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Filing date: **03/29/2010**

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

Proceeding	91167232
Party	Plaintiff Hallmark Licensing, Inc.
Correspondence Address	David N. Johnson Hallmark Cards, Incorporated 2501 McGee, MD 339, Box 419126 Kansas City, MO 64141-6126 UNITED STATES djohns4@hallmark.com, sgrabi2@hallmark.com
Submission	Plaintiff's Notice of Reliance
Filer's Name	David N. Johnson
Filer's e-mail	djohns4@hallmark.com, sgrabi2@hallmark.com
Signature	/david n johnson/
Date	03/29/2010
Attachments	USPTO Notice.pdf ( 2 pages )(55468 bytes ) USPTO documents.pdf ( 7 pages )(633163 bytes )

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

HALLMARK LICENSING, INC.,            )  
  )  
Opposer/Plaintiff,                    )  
  )  
v.    )  
  )  
DIASTAR, INC.                         )  
  )  
Applicant/Defendant.                )  
  )

Opposition No. 91167232

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OPPOSER'S NOTICE OF RELIANCE

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Pursuant to Trademark Trial and Appeal Board Manual of Procedure Section 704.02,  
Opposer hereby gives notice that it intends to rely on the following documents at trial.

Description of Document:

1. Copy of United States Trademark Registration No. 864,077;
2. Copy of United States Trademark Registration No. 525,798.

Respectfully submitted,



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David N. Johnson  
2501 McGee Trafficway  
Mail Drop #339  
Kansas City, Missouri 64108  
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Facsimile (816) 274-7171  
E-mail: djohns4@hallmark.com  
ATTORNEY FOR OPPOSER

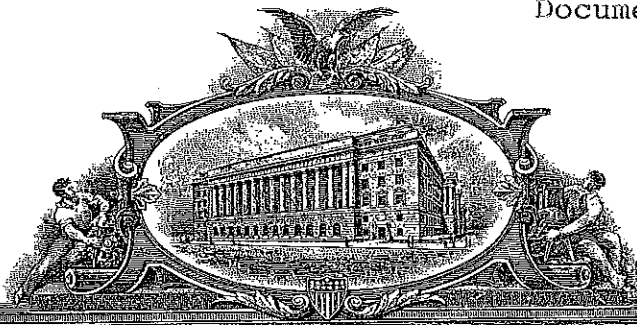
**CERTIFICATE OF SERVICE**

I hereby certify that on this 29th day of March, 2010, the foregoing Notice of Reliance is being served on Applicant by causing the original thereof to be mailed by first-class United States mail to Applicant's attorney, Donna Mirman Broome, Gottlieb, Rackman & Reisman; 270 Madison Avenue; New York, New York, 10016-0601.

A handwritten signature in cursive script, appearing to read "David N. Johnson", written over a horizontal line.

David N. Johnson

7177664



**THE UNITED STATES OF AMERICA**

**TO ALL TO WHOM THESE PRESENTS SHALL COME:**

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office

April 10, 2009

THE ATTACHED U.S. TRADEMARK REGISTRATION 864,077 IS  
CERTIFIED TO BE A TRUE COPY WHICH IS IN FULL FORCE AND  
EFFECT WITH NOTATIONS OF ALL STATUTORY ACTIONS TAKEN  
THEREON AS DISCLOSED BY THE RECORDS OF THE UNITED STATES  
PATENT AND TRADEMARK OFFICE.

REGISTERED FOR A TERM OF 20 YEARS FROM *January 28, 1969*  
*1st* RENEWAL FOR A TERM OF 10 YEARS FROM *January 28, 2009*

SECTION 8 & 15

CANCELLED SECTION 8

AMENDMENT/CORRECTION/NEW CERT(SEC7) ISSUED  
LESS GOODS

SAID RECORDS SHOW TITLE TO BE IN:

*HALLMARK LICENSING, INC.*

By Authority of the  
Under Secretary of Commerce for Intellectual Property  
and Director of the United States Patent and Trademark Office



*M. Tarver*  
M. TARVER  
Certifying Officer

Int. Cls.: 16, 20, 21, 22, 26, 28 and 34

Prior U.S. Cls.: 2, 7, 9, 22, 37, 38, 40 and 50

United States Patent and Trademark Office

Renewal

Reg. No. 864,077

Registered Jan. 28, 1969

OG Date Oct. 3, 1989

TRADEMARK  
PRINCIPAL REGISTER



HALLMARK CARDS INCORPORATED  
(MISSOURI CORPORATION)  
25TH AND MCGEE TRAFFICWAY  
KANSAS CITY, MO 64108

OWNER OF U.S. REG. NOS. 107,653,  
712,525 AND OTHERS.

