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Filing date: **06/11/2015**

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

Proceeding	91211530
Party	Plaintiff J-Lynn Entertainment, LLC
Correspondence Address	NEADOM T MEDINA J LYNN ENTERTAINMENT LLC PO BOX 12365 MILL CREEK, WA 98012 UNITED STATES tamar@j-lynnentertainment.com
Submission	Plaintiff's Notice of Reliance
Filer's Name	Neadom T Medina
Filer's e-mail	tamar@j-lynnentertainment.com
Signature	/Neadom T Medina/
Date	06/11/2015
Attachments	notice of reliance 7_Opposition_91211530_F.pdf(1786104 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
The Trademark Trial and Appeal Board

Registration No. 3682041
For the mark ADVENTURES OF SHADOW,

J-Lynn Entertainment, LLC,	:	
	:	
Petitioner,	:	
	:	Opposition No. 91211530
	:	(Parent)
	:	
vs.	:	Cancellation No. 92056491
	:	(Child)
William T. Odonnell,	:	
	:	
Registrant.	:	

OPPOSER'S NOTICE OF RELIANCE

Pursuant to Trademark Rule 2.120(e), Opposer J-Lynn Entertainment LLC hereby introduces into evidence the following documents. They are relevant to show that the Applicant was not using his mark on his claimed date of first use, and that the Applicant began modifying his sites to hide the fact of non-use and abandonment for his mark. Exhibit 8, shows an email from J-Lynn Entertainment's first attorney Morris E Turek. In the email Mr. Turek gives the warning to stop harassment and that Mr. Odonnell's trademark was subject to cancellation due to fraud, abandonment, and non-use. Around this time Mr. Odonnell began altering his website in order to hide evidence of non use. Exhibit 9 is screen captures of one of the early versions of the Applicant William T Odonnell's website taken on October 5th 2012. Exhibit 10 is the IPCybercrime.com LLC report that also finds the Applicant's website from Exhibit 9. Exhibit 11 is a capture taken on January 16th 2013. The Applicant has since continued to modify his sites in an attempt to hide or obscure non-use in the classification of services IC009 Motion Picture Films, IC016 Books, IC032 Bottled Water, and IC025 Clothing.

NOR Ex. Number	Deposition Exhibit	Description	Trademark Rule	Relevance
8	8 - Medina	Cease and desist, and warning to Applicant about mark being subject to cancellation.	2.122(e), 2.120(j)	Shows around time period where the Applicant started modifying his sites once he was warned his mark was subject for cancellation for non-use, abandonment, and fraud.
9	9 - Medina	Applicant's website prior to the cancellation and opposition proceeding being filed.	2.122(e)	Shows the Applicant had not legitimately used his mark in commerce for IC009, IC016, IC032, and IC025
10	10 - Medina	Applicant's website prior to the cancellation and opposition proceeding being filed.	2.122(e)	Shows the Applicant had not legitimately used his mark in commerce for IC009, IC016, IC032, and IC025
11	11 - Medina	Applicant's website prior to the cancellation and opposition proceeding being filed.	2.122(e)	Shows the Applicant had not legitimately used his mark in commerce for IC009, IC016, IC032, and IC025

Respectfully submitted on June 9, 2015

J-Lynn Entertainment, LLC
 /Neadom T Medina/
 Neadom T Medina
 PO BOX 12365
 Mill Creek, WA 98082
 440-610-5827
 tamar@j-lynnentertainment.com
 Petitioner

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
The Trademark Trial and Appeal Board**

Registration No. 3682041
For the mark ADVENTURES OF SHADOW,

J-Lynn Entertainment, LLC,	:	
	:	
Petitioner,	:	
	:	
vs.	:	Cancellation No. 92056491
	:	Opposition No. 91211530
William T. Odonnell,	:	
	:	
Registrant.	:	

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I respectfully submitted a copy on this Notice of Reliance upon the Applicant and his counsel on June 9, 2015, to the Trademark Trial and Appeal Board and to be served, via email, via FedEx, via first class mail and via the TTAB's Electronic System for Trademark Trials and Appeals (ESTTA), postage prepaid, upon:

Matthew H. Swyers
The Trademark Company
2703 Jones Franklin Road, Suite 206
Cary, NC 27518

The Trademark Company
344 Maple Avenue West, PMB 151
Vienna, VA 22180

/Neadom T Medina/
Neadom T Medina

Member
PO BOX 12365
Mill Creek, WA 98012
440-610-5827

YourTrademarkAttorney.com

Tel: (314) 749-4059
Toll-Free: (800) 974-4827
Fax: (800) 961-0363

October 12, 2012

Via Email (billjr@odonnell.ws)

William T. Odonnell
P.O. Box 771
Bayside, CA 95524

Re: THE ADVENTURES OF SHADOW CAT (J-Lynn Entertainment, LLC)
Our File No.: J108 001MI

Dear Mr. Odonnell:

I represent J-Lynn Entertainment, LLC ("J-Lynn") in its intellectual property matters. I have been forwarded copies of your email correspondence with J-Lynn, in which you assert that its intended use of trademark THE ADVENTURES OF SHADOW CAT, in connection with video game software, is an infringement of your alleged rights in your federally registered ADVENTURES OF SHADOW mark. I respectfully disagree with your conclusion.

Although you are the owner of an existing registration for ADVENTURES OF SHADOW, my research indicates that you have *never* used the trademark in commerce in connection with most, if not all, of the products and services listed in your registration. Under the law, your registration is unquestionably subject to cancellation on the basis of (1) non-use of the trademark, (2) abandonment of the trademark, and (3) fraud on the Trademark Office. Should you continue to harass my client, interfere with its business operations, or attempt to challenge its application for THE ADVENTURES OF SHADOW CAT, my client will not hesitate to pursue a cancellation proceeding against your registration.

Even if your registration for ADVENTURES OF SHADOW is not subject to cancellation (which it clearly is), your substantive claims of infringement are unfounded and without merit. Your registration is for books, films, videos, and bottled drinking water, while my client's application for THE ADVENTURES OF SHADOW CAT is pending for video game software. I also note that your registration already coexists with a registration for SHADOW THE HEDGEHOG for "video game software" (Reg. No. 3308413). Surely, if SHADOW THE HEDGEHOG can coexist with your trademark, there is no reason why J-Lynn's mark cannot peacefully coexist with your trademark as well.

167 Lamp & Lantern Village, #220

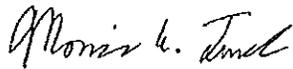
St. Louis, MO 63017-8208

J-Lynn Entertainment LLC vs William T
Odonnell Opp No. 91211530 (Parent) Can No.
92056491 (Child) Opposer Notice of Reliance
Exhibit 8__01

In conclusion, my client has no intention of withdrawing its trademark application, transitioning to a new name, or removing any mentions of THE ADVENTURES OF SHADOW CAT from its website or social media accounts. Moreover, I am demanding that you immediately refrain from any further contact with my client and that all future correspondence regarding this matter be directed to me as J-Lynn's attorney. Again, if you continue to send unwanted emails or post threatening messages on my client's Facebook page, I will advise my client to take swift action against your trademark registration.

Should you wish to discuss this matter in greater detail, I may be reached direct at (314) 749-4059 or morris@yourtrademarkattorney.com.

Sincerely,



Morris E. Turek

cc: Tamar Medina, J-Lynn Entertainment, LLC

J-Lynn Entertainment LLC vs William T Odonnell Opp
No. 91211530 (Parent) /Can No.
92056491(Child) Opposer Notice of Reliance Exhibit
8__02

Coming in the Fall of 2012



The Adventures of SHADOW (R)

The adventures of an Australian Shepherd (C)2006-2012 Odonnell Entertainment(R)

My Adventures are really coming

Please check back my new site is coming soon, now that "Adventures of Shadow (R)" is now reg Trademark.

