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Filing date: **11/11/2011**

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

Proceeding	92053426
Party	Plaintiff Bachmann Industries, Inc.
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Signature	/Roberta Jacobs-Meadway/
Date	11/11/2011
Attachments	DECLARATION OF DOUG BLAINE AND EXHIBITS ISO SUMMARY JUDGMENT (M0989472).PDF ( 96 pages )(12312776 bytes )



6. As Bachmann's Vice President of Marketing, I am responsible for corporate communications, licensing of products, advertising, production of catalogs, packaging of products, public relations, and the website development.

7. I attend, on average, seven (7) trade shows per year, including the New York Toy Fair, iHobby Expo, and the National Model Railroad Association Convention, at which the E-Z TRACK line of products are displayed.

8. I read numerous toy and hobby publications, including Toybook and Playthings, Hobby Merchandiser, Garden Railways Magazine, Model Retailer, Model Railroader, and Model Railroading News.

9. I interact with Bachmann's distributors and customers and supply them with information, advertisements, and promotional materials.

10. I interact with end-users and purchasers at trade shows and when I receive e-mails from such end-users and purchasers with any questions, suggestions, or concerns.

11. Bachmann adopted and began using the E-Z TRACK mark for toy train products at least as early as 1994. This use since 1994 has been continuous, extensive and substantially exclusive. See Exhibit B.

12. The mark is the primary E-Z designation, followed by the generic term "TRACK."

13. Bachmann has seven (7) patents on the E-Z TRACK products for both track and roadbed. The patents apply to the connectivity between the train sections and also how the products stack in the packaging.

14. Bachmann is now the owner of four (4) valid, subsisting U.S. trademark registrations for E-Z TRACK marks:

- a. *Incontestable* U.S. Registration No. 2,053,073 for **E-Z TRACK** for toy train sets, registered April 15, 1997 and subsequently renewed;
- b. *Incontestable* U.S. Registration No. 2,061,990 for **BACHMANN E-Z TRACK SYSTEM and design** for toy train sets, registered May 13, 1997 and subsequently renewed;
- c. U.S. Registration No. 3,301,198 for **BACHMANN E-Z TRACK SYSTEM and design** for toy model train sets; Toy trains and accessories therefore, namely, toy train tracks and toy train tracks with roadbeds registered October 2, 2007; and
- d. U.S. Registration No. 3,222,737 for **E-Z TRACK** for toy train sets; toy train track, and train track with roadbed registered March 27, 2007.

15. The E-Z TRACK line of products started with an HO scale steel track/black roadbed line with approximately 12 SKUs. Over the years, there has been an ever increasing number of offerings in various lines that have expanded in roughly the following order:

- HO version with nickel silver rails with grey road beds
- Track packs
- N scale system
- HO, N scale and On30 train sets
- DCC equipped turnouts (HO scale)
- Consistent additions of track lengths, radii, turnouts and accessories in both HO and N scales

16. The E-Z TRACK product lines now include approximately 150 SKUs.

17. The E-Z TRACK mark is molded into the toy train track itself, and is also used as an umbrella designation for all the products sold together. See Exhibit C.

18. When the E-Z TRACK mark was first introduced, the toy and hobby industries were resistant to a new track system. Bachmann had to make significant branding efforts for the E-Z TRACK products to overcome the resistance.

19. Bachmann utilized print media, including USA Today, and national and cable television as outlets for the branding efforts to gain recognition for the E-Z TRACK products.

20. Bachmann continues to advertise through print media, its internet presence, and its annual catalog. See exhibit D for representative examples of advertising.

21. Bachmann spends an average of \$150,000 each year producing its catalog, in which the E-Z TRACK products are promoted to both the toy train trade and retail purchasers. See Exhibit E.

22. These efforts have been successful as E-Z TRACK is the best-selling track and rail system in the United States.

23. For at least the past 10 years, sales of E-Z TRACK products have averaged in excess of \$12,000,000 per year. See Exhibit F.

24. The E-Z TRACK product is recognized as the standard track system in the industry, as evidenced by its common availability in hobby shops, online, and by the use of E-Z TRACK products by other manufacturers in their train sets. Bachmann has licensed the E-Z TRACK mark to third-parties, including Walthers, Athearn, Model Power, and Hawthorne Village, for use in connection with complete train sets. Exhibit G is exemplary.

25. E-Z TRACK toy train products are sold through approximately 2500 outlets, including Bachmann's own website, other online retailers and mass marketers.

26. These outlets include Target, Walmart, Kmart, Sears, Amazon.com, and toy and hobby outlets, such as Hobby Lobby, HobbyTown and Toys 'R Us.

27. E-Z TRACK toy train products are intended to be a stable, simple set up, and the E-Z TRACK toy train sets are intended to be an introduction to model trains.

28. There is no special class of purchasers for toy trains and toy train sets. Toy trains and toy train sets are often purchased by end-users, but also by friends, parents and grandparents as a gift.

29. Purchasers can, and do, assemble toy train sets in one configuration, then subsequently disassemble to re-configure the entire set for a new look, or to replace individual track segments or cars as new pieces are purchased. Parts of a toy train set may need to be replaced over time. Such pieces, i.e. couplers, are easily removed. Part of the E-Z TRACK appeal for purchasers is that the E-Z TRACK parts are readily interchangeable and make adjustments simple.

30. The E-Z TRACK toy train products retail from \$5.75 to \$395.00 and are considered to be relatively inexpensive in the toy train industry, particularly given that once a basic set is purchased, individual add-ons, i.e. track additions, turnouts, can be purchased for much less than the initial set price.

31. The "toy market" is a broad designation, and encompasses numerous types of toys from building blocks to handheld electronic game systems.

32. Toy trains and toy train sets are one of many sub-markets within the toy market.

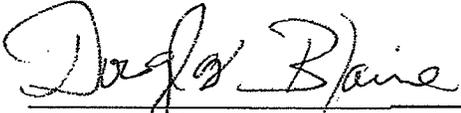
33. Toy trains and toy train sets are also considered a "hobby" product, particularly with respect to the more expensive and advanced set-ups, and are the subject of specific trade publications, as well as retailers devoted to the train hobby.

34. Bachmann has diligently policed any third-party use of marks it deems confusingly similar marks to the E-Z TRACK marks in the toy train market. See Exhibit G.

35. Prior to the current proceeding, I had never seen or heard of Scientific Toys, Ltd. or the products sold under its EZTEC mark.

I declare under penalty of perjury that the foregoing is true and correct.

Date: 11/10/11

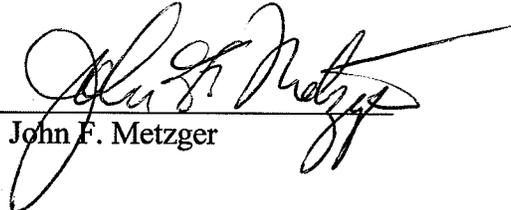
  
Douglas Blaine

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing Declaration of Douglas Blaine has been served upon counsel for Respondent at the address and on the date listed below via Federal Express next day delivery.

Chester Rothstein, Esquire  
Neil Zipkin, Esquire  
Amster, Rothstein & Ebenstein, LLP  
90 Park Avenue  
New York, NY 10016-1301

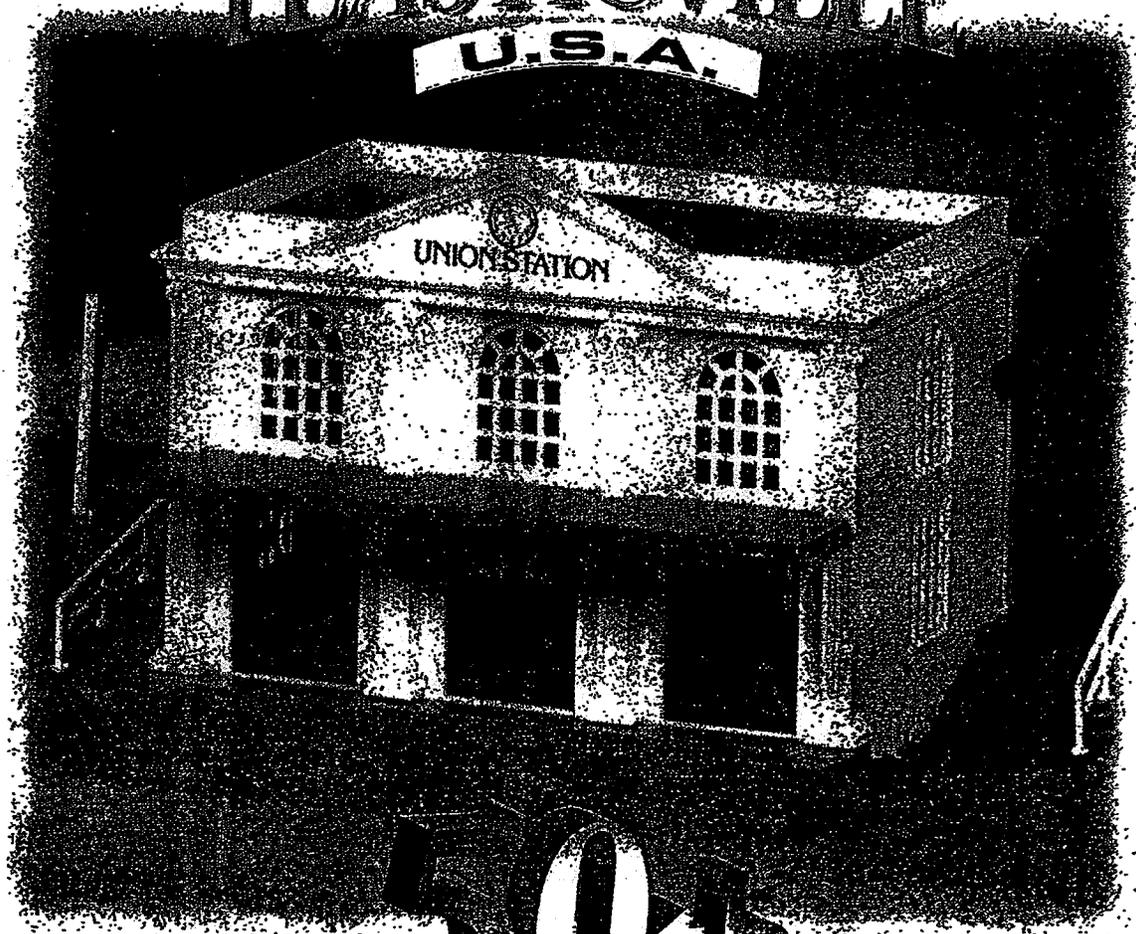
Nov. 11, 2011

  
John F. Metzger

# EXHIBIT A

19  97

PLASTICVILLE  
U.S.A.



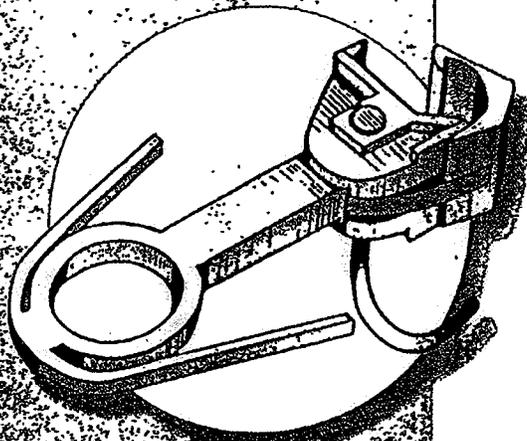
50th  
ANNIVERSARY

BI 0135

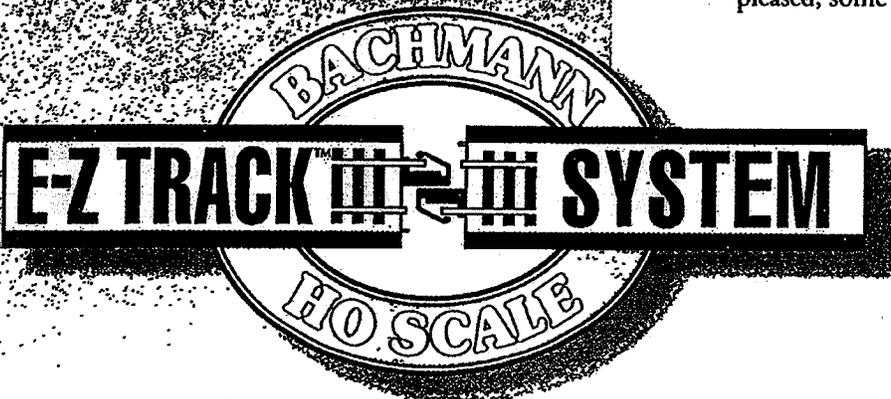
BACHMANN TRAINS... Now that's the *only* way to run a railroad!™

PLASTICVILLE  
U.S.A.®  
**50th**  
ANNIVERSARY

1997 is a very special year for us at Bachmann Industries, Inc. It gives us the opportunity to salute our past while looking forward to an exciting future. This year marks the 50th anniversary of our world famous Plasticville, U.S.A.® building kits. It was way back in 1947 that we introduced our first snap-fit buildings under the name of Plasticville, U.S.A.® In fact, the Plasticville, U.S.A.® line was our first ever for the model railroad industry.



What a great beginning. *Plasticville, U.S.A.®* is still going strong, and in the last half century, Bachmann has grown to be the best selling model train company in the world! We celebrate the 50th anniversary of *Plasticville, U.S.A.®* with the introduction of two new building kits in N scale (page 50), six new building kits in HO scale (page 39), and four new and eighteen color-updated buildings in O gauge (pages 52-54). If you're an O gauge collector, you'll be especially pleased; some of the color-updated buildings haven't been produced since the 1950's!



After our salute to *Plasticville, U.S.A.*,<sup>®</sup> we look to the future with a dramatic design breakthrough that will take model railroading well into the next century. Our standard-setting product development program has created *E-Z Mate*,<sup>™</sup> a brand new class of HO scale magnetically operated knuckle couplers (page 22). *E-Z Mate*<sup>™</sup> couplers make use of precision molding techniques and space-age material to allow the molding of springs as an integral part of the knuckle coupler. As an indication of our total confidence in this new product, we are shipping our entire 1997 line of HO scale sets, locomotives and rolling stock with *E-Z Mate*<sup>™</sup> couplers already installed.

Our exclusive *E-Z Track*<sup>™</sup> track and roadbed system continues to be the standard by which other track is compared. With snap-fit assembly and complete train setup in just minutes, its easy to see why *E-Z Track*<sup>™</sup> is enjoying extraordinary success in the marketplace. In 1997, we build on the success of *E-Z Track*<sup>™</sup> with a selection of new N scale *E-Z Track*<sup>™</sup> products, and the inclusion of *E-Z Track*<sup>™</sup> in all our ready-to-run N scale sets.

Additional 1997 introductions include new sets, *Silver Series*<sup>™</sup> rolling stock, and an *E-Z Track*<sup>™</sup> expander set and crossing gate in HO scale; new sets and steam locomotives in N scale; new sets, motive power, rolling stock and accessories in G scale; and for the best care and maintenance of your railroad equipment, we have introduced a full line of premium-grade lubricants called *E-Z Lube*<sup>™</sup> (page 23). We invite you to review all our latest products, and to see why Bachmann "Guarantees Fun for a Lifetime."

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# EXHIBIT B

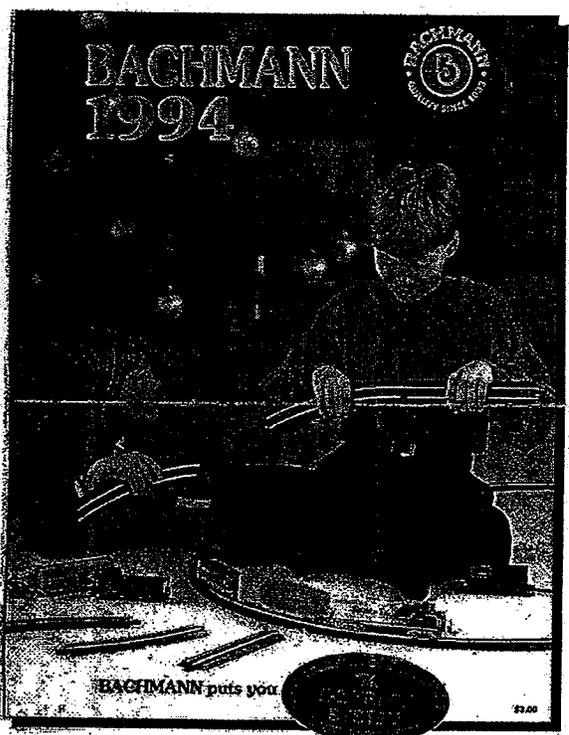
# BACHMANN

## Views

Newsletter for Hobby & Toy Retailers

October / November 1994

## Nickel Silver "E-Z Track™" Featured in Premium HO Scale Silver Series™



Bachmann is introducing four premium HO scale train sets featuring nickel silver E-Z Track™ at the 1994 Chicago Model Hobby Show. The train sets are offered in our new Silver Series™ sets containing all premium components. In addition to nickel silver E-Z Track™ with gray roadbed, the new sets include Bachmann Plus and Spectrum quality motive power, upgraded rolling stock (with detailed underframes, brass (non-magnetic) axles and body mounted couplers), and a .9 amp Spectrum power pack. The Silver Series™ sets are offered to give you buyers exceptional quality, premium options when beginning a new railroad.

The Silver Series™ nickel silver E-Z Track™ provides fast and easy railroading enjoyment, with the added benefit of highly efficient electrical conductivity and smooth operating performance. E-Z Track™ is Bachmann's patented track support and roadbed system that gets trains up and running in just minutes. With E-Z Track™, boards, nails, screws and tools are no longer needed for track layout; trains can go directly on the floor, carpet, or tabletop. The E-Z Track™ System makes tight track connections and gives firm support for smooth, trouble-free operation.

The four new Silver Series™ sets are the Mountaineer (Item #01101) with a Bachmann Plus GP35 locomotive and 3 freight cars, the Trail Blazer (Item #01102) with a Bachmann Plus B23-7

locomotive and 4 freight cars, the Pioneer (Item #01103) with a powered Bachmann Plus F7A unit, an unpowered Bachmann Plus F7B unit and 4 freight cars, and the Patriot (Item #01104) with a Spectrum F40PH locomotive and 3 lighted Amfleet passenger cars. To ensure a great start, we would like to include the Silver Series™ sets with the highest quality components and E-Z Track™.

Exclusive Bachmann features of the Silver Series™ sets include:

- 5 pole skew-wound motors
- dual flywheels
- dual directional lighting (where applicable)
- painted crew figures in locomotive
- blackened metal wheels and non-magnetic axles on all freight cars
- heavy gauge 3' terminal wire with plug-in connections
- .9 amp Spectrum Power Pack with transistorized potentiometer speed control

- 01101 Mountaineer (Suggested Retail Price: \$125.00)
- 01102 Trail Blazer (Suggested Retail Price: \$135.00)
- 01103 Pioneer (Suggested Retail Price: \$150.00)
- 01104 Patriot (Suggested Retail Price: \$150.00)

Delivery: Summer 1995

## HO Spectrum EMC Gas Electric: First Ever Ready-to-Run "Doodlebug"

A very unique piece of motive power, the EMC Gas Electric, or "Doodlebug," as it would come to be known, was first manufactured during the Great Depression. With a combine section and large passenger compartment, the Gas Electric provided extremely economical passenger service for its time, and in fact, kept railroads in the passenger business through World War II and into the 1960's. The Doodlebug was used for commuter and mainline service; its efficiency made it popular

both across the country and around the world.

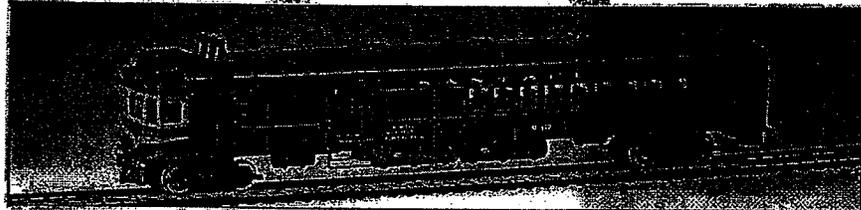
Never before available in a ready-to-run model, our Doodlebug is an HO scale model in the Spectrum line. In practice, no two Doodlebugs were ever the same. However, through extensive research in private collections and museums, we have standardized our Doodlebug's design to achieve a prototypically correct model. Features include:

- HO scale
- limited edition
- 5 pole skew-wound motor
- flywheel drive
- constant LED headlight
- full interior and exterior detailing
- roof mounted radiators
- operating baggage door
- metal handrails
- lighted windows
- underbody detailing
- RP25 wheel contour

The Doodlebug is being produced in a limited edition run of 4800 pieces for each of five roadnames, plus unpainted Bullman green and undecorated models. Expect delivery in the late winter of 1995.

- 81401 Undecorated
- 81402 Painted Pullman Green (unlettered)
- 81403 Santa Fe
- 81404 Baltimore & Ohio (blue & gray)
- 81405 Union Pacific
- 81406 Pennsylvania
- 81407 Great Northern

Limited Edition: 4800 pieces  
 Delivery: Late Winter 1995  
 Suggested Retail Price: \$59.95



# BACHMANN 1995



BI 0001

**BACHMANN's E-Z-Track™ System...**  
*Now that's the way  
to run a railroad!*



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### *E-Z Track*<sup>TM</sup> . . . Now That's The Way to Run a Railroad!

When we introduced our exclusive *E-Z Track*<sup>TM</sup> snap-fit track and roadbed system last year, we were confident it would become a welcome addition to any model railroad. What we didn't know was how it would be acclaimed as the most important innovation in years in model railroading! It has been a pleasure to watch demand for *E-Z Track*<sup>TM</sup> sets and accessories grow as we continue to tell the *E-Z Track*<sup>TM</sup> story. What will 1995 bring? An entire HO scale line converted to *E-Z Track*<sup>TM</sup> sets. New *E-Z Track*<sup>TM</sup> separate sale accessories. And the promise of even more *E-Z Track*<sup>TM</sup> products to come. With all the excitement generated by the introduction of *E-Z Track*<sup>TM</sup>, it's easy to see why we've adopted our 1995 motto: "*E-Z Track*<sup>TM</sup>... Now That's The Way to Run a Railroad!"

