainment information on a comic book series and science fiction/adventure character; Provision of a series of non-downloadable web-based television programs featuring science fiction and adventure via the Internet; provision of a series of non-downloadable motion pictures featuring science fiction and adventure via a video on demand service; provision of non-downloadable television programs, motion pictures and segments thereof for use with mobile telephones via a video on demand service

**Standard
Characters
Claimed**

**Mark
Drawing
Code**

(4) STANDARD CHARACTER MARK

**Serial
Number**

77831393

Filing Date

September 21, 2009

**Current
Basis**

1B

**Original
Filing Basis**

1B;44D

Owner

(APPLICANT) The Trustees of the Dille Family Trust, an Illinois Trust, the trustees comprising Arthur Martin, a United States Citizen Arthur Martin, a United States citizen TRUST ILLINOIS P.O. Box 533 Lake Forest ILLINOIS 60045

**Attorney of
Record**

Maurice B. Pilosof

Priority Date

March 25, 2009

**Prior
Registrations**

0714184;1555871

Type of Mark TRADEMARK. SERVICE MARK

Register

PRINCIPAL

3/20/2014

Trademark Electronic Search System (TESS)

Other Data The name "BUCK ROGERS" does not identify a living individual.

Live/Dead Indicator LIVE

- TESS HOME
- NEW USER
- STRUCTURED
- FREE FORM
- BROWSE DICT
- SEARCH OG
- TOP
- HELP
- PREV LIST
- CURR LIST
- NEXT LIST
- FIRST DOC
- PREV DOC
- NEXT DOC
- LAST DOC

[I.HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)

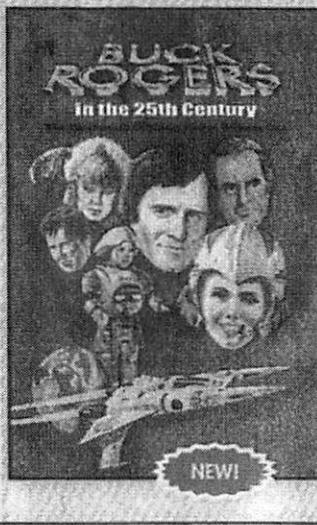


COMICS & GRAPHIC NOVELS

Hp

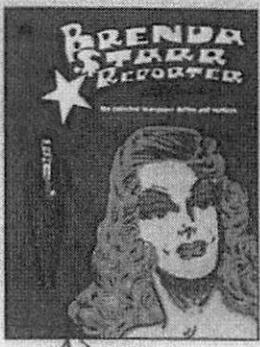
Hermes celebrates Classic Comic Strip

SPOTLIGHT ON

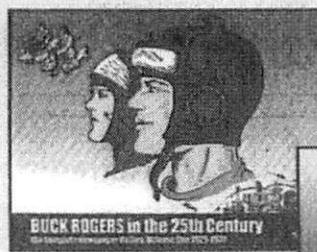


BUCK ROGERS IN THE 25TH CENTURY: THE WESTERN PUBLISHING YEARS VOLUME 1 HC
 (W) Paul S. Newman
 (A) Frank Bolle & Various
 The television tie-in comic books to the cult sci-fi classic *Buck Rogers in the 25th Century*, starring Gil Gerard, Erin Gray, and Twiki return in a complete collection. *Buck Rogers in the 25th Century: The Western Publishing Years* reprints issues #1-8 of the tie-in comic books and the 1964 stand alone Gold Key issue; artwork by Frank Bolle, Al McWilliams and Ray Bailey; stories by Paul Newman. Fans of the show will finally be able to re-read these adventures in a deluxe hardcover collection with tons of extras. (STK517708) (C: 0-1-2)
 HC, 224pgs, FC.....\$49.99