FOR: CUPS; PLATES; NUT CUPS;  
TREAT BAGS; MERCHANDISE BAGS [;  
AND MAY BASKETS], ALL MADE OF  
PAPER, IN CLASS 2 (INT. CLS. 16 AND  
21).

FIRST USE 6-15-1945; IN COMMERCE  
6-15-1945.

FOR: CORD AND YARN TIES, IN  
CLASS 7 (INT. CL. 22).

FIRST USE 4-2-1956; IN COMMERCE  
4-2-1956.

FOR: MATCHES, IN CLASS 9 (INT.  
CL. 34).

FIRST USE 6-15-1960; IN COMMERCE  
6-15-1960.

FOR: FACE MASKS AND MONSTER  
HEADS FOR HOLIDAYS AND CHILDREN'S  
PARTIES; PEN AND CARD  
SETS--NAMESLY, PLAYING CARDS,  
SCORE PAD, AND PEN, IN CLASS 22  
(INT. CLS. 16 AND 28).

FIRST USE 6-15-1960; IN COMMERCE  
6-15-1960.

FOR: NAPKINS; COASTERS; GUEST  
TOWELS; TABLE COVERS; DOILIES;  
PLACE MATS; PARTY GOODS CO-  
ORDINATED SETS--NAMESLY, INVITA-  
TIONS AND PAPER TABLE SETTINGS,  
INCLUDING TABLE COVERS, NAP-  
KINS, AND PLACE CARDS; LUNCH-  
EON ENSEMBLES--NAMESLY, SETS OF  
LUNCHEON NAPKINS, BEVERAGE  
NAPKINS AND COASTERS; SAUCER  
MATS; MEMORANDUM PADS; SCORE  
PADS; ADDRESS LABELS; BOOKLETS,  
SUCH AS MEMORANDUM, CHRISTMAS  
LIST RECORD AND ADDRESS BOOK-  
LETS; AND SCRAP BOOKS, ALL MADE  
OF PAPER, IN CLASS 37 (INT. CL. 16).

FIRST USE 3-8-1954; IN COMMERCE  
3-8-1954.

FOR: PARTY BOOKS, CONTAINING  
MATERIAL CONCERNING PARTY  
THEMES, GAMES, DECORATIONS AND  
MENUS; RECIPE BOOKLETS; BOOKS,  
INCLUDING POETRY, BIOGRAPHIES,  
QUOTATIONS, CHILDREN'S BOOKS,

AND THE LIKE; AND PICTURE POST CARDS, IN CLASS 38 (INT. CL. 16).

FIRST USE 12-1-1963; IN COMMERCE 12-1-1963.

FOR: BOWS AND PLASTIC BOW PINS; GIFT KITS CONTAINING FABRIC, ~~THREAD~~, INSTRUCTIONS FOR MAKING BAGS, ~~PILLOWS~~, AND SIMILAR ARTICLES, IN CLASS 40 (INT. CL. 26).

FIRST USE 4-2-1956; IN COMMERCE 4-2-1956.

FOR: CAKE DECORATIONS, SUCH AS FIGURES, NUMERALS, FLOWERS, AND THE LIKE; ANNIVERSARY NUMERALS—NAMELY, DECORATIVE

NUMERALS FOR CAKES, PACKAGES AND CENTERPIECES; HOME DECORATIONS, SUCH AS FLOWERS AND CENTERPIECES; PARTY FAVORS AND DECORATIONS; PACKAGE DECORATIONS, ALL MADE OF PAPER; GIFT KITS, ~~INCLUDING MATERIALS FOR MAKING ARTICLES SUCH AS WAL-  
LETS, BIRD FEEDERS, THE RACKS,  
AND THE LIKE~~; DECORATIVE WALL PLAQUES; PAPER PARTY HATS; AND ST. PATRICK'S DAY PINS, IN CLASS 50 (INT. CLS. 16 AND 20).

FIRST USE 10-22-1956; IN COMMERCE 10-22-1956.

SER. NO. 283,299, FILED 10-25-1967.