Of course *E-Z Track*<sup>TM</sup> is just part of everything that's new at Bachmann this year. You'll find a host of train set, motive power, rolling stock and accessory introductions to help your railroad grow. Look especially for our new motive power in HO and N scale. There are plenty of *Bachmann Plus* locomotives in both steam and diesel models, including the new N scale DD40AX. We also revisit Promontory, Utah on May 10, 1869 with historically accurate, yet surprisingly bold, versions of the "Jupiter" and "No. 119." In our G scale *Big Haulers* line, we present two beautiful new sets, a *Spectrum* steam locomotive, new rolling stock, and new additions to our *Emmett Kelly, Jr.*<sup>®</sup> line of circus trains.

Whatever your selection, be assured of the same quality and craftsmanship that have made Bachmann Industries the best selling model train company in the world. We invite you to review all of our latest offerings, and see why we say, "*Now That's The Way to Run a Railroad!*"

BI 0002

**BACHMANN's E-Z Track™ System... Now that's the way to run a railroad!**

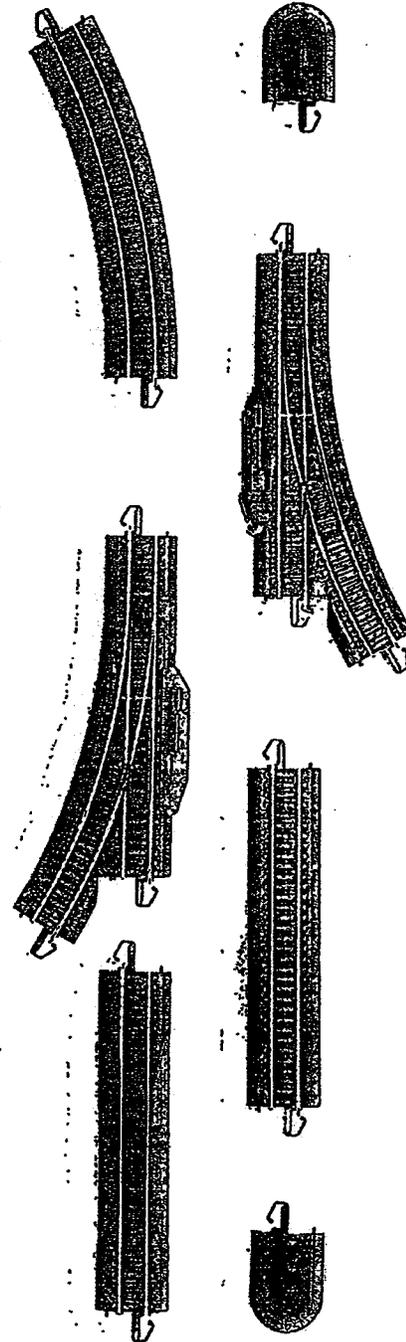
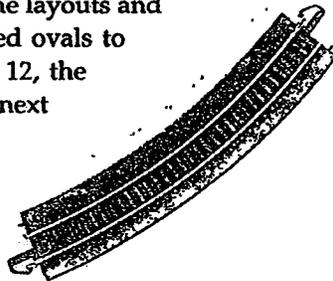


## The "E-Z" Way to Build a Railroad

Who ever thought building a railroad could be so "E-Z"? A few quick snaps to assemble our exclusive *E-Z Track™* track and roadbed system, and you'll have an operating train in less than 15 minutes. Put it on the floor or carpet, place it under the Christmas tree, or make it part of your permanent layout. It's quick, fun and "E-Z."

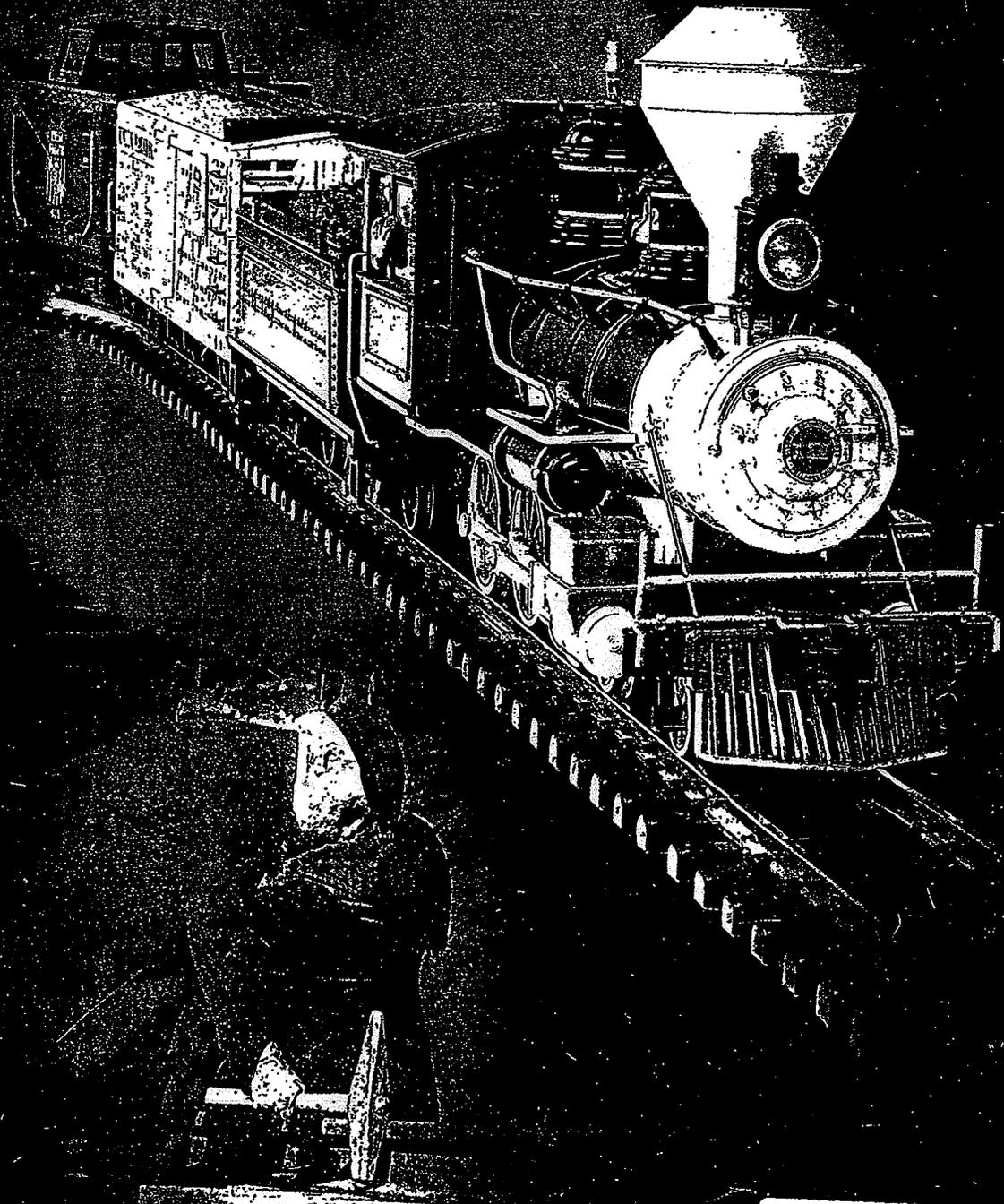
With the *E-Z Track™* system, gone are the layout boards, nails, screws and tools once required for train setup. *E-Z Track's™* snapfit assembly and plug-in wiring provides immediate railroad enjoyment, and its tight track connections give firm support for smooth, trouble-free operation. *E-Z Track's™* secret is its hidden locking feature that holds track sections securely together until you're ready to take them apart. *E-Z Track™* also makes layouts easy to move, change and expand for design flexibility: you just snap and go.

In 1995, we're adding to our *E-Z Track™* line with remote left and right switches, bumpers, a 30° crossing, 22" radius curved track, an 18" curved terminal rerailer, and for layout convenience, a 3" section of straight track. We're also offering a new book authored by Robert Schleicher detailing three layouts and twenty track plans created with *E-Z Track™*. The layouts and plans range from simple, modified ovals to the truly grand. Shown on page 12, the book is a great way to start your next railroad project the "E-Z" way.



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BI 0003



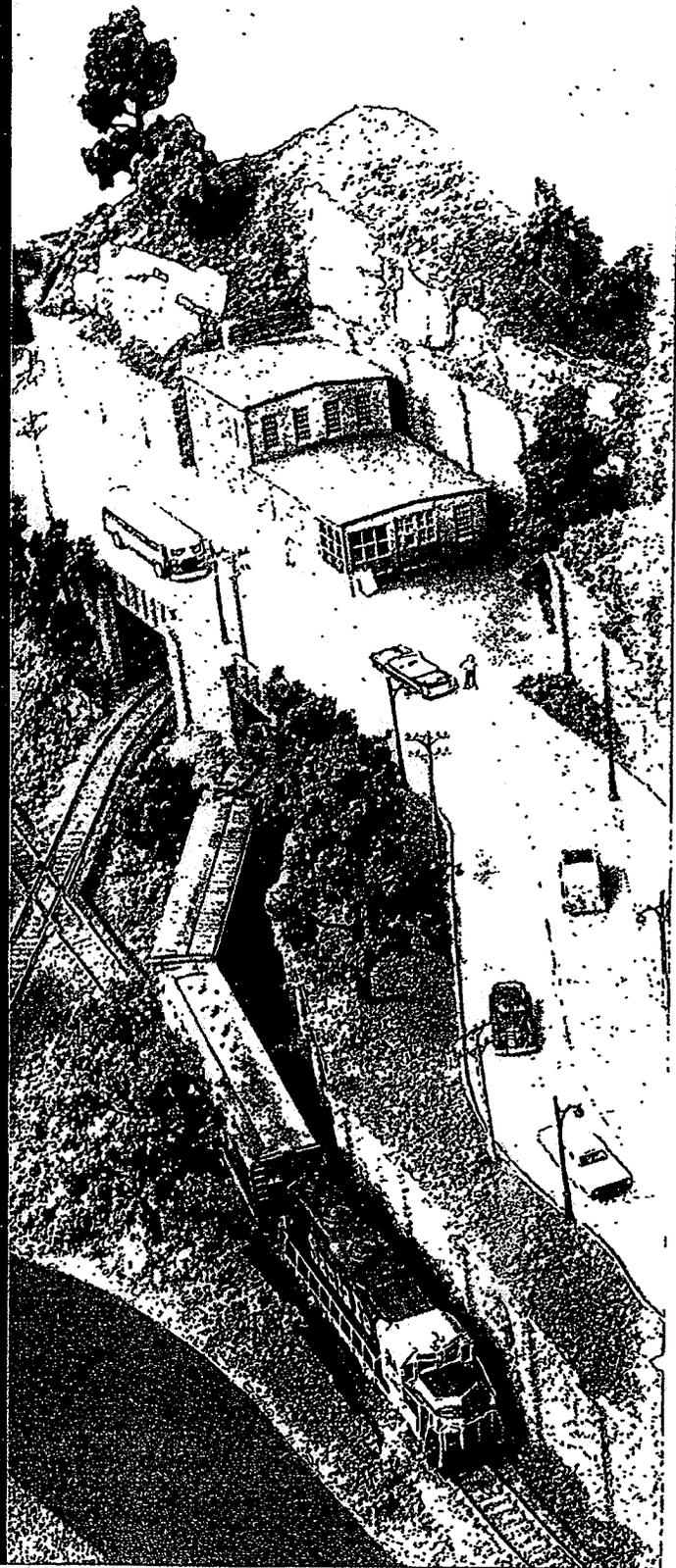
BI 0063

**BACHMANN TRAINS... Guaranteed Fun For a Lifetime. \$5.00**

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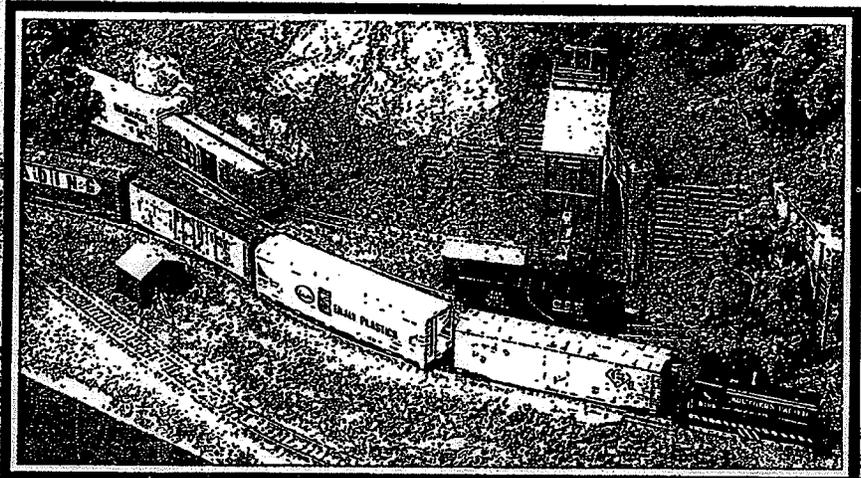


**B**achmann Industries is proud to have changed the direction of model railroading with a product that makes getting started, and continuing, in railroading easy and fun. Our exclusive *E-Z Track*™ track and roadbed system is now the standard by which other track is compared. With snap-fit assembly and complete train setup in just minutes, its easy to see why *E-Z Track*™ is enjoying extraordinary success in the marketplace. In 1996, we continue building on the *E-Z Track*™ concept with an impressive selection of new products and a national marketing program.

We are particularly pleased with our new HO scale *Cannonball Express*™ train set. Designed specifically with television excitement in mind, the *Cannonball* comes complete with a five car train and powered hand car. Inclusion of both the train and hand car has allowed us to stage an elaborate TV chase sequence for fast-action appeal. Be sure to look for our *Cannonball Express* commercial in November and December on network and cable TV!

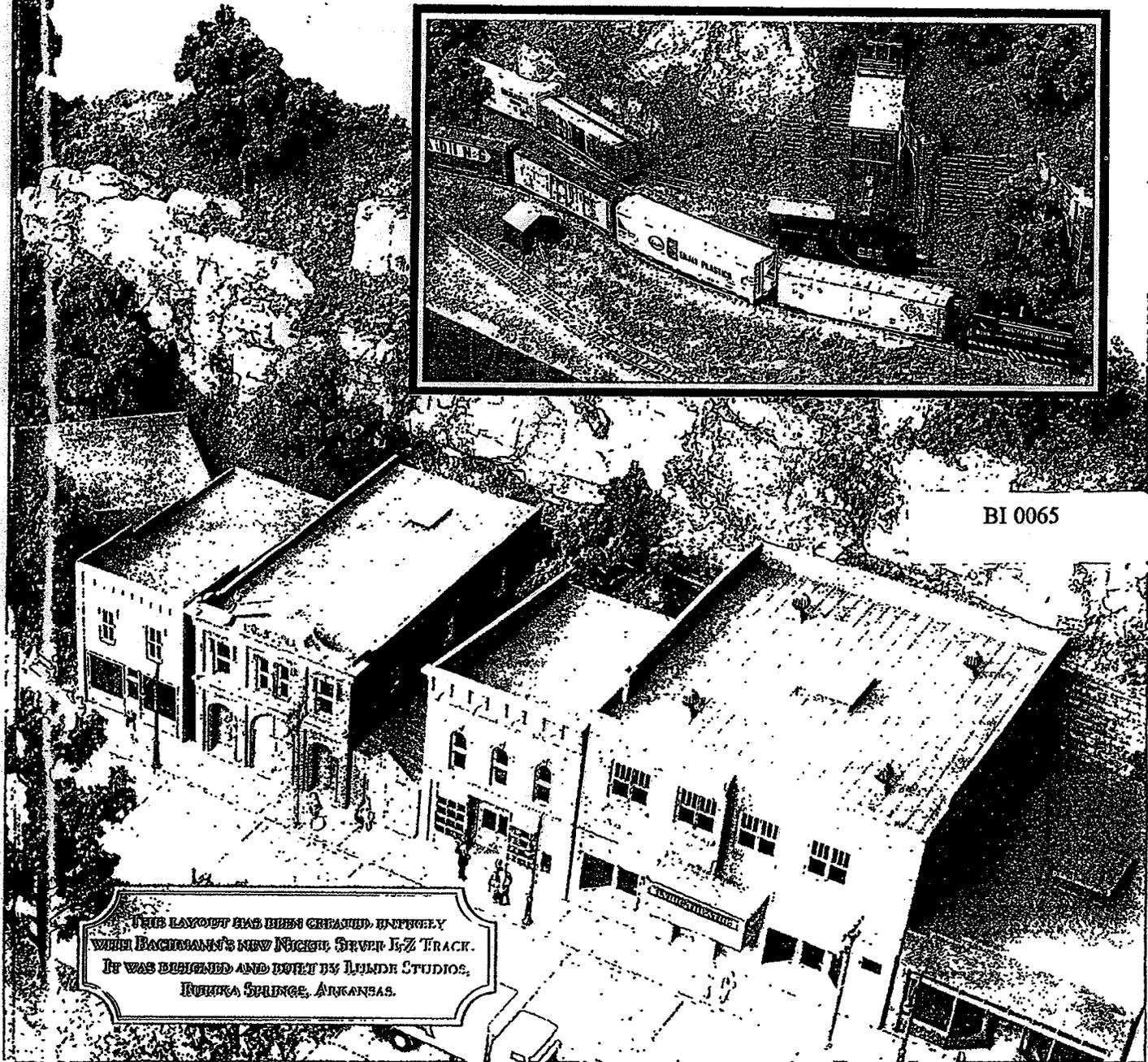
We have plenty of additional product excitement ready for you in 1996. We have a brand new line of *Silver Series*™ products featuring all-premium construction and components. The *Silver Series* begins with four new sets, 53 pieces of rolling stock and five building kits, all in HO scale. Also in HO scale is a selection of *E-Z Track*™ with nickel silver rail and gray roadbed, and our second *E-Z Track*™ instruction manual. We have new *Bachmann Plus*™ building kits in both HO and N scale, and in our line of G scale *Big Haulers*™, we have a brand new *Spectrum*™ series Two Truck Shay, two new sets, improved street and hand cars, all new roadnames for our rolling stock, an Eight Wheel Caboose, new figures and circus animals, and for railroad expansion, new left and right-hand switches.

We invite you to review all our latest products to see why Bachmann offers "Guaranteed Fun for a Lifetime." Whatever your selection, be assured of the same quality and craftsmanship that have made Bachmann the best selling model train company in the world!



BI 0065

THIS LAYOUT HAS BEEN CREATED ENTIRELY  
WITH BACHMANN'S NEW NICKEL SILVER *E-Z TRACK*.  
IT WAS DESIGNED AND BUILT BY LUNDA STUDIOS,  
BURRA SPRING, ARKANSAS.



**HO**  
Scale

**ELECTRIC TRAIN SETS**

**THE CANNONBALL EXPRESS™, an E-Z Track™ set  
with Motorized Hand Car**

Item No. 00625 Standard Pack: 6

SET CONTAINS  
**137**  
PIECES!



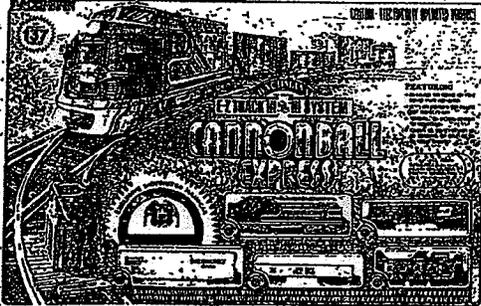
**65" x 38"**  
Double Oval of E-Z Track™  
22 Piece Track Set Including  
Left-hand and Right-hand  
Manual Switches!



BI 0066

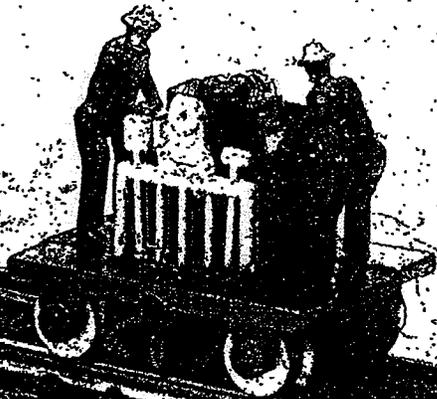
BACHMANN'S E-Z TRACK™ SYSTEM... NOW THAT'S THE WAY TO RUN A RAILROAD!

NEW  
ON TV  
IN 1996!



It's a Blast! Looking like it was shot from a cannon, this set's powered hand car races furiously to escape an oncoming train. Complete with full train, hand car, and two switches, the *Cannonball Express*™ features Bachmann's exclusive *E-Z Track*™ snap-fit track and roadbed system, plus:

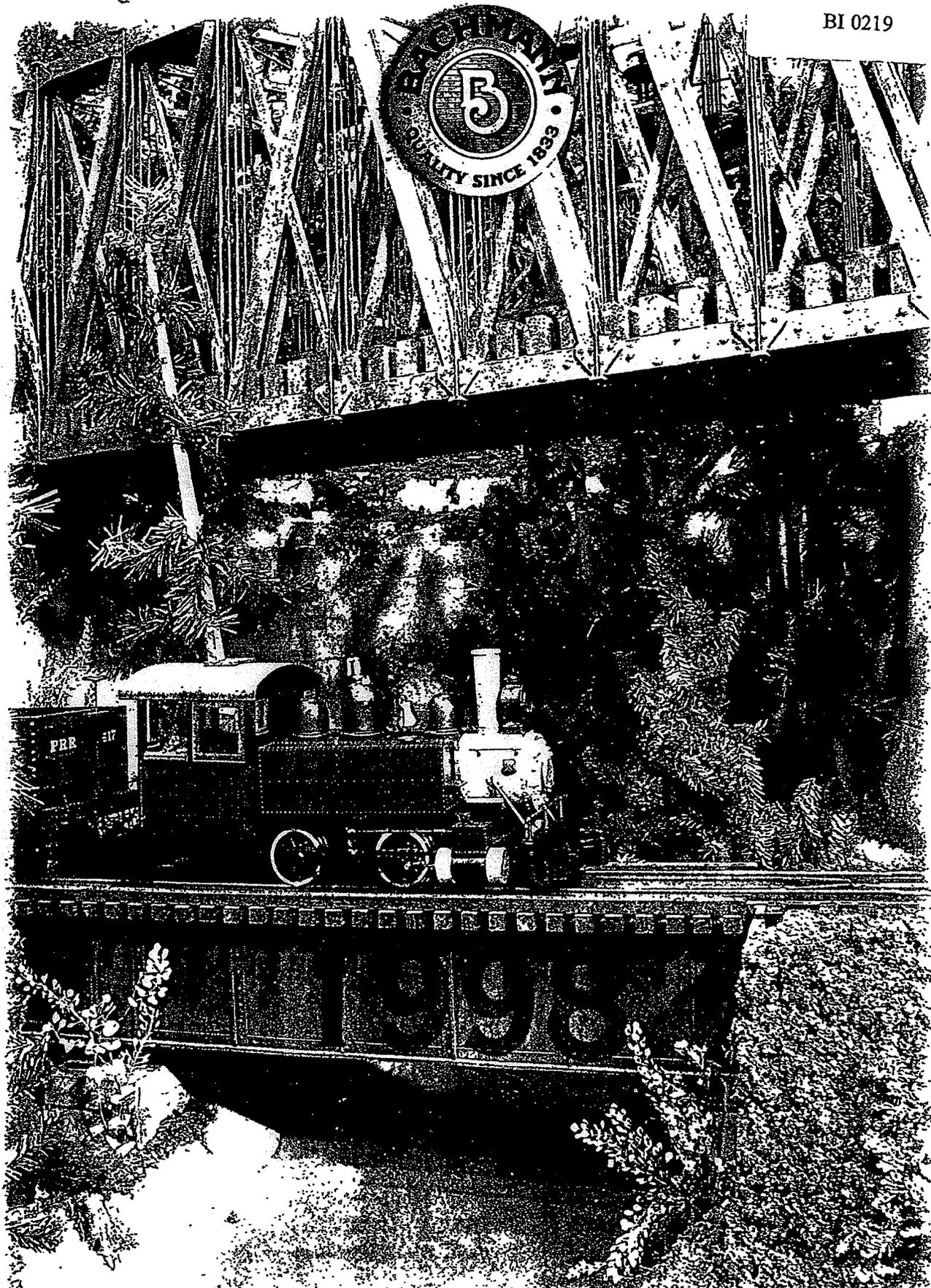
- an F9 diesel locomotive with *Lustra Chrome* finish and operating headlight
- powered hand car
- gondola
- open quad hopper
- plug door box car
- steel off-center cabooses
- 65" x 38" oval *E-Z Track*™ set with left-hand and right-hand manual switches, 16 pieces curved track, 3 pieces straight track and 1 plug-in terminal rerailer
- 36 telephone poles
- 48 figures
- 24 railroad and street signs
- UL-listed power pack
- and illustrated "Bach-Man" instruction manual



BI 0067

5

BI 0219



**BACHMANN TRAINS... Now that's the way to run a railroad!**

\$8.99

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Learn with the engine that can do, and effectively.