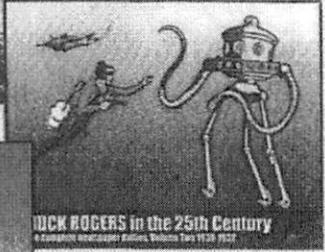
BRENDA STARR, REPORTER: THE COLLECTED DAILY AND SUNDAY STRIPS VOLUME 1 HC
 (W/A/CA) Dale Messick
 Hermes Press presents another classic comic strip with *Brenda Starr, Reporter: The Collected Daily and Sunday Strips*. Created by Dale Messick, the first woman to create, draw, and write a syndicated newspaper strip, *Brenda Starr* successfully mixed romance, fashion, and adventure into one of the longest running features in newspaper history, and the reprint volumes begin with the strip's debut on June 30, 1940. (STK438114) (C: 0-1-2)
 HC, 10x13, 288pgs, FC.....\$60.00



↑ wrong cover ART



BUCK ROGERS in the 25th Century



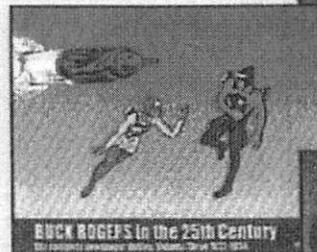
BUCK ROGERS in the 25th Century

PREVIEWS.world.com

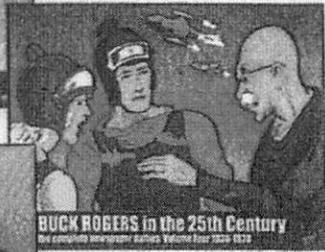
THE PHANTOM: THE COMPLETE SERIES: THE CHARLTON YEARS VOLUME 2 HC
 (W) Joe Gill (A/CA) Pat Boyette
 The early 1970s comic book adventures of *The Phantom* return in full, glorious color! Hermes Press is collecting all 74 issues of *The Phantom* comic books which ran from 1962-1977, and this is the second volume of the Charlton years. The Charlton comic book version of the grand-daddy of costumed heroes, *The Ghost Who Walks*, is available again, digitally remastered to look better than the original books. Reprints issues #39-47. (STK517709) (C: 0-1-2)
 HC, 7x10, 224pgs, FC.....\$49.99



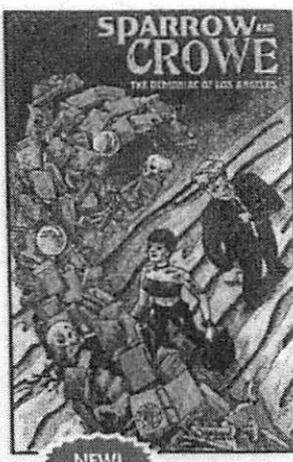
NEW!



BUCK ROGERS in the 25th Century

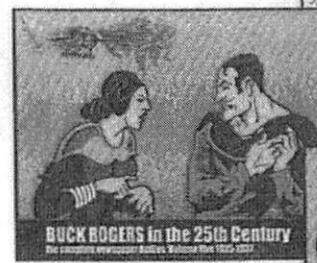


BUCK ROGERS in the 25th Century



SPARROW AND CROWE #3
 (W) David Accampo
 (A/CA) Jared Souza
 Doctor Xander Crowe continues to struggle to oppose the demon possessing Amanda Marino, while Sparrow and DiFalco narrow in on the one true Ring of Solomon. Sparrow will discover that finding a powerful artifact and attaining it are two very different things. Enter Simon Peck: a mild-mannered shop owner with some odd marital problems and a desire to be a player in the occult game in Los Angeles! When you're playing a game with ancient gods, it's difficult to know who you can trust! (STK520304)
 7x10, 32pgs, FC (3 of 5).....\$3.99

NEW!