*In testimony whereof I have hereunto set my hand  
and caused the seal of The Patent and Trademark  
Office to be affixed on Oct. 3, 1989.*

# United States Patent Office

864,077  
Registered Jan. 28, 1969

## PRINCIPAL REGISTER Trademark

Ser. No. 283,299, filed Oct. 25, 1967



Hallmark Cards Incorporated (Missouri corporation)  
25th and McGee Trafficway  
Kansas City, Mo. 64141

For: CUPS; PLATES; NUT CUPS; TREAT BAGS; MERCHANDISE BAGS; AND MAY BASKETS, ALL MADE OF PAPER, in CLASS 2 (INT. CL. 16 and 21).  
First use June 15, 1945 (on merchandise bags); in commerce June 15, 1945.

For: CORD AND YARN TIES, in CLASS 7 (INT. CL. 22).

First use Apr. 2, 1956; in commerce Apr. 2, 1956.

For: MATCHES, in CLASS 9 (INT. CL. 34).

First use June 15, 1960; in commerce June 15, 1960.

For: FACE MASKS AND MONSTER HEADS FOR HOLIDAYS AND CHILDREN'S PARTIES; PEN AND CARD SETS—NAMESLY, PLAYING CARDS, SCORE PAD, AND PEN, in CLASS 22 (INT. CL. 16 and 28).

First use June 15, 1960 (on face masks); in commerce June 15, 1960.

For: NAPKINS; COASTERS; GUEST TOWELS; TABLE COVERS; DOILIES; PLACE MATS; PARTY GOODS COORDINATED SETS—NAMESLY, INVITATIONS AND PAPER TABLE SETTINGS, INCLUDING TABLE COVERS, NAPKINS, AND PLACE CARDS; LUNCHEON ENSEMBLES—NAMESLY, SETS OF LUNCHEON NAPKINS, BEVERAGE NAPKINS AND COASTERS; SAUCER MATS; MEMORANDUM PADS; SCORE PADS; ADDRESS LABELS; BOOKLETS, SUCH AS MEMORANDUM, CHRISTMAS LIST RECORD AND ADDRESS BOOKLETS; AND SCRAP BOOKS, ALL MADE OF PAPER, in CLASS 37 (INT. CL. 16).

First use Mar. 8, 1954 (on address labels); in commerce Mar. 8, 1954.

For: PARTY BOOKS, CONTAINING MATERIAL CONCERNING PARTY THEMES, GAMES, DECORATIONS AND MENUS; RECIPE BOOKLETS; BOOKS, INCLUDING POETRY, BIOGRAPHIES, QUOTATIONS, CHILDREN'S BOOKS, AND THE LIKE; AND PICTURE POST CARDS, in CLASS 38 (INT. CL. 16).

First use Dec. 1, 1963 (on post cards); in commerce Dec. 1, 1963.

For: BOWS AND PLASTIC BOW PINS; GIFT KITS CONTAINING FABRIC, THREAD, INSTRUCTIONS FOR MAKING BAGS, PILLOWS, AND SIMILAR ARTICLES, in CLASS 40 (INT. CL. 26).

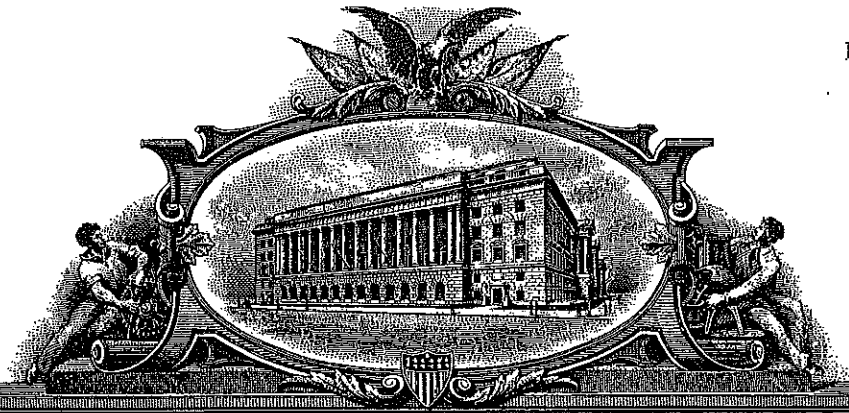
First use Apr. 2, 1956 (on bows); in commerce Apr. 2, 1956.

For: CAKE DECORATIONS, SUCH AS FIGURES, NUMERALS, FLOWERS, AND THE LIKE; ANNIVERSARY NUMERALS—NAMESLY, DECORATIVE NUMERALS FOR CAKES, PACKAGES AND CENTERPIECES; HOME DECORATIONS, SUCH AS FLOWERS AND CENTERPIECES; PARTY FAVORS AND DECORATIONS; PACKAGE DECORATIONS, ALL MADE OF PAPER; GIFT KITS, INCLUDING MATERIALS FOR MAKING ARTICLES SUCH AS WALLET, BIRD FEEDERS, TIE RACKS, AND THE LIKE; DECORATIVE WALL PLAQUES; PAPER PARTY HATS; AND ST. PATRICK'S DAY PINS, in CLASS 50 (INT. CL. 16 and 20).