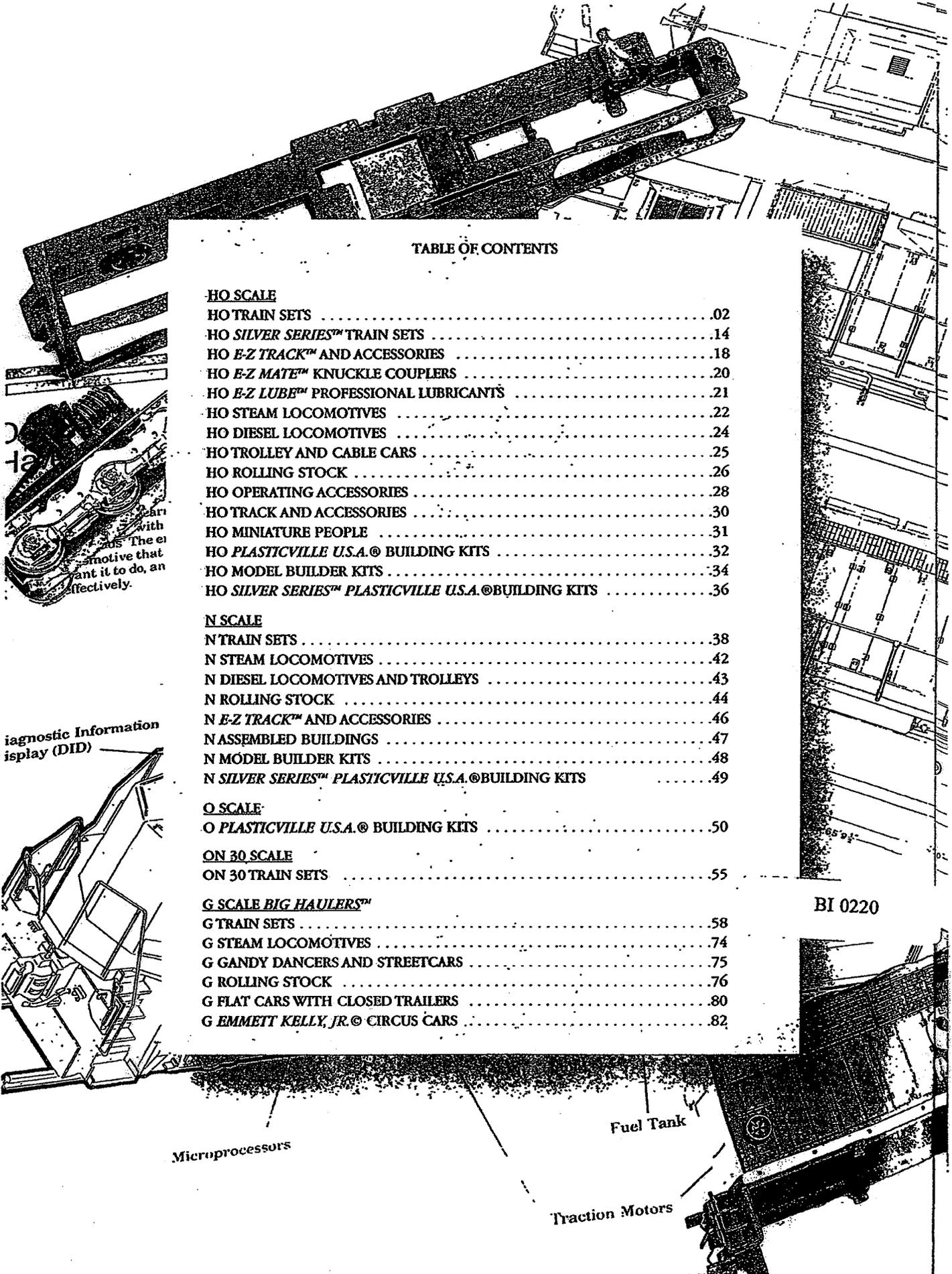
Diagnostic Information Display (DID)

BI 0220

Microprocessors

Fuel Tank

Traction Motors



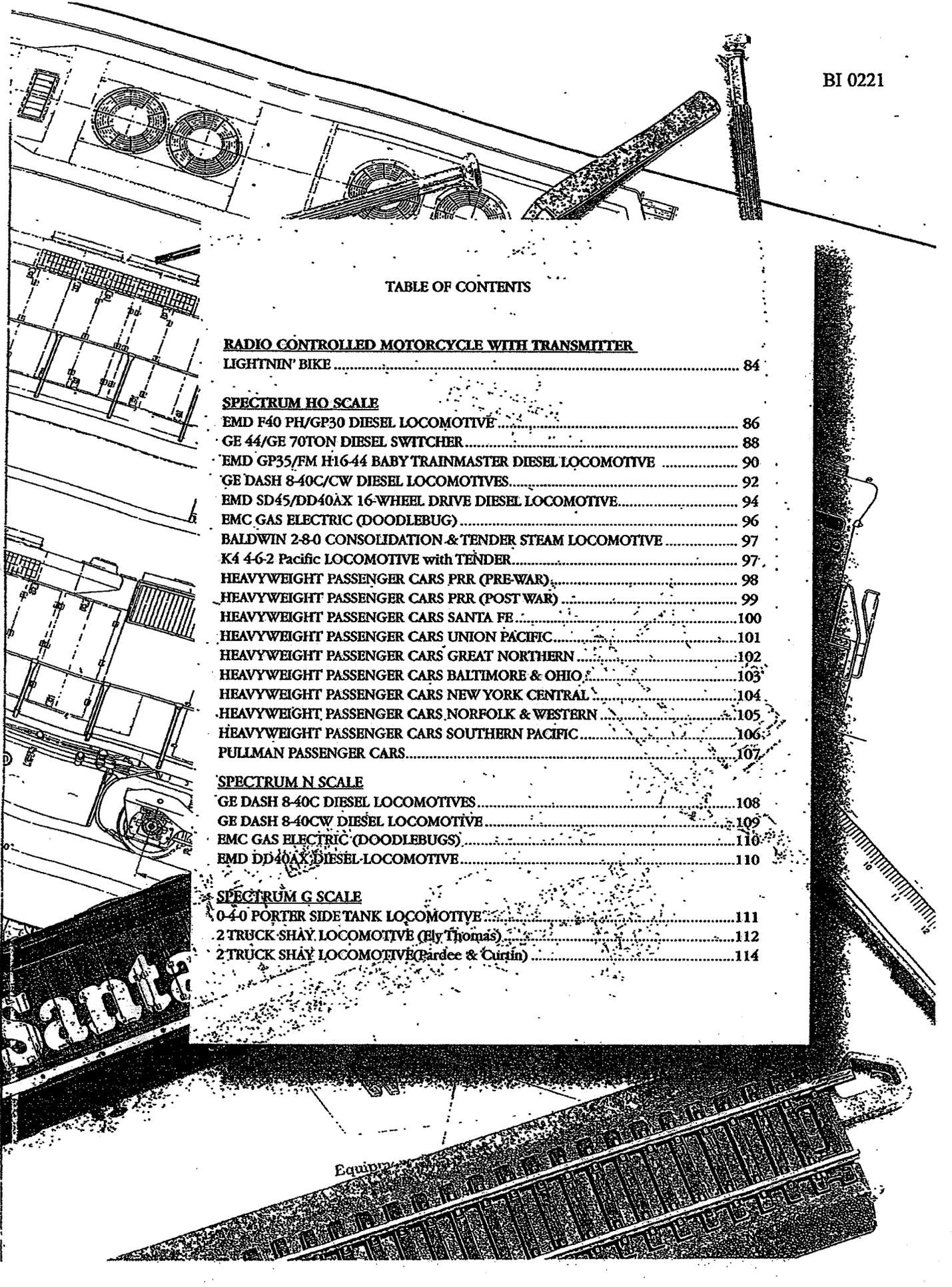


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**HO**  
Scale

**ELECTRIC TRAIN SETS**

**THE CANNONBALL EXPRESS™, an E-Z Track™ set  
with Motorized Hand Car**

Item No. 00625 Standard Pack: 6

SET CONTAINS  
**137**  
PIECES!

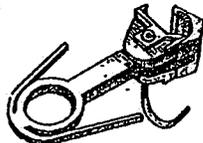


**65" x 38"**  
Double Oval of E-Z Track™  
22 Piece Track Set Including  
Left-hand and Right-hand  
Manual Switches!

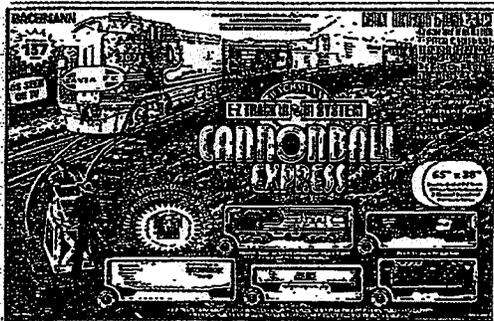
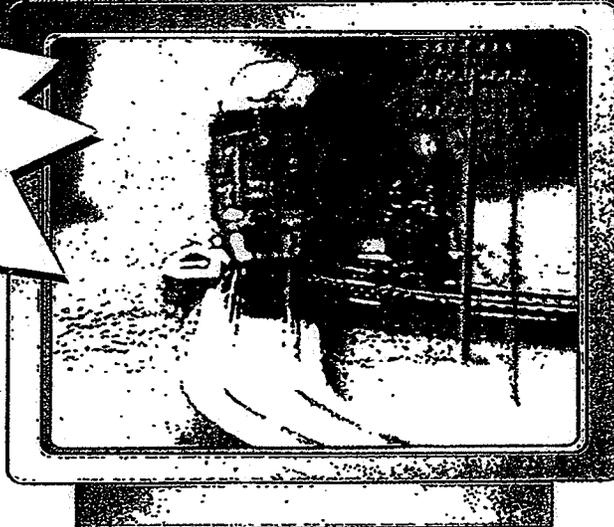


BI 0222

**BACHMANN'S E-Z TRACK™ SYSTEM... NOW THAT'S THE WAY TO RUN A RAILROAD!**

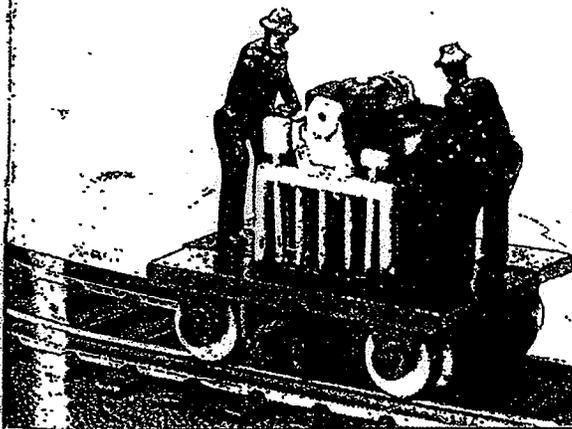


Locomotive and All Cars  
Equipped with Bachmann's  
Exclusive E-Z Mate™ Couplers



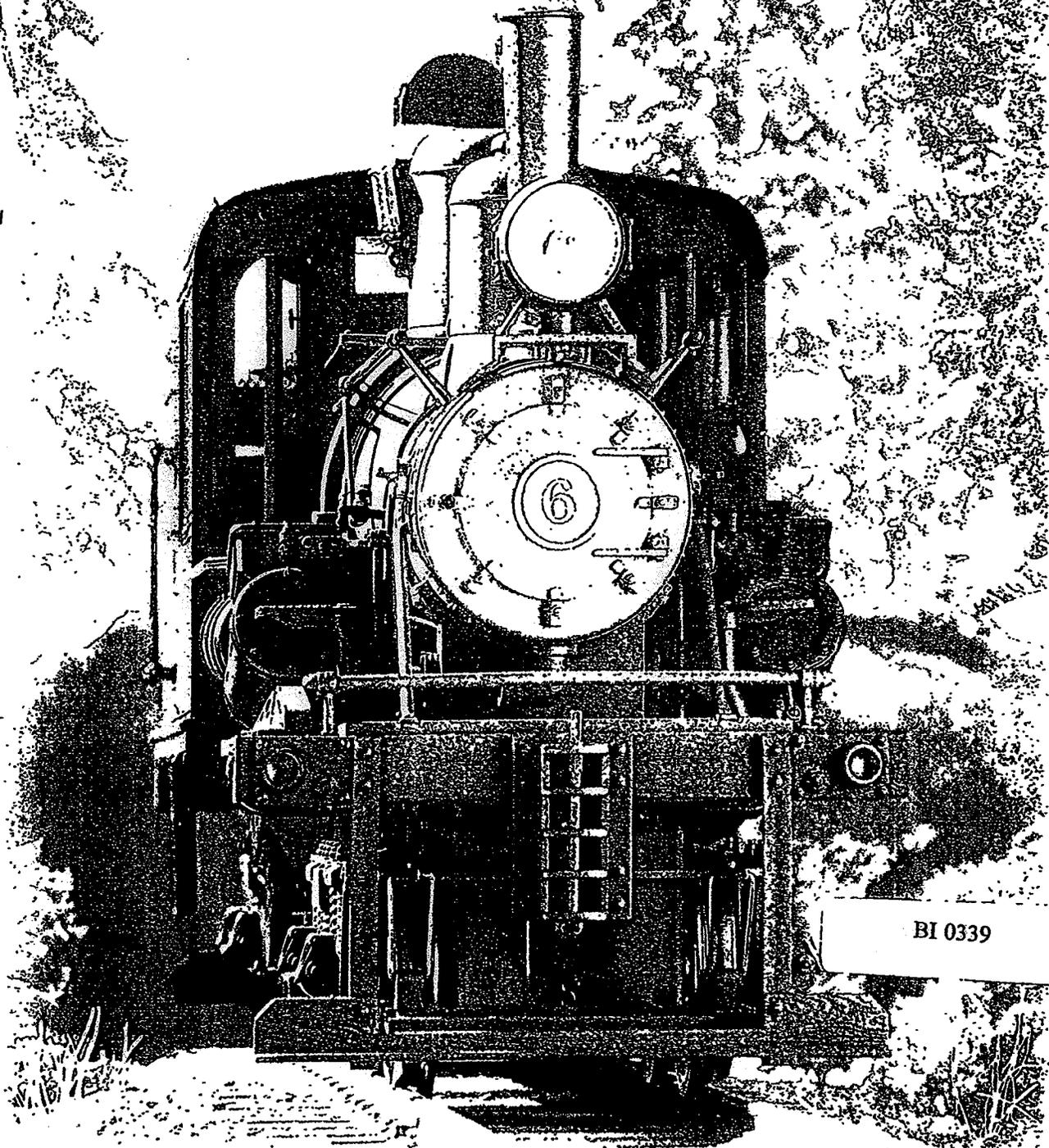
It's a Blast! Looking like it was shot from a cannon, this set's powered hand car races furiously to escape an oncoming train. Complete with full train, hand car, and two switches, the Cannonball Express™ features Bachmann's exclusive E-Z Track™ snap-fit track and roadbed system, plus:

- an F9 diesel locomotive with *Lustra Chrome* finish and operating headlight
- powered hand car
- gondola
- open quad hopper
- plug door box car
- steel off-center caboose
- 65" x 38" oval E-Z Track™ set with left-hand and right-hand manual switches, 16 pieces curved track, 3 pieces straight track and 1 plug-in terminal rerailer
- 36 telephone poles
- 48 figures
- 24 railroad and street signs
- UL listed power pack
- and illustrated "Bach-Man" instruction manual



BI 0223

19 **BACHMANN** 99  
QUALITY SINCE 1833



**BACHMANN TRAINS... Now that's the way to run a railroad!®**

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BI 0340



A deluxe HO scale Monopoly® train is just one of fifteen brand new sets we offer in 1999. With product introductions in N, HO, O, On30 and Large Scale, there's something for everyone to make the experience of model railroading more exciting and fun.

The inspiration for our Monopoly train comes from the railroad properties on the famous board game. *The Short Line, Reading, Pennsylvania* and *B&O* railroads are represented on four colorful box cars that also carry some of the most memorable images and sayings from the game. "Take a Ride on the Reading," "Advance to Go," "Go Directly to Jail," "Get Out of Jail Free" and "Take a Walk on the Boardwalk" are all lettered on the cars. In addition, the entire train can be assembled on a 53" x 53" vinyl play mat that duplicates the Monopoly game board. So go ahead: "Take a Ride on the Reading," and then check out the rest of our HO introductions: the *McKinley Explorer*, *Chattanooga Choo Choo™* and *Silver Streak*.

For the porcelain village collections that have become ever more popular over the past several years, Bachmann has developed a product to complete each scene: a traditional steam train in the appropriate scale. Available exclusively from Bachmann, these On30 scale trains sell out quickly each time a shipment arrives. So to meet customer demand, we're adding two new sets to our line, the *Royal Blue* and *Great Northern*.

In N scale, look for three new all-premium *Silver Series*® sets. Named for the railroad's *Trainmaster*, these sets feature a *Spectrum*® locomotive and power pack, as well as nickel silver *E-Z Track*® with gray roadbed. In Large Scale, we have a wide selection of new sets that include the *Rocky Mountain Express*, *Great Northern Express*, *Bumble Bee*, *Tweetsie Railroad*, *Prospector*, and *Night Before Christmas™*.

Additional separate sale products for 1999 include *Plasticville, U.S.A.*® building kits in O scale; a mining kit, dump cars and 24.5 mm wheel sets in Large Scale; and in HO scale, a comprehensive selection of *E-Z Track*® sections and accessories. Designed to provide a wide range of choices for sophisticated railroad construction, the new *E-Z Track*® products include wide radius curves (35.5" and 33.25"), three new switches, many short track sections (straight and curved), a 90 degree crossing, a "Hayes" bumper, and 14 piece pier set. With all the new products offered in 1999, the possibilities for your model railroad are truly amazing.

Start planning a major expansion today!

