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Filing date: **10/16/2013**

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

Proceeding	91202952
Party	Defendant Andrew N. Greenberg
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Submission	Other Motions/Papers
Filer's Name	Andrew Greenberg
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Signature	/ag/
Date	10/16/2013
Attachments	HHT_applicant_reopenproceedings.pdf(1031760 bytes) Atari_Turnaroundplan.pdf(151464 bytes) HHT_WSJ.pdf(586246 bytes)

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

In the Matter of Application Serial No. 85268906

Mark: Haunted House Tycoon

Atari Interactive, Inc. ·

Opposer,

v.

Andrew Greenberg,

Applicant.

Opposition No.: 91202952

APPLICANT'S MOTION TO REOPEN PROCEEDINGS

Preliminary Statement

On August 7, 2013 USPTO granted Opposer's Motion to Suspend Proceedings pending disposition of Opposer's bankruptcy auction. According to news reports, said auctions took place the week of July 22, 2013 (<http://stream.wsj.com/story/latest-headlines/SS-2-63399/SS-2-335673/>). The mark that is the subject of this opposition was not successfully auctioned off.

According to news reports, in Sept. 2013, Opposer filed a turnaround plan in bankruptcy court noting its intentions to keep its remaining marks. (<http://www.columbusceo.com/content/stories/apexchange/2013/09/24/atari-files-turnaround-plan-to-exit-bankruptcy-keep-operating.html>).

Conclusion

As the suspension of proceedings called for parties to notify the Board **TWENTY DAYS** after conclusion of the bankruptcy auction, Applicant respectfully requests that the proceedings proceed as originally scheduled.

Respectfully submitted,

By:

Andrew Greenberg
Applicant
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Tucker, GA 30084
Telephone: (678) 612-4709
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Date: Oct. 16, 2013.

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SEP 23, 2013 BUSINESS

Atari's Bankruptcy Plan Leaves Most Lenders Out of Credits

Plan Calls for Company to Pay Off Bankruptcy Loan and Little Else

Atari was a pioneer of videogames before the \$70 billion industry left it behind. Now its creditors are set to meet a similar fate.

By Joseph Checkler

Atari Inc. was a pioneer of videogames before the \$70 billion industry left it behind. Now its creditors are set to meet a similar fate.

The creator of arcade classics such as "Pong" and "Asteroids," has filed a bankruptcy plan that will keep French parent Atari SA in control of the company. The plan calls for Atari to pay off its bankruptcy loan and not much else, after it was unable to sell its valuable name and two of its lucrative franchises.

Founded in 1972, Atari once was the maker of the most popular videogame consoles in the world. But the company slipped as competitors such as Nintendo Co. and Sega emerged in the 1980s and 1990s.

Atari filed for Chapter 11 in January, saying it wanted to sell its portfolio of more than 200 videogames to a highest bidder. After it reached out to more than 180 potential purchasers from the videogame and financial worlds, Atari received only 15 preliminary bids. None of those offers were deemed "acceptable" by the company, so it decided to sell off the assets in pieces.

A July auction fetched Atari a total of \$5.1 million for its "Humongous," "Total Annihilation" and other smaller franchises. The company failed to sell the intellectual property related to its Atari name as well as its valuable "Rollercoaster Tycoon" and "Test Drive" franchises. It had hoped to get at least \$20 million for those three assets.

So instead of selling them, Atari said its French parent—which filed for the French version of bankruptcy in January—would retain "Test Drive," "Rollercoaster Tycoon" and the Atari brand. It said it would make a filing later describing more details about those assets.

Under its proposal, Atari will pay off a \$3.8 million bankruptcy loan to lender Aiden Global Capital. Atari will use any remaining money to pay up to \$500,000 to unsecured creditors when it leaves bankruptcy, another \$500,000 a year after that and \$650,000 the following year, the company said in court filings.

Those sums represent a fraction of what those creditors are owed.

Atari's French parent will pay up to \$3.4 million in cash to fund the proposal, and contribute an additional \$1.75 million once the plan becomes effective.

The company will ask a judge to send its proposal to creditors for a vote at an Oct. 29 hearing.

Atari captivated a generation of gamers with creations such as "Pong," a tennis arcade game in which players hit the ball back and forth with a virtual paddle. In recent years after competitors passed it by, Atari moved into digital games and licensing.

Write to Joseph Checkler at joseph.checkler@dowjones.com

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ATARI FILES TURNAROUND PLAN TO EXIT BANKRUPTCY, KEEP OPERATING

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By Michael Barbon
Courtesy of the Associated Press

September 24, 2013 (c) 2013, Bloomberg News.