First use Oct. 22, 1956 (on package decorations); in commerce Oct. 22, 1956.

Owner of Reg. Nos. 107,653, 712,525, and others.

7229783



# THE UNITED STATES OF AMERICA

**TO ALL TO WHOM THESE PRESENTS SHALL COME:**

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office

March 16, 2010

THE ATTACHED U.S. TRADEMARK REGISTRATION 525,798 IS  
CERTIFIED TO BE A TRUE COPY WHICH IS IN FULL FORCE AND  
EFFECT WITH NOTATIONS OF ALL STATUTORY ACTIONS TAKEN  
THEREON AS DISCLOSED BY THE RECORDS OF THE UNITED STATES  
PATENT AND TRADEMARK OFFICE.

REGISTERED FOR A TERM OF 20 YEARS FROM *May 30, 1950*  
*4th* RENEWAL FOR A TERM OF 10 YEARS FROM *May 30, 2010*  
SECTION 8 & 15

AMENDMENT/CORRECTION/NEW CERT(SEC7) ISSUED  
SAID RECORDS SHOW TITLE TO BE IN:  
*HALLMARK LICENSING, INC.*

By Authority of the  
Under Secretary of Commerce for Intellectual Property  
and Director of the United States Patent and Trademark Office



*M. Tarver*  
M. TARVER  
Certifying Officer



Int. Cl.: 16

Prior U.S. Cl.: 38

United States Patent and Trademark Office

10 Year Renewal

Reg. No. 525,798

Registered May 30, 1950

Renewal Approved Apr. 26, 1990

TRADEMARK  
PRINCIPAL REGISTER



HALLMARK CARDS, INCORPORATED  
(MISSOURI CORPORATION)  
2501 MCGEE TRAFFICWAY  
KANSAS CITY, MO 64108, BY CHANGE  
OF NAME FROM HALL BROTHERS,  
INC. (MISSOURI CORPORATION)  
KANSAS CITY, MO

OWNER OF U.S. REG. NO. 380,596.  
FOR: GREETING CARDS, IN CLASS  
38 (INT. CL. 16).  
FIRST USE 2-3-1949; IN COMMERCE  
2-18-1949.  
SER. NO. 71-575,762, FILED 3-21-1949.

*In testimony whereof I have hereunto set my hand  
and caused the seal of The Patent and Trademark  
Office to be affixed on June 5, 1990.*

COMMISSIONER OF PATENTS AND TRADEMARKS

Registered May 30, 1950

Registration No. 525,798

PRINCIPAL REGISTER  
Trade-Mark

UNITED STATES PATENT OFFICE

Hall Brothers, Inc., Kansas City, Mo.

Act of 1946

Application March 21, 1949, Serial No. 575,762



(Statement)

Hall Brothers, Inc., a corporation duly organized under the laws of the State of Missouri, located at Kansas City, Jackson County, Missouri, and doing business at 2505 Grand Avenue, Kansas City, Missouri, has adopted and is using the trade-mark shown in the accompanying drawing, for GREETING CARDS, in Class 38, Prints and publications, and herewith presents five specimens showing the trade-mark as actually used in connection with such goods, the trade-mark being applied to the goods by printing the trade-mark directly thereon, and requests that the same be registered in the United States Patent Office on the Principal Register in accordance with the act of July 5, 1946.

The trade-mark was first used on February 3, 1949, and first used in commerce among the several States which may lawfully be regulated by Congress on February 18, 1949.

Applicant is the owner of Registration No. 380,-596 granted August 27, 1940.

(Declaration)

Raymond W. Hall, being duly sworn, deposes and says that he is the vice-president of the corporation, the applicant named in the foregoing statement, that he believes said corporation is the owner of the trade-mark, which is in use in commerce among the several States, and that no other person, firm, corporation or association, to the best of his knowledge and belief, has the right to use such trade-mark in commerce which may lawfully be regulated by Congress, either in the identical form thereof or in such near resemblance thereto as might be calculated to deceive, that the drawing and description truly represent the trade-mark sought to be registered, that the specimens show the trade-mark as actually used in connection with the goods, and that the facts set forth in the statement are true.

HALL BROTHERS, INC.,

By RAYMOND W. HALL,

Vice-President,