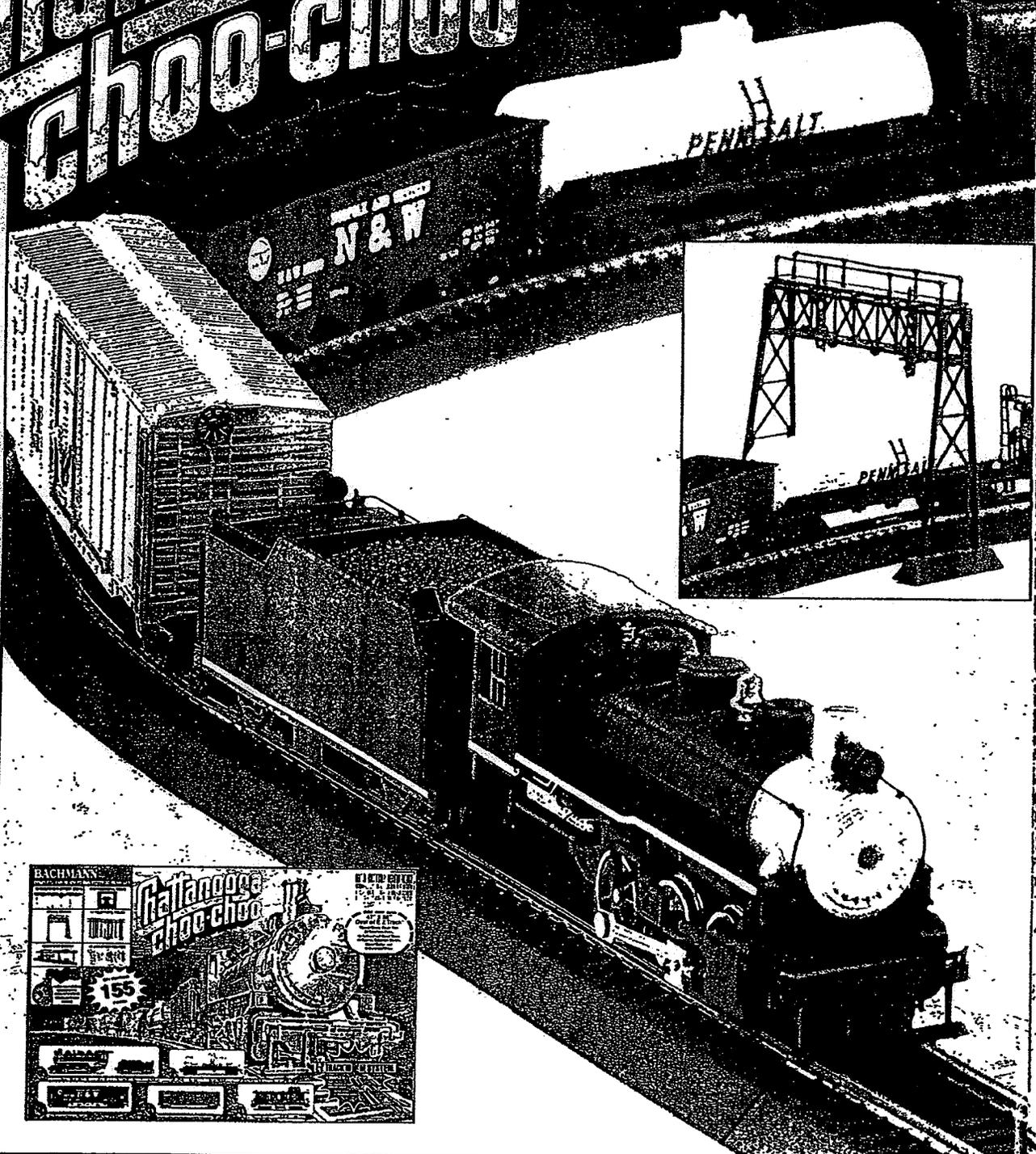
BI 0341

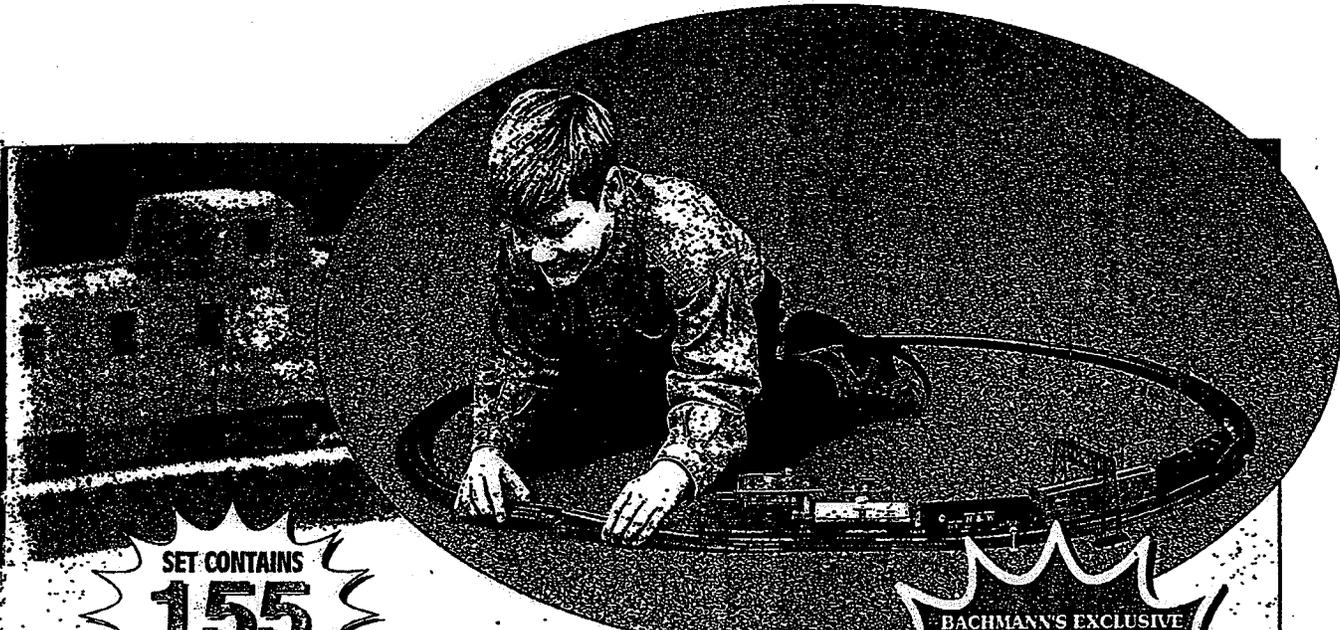
**HO**  
Scale

ELECTRIC TRAIN SETS

# Gattanooga Choo-choo

*The Most Famous Train of All Time  
Relive the Good Ol' Days!*

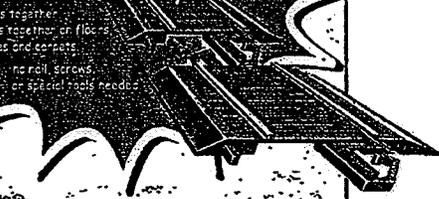




SET CONTAINS  
**155**  
PIECES

BACHMANN'S EXCLUSIVE  
**E-Z TRACK SYSTEM**

Assembles in Only Minutes



# Chattanooga Choo Choo™

An E-Z Track® Set with E-Z Mate® Couplers  
Item No. 00626 Standard Pack: 3

Capturing all the energy and romance of train travel in the "big band" era is the Chattanooga Choo Choo. Named for the famous Glenn Miller Orchestra song, as well as the Nashville, Chattanooga & St. Louis Railroad, this Chattanooga Choo Choo set comes complete with:

- 0-6-0 Steam Locomotive and Tender with Operating Headlight and Smoke
- Plug Door Box Car
- Open Quad Hopper
- Single Dome Tank Car
- Off-Center Caboose
- 47" x 38" Oval of E-Z Track® Including 12 Pieces Curved Track, 1 Piece of Straight Track and 1 Plug-In Terminal Rerailer
- Suburban Station
- Signal Bridge
- 48 Figures
- 36 Telephone Poles
- 48 Railroad and Street Signs
- Power Pack
- Helpful VHS Video with Assembly Instructions

**NEW  
1999**

**47" X 38"**  
*Oval of  
E-Z Track®*

BI 0343

# BACHMANN TRAINS



# Harry Potter

BI 0435



## 2001 PRODUCT CATALOG

*Now that's the way to run a railroad®*

HARRY POTTER characters, names, and all related indicia are trademarks of Warner Bros. © 2001

**B**achmann is looking forward to presenting a selection of exclusive and exciting new products for 2001. This year, Harry Potter makes his way from the pages of the best-selling book series onto model railroads everywhere, courtesy of the *Hogwarts Express*. Produced in cooperation with Warner Bros. Consumer Products, and set for release in Fall 2001, both children and adults are sure to be thrilled by this special train.

From the biggest name in family entertainment to the ultimate in modern technology: new for 2001 is the *Spectrum® Acela<sup>SM</sup> Express*. The *Acela Express* is Amtrak's new high-speed train that has revolutionized passenger travel with superior comfort and service. As an official licensee of the *Acela Express*, Bachmann has ensured prototypical accuracy by using Amtrak's original design drawings. This innovative model train set is DCC ready and features 21st Century design and construction. Classics in the making, the *Acela Express* locomotives and passenger cars are also available as separate sale items.

Since *Model Railroader* magazine first introduced their Reader's Choice Awards in 1997, Bachmann has been consistently recognized with top honors. Last year, our *Climax* was recognized as Large Scale Locomotive of the Year, while our *Mining Cars* were named Large Scale Rolling Stock of the Year. In 2001, Bachmann continues the effort to produce the best in model railroading products. Joining the HO *Shay* in our *Spectrum®* line are the highly-anticipated 2-10-0 *Russian Decapod* steam locomotive and 0-6-0 *Saddle Tank Switcher*. New in N scale is the 2-8-0 *Consolidation*, as well as an F7 diesel locomotive set. With On30 modeling increasing in popularity each year, we are pleased to expand our line with two new ready-to-run sets. And narrow gauge fans are sure to enjoy the new 0-4-2 *Porter*, a perfect complement to our popular 0-4-0. Look for new roadnames and upgrades in all of our scales, as well as new accessories like the *E-Z Track® Crossing Gate*. As always, Bachmann will introduce several new train sets that the whole family is sure to enjoy.

2001 promises to be a thrilling year for Bachmann. Whether you are setting up your first train layout for the holidays or expanding your existing railroad, there are new products that are sure to bring a little magic into your home.

BI 0436

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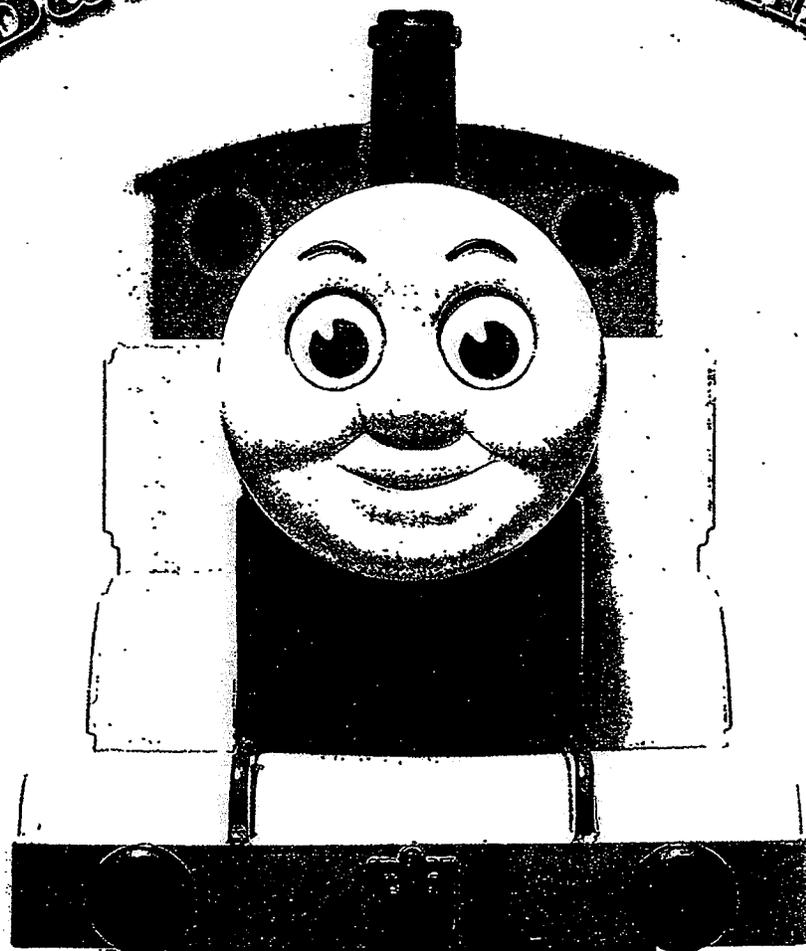
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Illustrations by Ken Peterson

BI 0437

# Bachmann Trains



2002 PRODUCT CATALOG



*Now that's the way to run a railroad<sup>®</sup>*

BI 0759

In 2002, Bachmann has a number of exciting new products lined up that not only celebrate the grand tradition of American railroading, but also transport you to amazing new worlds.

This year, Bachmann invites you on a journey to the remarkable Island of Sodor. Once there, you can join Thomas the Tank Engine and his friends for many exciting railroad adventures. Bachmann is pleased to offer three ready-to-run electric train sets and separate scale characters and accessories based on the *Thomas and Friends* television show, books, videos, and feature film. Recognized by children around the world, the *Thomas and Friends* characters have been instrumental in introducing children to the world of railroading for decades.

After your visit to the Island of Sodor, you can take another ride on the Hogwarts Express. In anticipation of the upcoming *Harry Potter and the Chamber of Secrets* film sequel, Bachmann has conjured up a new deluxe Hogwarts Express train set that includes both the mysterious Platform 9-3/4 and a die cast model of the Weasley's flying car. With the Hogwarts Express, railroaders and magicians alike can relive Harry Potter's journey from King's Cross Station to the Hogwarts School of Witchcraft and Wizardry.

Our premium *Spectrum*® line moves full speed ahead with an extensive selection of new locomotives and accessories. This year we're introducing several classic American steam locomotives into our HO line including a Baldwin 4-6-0 (in high and low boiler versions), as well as the long-awaited USRA 4-8-2 Heavy Mountain. Also new in HO is the GE E33 electric locomotive and a completely redesigned and retooled F40 PH diesel locomotive. Look for Amtrak's high-speed Acela<sup>SM</sup> Express passenger train to arrive on N scale railroads this year, and On30 modelers can look forward to the new Two-Truck Shay, which is sure to continue our grand tradition of award-winning Shay locomotives.

We invite you to visit your local hobby retailer, and take advantage of the world's greatest hobby. Whether you want to capture the spirit of the American experience, or travel to lands of magic and make-believe, Bachmann has the perfect train for you.

BI 0760

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BI 0761

# H10

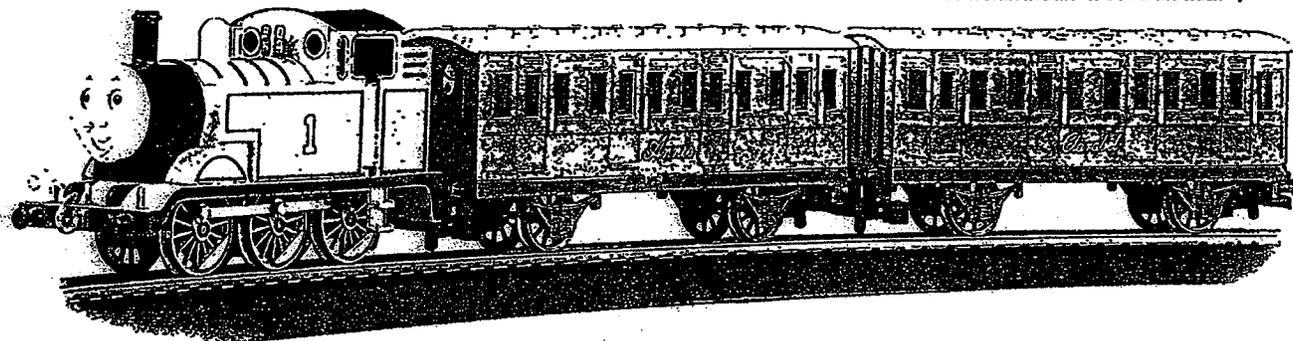
SCALE

THOMAS AND FRIENDS

ALL ABOARD!



← Eyes look from side to side as locomotive moves down the track →



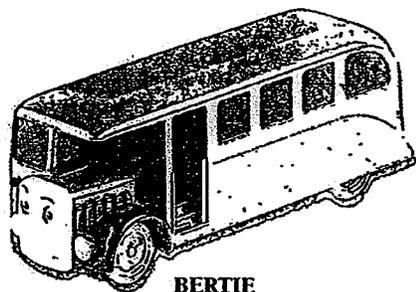
**NEW**

## Deluxe Thomas with Annie and Clarabel

an E-Z Track® set

Item No. 00644

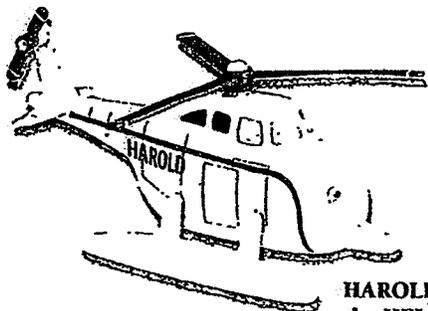
Standard Pack: 3



**BERTIE**  
the BUS



**SIR**  
**TOPHAM HATT**



**HAROLD**  
the HELICOPTER

Thomas the Tank Engine and his passenger coaches Annie and Clarabel have started on a magical journey across the faraway Island of Sodor. Meanwhile, back at the station, Sir Topham Hatt sends Harold the Helicopter and Bertie the Bus to keep an eye on Thomas to make sure he arrives on time. With our *Deluxe Thomas with Annie and Clarabel* train set, you can relive the stories seen in the *Thomas and Friends*® books, television shows, videos and feature film, or create your own railway adventures.

This ready-to-run train set includes:

- Thomas the Tank Engine with moving eyes
- Annie coach with international style hook and loop couplers
- Clarabel coach with international style hook and loop couplers
- Bertie the Bus
- Harold the Helicopter
- Sir Topham Hatt figure
- 56" x 38" oval of snap-fit E-Z Track® with 12 pieces of curved track, 3 pieces of straight track, and 1 straight plug-in terminal rerailer
- power pack
- illustrated instruction manual

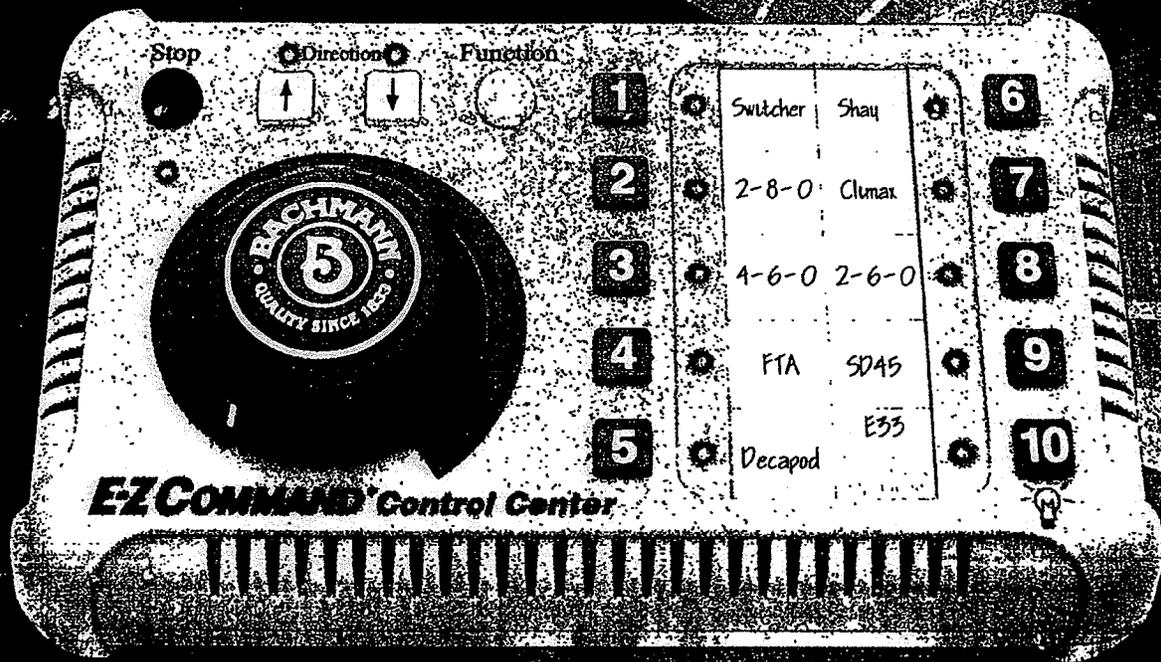


**GULLANE**

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# BACHMANN

## T R A I N S



Bachmann DCC - Now That's the Way to Run a Railroad

2005

BI 0919

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In 2005, Bachmann proudly offers an expanded line of model railroading products for children of all ages. From traditional electric train sets, locomotives, and rolling stock to cutting-edge digital technology, a great, wide world of fun awaits.

Our line of DCC products gains momentum with plug-and-play *E-Z Command*<sup>®</sup> expansion components, separate sale decoders, and a growing roster of DCC-equipped locomotives and track accessories. The HO scale Digital Commander Deluxe train set rounds out our DCC line-up, complete with an *E-Z Command*<sup>®</sup> Controller, two DCC-equipped locomotives (for speed, direction, and lighting control), rolling stock, and oval layout with siding so you can take charge of your own digital railroad.

Also in HO scale, you can take a whimsical ride aboard the Grinch's Whoville Special or join Thomas the Tank Engine on the Island of Sodor. *Thomas & Friends*<sup>®</sup> are very proud of our James the Red Engine Freight Set, and James doesn't take his new responsibility lightly; he is sure to deliver fun wherever he goes. Gordon the Big Express Engine and Henry the Green Engine also join Bachmann's *Thomas & Friends*<sup>®</sup>, always on the lookout for adventure. And adventure is just around the bend with a host of other favorites from the Sodor Depot.

In N-scale, we've added 85' Amfleet I Amtrak passenger cars with lighted interiors, representing an assortment of paint schemes past and present. Several new nickel silver *E-Z Track*<sup>®</sup> items are also offered, including #6 Crossover Turnouts and a #6 Wye Turnout. Plus, the construction boom continues in O scale *Plastiville*<sup>®</sup>, U.S.A. as several new built-up items join our line of preassembled buildings.

There are big happenings in Large Scale, as well. The Bachmann Brothers Circus rolls into town with a new Big Top set, and more separate sale rolling stock items. A colorful assortment of Billboard Reefers comes your way, emblazoned with the interesting logos of Eastern U.S. microbreweries. This year also marks the return of an old favorite as we offer a variety of large scale rolling stock kits, now equipped with metal wheels.

Our DCC products make the leap to *Spectrum*<sup>®</sup>, with decoder-equipped locomotives and motive power. HO scale goes digital with the new USRA Light 2-10-2, equipped with DCC On Board decoders for control of speed, direction, and lighting. Other popular HO models will be DCC-equipped as well, including the N & W Class J Passenger Locomotives, the 2-8-0 Consolidation, and the F40PH diesels. These same locomotives can be found in several new DCC sets in the *Spectrum*<sup>®</sup> line.

The long-awaited N scale *Acela*<sup>™</sup> arrives in 2005, equipped with DCC On Board and complemented by separate sale *Acela*<sup>™</sup> components, including the Amtrak HHP-8. Our On30 products continue to attract modelers from all scales and people from all walks of life. These folks will not be disappointed with this year's 2-8-0 Consolidation and the anticipated Rail Truck. A 1:20.3 scale Rail Truck is also offered.

And other exciting model railroading products are at your fingertips in these pages. After exploring the catalog, we invite railroaders from six to sixty years of age and beyond to visit their local hobby retailer. Regardless of your scale preference or your level of experience, Bachmann trains and model railroading products promise to bring out the child in all of us.