Adventures of Shadow is now on Facebook
<http://facebook.com/adventuresofshadow>

What is happening next is that the one who will be taking over is Shadow "Scamp" Odonnell she was born Dec. 4, 2011 her stage name is "Northern Lights - Out of the Shadows"

The banner features a white background with a red, white, and blue wavy border at the top. On the left side, there is a small version of the 'Adventures of Shadow' logo. To the right of the logo, the text 'Shadow Scamp' is written in a bold, italicized, red font. Below this, the text 'Adventures of Shadow® Represents the War Dogs of W.W.II, Korean War and other wars past and present.' is written in a smaller, black font. At the bottom of the banner, the website address 'www.AdventuresofShadow.com' is displayed in a bold, black font.

Shadow Street Born: Dec. 27, 1998 Died: July 17, 2012

Here is a site that will make it easier to find, train, and love:

fun with someone like me. It is a dog training site.

<http://dogguidancehub.com/>

Art, Art.



To: Duncan H. Poirier
From: Rob Holmes
Date: October 15, 2012
Subject: BFC0113011 ADVENTURES OF SHADOW

The below confidential report was prepared at the request of an attorney in anticipation of litigation.

Pursuant to your request to investigate William T.O'Donnell dba O'Donnell Entertainment in regard to their use of the mark ADVENTURES OF SHADOW and, if so, the nature and extent of that use, we have conducted the following:

According to the USPTO the owner of ADVENTURES OF SHADOW is William T.O'Donnell dba O'Donnell Entertainment, 7873 1/2 Myrtle Ave., Eureka, CA 95503.

We then located the apparent primary website for the Adventures of Shadow project at adventuresofshadow.com, which is a one-page simplistic website. It reads *Coming in the Fall of 2012, The Adventures of Shadow®*. This domain was registered in May 2008 by William Odonnell, Odonnell Entertainment, PO Box 771, Bayside, CA 95524; (707) 442-4117; odonnellent@sbcglobal.net.

We also believe this same individual to be the owner of these additional domains: shadow.ws, adventureofshadow.com, adventureofshadow.info, adventureofshadow.mobi, adventureofshadow.net, adventureofshadow.org, adventureofshadow.us, adventuresofshadow.biz, adventuresofshadow.co, adventuresofshadow.info, adventuresofshadow.me, adventuresofshadow.mobi, adventuresofshadow.net, adventuresofshadow.org, adventuresofshadow.tv, adventuresofshadow.us, adventureswithshadow.com, adventureswithshadow.net, adventureswithshadow.org, shadow.ws, shadowadventure.info, shadowadventure.net, shadowadventure.org, shadowadventure.us, shadowsaurs.biz, shadowsaurs.co, shadowsaurs.com, shadowsaurs.info, shadowsaurs.mobi, shadowsaurs.net, shadowsaurs.org, shadowsaurs.us, shadowsaurs.ws, shadowtoday.com, shadowtoday.info, shadowtoday.net, shadowtoday.org, adventuresofscath.net, scath.ws.

The earliest archived version of the subject's website, found as it was preserved in 2008, announced: "*Coming in the Summer of 2006...*" This is an indication that this website was probably launched far earlier and not updated for a long time. One of the subject's many websites (www.creationnews.com) displays the image and link to Adventures of Shadow at the bottom of the home page dated May 18, 2012. We most recent archived copy of this same home page dated September 23, 2010 does not display any reference to Adventures of Shadow.

The website for Odonnell Entertainment located at www.odonnellentertainment.com contains a link to adventuresofshadow.com. The most recent archived copy of this website dated February 1, 2011, however, contains no mention of this title at all.

The subject's Facebook page is located at facebook.com/adventuresofshadow and was created on April 18, 2012. The date "founded" was manually recorded by the page's creator as 2006. The page's author is shown as Bill Odonnell. On Odonnell's personal Facebook profile (facebook.com/WilliamTuftsOdonnell) he states on October 3, 2012 "... it is getting closer to taking "Adventures of Shadow®" to the next level..." and "Adventures of Shadow®" – Calendar 2013, Updated water bottle label and water in the bottle too, other type of items will start to come out in the coming months too, stay tuned... "Odonnell Entertainment®" – New video production of St. George Reef Lighthouse will have a promotion s in it about other upcoming titles and one will be on "Adventures of Shadow®".