Atari Inc., the bankrupt video-game maker, has filed a reorganization plan to give unsecured creditors a recovery of as much as 25 percent and exit court protection as a going concern.

The company sought bankruptcy protection in January intending to break away from French parent Atari, which hasn't made a profit since 1999 and sought related relief from creditors under French law, the company has said.

Atari, founded in 1972, now plans to reorganize with its parent's support, which is sponsoring the restructuring plan, and continue operating with the brands it has left, according to filings in U.S. Bankruptcy Court in Manhattan.

The plan effectuates a restructuring transaction under which the sponsor will make contributions to the estate sufficient to ensure a meaningful recovery to holders of general unsecured claims," the New York-based company said in court papers filed Sept. 20.

A pioneer in the home video-game console market and maker of classic titles such as "Pong" and "Asteroids," Atari attempted to sell virtually all its assets earlier this year, according to court documents. Atari, which owned or managed more than 200 games and franchises, failed to get qualified offers for its most popular assets, including its namesake brand for which it was seeking a minimum of \$1.5 million.

The company said in court papers that after evaluating its prospects as "ongoing business enterprises" and creditors' recoveries in various liquidation scenarios, Atari and its parent determined the "business and remaining assets have substantial value that would not otherwise be realized in a liquidation." Stakeholders would be better served by continuing operations as a going concern, it said.

The video-game maker would reorganize around titles such as "RollerCoaster Tycoon," "Test Drive" and "Centipede."

The company moved forward with auctions of seven less valuable franchises that generated a total of about \$6.1 million, according to court papers.

Under the reorganization plan, unsecured creditors, which Atari estimates are owed \$5 million to \$7 million, will get cash payments for a recovery of as much as 25 percent, according to court documents. The recovery estimate assumes the unsecured creditors aren't owed more than \$7 million and would be reduced if allowed claims exceed that amount.

The official committee representing unsecured creditors supports the plan, according to court papers. The unsecured creditors would get a payment of 5 percent of their claims or \$560,000, whichever is less, when the plan takes effect. They would get identical treatment one year later, and then get a payment for the lesser of 9 percent of their claims or \$620,000 two years later.

Parent Atari SA is waiving its right to any distribution on its \$309.5 million intercompany claims, according to court documents. Alden Global Capital, which acquired a secured credit facility to Atari SA in February, will be paid in full on the \$5 million it lent to help fund Atari's bankruptcy. Alden is waiving its right to distributions on account of a secured claim it has against Atari.

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CERTIFICATE OF SERVICE

The undersigned certifies that on this 16th day of October, 2013, a true and correct copy of the foregoing **APPLICANT'S ANSWER TO NOTICE OF OPPOSITION** was sent to opposer's attorney of record, via First Class Mail, postage prepaid to:

Susan Progoff
Dorsey & Whitney LLP
51 West 52nd Street
New York, NY 10019-6119

Andrew Greenberg



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ATARI FILES TURNAROUND PLAN TO EXIT BANKRUPTCY, KEEP OPERATING

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By Michael Bathon
Courtesy of the Associated Press

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The company said in court papers that after evaluating its prospects as "ongoing business enterprises" and creditors' recoveries in various liquidation scenarios, Atari and its parent determined the "business and remaining assets have substantial value that would not otherwise be realized in a liquidation." Stakeholders would be better served by continuing operations as a going concern, it said.

The video-game maker would reorganize around titles such as "RollerCoaster Tycoon," "Test Drive" and "Centipede."

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Under the reorganization plan, unsecured creditors, which Atari estimates are owed \$5 million to \$7 million, will get cash payments for a recovery of as much as 25 percent, according to court documents. The recovery estimate assumes the unsecured creditors aren't owed more than \$7 million and would be reduced if allowed claims exceed that amount.

The official committee representing unsecured creditors supports the plan, according to court papers. The unsecured creditors would get a payment of 8 percent of their claims or \$560,000, whichever is less, when the plan takes effect. They would get identical treatment one year later, and then get a payment for the lesser of 9 percent of their claims or \$630,000 two years later.

Parent Atari SA is waiving its right to any distribution on its \$308.5 million intercompany claims, according to court documents. Aiden Global Capital, which acquired a secured credit facility to Atari SA in February, will be paid in full on the \$5 million it lent to help fund Atari's bankruptcy. Aiden is waiving its right to distributions on account of a secured claim it has against Atari.

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