*Now that's the way to run a railroad!*

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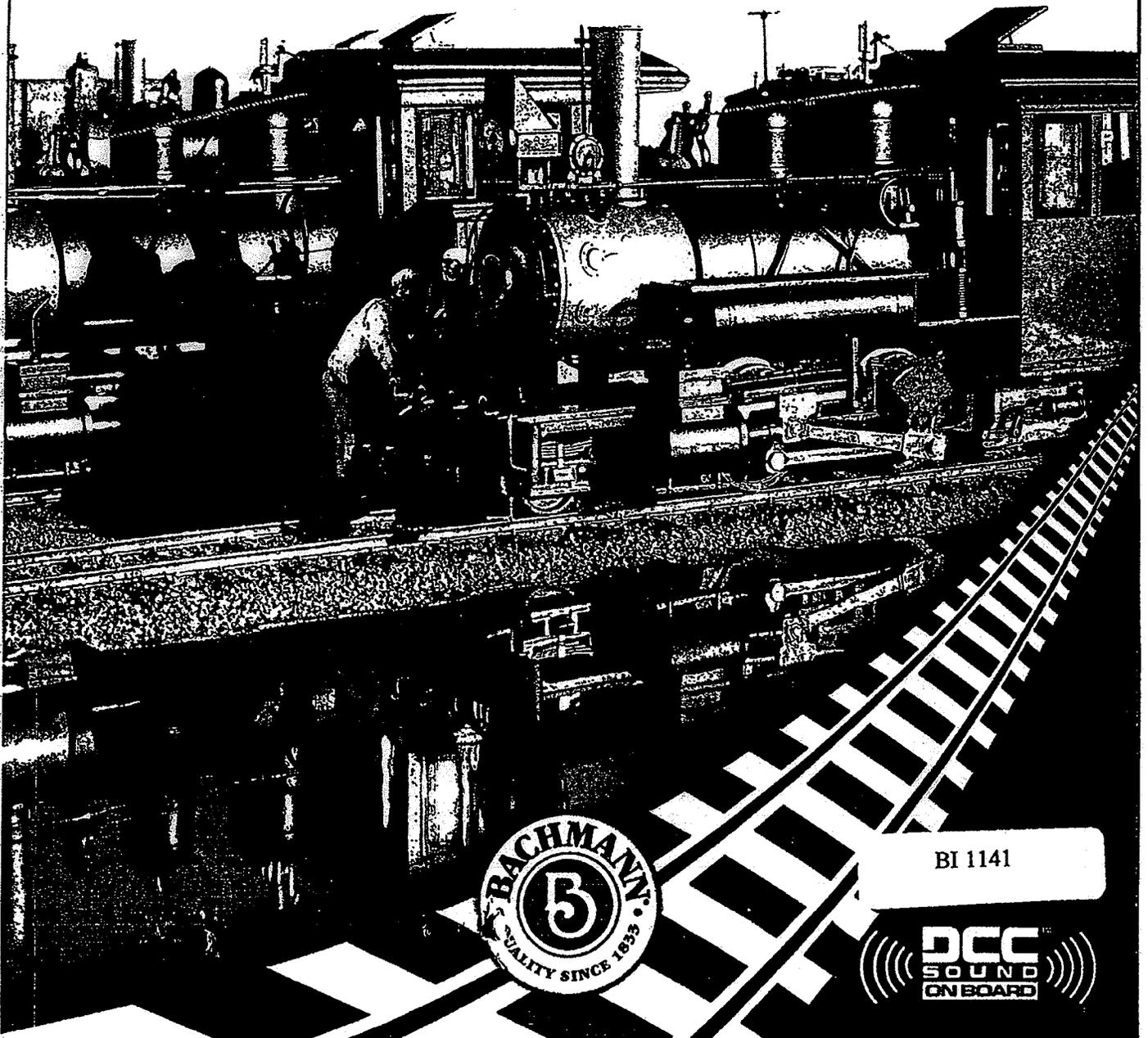
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2007  
**BACHMANN**  
TRAINS



BI 1141



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Bachmann is making noise in 2007, with DCC Sound-Equipped locomotives and a full range of exciting model railroading products. Our premium *Spectrum*® line breaks its silence with new *DCC Sound On Board*™ locomotives. Working closely with Soundtraxx™, Bachmann is pleased to introduce engines equipped with Tsunami® DCC sound technology. With offerings in HO, On30, and Large Scale, model railroads will come to life with a broad palette of sound effects and DCC functions. Look for the *DCC Sound On Board*™ logo at the beginning of the *Spectrum*® section to learn more.

For non-sound digital command, our *DCC On Board*™ line showcases an expanding roster of DCC-equipped locomotives, plus a new DCC train set. Featuring an 0-6-0 steam locomotive and a 56" x 38" oval with turnout and siding, the *Steam Digital Commander* will have you performing switching operations like a pro in no time.

Favorite characters from film, books, and television arrive in style in HO scale with new sets and separate-sale items in 2007. First, join Shrek for a romp in the swamp as he celebrates the joys of the holiday season aboard *Shrek's Holiday Special*. Life in Far Far Away is never ordinary, but the lovable ogre and his friends add extra magic with their own twists on Christmas traditions.

Next, Thomas the Tank Engine™ welcomes Emily, Edward, Mavis, a Conductor figure, and a host of new rolling stock items to our Thomas & Friends™ line. What's more, Bachmann is pleased to introduce a selection of *Sodor Scenery* buildings that are sure to bring your magical railroading adventures to life. Also, our *E-Z Model Railroads Track Planning Book* will get you on the right track to help you create the HO or On30 scale layout of your dreams.

Our roster of N scale locomotives grows with new roadnames in several categories, and *Plasticville*® U.S.A. celebrates its 60th Anniversary with an expansive line of preassembled buildings and do-it-yourself kits in HO and O scale. In Large Scale, we're pleased to offer two giant-sized limited edition sets, the *Wonderland Flyer* and the *White Pass & Yukon*. Both feature 32 running feet of track that can build up to a huge 10' x 6' oval and centerpiece Anniversary Edition 4-6-0 steam locomotive and tender equipped with the latest drive mechanism, metal siderods, and numerous separate detail parts.

These are just the highlights of the model railroading products headed your way in the coming year. In an effort to reduce the time between new product announcements and their subsequent release, we've rolled out a new product announcement policy. Beginning in 2007, Bachmann will announce new products on a quarterly basis, releasing information on only those products which are anticipated to ship in the following three-month period. This will significantly reduce your wait for a highly anticipated model and help keep the entire Bachmann line "fresh" in the eyes of distributors, retailers, and modelers. Though this catalog is an excellent source of information on Bachmann's complete line of products, we'll be making additions to both our Standard and *Spectrum*® lines throughout the year. Stay in touch with your favorite retailer or distributor and check in with us online at [www.bachmanntrains.com](http://www.bachmanntrains.com) for product news in the coming year.

*Now that's the way to run a railroad!*®

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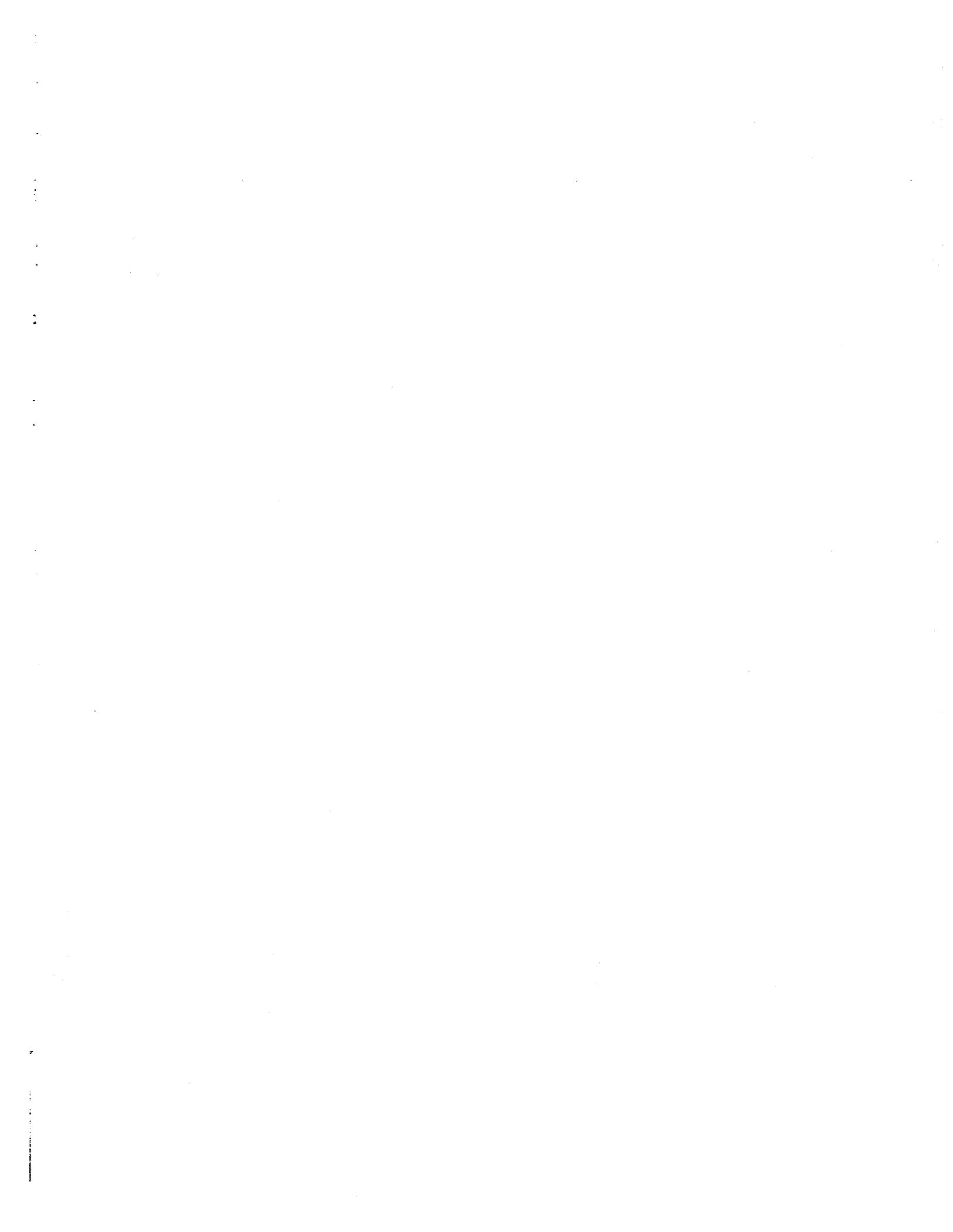
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BI 1143



# Bachmann Trains



2011



*Now that's the way to run a railroad!*

# 2011

This is an incredibly exciting time to be a model railroader. The array of choices in all scales is rapidly increasing while at the same time the dimensions of electronics to operate trains are shrinking at an amazing rate—all the better to be incorporated into HO and N scale locomotives. Now is the perfect opportunity to experience the thrills of digital command control with your first DCC-equipped locomotive or to complement your collection with our DCC sound-equipped models that feature the highest-quality sound technology (Soundtraxx® Tsunami®) on the market. This catalog puts the whole world of model railroading right at your fingertips.

You can find familiar faces and new friends and accessories in our expanded *Thomas & Friends*™ collection in HO and Large Scale. We've added a brand-new destination for your *Thomas & Friends* HO locomotives—Knapford Station.

Bachmann is delighted to offer new DCC-equipped versions of many popular models, including the HO *EMD GP9* diesel and *Alco RS-3* diesel and the N *Baldwin 4-6-0* steam and *GP7* diesel locomotives. Large Scale enthusiasts will want to join us in welcoming updated 2-4-2 and *Baldwin Industrial Mogul 2-6-0* steam locomotives back to the *Big Haulers*® lineup.

Impressive HO *Spectrum*® selections include DCC-equipped and DCC sound-equipped versions of the *Baldwin Modern 4-4-0* and *70-Ton Three-Truck Climax* and the long-anticipated *Birney Safety Streetcar*. These outstanding locomotives and streetcars deserve an equally striking backdrop, which you can supply with the return of our *Cityscenes*™ building kits. New *Spectrum*® N scale models, including the *Peter Witt Streetcar* and *GE 70-Ton* diesel locomotive, now feature *DCC ON BOARD*™ technology. In On30, *Porter 0-4-2* and *0-4-0* steam locomotives are available in both DCC-equipped and DCC sound-equipped models. Also new to the *Spectrum*® line are the 1:20.3 Large Scale *Two-Truck Climax* locomotives, in both DCC-ready and DCC sound-equipped versions.

The O gauge Williams by Bachmann™ *Traditional Line* and *Golden Memories* train sets, locomotives, rolling stock (including the new *Flatcars with Bulkhead Ends*), and accessories are the perfect way to introduce beloved models from the “golden age” of model railroading to the next generation of hobbyists—and many other generations to come!

*So whether you are seeking the cutting edge in digital technology or you want to revisit your favorite locomotives and train sets, we are sure you will discover exactly what you are looking for in the pages of this catalog. Now that's the way to run a railroad!*

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Bachmann's exclusive *E-Z Track*® System makes set-up quick, easy and fun!  
See Following Pages for Product Photographs



**BULK PACK**  
**36" LONG STRAIGHT**  
(25/box)  
Item No. 44584

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Item No. 44513	2.25" STRAIGHT TRACK (4/card)	\$9.25
Item No. 44514	4.50" STRAIGHT TRACK (4/card)	\$10.25
Item No. 44519	26" RADIUS CURVED TRACK (5/card)	\$18.50
Item No. 44528	9" STRAIGHT RERAILER (2/card)	\$9.25
Item No. 44529	18" RADIUS CURVED RERAILER (2/card)	\$9.25
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Item No. 44532	HALF SECTION 22" RADIUS CURVED TRACK (4/card)	\$14.50
Item No. 44540	30 DEGREE CROSSING (1/card)	\$14.75
Item No. 44541	90 DEGREE CROSSING (1/card) Standard Pack: 6	\$18.00
Item No. 44542	60 DEGREE CROSSING (1/card) Standard Pack: 6	\$15.50
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Item No. 44558	#4 TURNOUT - RIGHT (1/card) Standard Pack: 6	\$37.00
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Item No. 44560	#6 TURNOUT - RIGHT (1/card)	\$49.00
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Item No. 44562	REMOTE TURNOUT - RIGHT (1/card)	\$24.00
Item No. 44565	#5 TURNOUT - LEFT (1/card)	\$37.00
Item No. 44566	#5 TURNOUT - RIGHT (1/card)	\$37.00
Item No. 44569	#5 WYE TURNOUT (1/card)	\$37.00
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Item No. 44576	#6 REMOTE CROSSOVER TURNOUT - RIGHT (1/box)	\$69.00
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Item No. 44592	CONNECTOR TRACK ASSORTMENT (2 each .75", 1", 1.25", 1.5" and 2" straight pieces per card)	\$10.25
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Item No. 44597	9" POWER TERMINAL with INSULATED GAP (2/card)	\$33.00

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Item No. 44131	E-Z COMMAND® DCC TURNOUT - RIGHT (1/box)	\$46.00
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Item No. 44133	E-Z COMMAND® DCC #5 TURNOUT - RIGHT (1/box)	\$56.00
Item No. 44134	E-Z COMMAND® DCC #5 WYE TURNOUT (1/box)	\$56.00
Item No. 44135	E-Z COMMAND® DCC #6 TURNOUT - LEFT (1/box)	\$69.00
Item No. 44136	E-Z COMMAND® DCC #6 TURNOUT - RIGHT (1/box)	\$69.00
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<b>NEW</b> Item No. 44547	NICKEL SILVER E-Z TRACK® REVERSING SYSTEM Standard Pack: 6	\$165.00
Item No. 44548	For auto-reversing sets only: 9" STRAIGHT TRACK (4/card)	\$34.00
Item No. 44549	For auto-reversing sets only: 18" RADIUS CURVED TRACK (4/card)	\$34.00

Bachmann's exclusive *E-Z Track*® System makes set-up quick, easy and fun!  
See Following Pages for Product Photographs

(shown in nickel silver/gray roadbed only for illustration purposes)

STEEL ALLOY/BLACK ROADBED <i>E-Z TRACK</i> ® by the card		unless otherwise noted, Standard Pack: 12
Item No. 44401	18" RADIUS CURVED TRACK (4/card)	\$10.25
Item No. 44402	18" RADIUS CURVED TERMINAL RERAILER with WIRE (1/card)	\$9.25
Item No. 44403	22" RADIUS CURVED TRACK (4/card)	\$12.00
Item No. 44410	9" STRAIGHT TERMINAL RERAILER with WIRE (1/card)	\$9.25
Item No. 44411	9" STRAIGHT TRACK (4/card)	\$10.25
Item No. 44412	3" STRAIGHT TRACK (4/card)	\$6.75
Item No. 44428	9" STRAIGHT RERAILER (2/card)	\$5.75
Item No. 44429	18" RADIUS CURVED RERAILER (2/card)	\$5.75
Item No. 44440	30 DEGREE CROSSING (1/card)	\$8.00
Item No. 44441	90 DEGREE CROSSING (1/card) Standard Pack: 6	\$12.00
Item No. 44461	REMOTE TURNOUT - LEFT (1/card)	\$18.00
Item No. 44462	REMOTE TURNOUT - RIGHT (1/card)	\$18.00
Item No. 44491	HAYES BUMPERS (2/card)	\$12.50
Item No. 44493	TRACK ACCESSORY SET Standard Pack: 6	\$95.00
Item No. 44494	STEEL ALLOY <i>E-Z TRACK</i> ® LAYOUT EXPANDER SET Standard Pack: 6	\$69.00
Item No. 44497	STEEL ALLOY <i>WORLD'S GREATEST HOBBY</i> ® TRACK PACK Standard Pack: 3	\$125.00

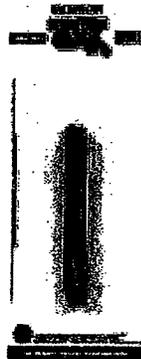
BULK STEEL ALLOY/BLACK ROADBED <i>E-Z TRACK</i> ® by the carton		Standard Pack: 1
Item No. 44480	18" RADIUS CURVED TRACK - BULK (50 pieces per carton)	\$90.00
Item No. 44481	9" STRAIGHT TRACK - BULK (50 pieces per carton)	\$90.00
Item No. 44483	22" RADIUS CURVED TRACK - BULK (50 pieces per carton)	\$135.00

ADDITIONAL ACCESSORY ITEMS		unless otherwise noted, Standard Pack: 12
Item No. 42901	HO/On30 <i>E-Z RIDERS</i> ™ with BALL-BEARING ROLLERS (4 per pack)	\$66.00
Item No. 42902	HO/On30 <i>E-Z RIDERS</i> ™ without ball-bearing rollers (4 per pack)	\$33.00
Item No. 42903	36" FLAT BACK WHEEL SETS (12 per card)	\$12.00
Item No. 42904	33" FLAT BACK WHEEL SETS (12 per card)	\$12.00
Item No. 44471	14-PIECE <i>E-Z TRACK</i> ® GRADUATED PIER SET	\$22.50
Item No. 44472	8-PIECE <i>E-Z TRACK</i> ® TALL PIER SET	\$18.50
Item No. 44498	10' POWER EXTENSION WIRE - RED (1/card)	\$9.25
Item No. 44499	RAIL JOINERS (36/card)	\$6.50
Item No. 44579	<i>E-Z TRACK</i> ® CROSSING GATE Standard Pack: 6	\$40.00
Item No. 44595	18-PIECE <i>E-Z TRACK</i> ® GRADUATED PIER SET (for higher HO elevation & On30 clearances)	\$30.25
Item No. 44598	10' REMOTE SWITCH EXTENSION WIRE - GREEN (1/card)	\$11.50
Item No. 96299	<del>MOTORIZED TURNABLE SWITCH SET</del>	<del>\$14.00</del>
Item No. 99978	<i>E-Z MODEL RAILROADS TRACK PLANNING BOOK</i>	\$24.00

**PLUG-IN 10' POWER  
EXTENSION WIRE - RED**  
Item No. 44498 • (1/card)



**PLUG-IN 10' REMOTE SWITCH  
EXTENSION WIRE - GREEN**  
Item No. 44598 • (1/card)

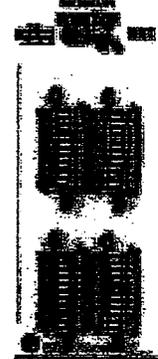


**15" RADIUS CURVED TRACK**  
Item No. 44505 • (4/card)



4 pieces of track  
make up one  
third (120°)  
of a 15"  
radius circle.

**ONE-THIRD SECTION 18"  
RADIUS CURVED TRACK**  
Item No. 44530 • (4/card)

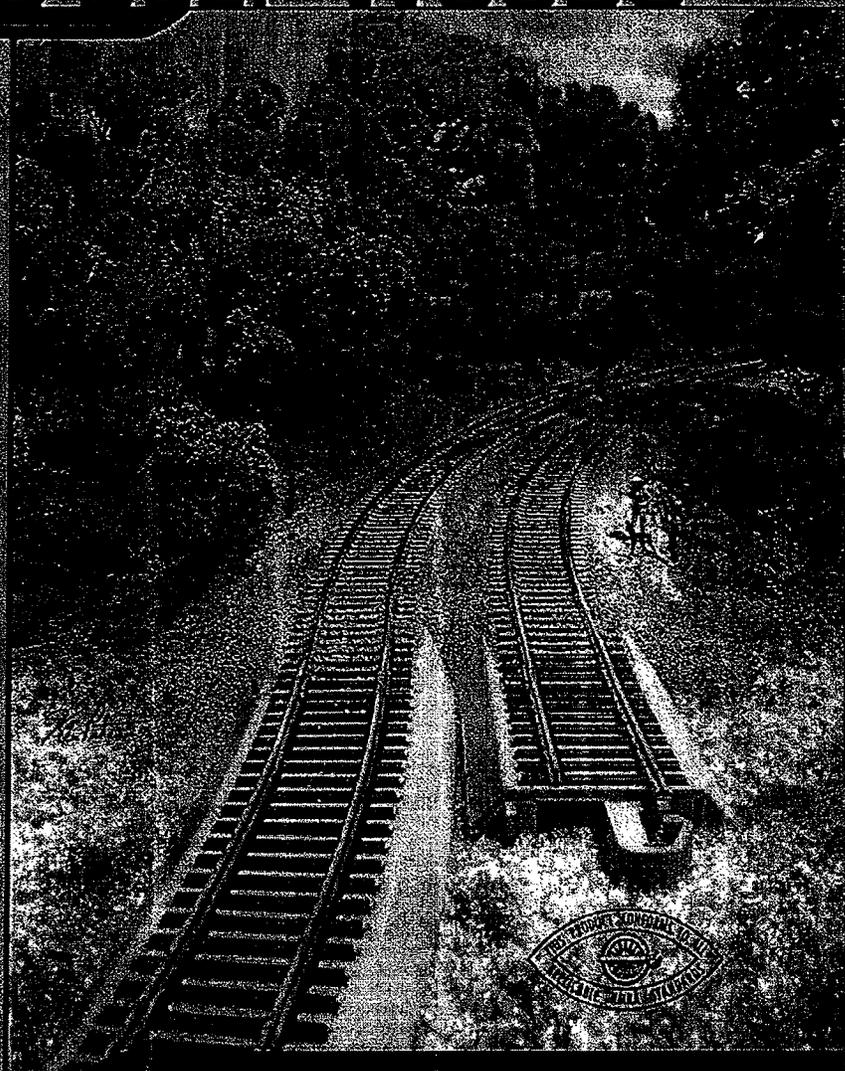


# EXHIBIT C

# FROM DEEP PILE TO DEEP WOODS

E-Z Track® is for all model railroad enthusiasts. Modeled from AAR track engineering dimensions, our latest HO scale introductions feature sleek 1/2" spacing on the end for each track section, power rails with spikes, and the addition of rail holes.