In the subject's Facebook photo album we located a business card that was uploaded April 27, 2012 which reads: Odonnell Entertainment® / Adventures of Shadow® / Videos have been featured on History Channel / Bill Odonnell, Owner / billjr@odonnell.ws / PO Box 771 Bayside, CA 95524; (877) SIX-DAYS; (707) 442-4117; www.odonnellentertainment.com; www.adventuresofshadow.com.

We called (707) 442-4117 and the telephone was answered "Hello" by an individual who identified himself to us as Bill Odonnell. Using a suitable pretext we inquired about "Adventures of Shadow". Initially, we asked about DVD's and he responded, "We don't have DVD's at the moment. The only with Shadow in it right now is 'Last One Out Turns Out the Light' which has him in the end near a lighthouse looking at the camera." Odonnell stated that the only merchandise he has on hand are 8"x10" and mousepads. During our conversation Odonnell stated that he ran into problems when "the first Shadow" ran into health problems for six years with \$9,000.00 in bills. He explained his plan was for Shadow to star in films but he was not healthy enough to shoot and eventually passed away. The first Shadow's name was originally 'Stormy' and Shadow was his stage name. The new Shadow, he explained, is named 'Scamp' and Shadow is the stage name. His plan now it to have "at least three Shadows on hand" before he begins filming so that he doesn't run into the same problem as before. In the future, he stated, he is planning on going "full force" with a calendar due for 2013 and possibly stuffed animals and collector's plates if he has the funds to do so. During our conversation, Odonnell stated that he has the trademark for 'Adventures of Shadow' and "if anyone else used the words 'Adventures of Shadow' with a dog they'd be nailed. After more small talk, we concluded the call.

This case will be closed unless otherwise instructed. If there is anything else you need regarding this matter, please contact us anytime. This concludes the report of Rob Holmes.

Sincerely,



Rob Holmes, CEO

Website Title:  [The Adventures of Shadow@ www.AdventuresofShadow.com](http://www.AdventuresofShadow.com)

ICANN Registrar: **GODADDY.COM, LLC**

IP Address: [64.202.189.170](#) [Reverse-IP](#) | [Ping](#) | [DNS Lookup](#) | [Traceroute](#)

Reverse IP: [6,988,159 other sites](#) hosted on this server.

Reverse Whois: **"Odonnell Entertainment" owns about [138 other domains](#)**

Whois History: [24 records](#) have been archived since 2008-05-09 .

Registered through: GoDaddy.com, LLC (<http://www.godaddy.com>)

Domain Name: ADVENTURESOFSHADOW.COM

Created on: 06-May-08

Expires on: 06-May-13

Last Updated on: 24-Apr-11

Registrant:

Odonnell Entertainment

PO BOX 771

Bayside, California 95524-0771

United States

Administrative Contact:

Odonnell, William odonnellent@sbcglobal.net

Odonnell Entertainment

PO BOX 771

Bayside, California 95524-0771

United States

+1.7074424117 Fax -- +1.7074428370

Technical Contact:

Odonnell, William odonnellent@sbcglobal.net

Odonnell Entertainment

PO BOX 771

Bayside, California 95524-0771

United States

+1.7074424117 Fax -- +1.7074428370

Domain servers in listed order:

PDNS01.DOMAINCONTROL.COM

PDNS02.DOMAINCONTROL.COM

Name Server: PDNS01.DOMAINCONTROL.COM (has [34,061,396 domains](#))

PDNS02.DOMAINCONTROL.COM (has [34,061,396 domains](#))

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"Scamp" Odonnell she was born Dec. 4, 2011 her stage name is**

"Northern Lights - Out of the Shadows"



Shadow * Scamp

Adventures of Shadow® Represents the War Dog
of W.W.II, Korean War and other wars past and present.
www.AdventuresofShadow.com