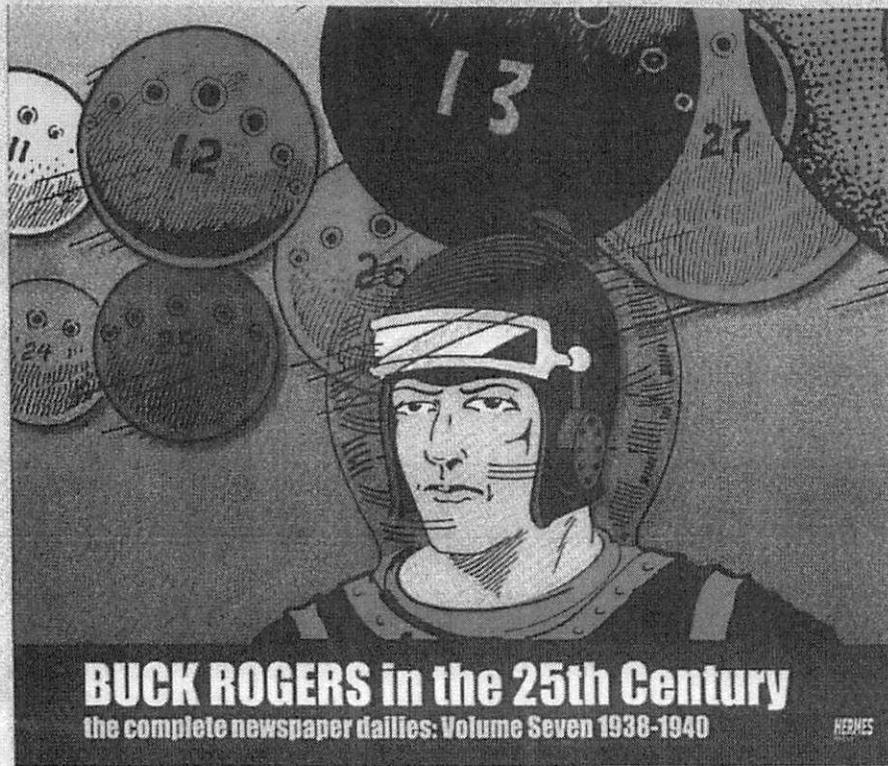
BUCK ROGERS in the 25th Century



BUCK ROGERS in the 25th Century

BUCK ROGERS IN THE 25TH CENTURY: THE DAILIES HC
Buck Rogers in the 25th Century, the first, best, and original science-fiction newspaper strip, has it all — space ships, anti-gravity belts, space pirates, invaders from other worlds, nefarious villains, and, of course, heroes. Hermes Press presents a complete reprint of the ground-breaking newspaper strip in a 9" x 12" landscape format, 2 strips per page. The volumes include bonus features to place the series in historical perspective together with documentary materials and production artwork. (STK373998)
 VOLUME 1: 1929-1931—HC, 9x12, 336pgs, FC.....\$39.99
 VOLUME 2: 1930-1932—HC, 9x12, 320pgs, FC.....\$39.99
 VOLUME 3: 1932-1934 (MAY090872)—HC, 9x12, 320pgs, FC.....\$39.99
 VOLUME 4: 1936-1938 (FEB100934)—HC, 9x12, 288pgs, FC.....\$39.99
 VOLUME 5: 1935-1937 (AUG101048)—HC, 9x12, 288pgs, FC.....\$49.99
 VOLUME 6: 1936-1938 (SEP111126)—HC, 9x12, 288pgs, FC.....\$49.99

PREVIEWS NOVEMBER 2012



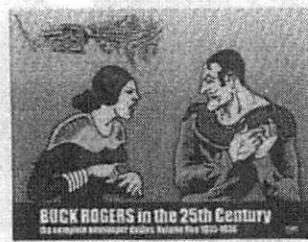
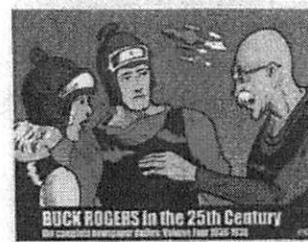
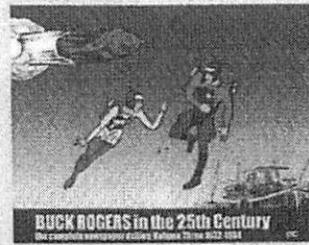
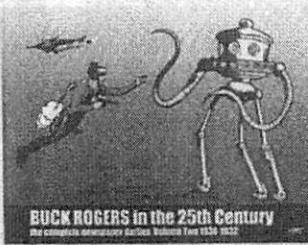
BUCK ROGERS in the 25th Century
The Complete Newspaper Dailies: Volume Seven

The saga of Buck Rogers in the 25th Century, the world's most famous science-fiction newspaper strip, continues with Volume Seven of Hermes Press' critically acclaimed complete reprint of this ground-breaking title.