Bachmann's product line includes the E-Z Track® system in every HO train set we sell (as well as the sets of several other companies). With numerous styles of HO track available to build your railroad, it's easy to see why E-Z Track® is the best-selling track and hoarded system in the world.



Bachmann's First Railroad Track Packs contain all the track you need to build the 4' x 8' layout featured in an easy-to-follow DVD!



**WORLD'S GREATEST HOBBY® FIRST RAILROAD TRACK PACK**  
with STEEL ALLOY HO SCALE E-Z TRACK®  
Item No. 44497 • Standard Pack: 3 • \$65.00



**WORLD'S GREATEST HOBBY® FIRST RAILROAD TRACK PACK**  
with NICKEL SILVER HO SCALE E-Z TRACK®  
Item No. 44596 • Standard Pack: 3 • \$105.00

For information, contact Bachmann, Inc., 14100 Eastpointe Ave., Pittsburgh, PA 15114 • [www.bachmann.com](http://www.bachmann.com)



**E-Z TRACK® FLOOR DISPLAY RACK**

BI 2066

**BECHMANN**  
**EZ TRACKING SYSTEM**  
WORLD'S MOST POPULAR  
FRIGGE ROADBED SYSTEM  
ASSEMBLES IN MINUTES  
NO SCREWS, NAILS OR TOOLS REQUIRED  
WORKS ON FLOORS, TABLES & CARPETS



**WORLD'S GREATEST HOBBY®  
FIRST RAILROAD TRACK PACK**

Standard Pack: 3

It's never been easier to get started in model railroading! Our *World's Greatest Hobby® First Railroad Track Pack* contains all the track you need to build the 4' x 8' layout featured in the included DVD, *Building Your First Model Railroad*. Hosted by actor and model railroad enthusiast Michael Gross, the easy-to-follow video will quickly get you on track for fun with the *World's Greatest Hobby!*

*45-piece World's Greatest Hobby® First Railroad Track Pack includes:*

- *World's Greatest Hobby Building Your First Model Railroad DVD*, hosted by actor and model railroad enthusiast Michael Gross
- nine 9" straights
- one 9" terminal/trailer
- one 9" turner
- twenty 18" radius curves
- two 3" straights
- two turnouts - left
- two turnouts - right
- two Hoyer bumpers
- four switch wires (green)
- one terminal wire (red)

*Bachmann HO scale E-Z Track® features:*

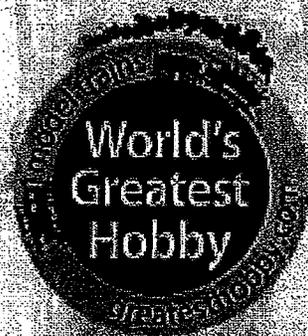
- clear tie spacing
- low-profile spike heads
- modeled from AAR track engineering dimensions



with **STEEL ALLOY HO SCALE E-Z TRACK®**  
Item No. 44497 • \$85.00



with **NICKEL SILVER HO SCALE E-Z TRACK®**  
Item No. 44596 • \$150.00



# EXHIBIT D

# Track to the future



## The Future Of Modal Interlocking Is Already Here!

It's 1/2 track™. Bachmann introduces a new All Track and Reached System that puts trains up and running in 15 minutes or less. 1/2 track™ tracks together and stays together on pieces, plates or spacers without the need for keys, nuts and rods. With the next generation of 1/2 track™ track and accessories already on the way, including

brand new interlocking 1/2 track™ rail and main switches, 1/2 straight track, 22" radius curved track, and a 30" crossing and bumper, you'll be ready to take your track to the future.

Original's 1/2 track™ system.

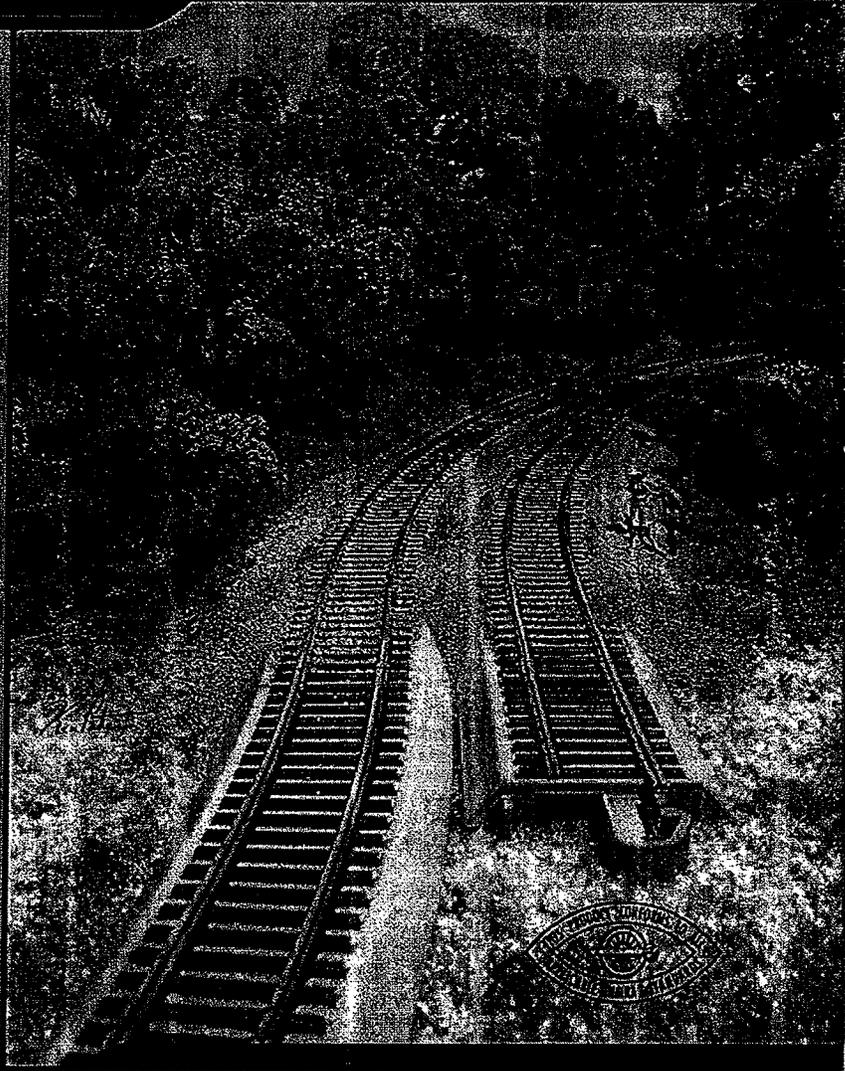
Now take the way **BACHMANN** to the future!

© 1987 Bachmann Industries, Inc. All rights reserved. Bachmann Industries, Inc. is a registered trademark of Bachmann Industries, Inc. 1/2 track™ is a registered trademark of Bachmann Industries, Inc. Bachmann Industries, Inc. is not responsible for any damage to property or persons caused by the use of its products.

# FROM DEEP PILE TO DEEP WOODS

E-Z Track™ is for all model railroad enthusiasts. Modeled from AAR track engineering dimensions, our latest HO scale introductions feature 4000' of spacing at the end of each track section, low profile spike heads, and the exclusion of rail holes.

Bachmann's product line includes the E-Z Track™ system in every HO train set we sell (as well as the sets of several other companies). With numerous styles of HO track available, re-build your railroad. It's easy to see why E-Z Track™ is the best-selling track and roadbed system in the world.



Bachmann's First Railroad Track Packs contain all the track you need to build the 4' x 8' layout featured in an easy-to-follow DVD!



**WORLD'S GREATEST HOBBY® FIRST RAILROAD TRACK PACK**  
with STEEL ALLOY HO SCALE E-Z TRACK™  
Item No. 44497 • Standard Pack: 3 • \$65.00



**WORLD'S GREATEST HOBBY® FIRST RAILROAD TRACK PACK**  
with NICKEL SILVER HO SCALE E-Z TRACK™  
Item No. 44596 • Standard Pack: 3 • \$105.00

Bachmann Industries, Inc. • 11005 Sycamore Ave. • Philadelphia, PA 19124 • www.bachmann.com

# E-Z TRACK™ SE MAKES “E-Z” TRAI

IT'S NEVER BEEN SO EASY TO ENJOY  
THE TRADITION OF MODEL TRAINS  
FOR THE HOLIDAYS!

*E-Z Track* is the snap-fit track support  
and roadbed system that gets trains up  
and running in minutes:

- \* Track snaps together, stays together
- \* Operates on floors, tables and carpets
- \* No nails, screws or special tools needed
- \* Plug-in wiring
- \* HO scale

\* Exclusive from Bachmann Industries

AS SEEN  
ON TV!

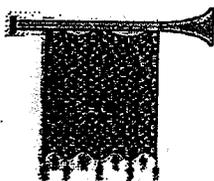


# BACHMANN

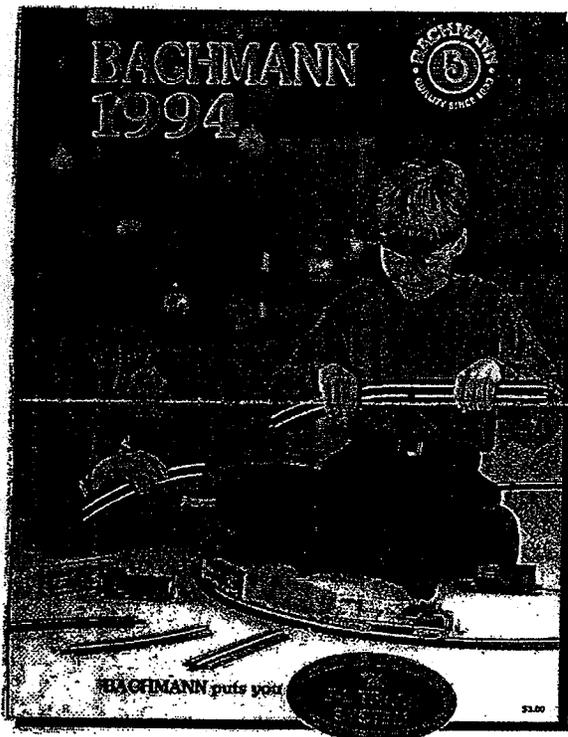
## Views

Newsletter for Hobby & Toy Retailers

October / November 1994



## Nickel Silver "E-Z Track™" Featured in Premium HO Scale Silver Series™



Bachmann is introducing four premium HO scale train sets featuring nickel silver E-Z Track™ as the 1994 Chicago Model Hobby Show. The train sets are offered in our new Silver Series™ sets containing all premium components. In addition to nickel silver E-Z Track™ with gray roadbed, the new sets include Bachmann Plus™ and Spectrum™ quality motive power, upgraded rolling stock (with detailed underframes, brass [non-magnetic] axles and body mounted couplers), and a 9 amp Spectrum power pack. The Silver Series™ sets are offered to give you exceptional quality, premium options when beginning a new railroad.

The Silver Series™ nickel silver E-Z Track™ provides fast and easy railroad enjoyment, with the added benefit of highly efficient electrical conductivity and smooth operating performance. E-Z Track™ is Bachmann's patented track support and roadbed system that gets trains up and running in less than a minute. With E-Z Track™, boards, nails, screws and tools are no longer needed for track layout; trains can go directly on the floor, carpet, or table top. The E-Z Track™ System makes tight track connections and gives firm support for smooth, trouble-free operation.

The four new Silver Series™ sets are the Mountaineer (Item #01101) with a Bachmann Plus GR5 locomotive and 3 freight cars, the Trail Blazer (Item #01102) with a Bachmann Plus F7B-7

locomotive and 4 freight cars, the Pioneer (Item #01103) with a powered Bachmann Plus F7A unit, an unpowered Bachmann Plus F7B unit and 4 freight cars, and the Patriot (Item #01104) with a Spectrum F40PH locomotive and 4 lighted Amtrak passenger cars. The unpowered passenger cars are available in the Silver Series™ sets in either black or white with gold or silver accents and are available in either black or white.

Exclusive Bachmann features of the Silver Series™ sets include:

- 5 pole skew-wound motor
- dual flyback
- double directional flapping (where applicable)
- painted steel frames in locomotive
- blackened metal wheels and non-magnetic axles on all freight cars
- heavy gauge 3' terminal wire with plug-in connections
- 9 amp Spectrum Power Pack with transistorized potentiometer speed control

- 01101 Mountaineer (Suggested Retail Price: \$125.00)
- 01102 Trail Blazer (Suggested Retail Price: \$155.00)
- 01103 Pioneer (Suggested Retail Price: \$150.00)
- 01104 Patriot (Suggested Retail Price: \$150.00)

Delivery: Summer 1995

## HO Spectrum EMC Gas Electric: First Ever Ready-to-Run "Doodlebug"

A truly unique piece of motive power, the EMC Gas Electric, or "Doodlebug," as it would come to be known, was first manufactured during the Great Depression. With a combine section and large passenger compartment, the Gas Electric provided extremely economical passenger service for its time, and in fact, kept railroads in the passenger business through World War II and into the 1960's. The Doodlebug was used for commuter and mainline service; its efficiency made it popular

both across the country and around the world.

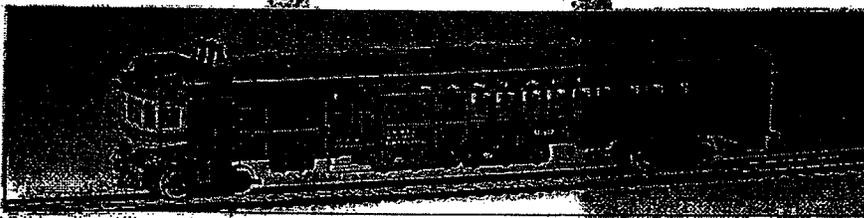
Never before available in a ready-to-run model, our Doodlebug is an HO scale model in the Spectrum line. In practice, no two Doodlebugs were ever the same. However, through extensive research in private collections and museums, we have standardized our Doodlebug's design to achieve a prototypically correct model. Features include:

- HO scale
- limited edition
- 5 pole skew-wound motor
- flywheel drive
- constant LED headlight
- full American and exterior detailing
- wood appointed railings
- opening baggage door
- facial handrails
- lighted windows
- up detail body detailing
- E-Z wheel couplers

The Doodlebug is being produced in a limited edition run of 4800 pieces for each of five road names, plus unlettered Pullman green and undecorated models. Expect delivery in the late winter of 1995.

- \$1401 Undecorated
- \$1402 Painted Pullman Green (unlettered)
- \$1403 Santa Fe
- \$1404 Baltimore & Ohio (blue & gray)
- \$1405 Union Pacific
- \$1406 Pennsylvania
- \$1407 Great Northern

Limited Edition: 4800 pieces  
 Delivery: Late Winter 1995  
 Suggested Retail Price: \$199.95



# Put Your Name in USA Today

We have committed ourselves to a comprehensive consumer ad campaign to promote the introduction of E-Z Track™. Five hundred thousand dollars (\$500,000) of print advertising is planned for late November and early December 1994. Our biggest ad will be a full page advertisement in USA Today, the nation's largest circulation newspaper. The E-Z Track™ advertisement will also appear in the country's largest newspaper, USA Today, in the Southeast, Midwest, South Central and West. For each of these editions, the full page ad will be placed in the same prominent position as the E-Z Track™ advertisement in USA Today.

The way it will work is this: USA Today prints six regional editions: Great Lakes, Northeast, Midwest, the South, Southwest, and West. Each of these editions will have the same ad promoting E-Z Track™ in consistent positions. The ad

side will be devoted to hobby shop listings telling consumers (by region) where they can purchase E-Z Track™ products. That's where you can see your name in print!

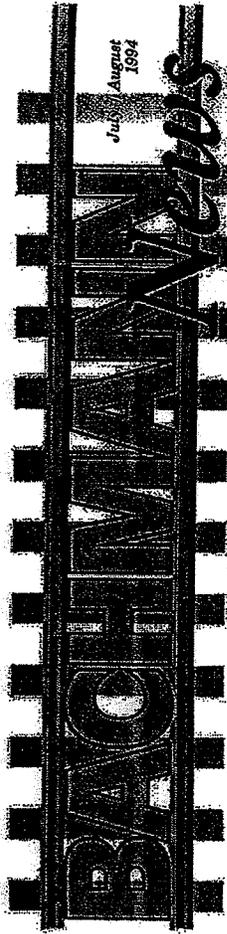
But there may be one catch. And it's that we can only accept names on a first-come, first-serve basis.

Although we expect to accommodate everyone with six full pages of space in regional editions, it may become necessary to drop late entry names. Therefore we urge you to reserve your place in USA Today as soon as possible. Send us your completed coupon and \$5.00 pay-  
ment today!

## Projecting Sale of One Million E-Z Track™ Sets in 1994

We know E-Z Track™ was going to be a big hit when we started hearing comments from our buyers at Toy Fair '94. Toy Fair is our major selling event for national chain buyers. Throughout Toy Fair, positive feedback poured in as buyers described E-Z Track™ as "the track system that finally makes HO sets user-friendly" and "the most innovative model train product ever presented."

With enthusiasm like that, it's easy to understand why we're projecting the placement of over one million track sets in the market for Christmas 1994. Many of our customers have already committed to promoting one or more sets in the E-Z Track™ series, and we're expecting sales figures to go even higher in the months ahead as additional buyers are shown the new track system.



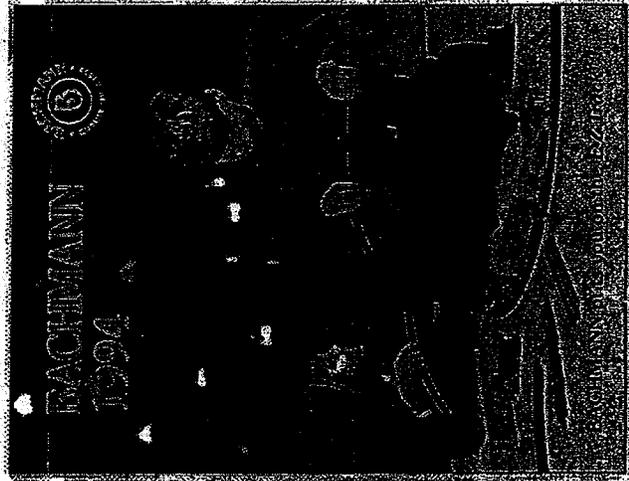
Newsletter for Hobby & Toy Retailers

# Putting Your New Customer Sales on Track: Do it the "E-Z" Way

When we talk about putting your new customer sales on track, we're talking about E-Z Track™. E-Z Track™ is our revolutionary new track support and roadbed system that gets HO scale trains up and running in just minutes.

With the E-Z Track™ system, boards, nails, screws and tools are no longer needed for track layout: trains can go directly on the floor, car-pet, or tabletop for fast and easy railroading enjoyment!

you all the benefits of the E-Z Track™ system, and why it means good business for you. We have also enclosed two sections of E-Z Track™ so you can see for yourself how easily your customers can get started as railroad hobbyists. Go ahead. Snap them together! See why we're so excited about E-Z Track™. Then read on to learn more about our plans for E-Z Track™, and how your hobby shop can be listed in our full, double page ad in a November issue of USA Today.



In this special issue of Bachmann News, we'll show

BI 2209

**SPECIAL E-Z TRACK™ ISSUE,  
SHOWING OUR REVOLUTIONARY  
NEW TRACK SUPPORT and ROADBED SYSTEM!**

# Nurturing a Future Railroader

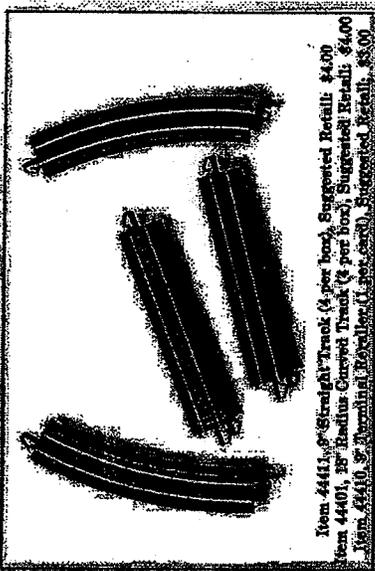
How many times has it happened? A railroading adventure turns to disappointment simply because a new customer is either unable or unwilling to properly set up his train. No layout board is available. He doesn't have the right tools or hardware. The track is difficult to assemble. His patience wears thin. So the set is returned, and a new customer is lost, perhaps forever.

In the 1940's and 50's, the hundreds of thousands of individuals who bought O scale trains for their Christmas trees enthusiastically embraced a new hobby. Model railroading exploded onto the American scene, and hobby retailers reaped the benefits. In the 60's and 70's, the initial wave of railroading enthusiasts turned to HO scale as a new standard in model railroading. And at the same time, individuals and families began to buy HO scale trains for their Christmas trees. When it came time to return model trains to their original places under the tree, the industry standard's change from O to HO scale's made quick Christmas setup difficult. The major selling and not least, to get on-the-floor operation. Setup difficulties reduced the number of first time buyers wanting into railroading hobbies, and several firms had broken. A few concepts HO scale track layout that has long been forgotten!

## Enter E-Z Track™

E-Z Track™ is heard new. Its exciting life a product that makes model railroading fun for first-time buyers. E-Z Track™ sets in the track's locking feature. Instantly, the track sections lock together until you're ready to take them apart. The E-Z Track™ system makes setup and construction and also fun support for months, week-to-week operation so it's truly a new way to enjoy model railroading.

plug fit and plug-in wiring also makes train layouts easy to move, change and expand for design flexibility: just snap and go! E-Z Track™ makes sense for your hobby store because it virtually guarantees a positive first representative today!