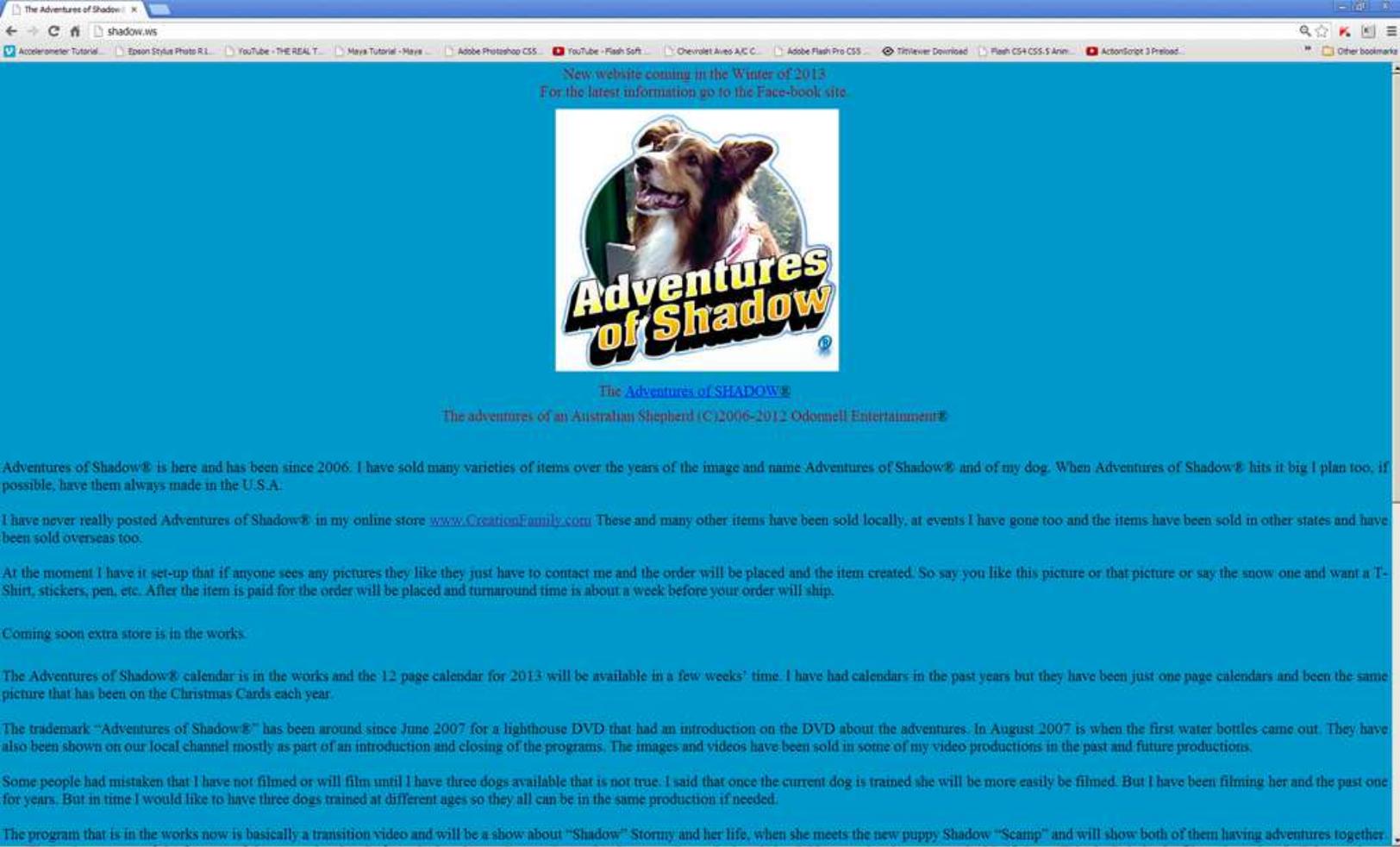
Shadow Stormy Born: Dec. 27, 1998 Died: July 11, 2012

**Here is a site I have that will make it easier to find, train, and have
fun with someone like me. It is a dog training site.**

<http://dogguidancehub.com/>

Arf, Arf.

**J-Lynn Entertainment LLC vs William T Odonnell Opp
No. 91211530 (Parent) /Can No.
92056491(Child) Opposer Notice of Reliance Exhibit
10__05**



**J-Lynn Entertainment LLC vs William T Odonnell Opp No. 91211530
(Parent) /Can No.
92056491(Child) Opposer Notice of Reliance Exhibit 11__01**