Included in this volume are two more years of the strip, from 1938 to 1940, featuring three complete adventures. Volume Seven also features a special 16 page introductory essay detailing interesting details about the history of the strip and its impact on science and science-fiction. Volume Seven features "Overturned World," "Martian War Threat," and "Super-Dwarf of Space." The strips contained in this volume have never been printed before and have been painstakingly restored to perfection!

Buck Rogers in the 25th Century: The complete newspaper dailies Volume Seven 1938-1940; ISBN 978-1-61345-024-6; 9 x 11.75 inches; x 1.25 inches; 272 pages; color and black-and-white, hardcover with a printed laminated cover and dustjacket with endpapers, two complete years of the strip with three complete continuities; \$49.99.

Collect Volumes One through Six of the Dailies and Volumes One and Two of the Complete Sundays too!



BUCK ROGERS IN 25TH CENTURY DAILIES HC VOL. 01 1929-1931
STK373998

BUCK ROGERS IN 25TH CENTURY DAILIES HC VOL. 02 1930-1932
STK383408

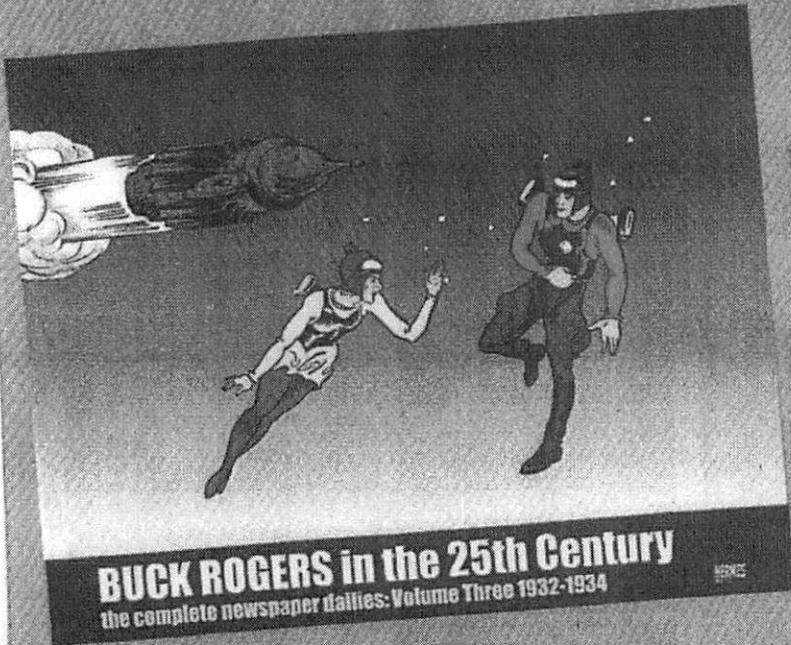
BUCK ROGERS IN 25TH CENTURY DAILIES HC VOL. 03 1932-1934
STK395205

BUCK ROGERS IN 25TH CENTURY DAILIES HC VOL. 04 1934-1935
STK405446

BUCK ROGERS IN 25TH CENTURY DAILIES HC VOL. 05 1935-1936
STK413515

BUCK ROGERS IN 25TH CENTURY DAILIES HC VOL. 05 1935-1936
STK413515

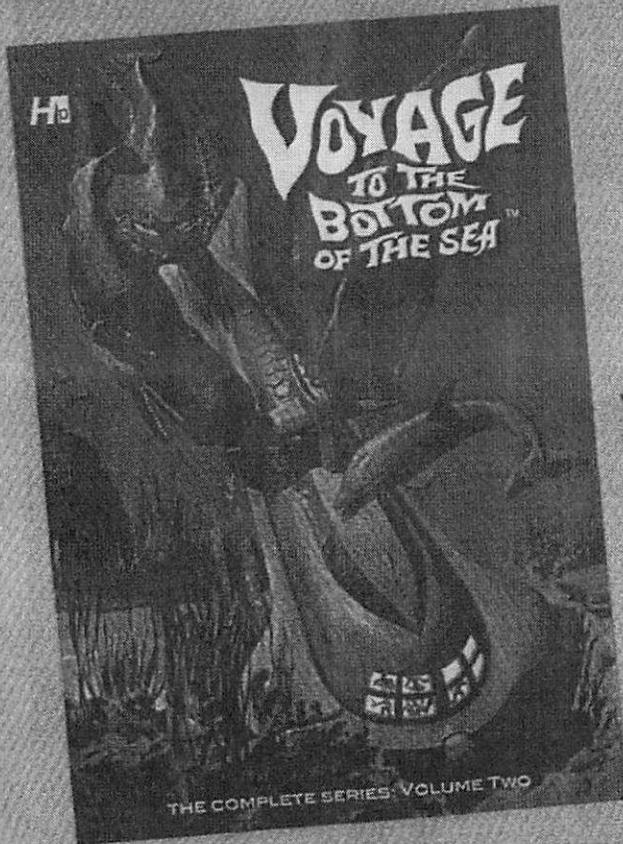
BUCK ROGERS IN 25TH CENTURY DAILIES HC VOL. 06 1936-1938
STK424817