Item 4441, 1' Straight Track (4 per box), Suggested Retail: \$4.00  
Item 4440, 15' Radius Curved Track (3 per box), Suggested Retail: \$4.00  
Item 4442, 1' Terminal Block (1 per set), Suggested Retail: \$3.00

## Switches, Bumpers Expand Layout Options

As soon as the first E-Z Track™ train sets hit the market for Christmas '94, our (and your) newest customers will undoubtedly look for additional E-Z Track™ to expand their railroad empire. We already have switches and bumpers in

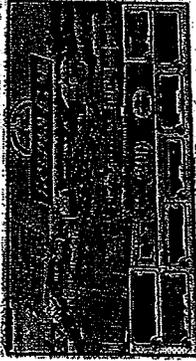


Item 4443, Remote Switch L&N (1 per card), Suggested Retail: \$10.00  
Item 4444, Remote Switch Right (1 per card), Suggested Retail: \$10.00  
Item 4445, Bumper (3 per card), Suggested Retail: \$6.00

# Additional E-Z Track™ Set: the 202 Piece "Golden Star"

We saved the biggest and best for last! We have produced seven HO scale E-Z Track™ sets for our 1994 line, and one of these has been reserved as a non-catalog exclusive. The non-catalog set is the "Golden Star," and at 202 pieces, it's our largest E-Z Track™ set.

The "Golden Star" comes complete with a long list of train, track, building and accessory items, including a Union Pacific GP40 diesel locomotive, hopper gondola, motor box car, tank car, caboose, 13 pieces of E-Z Track™, 10' model power pack, 9 piece suburban train station, 12 piece farm building set, 9 piece park assortment, signal bridge, railroad house, barn, etc., 24 piece pocket fence, 48 figures, 24 telephone poles, and 48 railroad and street



Suggested Retail Price: \$95.00

Item No. 00608

For reference, our other 1994 E-Z Track™ sets are the diesel "Shooting Star" (Item No. 00601), "Silver Comet" (Item No. 00602), and "Rolling Thunder" (Item No. 00603). The steam "Old Lyme Village Freight" (Item No. 00604) and "Old Lyme Village Express" (Item No. 00605), and our HERRSHYER'S™ Chocolate commemorative set, "CHOCOLATE TOWN, U.S.A."™ (Item No. 00606).

# Video, Counter Card, Catalog for \$5.00

We have a great video showing how incredibly easy E-Z Track™ is to use, set up, and enjoy. E-Z Track™ is the perfect product ready to ship to you. Our video, counter card and catalog are the perfect sales tools for showing your customers all the benefits of using E-Z Track™. The video, counter card and catalog are yours for only \$5.00! Fill out the coupon below and send it to us with a check or money order payable to Bachmann Industries, Inc. We'll rush your video, counter card and catalog directly to you so you can start putting your new customer sales on E-Z Track™.

Your completed coupon and payment reserve space for your name in our USA Today E-Z Track™ ad on a first-come, first-serve basis.

Send coupon and payment to:

BACHMANN INDUSTRIES, INC.  
1400 East Erie Avenue; Philadelphia, PA 19124

YOUR NAME \_\_\_\_\_

COMPANY (as it should appear in USA Today) \_\_\_\_\_

ADDRESS (as it should appear in USA Today) \_\_\_\_\_

SEND THE VIDEO, COUNTER CARD and CATALOG, MY \$5.00 PAYMENT IS ENCLOSED:

Check or  Money Order (Made payable to Bachmann Industries, Inc.)

COMMENTS \_\_\_\_\_

**Holiday MONEY**

**SPECIAL FINANCING with BOSCOV'S HOLIDAY MONEY**

\* On approved Boscov's Credit Card Purchases. See store for details.

**39.99**

**2010 Holiday Barbie by Mattel**

Celebrate the holidays with this beautiful Barbie® doll in her snowy white gown with beautiful red and golden bodice. Red wrap and ribbon, magnificent headpiece and chandelier earrings complete the festive look.

☎️📺📦 Item #192/#21477

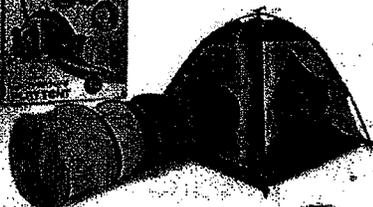


**29.99** Your Choice  
Tktd. 59.99

**50% Off** Tktd. price  
**Discovery Kids Real Digital Camera or MP3 Boombox**

Camera - Develop pictures by inserting memory cards into your computer. Captures up to 120 still photos. Purple or blue. Kid tough construction.  
MP3 Boombox - Plays MP3 or WMA files. Includes 20 pre-loaded songs. Kid tough construction.

☎️📺📦 Item #58533



**19.99** Tktd. 39.99

**50% Off** Tktd. price  
**Discovery Kids Adventure Play Tent**

Large 4-x-4-ft. tent with tunnel attachment for kids to enjoy hours of imaginative playtime fun. Perfect for indoors or outdoors.

☎️📺📦 Item #30223



**9.99** Tktd. 19.99

**50% Off** Tktd. price  
**Holly & Douglas Holiday Bears**

These huggable bears are looking for a home this winter.

☎️📺📦 Item #48983



**9.99**

**Select Baby Dolls by Gigo**  
Baby's First Giggles • Newborn Care Set  
Girl with Pet • And More  
Various dolls available in the collection.

☎️📺📦 Dept. #6171670

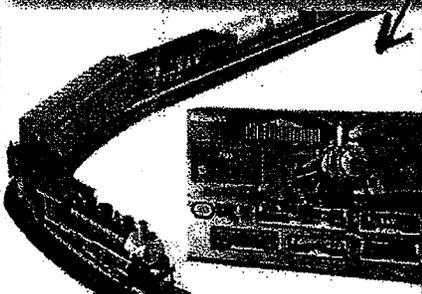


**149.99** Tktd. 199.99

**\$50 Off** Tktd. price  
**5-ft. Air Hockey Game Table**  
by DMI Sports

Revolutionary way to make your hockey game more challenging. Sturdy legs with built-in levelers and goal boxes with attached slide scorers.

☎️📺📦 Item #66148



**20% Off** Tktd. prices

**Entire Stock Trains**  
by Lionel, Bachmann and Walther's

Tktd. 1.99 to 349.99 **1.59 to 279.99**  
Choose from HO scale, N scale or O scale trains.

☎️📺📦 Dept. #6173550



**7.99** Tktd. 9.99

**\$2 Off** Tktd. price  
**Zhu Zhu and Kung Zhu Hamsters**  
by Cepia

Where will your Zhu Zhu zoom?  
**Zhu Zhu Play Sets 9.99 to 24.99**

☎️📺📦 Dept. #6175035



Not all Toys available in Lehigh Valley, Wilmington and Deptford.

YOU CAN SHOP 24/7 ONLINE @ boscovs.com. Quick-Search with Item/Dept. # in Item # Search Box.



## **Bachmann Trains**

1400 E. Erie Ave.

Philadelphia PA 19124

215-533-1600

Fax: 215-744-4699

[sales@bachmanntrains.com](mailto:sales@bachmanntrains.com)

[www.bachmanntrains.com](http://www.bachmanntrains.com)

Maker of a complete line of HO, O, On30, and large scale products; Spectrum products, E-Z Command DCC System, E-Z Track Systems, E-Z Mate couplers, E-Z Lube lubricants, Big Haulers, and Williams by Bachmann three-rail O gauge products.

*Manufacturer*

# EXHIBIT E

<u>Year</u>	<u>Bachmann Catalog Cost</u>
1999	266,282.29
2000	201,228.50
2001	192,416.84
2002	156,979.79
2003	162,120.51
2004	162,498.18
2005	199,488.70
2006	196,587.36
2007	122,952.80
2008	249,246.96
2009	193,783.64
2010	177,793.92
2011 YTD	163,676.53
<u>Total</u>	<u>2,415,251.02</u>
Average	203,771.42

Highly Confidential

BI 2535

# EXHIBIT F

Year	Category	Qty. Ordered	Ord. Amt.	Qty. Shipped	Ship. Amt.
2002	E-Z Mate	48362	1153116.56	45785	590,059.12
2002	E-Z Track	3143761	14628297.66	2847502	13,278,658.70
2002	E-Z Lube	9	1754.37	9	1,754.37
2003	E-Z Lube	63	12279.98	63	12,279.98
2003	E-Z Mate	50143	606253.36	46783	383,781.36
2003	E-Z Track	3385722	17035392.36	3251559	16,109,328.40
2004	E-Z Track	2532494	13122643.56	2513760	13,012,896.56
2004	E-Z Command	5955	260276.73	5880	256,461.48
2004	E-Z Mate	28098	858135.84	26988	396,955.84
2005	E-Z Track	2080040	10988077.34	2071357	10,903,800.07
2005	E-Z Command	37465	1513157.98	37399	1,509,271.24
2005	E-Z Mate	25936	398507.96	24554	284,506.76
2006	E-Z Command	30316	1481066.52	29176	1,406,334.30
2006	E-Z Lube	4	0	4	0.00
2006	E-Z Mate	19564	420101.2	19384	294,101.20
2006	E-Z Riders	282	4728.66	282	4,728.66
2006	E-Z Track	2159985	12730349.87	2120163	12,483,498.56
2007	E-Z Riders	11466	179445.84	11466	179,445.84
2007	E-Z Command	41354	1716470.76	41330	1,715,075.40
2007	E-Z Track	2264974	15268234.85	2225873	14,905,721.58
2007	E-Z Mate	43853	252390.48	40865	233,162.88
2008	E-Z Command	36395	1887903.59	36307	1,879,880.31
2008	E-Z Mate	18152	118402.68	17900	116,653.80
2008	E-Z Riders	10068	173660.76	10068	173,660.76
2008	E-Z Track	1189498	9061783.882	1182349	9,010,517.97
2009	E-Z Mate	20125	137625.83	20125	137,625.83
2009	E-Z Riders	7098	127631.94	7098	127,631.94
2009	E-Z Command	39636	1616108.68	39250	1,586,278.11
2009	E-Z Track	1558114	10084479.63	1530367	9,933,308.02
2010	E-Z Command	53889	1947453.99	53421	1,923,644.07
2010	E-Z Mate	30121	204607.19	29279	197,795.97
2010	E-Z Riders	12528	231125.16	12528	231,125.16
2010	E-Z Track	2048770	14330380.86	1998161	13,848,146.24
2011	E-Z Track	875981	6973260.06	865910	6,895,926.37
2011	E-Z Command	15543	703648.09	15148	678,924.31
2011	E-Z Mate	10336	87971	10336	87,971.00
2011	E-Z Riders	2976	65085.66	2940	64,637.10

# EXHIBIT G



# HAWTHORNE VILLAGE

Niles, Illinois 60714



Hawthorne Village is pleased to present a unique line of precision-quality, scale model trains. Leaders in hand-crafted architectural villages and accessories, Hawthorne has teamed up with Bachmann Industries, the recognized experts in model trains, to create Hawthorne Masterpiece Railways. Bringing together the finest in collectible art with the highest standard of model train technology, Hawthorne Masterpiece Railways provide a very special collecting opportunity.

## E-Z TRACK® TRAIN SET ASSEMBLY INSTRUCTIONS

FOR QUICKEST SETUP AND BEST TRAIN PERFORMANCE, PLEASE READ THESE INSTRUCTIONS BEFORE OPERATION

The patented E-Z TRACK® System in this train set combines the best of new and established technology in a product that will provide years of trouble-free operation. E-Z TRACK® combines revolutionary track and roadbed design with the ONLY rail connection method that has proven effective for over 50 years. E-Z TRACK® takes advantage of standard rail joiners, the universally accepted method of track connection that ensures proper track alignment and a continuous electrical circuit. A FEW EXTRA MINUTES SPENT TO MAKE SURE THE TRACK RAILS ARE PROPERLY CONNECTED WILL GUARANTEE SMOOTH OPERATION AND OPTIMUM SET PERFORMANCE.

\*\*\*THIS IS THE MOST IMPORTANT STEP IN THE ASSEMBLY OF YOUR TRAIN SET.\*\*\*

**CAUTION - ELECTRICALLY OPERATED PRODUCT**  
NOT RECOMMENDED FOR CHILDREN UNDER 8 YEARS OF AGE. AS WITH ALL ELECTRIC PRODUCTS, PRECAUTIONS SHOULD BE OBSERVED DURING HANDLING AND USE TO PREVENT ELECTRIC SHOCK. INPUT: 120 VAC 60Hz. OUTPUT: DC 16V 1000mA

**IMPORTANT NOTICE:** TO ENSURE TROUBLE FREE OPERATION, USE ONLY BACHMANN'S PATENTED E-Z TRACK PRODUCTS WITH THIS SET. USE OF NON-COMPATIBLE SYSTEMS MAY RESULT IN UNSATISFACTORY PERFORMANCE. IT IS RECOMMENDED THAT THIS SET BE PERIODICALLY EXAMINED FOR POTENTIAL HAZARDS AND THAT ANY POTENTIALLY HAZARDOUS PARTS BE REPAIRED OR REPLACED.

### TRAIN SET ASSEMBLY

Choose a firm and flat surface for assembly such as a floor, carpet or tabletop. To make sure you have enough working room, it's a good idea to first make a rough track layout by loosely placing sections of E-Z TRACK® in the configuration desired.

### PROPER E-Z TRACK ASSEMBLY

Great care must be given to assembling track sections! Improper assembly will cause derailments and/or interrupted electrical contact.

When assembling the track, snap it together tightly (figure 1), AND AT THE SAME TIME, make sure the rail and rail joiners are seated properly as shown in figure 2. Please note: the rail joiners form a continuous connection for the electric current. *Extreme care should be taken when assembling track to make sure the joiners connect the rail properly so you have continuous electrical contact and a smooth track surface.* It is important that ALL JOINTS ARE TIGHT and LEVEL to ensure proper running of your train set.

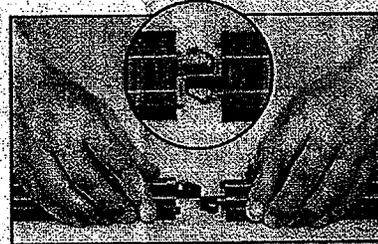


fig. 1

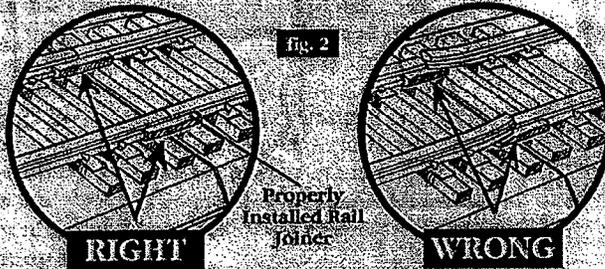


fig. 2

Properly Installed Rail Joiner

Be sure rail joiners do not slip under the rails without properly connecting



# GET ON BOARD! BE A CHARTER SUBSCRIBER.

Order the complete *Farmall Delivers Express* illuminated train set now in one easy step!

### It's Easy.

Simply sign and mail the Reservation Application Card to reserve the entire train set today. You may cancel at any time simply by notifying us.

### Priority Shipments.

The creation of this superbly crafted work of art takes considerable care and time. Each issue will arrive about every other month—no need to order each one separately.

### Hawthorne Village Certificate of Authenticity & 365-Day Guarantee.

With each issue you'll receive a Hawthorne Village Certificate

of Authenticity and—thanks to Hawthorne's 365-Day, Unconditional Guarantee—you never have to keep a collectible you don't love. Return it within one year, and we'll issue you a refund for everything that you have paid toward the purchase price.

### Don't Wait!

Order the entire *Farmall Delivers Express* illuminated electric train set now. Just sign and mail the enclosed Reservation Application Card to Hawthorne Village—your only source for this Collectibles Market Masterpiece—as soon as possible.



**FREE** 14-piece track set—enough for a 47" x 38" oval—and power-pack included with your train set—a \$70.<sup>00</sup> value!

**FARMALL DELIVERS EXPRESS**

- Fully decorated with vinyl of classic Farmall tractors featuring fully sculpted and painted details
- Power pack and 14-piece E-Z Track<sup>®</sup> elevated roadbed—enough to make a 47" x 38" oval—are included FREE (a \$70 value)
- An heirloom-quality HO-scale train on HO-gauge track
- Hawthorne Certificate of Authenticity & 365-Day Guarantee of Satisfaction



collectiblestoday.com

Home of Hawthorne Village and Air Trains Collectible

Fine collectible. Not intended for children under 14. ©2009 CNH America LLC  
©2009 Hawthorne Village 14-00185-001-B2





A classic electric train set that revisits the vintage tractors that America relied on!

**THE FARMALL DELIVERS EXPRESS**

An historic Hawthorne Village exclusive premier!

Dear Friend,

It's been said that American farmers are the backbone of the nation. Throughout history, they've toiled long and hard to put food on the tables of a grateful people. Early on, it was the farmer and his team of horses that tilled, planted and harvested the land. But in the early 1900's, the horses were replaced by tractors of which there is probably none more famous than the Farmall row crop tractor.

And we at Hawthorne Village have created a very special tribute to this incredible American classic with the illuminating, real working HO-scale electric train set... *Farmall Delivers Express*.

**Superbly crafted and authentically detailed**

Take a look through the enclosed brochure, and you'll be excited to see the authentic details lavished on every inch of this extraordinary heirloom-quality train set. The *Farmall Delivers Express* is masterfully crafted for years of enjoyment with a solid metal chassis and gleaming brass wheels. Created with people like you in mind, the *Farmall Delivers Express* is an HO-scale train that runs on an HO-gauge track.

As an important added feature, you'll notice the fully-sculpted, authentically detailed Farmall tractors are removable from the flatcars that carry them — practically collectibles in themselves! And each flatcar is lavishly detailed on the back panel showing classic images of Farmall tractors in action.

**Enjoy the timeless charm of trains  
paired with the excitement of  
America's classic tractor!**



Train sets have always been an exciting addition for any home. *Farmall Delivers Express* is no exception. Set up the *EZ-Track*®, elevated roadbed tracks, plug in the power-pack (both FREE when you purchase the collection — a \$70 value!), and watch in fascination as the diesel locomotive headlight shines and the cars line up, bringing the history of these American "work horses" down the rails.

(over, please)

collectiblestoday.com Home of Hawthorne Village and All Things Collectible

14-00185-001A2NG

9210 North Maryland Street • Niles, IL 60714-1822



**LIMITED TIME OFFER!**  
 Mail this today to reserve your  
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 NILES IL 60714-9828



CUT ALONG DOTTED LINE

Hawthorne is proud to introduce *The Johnny Cash Express* dedicated to a true American original. Emblazoned with classic photographs of *The Man in Black* that span his remarkable career, each stirring portrait resonates with the integrity, compassion and unbridled talent and energy that was Johnny Cash. This heirloom quality train—including a working headlight on the diesel locomotive and black interior seating in the coach cars—will have you remembering the man and his music every time the train rumbles around the tracks.

**An exceptional value.**  
 Begin your illuminated HO scale train set with "The Johnny Cash" Diesel Locomotive. You will be billed the first of three easy payments of \$23.31\* before it is sent. Subsequent cars will be billed separately each at the same attractive price and sent about one every other month—including the FREE tracks and



*Johnny Cash*  
*Express*

- The first-ever illuminated collectible train set inspired by the legendary Johnny Cash.
- Richly decorated with dramatic, classic photographs of Johnny Cash that span his remarkable career.
- Featuring black interior seating in the passenger cars in tribute to *The Man in Black*—a Hawthorne first ever.
- Power-pack and nickel silver E-Z Track® elevated roadbed—enough for a 56" x 38" oval—includes FREE—a \$70 value.

Each set, 1995. Johnny Cash photographs by Calvin Meese (www.calvinmeese.com) 1-800-167-001-0111



# LORD OF THE RINGS EXPRESS

Locomotive & Cars  
Light Up



## THE LORD OF THE RINGS

Let your journey to Middle-earth begin...

Hawthorne's First-Ever Train Set Inspired by  
*The Lord of the Rings* Motion Picture Trilogy

Available exclusively from  
Hawthorne Village



As you explore the world of Middle-earth, you'll find a train set that's as rich in detail as the movies themselves. The Lord of the Rings Express is a masterpiece of craftsmanship, featuring a locomotive and several passenger cars that are both functional and beautiful. The train set is made of high-quality materials and is designed to last for years to come. It's a must-have for any fan of the movies.



The Lord of the Rings Express is a must-have for any fan of the movies. It's a masterpiece of craftsmanship, featuring a locomotive and several passenger cars that are both functional and beautiful. The train set is made of high-quality materials and is designed to last for years to come. It's a must-have for any fan of the movies.



**LORD OF THE RINGS EXPRESS**

The first-ever illuminated collectible train set inspired by the Academy Award-winning motion picture trilogy *The Lord of the Rings*. Richly decorated with dramatic figurative artwork of characters and scenes including authentic Elven text from the movie trilogy. Power pack and nickel silver EZ Track included. Retail \$299.99. **FREE** shipping absolutely. **FREE** \$50 value.

**FREE** Tracks and Power-pack - a \$60 Value!

920 W. MARSH AND ST. ALBANY, IL 60717-61322

Unlimited time to enjoy the train set. No purchase necessary. Simply call 1-800-444-4444 or visit our website at [www.hawthornevillage.com](http://www.hawthornevillage.com). While supplies last. Offer good in the U.S. only. ©2001 Hawthorne Village. All rights reserved.

# EXHIBIT H



Eckert Seamans Cherin & Mellott, LLC  
Two Liberty Place  
50 South 16th Street  
22nd Floor  
Philadelphia, PA 19102

TEL 215 851 8400  
FAX 215 851 8383  
www.eckertseamans.com

Roberta Jacobs-Meadway  
215.851.8522  
rjacobsmeadway@eckertseamans.com

October 20, 2010

**Via Federal Express**

Andy Reichert  
Proto: 87 Stores  
650 Farroll Avenue, Unit E  
Grover Beach, CA 93433

Re: Infringement of Bachmann Industries Inc. Trademark Rights  
Our file: 297775-00246

Dear Mr. Reichert:

This office represents Bachmann Industries, Inc. of Philadelphia PA ("Bachmann") in connection with certain trademark and unfair competition matters.

As you are no doubt aware, Bachmann has for more than fifteen years used in commerce E-Z and a family of marks having E-Z as the first and dominant element, including E-Z TRACK, E-Z RIDERS, E-Z MATE, E-Z LUBE and E-Z COMMAND for toy train sets, accessories for toy trains, namely, couplers for toy railway carriages, lubricants for model railroads, electronic controllers for toy train sets, toy trains and accessories, namely, toy train tracks and toy train tracks with roadbeds.

Bachmann has taken steps to protect its E-Z marks and has secured U.S. Trademark Registrations No.s 2,053,073; 2,061,990; 2,195,884; 2,225,724; 2,247,669; 2,929,228; 3,366,363; 3,301,198 and 3,222,737.