BUCK ROGERS is back!

Buck Rogers in the 25th Century: The complete newspaper dailies Volume Three; ISBN 1-932563-31-8; 9 x 11.5 inches; x 1.25 inches; 320 pages; color and black-and-white, hardcover with a printed laminated cover and dustjacket with endpapers, \$39.00.

The saga of *Buck Rogers in the 25th Century*, the world's most famous science-fiction newspaper strip, continues with Volume Three of Hermes Press' complete reprint of this ground-breaking title. Included in this volume are two more years of the strip, from 1932 to 1934. Volume Three also features a special 16 page introductory essay by noted science-fiction writer and pop culture historian Ron Goulart and an afterword detailing how many of the predictions about the future from the strip came to pass just as Buck Rogers had visualized. AVAILABLE IN THIS MONTH'S PREVIEWS!



VOYAGE TO THE BOTTOM OF THE SEA

THE COMPLETE SERIES: VOLUME TWO

Voyage to the Bottom of the Sea Volume Two; reprints issues #7-14 of the original Gold Key Voyage to the Bottom of the Sea comic books; all color; hardcover; 7.5 x 11; adults; hardcover, printed laminated cover; deluxe dustjacket and endpapers, 224 pages, cover art by George Wilson, interior artwork by Alberto Giolitti, ISBN 1-932563-36-9; \$49.99.

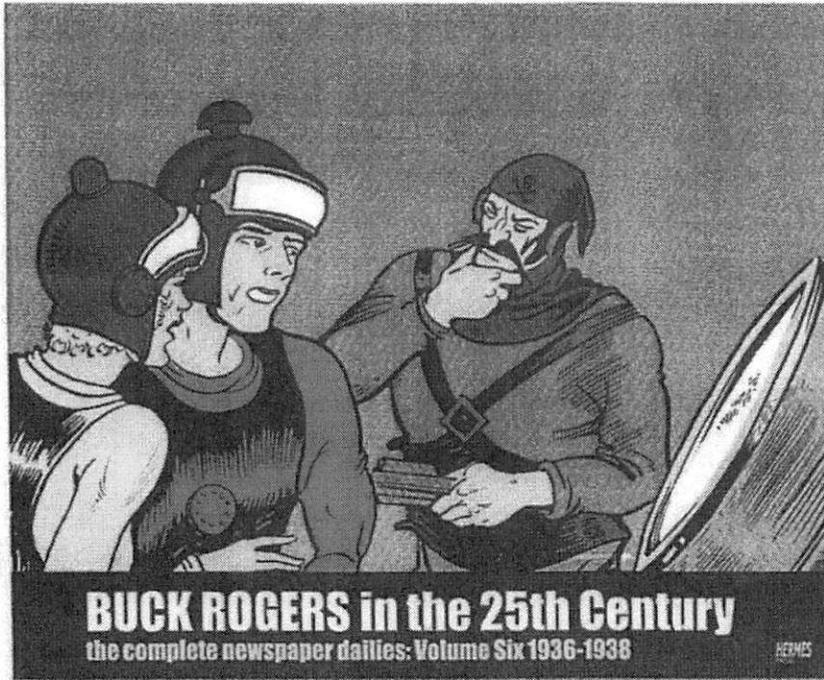
Hermes Press continues its complete reprints of all of the Irwin Allen comic book television tie-ins with Volume Two of *Voyage to the Bottom of the Sea*. Journey on seven action packed sci-fi adventures finishing the complete reprint of the series. These comic books have been painstakingly restored to look as good as the original comic books. Featuring original covers, inside cover artwork, and pin-ups. Also included are informative essays on series. Artwork by Alberto Giolitti with cover art by George Wilson. AVAILABLE IN THIS MONTH'S PREVIEWS!

HP HERMES Press

BUCK ROGERS

in the 25th Century the complete newspaper dailies: Volume Six 1936-1938

Hermes Press, Home of the Classic Buck Rogers, Proudly Announces Volume Six in its complete reprint of the Complete Newspaper Dailies!



BUCK ROGERS in the 25th Century
the complete newspaper dailies: Volume Six 1936-1938

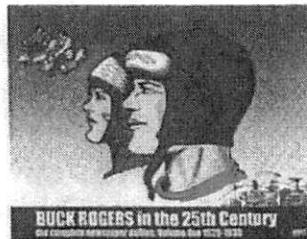
HERMES

Buck Rogers in the 25th Century: The complete newspaper dailies Volume Six 1936-1938; ISBN 1-932563-48-2; 9 x 11.75 inches; x 1.25 inches; 288 pages; color and black-and-white, hardcover with a printed laminated cover and dustjacket with endpapers, \$49.99.

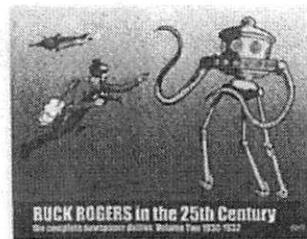
The saga of Buck Rogers in the 25th Century, the world's most famous science-fiction newspaper strip, continues with Volume Six of Hermes Press' critically acclaimed complete reprint of this ground-breaking title.

Included in this volume are two more years of the strip, from 1936 to 1938, featuring four complete adventures. Volume Six also features a special 16 page introductory essay by noted Buck Rogers expert Alan Lane and an afterword detailing interesting details about the history of the strip and its impact on science and science-fiction. Volume Six features continuities with Buck, Wilma, Ardala, Killer Kane, and Black Barney. The strips contained in this volume have never been printed before and have been painstakingly restored to perfection!

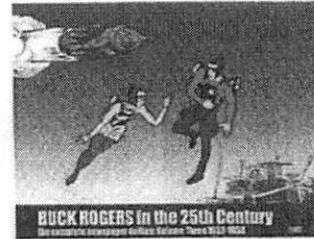
Collect Volumes One through Five of the Dailies and Volume One of the Complete Sundays too!



BUCK ROGERS in the 25th Century
the complete newspaper dailies: Volume One 1929-1931



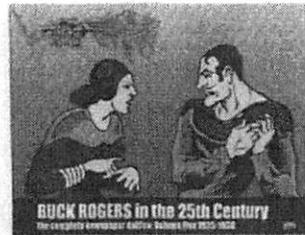
BUCK ROGERS in the 25th Century
the complete newspaper dailies: Volume Two 1932-1936



BUCK ROGERS in the 25th Century
the complete newspaper dailies: Volume Three 1934-1936



BUCK ROGERS in the 25th Century
the complete newspaper dailies: Volume Four 1935-1936



BUCK ROGERS in the 25th Century
the complete newspaper dailies: Volume Five 1936-1938

BUCK ROGERS IN 25TH CENTURY DAILIES HC
VOL. 01 1929-1931 STK-37298

BUCK ROGERS IN 25TH CENTURY DAILIES HC
VOL. 02 1936-1932 STK-383408

BUCK ROGERS IN 25TH CENTURY DAILIES HC
VOL. 03 1932-1934 STK-502205

BUCK ROGERS IN 25TH CENTURY DAILIES HC
VOL. 04 1934-1935 STK-405446

BUCK ROGERS IN 25TH CENTURY DAILIES HC
VOL. 05 1935-1936 STK-413515

BUCK ROGERS IN 25TH CENTURY DAILIES HC
VOL. 06 1936-1938 STK-413515

www.HermesPress.com