Bachmann has extensively advertised and promoted its E-Z marks for its model train products. The nature and extent of its activities may be seen at its website: [www.bachmanntrains.com](http://www.bachmanntrains.com).

Bachmann has enjoyed significant success with its E-Z product lines.

You will appreciate that the EZ marks are highly valuable assets of Bachmann, and that it is the policy and practice of Bachmann to protect its intellectual property rights, including its trademark rights, from encroachment.

It has only recently come to Bachmann's attention that you are promoting a model track system under the mark "EASY STREET".

PHILADELPHIA, PA BOSTON, MA CHARLESTON, WV HARRISBURG, PA PITTSBURGH, PA  
SOUTHPOINTE, PA WASHINGTON, DC WEST CHESTER, PA WHITE PLAINS, NY WILMINGTON, DE  
{M0864507.1}

BI 2504

**ECKERT  
SEAMANS**

Andy Reichert  
October 20, 2010  
Page 2

This use of "EASY STREET" is of concern since there is appears to be a clear likelihood of confusion of members of the relevant public as to the affiliation between Bachmann and Proto: 87 Stores and Bachmann's sponsorship or approval of the "EASY STREET" track product granted the close similarity between the mark and Bachmann's family of EZ marks and the close relationship between the goods.

Accordingly, on behalf of Bachmann, we are requesting that you:

1. Immediately initiate steps to phase out of all use of "EASY STREET" as a mark for any model train products;
2. Commit to cease all such use on or before December 31, 2010; and
3. Confirm in writing your agreement to comply with these requests not later than the close of business on October 29, 2010.

Any offer of compromise is without prejudice to any claim or demand that may be made in the event we are not able to resolve this matter amicably within the above-stated time frame.

Very truly yours

  
Roberta Jacobs-Meadway

RJM/mtb

cc: Bachmann Industries, Inc. (via electronic mail)

The Proto:87 Stores  
PO BOX 505  
Pismo Beach  
CA 93448

October 26, 2010

Re: Bachmann Industries Inc. Trademarks  
Your file: 297775-00246

Dear Ms. Jacobs-Meadway,

I refer to your letter of October 20, 2010 and I agree to:

1. Immediately initiate steps to phase out all use of "EASY STREET" as a mark for any model train products;
2. Commit to cease all such use on or before December 31, 2010:

Yours truly,



Andrew Reichert  
Proprietor

Roberta Jacobs-Meadway Esq.,  
Eckert Seamans Cherin & Mellott, LLC  
Two Liberty Place  
50 South 16<sup>th</sup> Street, 22<sup>nd</sup> Floor  
Philadelphia, PA 19102

BI 2506



Eckert Seamans Cherin & Mellott, LLC  
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50 South 16th Street  
22nd Floor  
Philadelphia, PA 19102

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www.eckertseamans.com

Roberta Jacobs-Meadway  
215.851.8522  
rjacobsmeadway@eckertseamans.com

August 4, 2009

Via Federal Express

Darryl R. Manley  
DR Manley, Inc.  
California & Oregon Coast Railway  
5664 E. Evans Creek Road  
Rogue River, OR 97537-0057

Re: Infringement of Bachmann Industries Inc. Trademark Rights  
Our file: 297775-00204

Dear Mr. Manley:

This office represents Bachmann Industries, Inc. of Philadelphia PA ("Bachmann") in connection with certain trademark and unfair competition matters.

As you are no doubt aware, Bachmann has for more than fifteen years used in commerce E-Z and a series of marks having E-Z as the first and dominant element, including E-Z TRACK, E-Z RIDERS, E-Z MATE, E-Z LUBE, E-Z COMMAND for toy train sets, accessories for toy trains, namely, couplers for toy railway carriages, lubricants for model railroads, electronic controllers for toy train sets, toy trains and accessories; namely, toy train tracks and toy train tracks with roadbeds.

Bachmann has taken steps to protect its E-Z marks and has secured U.S. Trademark Registrations No.s 2,053,073; 2,061,990; 2,195,884; 2,225,724; 2,247,669; 2,929,228; 3,366,363; 3,301,198 and 3,222,737.

Bachmann has extensively advertised and promoted its E-Z marks for its model train products. The nature and extent of its activities may be seen at its website: [www.bachmanntrains.com](http://www.bachmanntrains.com). The E-Z COMMAND lines of controllers, decoders and accessories (including turnouts, power boosters, and ir receivers) is featured.

Bachmann has enjoyed significant success with its E-Z product lines.

You will appreciate that the EZ marks are highly valuable assets of Bachmann, and that it is the policy and practice of Bachmann to protect its intellectual property rights, including its rights in its marks, from encroachment.

PHILADELPHIA, PA PITTSBURGH, PA HARRISBURG, PA BOSTON, MA WASHINGTON, DC WILMINGTON, DE  
(M0751340.1) MORGANTOWN, WV SOUTHPOINTE, PA WHITE PLAINS, NY

BI 2507

**ECKERT  
SEAMANS**

Darryl R. Manley  
August 4, 2009  
Page 2

It has only recently come to Bachmann's attention, at the National Garden Railway Convention, that California & Oregon Coastal Railway ("COCR") is offering for sale a product identified as an E-Z AIR Motion Control device for model train sets primarily designed for remote control of turnouts. It appears from the company's website that the actuator is intended for use in connection with Bachmann's turnouts, presumably including those in the E-Z COMMAND line.

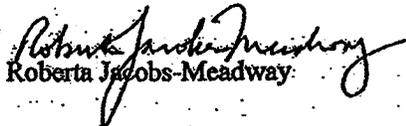
This use of E-Z AIR is of concern since there is appears to be a clear likelihood of confusion of members of the relevant public as to the affiliation between Bachmann and COCR, and Bachmann's sponsorship or approval of the E-Z AIR product granted the close similarity between the marks and the close relationship between the goods and the clear overlap in trade channels.

Accordingly, on behalf of Bachmann, we are requesting that COCR:

1. Immediately take steps to phase out of all use of E-Z as a mark or component of a mark for model train products;
2. Commit to cease all such use on or before September 15, 2009; and
3. Confirm in writing the agreement of COCR to comply with these requests not later than the close of business on August 19, 2009.

Any offer of compromise is without prejudice to any claim or demand that may be made in the event we are not able to resolve this matter amicably within the above-stated time frame.

Very truly yours

  
Roberta Jacobs-Meadway

RJM/mtb

cc: Bachmann Industries, Inc.

Roberta Jacobs-Meadway  
215.851.8522  
rjacobsmeadway@eckertseamans.com

August 26, 2009

**Via Federal Express**

Darryl R. Manley  
DR Manley, Inc.  
California & Oregon Coast Railway  
5664 E. Evans Creek Road  
Rogue River, OR 97537-0057

Re: Infringement of Bachmann Industries Inc. Trademark Rights  
Our file: 297775-00204

Dear Mr. Manley:

This has reference to my letter of August 4, 2009 (copy enclosed). As stated there, this office represents Bachmann Industries, Inc. of Philadelphia PA ("Bachmann") in connection with certain trademark and unfair competition matters.

As stated, Bachmann has extensively advertised and promoted its E-Z marks for its model train products. The nature and extent of its activities may be seen at its website: [www.bachmanntrains.com](http://www.bachmanntrains.com). The E-Z COMMAND lines of controllers, decoders and accessories (including turnouts, power boosters, and ir receivers) is featured.

The EZ marks are highly valuable assets of Bachmann, and it is the policy and practice of Bachmann to protect its intellectual property rights, including its rights in its marks, from encroachment.

The use of E-Z AIR by California & Oregon Coastal Railway ("COCR") is of concern since there appears to be a clear likelihood of confusion of members of the relevant public as to the affiliation between Bachmann and COCR, and Bachmann's sponsorship or approval of the E-Z AIR product, granted: the close similarity between the marks; the close relationship between the goods; and the clear overlap in trade channels.

On behalf of Bachmann, we repeat our demand that COCR:

1. Immediately take steps to phase out of all use of E-Z as a mark or component of a mark for model train products;
2. Commit to cease all such use on or before September 15, 2009; and

{M0755507.1}

BI 2509

Darryl R. Manley  
August 26, 2009  
Page 2

3. Confirm in writing the agreement of COCR to comply with these requests not later than the close of business on September 1, 2009.

Bachmann reserves all right to take such action as it deems appropriate with no further notice to you if we are unable to resolve this matter amicably and promptly.

Any offer of compromise is without prejudice to any claim or demand that may be made on behalf of Bachmann.

Very truly yours

Roberta Jacobs-Meadway

RJM/mtb  
Enclosure

cc: Bachmann Industries, Inc.

{M0755507.1}

BI 2510

Darrel R. Manley  
D. R. Manley, Inc.  
d/b/a California & Oregon Coast Railway  
P. O. Box 57  
Rogue River, OR 97537-0057

September 2, 2009

Eckert Seamans Cherin & Mellott, LLC  
Two Liberty Place  
50 South 16<sup>th</sup> Street  
22 floor  
Philadelphia, PA 19102

Attention: Roberta Jacobs-Meadway

In response to your letter dated August 4, 2009;

I apologize for the delay in responding. Two things interfered. One, my address on your letter is incorrect. I have not been at that address for over five years. FedEx left the letter there. This is a small town, and although that address is over five miles from my shop, the people who live there know me, so they kept the letter and gave it to me a few days later. Please take note of the correct spelling of my name and the correct mailing address above. Second, at the time I received the letter I was distracted by medical problems. Now the most serious has been diagnosed and the surgery is scheduled for two weeks from today.

I want to take this intervening time to respond, because the surgery is major and I don't know how long my recovery will be.

I appreciate Bachmann's desire to protect their trademark of "all things E-Z" in the model train world. However, I question your "It has only recently come to Bachmann's attention". The Big Train Show was held on the Queen Mary in Long Beach, California for several years. At least five years ago, my display, featuring E-Z Air, was set up across the aisle from the Bachmann factory display. We both occupied the same spaces for at least two years following that. Photos exist supporting this. We have both had displays at subsequent National Garden Railway Conventions and Big Train Shows. Why has Bachmann waited this long?

I consulted an intellectual property attorney last week. We agreed that while it might be fun to fight your allegations of infringement, I'd probably lose the legal battle and would definitely lose the financial battle, due to Bachmann's deeper pockets.

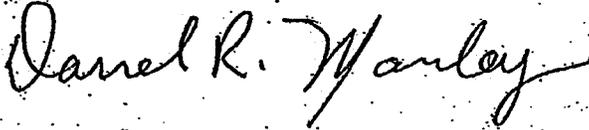
So, in response to your request to take steps to phase out the use of E-Z, I acquiesce without admitting purposeful infringement.

In response to your request to cease all such use on or before September 15<sup>th</sup>: I don't keep a lot of packaged inventory on hand. Most is packaged just before shipment. I will rename the product line and redesign the E-Z Air logo to something else (undecided as of now) and use it on new packaging and

BI 2511

advertising except: one last use of the B-Z Air name and logo will appear in the magazine ads and on the web site, explaining that it is going away and what the new name and logo will be. The web site occurrences of the B-Z Air name and logo will be changed by the time the the above mentioned magazine ads appear explaining the name change. This should be no later than the December 2009 issue of Garden Railways, which usually appears in late October 2009. The October issue appeared in late August.

In response to your request to confirm in writing by August 19, 2009: I confirm the above as of September 2<sup>nd</sup>, 2009.



Darrel R. Manley



Eckert Seamans Cherin & Mellott, LLC  
Two Liberty Place  
50 South 16th Street  
22nd Floor  
Philadelphia, PA 19102

TEL 215 851 8400  
FAX 215 851 8383  
www.eckertseamans.com

Roberta Jacobs-Meadway  
215.851.8522  
rjacobsmeadway@eckertseamans.com

September 9, 2009

Darrel R. Manley  
D.R. Manley, Inc.  
California & Oregon Coast Railway  
P.O. Box 57  
Rogue River, OR 97537-0057

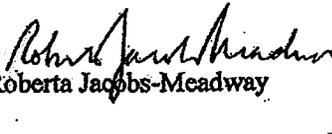
Re: Infringement of Bachmann Industries Inc. Trademark Rights  
Our file: 297775-00204

Dear Mr. Manley:

We and our colleagues at Bachmann will keep you in our prayers for a successful surgery.

Based on the representations in your letter of September 2, once the change of name from E-Z AIR is complete, we will close our file on the matter.

Very truly yours

  
Roberta Jacobs-Meadway

RJM/mtb

cc: Bachmann Industries, Inc.

PHILADELPHIA, PA PITTSBURGH, PA HARRISBURG, PA BOSTON, MA WASHINGTON, DC WILMINGTON, DE  
MORGANTOWN, WV SOUTHPOINTE, PA WHITE PLAINS, NY  
(M0758145.1)

BI 2513



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Philadelphia, PA 19102

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www.eckertseamans.com

Roberta Jacobs-Meadway  
215.851.8522  
rjacobsmeadway@eckertseamans.com

August 27, 2010

Darryl R. Manley  
EA-ZE Air  
P.O. Box 1091  
Rogue River, OR 97537-1091

Re: **Infringement of Bachmann Industries Inc. Trademark Rights**  
**Our file: 297775-00203**

Dear Mr. Manley:

This has reference to our prior correspondence dated June 25, 2010 (attached). We look forward to the courtesy of your reply.

Very truly yours

  
Roberta Jacobs-Meadway  
Joseph L. Hoynoski, III  
For Eckert Seamans Cherin & Mellott, LLC

RJM/JLH  
Enclosures

cc: Bachmann Industries, Inc.

BI2514

June 25, 2010

Darryl R. Manley  
EA-ZE Air  
P.O. Box 1091  
Rogue River, OR 97537-1091**Re: Infringement of Bachmann Industries Inc. Trademark Rights**  
**Our file: 297775-00204**

Dear Mr. Manley:

This has reference to our previous letters of August 4, 2009, August 26, 2009, and September 9, 2009 and your letter dated September 2, 2009 (copies enclosed). As stated within those letters, this office represents Bachmann Industries, Inc. of Philadelphia PA ("Bachmann") in connection with certain trademark and unfair competition matters.

It has recently come to our attention that California & Oregon Coastal Railway ("COCR") closed down late last year and that you have changed the mark for the EZ-AIR product to EA-ZE AIR MOTION CONTROL which is now sold by your sole proprietorship, EA-ZE Air. While you have changed the mark for the product in accordance with your letter of September 2, 2009, the insignificant spelling change fails to eliminate the concern we relayed in our previous letters. EA-ZE is the obvious phonetic equivalent of EZ. EA-ZE AIR MOTION CONTROL is, as EZ-AIR was, likely to cause confusion of members of the relevant public as to the affiliation between Bachmann and EA-ZE Air, formerly COCR, and its EA-ZE AIR MOTION CONTROL product, and Bachmann's sponsorship or approval of the EA-ZE AIR MOTION CONTROL product and company, granted: the close similarity between the marks; the close relationship between the goods; and the clear overlap in trade channels.

On behalf of Bachmann, we demand that you and EA-ZE Air:

1. Immediately take steps to phase out of all use of EA-ZE as a mark or name or component of a mark or name for model train products;
2. Commit to cease all such use on or before August 2, 2010; and
3. Confirm in writing the agreement of you and EA-ZE Air to comply with these requests not later than the close of business on July 9, 2010.

**ECKERT  
SEAMANS**

Darryl R. Manley  
June 25, 2010  
Page 2

Bachmann reserves all right to take such action as it deems appropriate with no further notice to you if we are unable to resolve this matter amicably and promptly.

Any offer of compromise is without prejudice to any claim or demand that may be made on behalf of Bachmann.

Very truly yours

  
Roberta Jacobs-Meadway  
Joseph L. Hoynoski, III  
For Eckert Seamans Cherin & Mellott, LLC

RJM/JLH  
Enclosures

cc: Bachmann Industries, Inc.



Eckert Seamans Cherin & Mellott, LLC  
Two Liberty Place  
50 South 16th Street  
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FAX 215 851 8383  
www.eckertseamans.com

Roberta Jacobs-Meadway  
215.851.8522  
rjacobsmeadway@eckertseamans.com

June 25, 2010

Darryl R. Manley  
EA-ZE Air  
P.O. Box 1091  
Rogue River, OR 97537-1091

Re: **Infringement of Bachmann Industries Inc. Trademark Rights**  
**Our file: 297775-00204**

Dear Mr. Manley:

This has reference to our previous letters of August 4, 2009, August 26, 2009, and September 9, 2009 and your letter dated September 2, 2009 (copies enclosed). As stated within those letters, this office represents Bachmann Industries, Inc. of Philadelphia PA ("Bachmann") in connection with certain trademark and unfair competition matters.

It has recently come to our attention that California & Oregon Costal Railway ("COCR") closed down late last year and that you have changed the mark for the EZ-AIR product to EA-ZE AIR MOTION CONTROL which is now sold by your sole proprietorship, EA-ZE Air. While you have changed the mark for the product in accordance with your letter of September 2, 2009, the insignificant spelling change fails to eliminate the concern we relayed in our previous letters. EA-ZE is the obvious phonetic equivalent of EZ. EA-ZE AIR MOTION CONTROL is, as EZ-AIR was, likely to cause confusion of members of the relevant public as to the affiliation between Bachmann and EA-ZE Air, formerly COCR, and its EA-ZE AIR MOTION CONTROL product, and Bachmann's sponsorship or approval of the EA-ZE AIR MOTION CONTROL product and company, granted: the close similarity between the marks; the close relationship between the goods; and the clear overlap in trade channels.

On behalf of Bachmann, we demand that you and EA-ZE Air:

1. Immediately take steps to phase out of all use of EA-ZE as a mark or name or component of a mark or name for model train products;
2. Commit to cease all such use on or before August 2, 2010; and
3. Confirm in writing the agreement of you and EA-ZE Air to comply with these requests not later than the close of business on July 9, 2010.

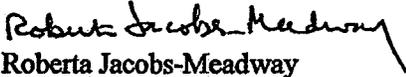
**ECKERT  
SEAMANS**

Darryl R. Manley  
June 25, 2010  
Page 2

Bachmann reserves all right to take such action as it deems appropriate with no further notice to you if we are unable to resolve this matter amicably and promptly.

Any offer of compromise is without prejudice to any claim or demand that may be made on behalf of Bachmann.

Very truly yours

  
Roberta Jacobs-Meadway  
Joseph L. Hoynoski, III  
For Eckert Seamans Cherin & Mellott, LLC

RJM/JLH  
Enclosures

cc: Bachmann Industries, Inc.

September 21, 2010

**By E-Mail (whois@x23.com) and U.S. Mail**

Domain Privacy LTD  
P.O. Box 189  
Marblehead, MA 01945

**RE: Unauthorized registration and use of the EZCOMMAND.COM domain name**

Dear Sir or Madam:

Please be advised that this firm represents Bachmann Industries, Inc. ("Bachmann") in connection with certain trademark and unfair competition issues.

Bachmann has used the E-Z COMMAND mark in connection with electronic controllers for toy train sets since 2004 (including promotion of the E-Z COMMAND products since at least as early as March of 2004). Further, Bachmann enjoys a constructive first use date of December 10, 2001 based on its intent-to-use application filing date.

Bachmann has a policy of protecting its intellectual property rights, including the E-Z COMMAND mark. It has secured U.S. Registration No. 2,929,228 for the E-Z COMMAND mark. It also owns a number of incontestable registrations for marks utilizing the "E-Z" component (E-Z TRACK, 2,053,073; E-Z MATE, 2,195,884; E-Z, 2,225,724; and E-Z LUBE, 2,247,669).

It has come to our client's attention that an unknown entity has registered the ezcommand.com domain name, and is using it to resolve to commercial sponsored listings content. We believe that the registrant is using Domain Privacy LTD's whois privacy service to conceal its identity.

The registrant's use of the ezcommand.com domain name is not authorized by Bachmann, its agents, or the law.

Therefore, we ask that Domain Privacy LTD: (1) disclose to us the true owner/registant of the ezcommand.com domain name and/or disable the privacy service so that we can address our issues with the proper party; and (2) forward a copy of this letter to the true registant.

Thank you in advance for your attention to this.

**ECKERT  
SEAMANS**

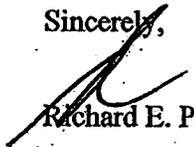
Domain Privacy LTD

September 21, 2010

Page 2

This letter is without prejudice to any action that may be taken or demand made on behalf of our client in the event that further action is deemed necessary to protect our client's valuable trademark rights.

Sincerely,

  
Richard E. Peirce

REP/lcg

cc: Bachmann Industries, Inc.

BI 2520

PHILADELPHIA, PA BOSTON, MA CHARLESTON, WV HARRISBURG, PA PITTSBURGH, PA  
SOUTHPOINTE, PA WASHINGTON, DC WEST CHESTER, PA WHITE PLAINS, NY WILMINGTON, DE  
(M0782923.4)



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**TTABVUE. Trademark Trial and Appeal Board Inquiry System**

**v1.5**

**Opposition**

**Number:** 91114506

**Filing Date:** 06/16/1999

**Status:** Terminated

**Status Date:** 10/19/2000

**Interlocutory Attorney:** ELIZABETH A DUNN

**Defendant**

**Name:** HABERMAASS CORPORATION

**Correspondence:** LAWRENCE P. TRAPANI

TRAPANI & MOLLDREM

MONROE BLDG 2ND FLOOR 333 E ONONDAGA ST.

SYRACUSE, NY 13202

**Serial #:** 75309561

Application File

**Application Status:** Abandoned - No Statement Of Use Filed

**Mark:** EASY-BUILD

**Plaintiff**

**Name:** BACHMANN INDUSTRIES, INC.

**Correspondence:** ROBERTA JACOBS-MEADWAY

PANTICH SCHWARZE JACOBS & NADEL, P.C.

ONE COMMERCE SQUARE 2005 MARKET STREET, 22ND FLOOR

PHILADELPHIA, PA 19103

**Serial #:** 75412444

Application File

**Registration #:** 2225724

**Application Status:** Renewed

**Mark:** E-Z

**Prosecution History**

#	Date	History Text	Due Date
10	10/19/2000	TERMINATED	
9	10/19/2000	BD'S DECISION: DISMISSED W/ PREJUDICE	
8	05/30/2000	STIP W/D OF OPP	
7	04/24/2000	AMDT.	
6	02/07/2000	DELETE ENTRY	
5	09/30/1999	ANSWER	
4	09/13/1999	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	
3	07/30/1999	PENDING, INSTITUTED	
2	07/30/1999	NOTICE SENT; TRIAL DATES RESET; ANSWER DUE	09/08/1999
1	06/16/1999	FILED AND FEE	

Results as of 10/25/2011 01:35 PM

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BI 2521

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BI 2522