

ESTTA Tracking number: **ESTTA677617**

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

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

|                        |   |
|------------------------|---|
| Proceeding             | 91202952  |
| Party                  | Plaintiff<br>Atari Interactive, Inc.  |
| Correspondence Address | SUSAN PROGGOFF<br>DORSEY & WHITNEY LLP<br>51 WEST 52ND STREET<br>NEW YORK, NY 10019-6119<br>UNITED STATES<br>ny.trademark@dorsey.com, progoff.susan@dorsey.com, sun-derji.fara@dorsey.com |
| Submission             | Plaintiff's Notice of Reliance  |
| Filer's Name           | Susan Progoff   |
| Filer's e-mail         | ny.trademark@dorsey.com, progoff.susan@dorsey.com, sun-derji.fara@dorsey.com  |
| Signature              | /sp/  |
| Date                   | 06/11/2015  |
| Attachments            | Atari Supplemental Notice Reliance.pdf(637840 bytes )   |



In addition, the Trademark Examiner's conclusion that HAUNTED HOUSE: CRYPTIC GRAVES is likely to cause confusion with HAUNTED HOUSE TYCOON is probative evidence that HAUNTED HOUSE TYCOON is similarly likely to cause confusion with Opposer's registered trademark HAUNTED HOUSE.

DORSEY & WHITNEY LLP

Dated: June 11, 2015

By:           /Susan Progoff/            
Susan Progoff  
Fara S. Sunderji  
51 West 52<sup>nd</sup> Street  
New York, NY 10019-6119  
(212) 415-9200

Attorneys for Opposer,  
Atari Interactive, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on this 11th day of June, 2015, a true and correct copy of the foregoing OPPOSER'S SUPPLEMENTAL NOTICE OF RELIANCE was served on applicant via e-mail at [hdiandrew@earthlink.net](mailto:hdiandrew@earthlink.net), as previously agreed between applicant and opposer's counsel, and by first class mail, postage prepaid, addressed as follows:

Andrew N. Greenberg  
1846 Hebron Hills Drive  
Tucker, GA 30084-5901

*/Susan Progoff/*  
Susan Progoff

# EXHIBIT 19



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Trademark Status & Document Retrieval (TSDR)

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US Serial No [v] 86464337 Status Documents

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Mark: HAUNTED HOUSE: CRYPTIC GRAVES

HAUNTED HOUSE: CRYPTIC GRAVES

US Serial Number: 86464337

Application Filing Date: Nov. 25, 2014

Register: Principal

Mark Type: Trademark

Status: An Office action suspending further action on the application has been sent (issued) to the applicant. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

Status Date: Feb. 27, 2015

Mark Information

Expand All

Related Properties Information

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
Double parenthesis (()) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
Asterisks \*,\* identify additional (new) wording in the goods/services.

For: Downloadable electronic games via the internet and wireless devices; electronic, video and multimedia game software for use on personal computers and for use on electronic game playing machines; recorded computer software featuring video games; game software for computers; and prepaid downloadable video game and video game software

International Class(es): 009 - Primary Class

U.S Class(es): 021, 023, 026, 036, 038

Class Status: ACTIVE

Basis: 1(a)

First Use: Nov. 25, 2014

Use in Commerce: Nov. 25, 2014

Basis Information (Case Level)

Current Owner(s) Information

Owner Name: Atari Interactive, Inc.

Owner Address: 475 Park Avenue South
New York, NEW YORK 10016
UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Prosecution History

TM Staff and Location Information

Assignment Abstract Of Title Information - Click to Load

Proceedings - Click to Load

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If you are the applicant or the applicant's attorney and have questions about this file, please contact the Trademark Assistance Center



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- Federal Activities Inventory Reform (FAIR) Act
Notification and Federal Employee Antidiscrimination and Retaliation (NoFEAR) Act
Budget & Performance

- Freedom of Information Act (FOIA)
Department of Commerce NoFEAR Act Report
Regulations.gov
STOPFakes.gov

- Strategy Targeting Organized Piracy (STOPP)
Information Quality Guidelines
Department of Commerce
USPTO Webmaster

**To:** Atari Interactive, Inc. ([kristen.keller@atari.com](mailto:kristen.keller@atari.com))  
**Subject:** U.S. TRADEMARK APPLICATION NO. 86464337 - HAUNTED HOUSE: CRYPTIC GRAVES - N/A  
**Sent:** 2/27/2015 2:45:31 PM  
**Sent As:** ECOM112@USPTO.GOV  
**Attachments:** [Attachment - 1](#)  
[Attachment - 2](#)

**UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)  
OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION**

**U.S. APPLICATION SERIAL NO.** 86464337

**MARK:** HAUNTED HOUSE: CRYPTIC GRAVES

**\*86464337\***

**CORRESPONDENT ADDRESS:**

KRISTEN J. KELLER  
ATARI, INC.  
475 PARK AVE S FL 12  
NEW YORK, NY 10016-6901

**GENERAL TRADEMARK INFORMATION**  
<http://www.uspto.gov/trademarks/index>

[VIEW YOUR APPLICATION FILE](#)

**APPLICANT:** Atari Interactive, Inc.

**CORRESPONDENT'S REFERENCE/DOCKET NO :**

N/A

**CORRESPONDENT E-MAIL ADDRESS:**

[kristen.keller@atari.com](mailto:kristen.keller@atari.com)

**SUSPENSION NOTICE: NO RESPONSE NEEDED**

**ISSUE/MAILING DATE:** 2/27/2015

The trademark examining attorney is suspending action on the application for the reason(s) stated below. *See 37 C.F.R. §2.67; TMEP §§716 et seq.*

The effective filing date of the pending application(s) identified below precedes the filing date of applicant's application. If the mark in the referenced application(s) registers, applicant's mark may be refused registration under Section 2(d) because of a likelihood of confusion with that registered mark(s). *See 15 U.S.C. §1052(d); 37 C.F.R. §2.83; TMEP §§1208 et seq.* Therefore, action on this application is suspended until the earlier-filed referenced application(s) is either registered or abandoned. 37 C.F.R. §2.83(c). A copy of information relevant to this referenced application(s) is attached.

- Application Serial No(s). 85268906

The USPTO will periodically conduct a status check of the application to determine whether suspension remains appropriate, and the trademark examining attorney will issue as needed an inquiry letter to applicant regarding the status of the matter on which suspension is based. TMEP §§716.04, 716.05. Applicant will be notified when suspension is no longer appropriate. *See* TMEP §716.04.

No response to this notice is necessary; however, if applicant wants to respond, applicant should use the “Response to Suspension Inquiry or Letter of Suspension” form online at <http://teasroa.uspto.gov/rsi/rsi>.

/Charles H Hiser IV/  
Examining Attorney  
Law Office 112  
(571) 272-7526  
charles.hiser@uspto.gov

**PERIODICALLY CHECK THE STATUS OF THE APPLICATION:** To ensure that applicant does not miss crucial deadlines or official notices, check the status of the application every three to four months using the Trademark Status and Document Retrieval (TSDR) system at <http://tsdr.uspto.gov/>. Please keep a copy of the TSDR status screen. If the status shows no change for more than six months, contact the Trademark Assistance Center by e-mail at [TrademarkAssistanceCenter@uspto.gov](mailto:TrademarkAssistanceCenter@uspto.gov) or call 1-800-786-9199. For more information on checking status, see <http://www.uspto.gov/trademarks/process/status/>.

**TO UPDATE CORRESPONDENCE/E-MAIL ADDRESS:** Use the Trademark Electronic Application System (TEAS) form at <http://www.uspto.gov/trademarks/teas/correspondence.jsp>.



**DESIGN MARK**

**Serial Number**

85268906

**Status**

OPPOSITION PENDING

**Word Mark**

HAUNTED HOUSE TYCOON

**Standard Character Mark**

Yes

**Type of Mark**

TRADEMARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Owner**

Andrew N. Greenberg INDIVIDUAL UNITED STATES 1846 Hebron Hills Dr  
Tucker GEORGIA 30084

**Goods/Services**

Class Status -- ACTIVE. IC 009. US 021 023 026 036 038. G & S:  
Computer game software.

**Disclaimer Statement**

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "HAUNTED HOUSE" APART  
FROM THE MARK AS SHOWN.

**Filing Date**

2011/03/16

**Examining Attorney**

SNYDER, NELSON

# Haunted House Tycoon

**To:** Atari Interactive, Inc. ([kristen.keller@atari.com](mailto:kristen.keller@atari.com))  
**Subject:** U.S. TRADEMARK APPLICATION NO. 86464337 - HAUNTED HOUSE: CRYPTIC GRAVES - N/A  
**Sent:** 2/27/2015 2:45:32 PM  
**Sent As:** ECOM112@USPTO.GOV  
**Attachments:**

**UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)**

**IMPORTANT NOTICE REGARDING YOUR  
U.S. TRADEMARK APPLICATION**

USPTO OFFICE ACTION (OFFICIAL LETTER) HAS ISSUED  
ON **2/27/2015** FOR U.S. APPLICATION SERIAL NO. 86464337

Please follow the instructions below:

**(1) TO READ THE LETTER:** Click on this [link](#) or go to <http://tsdr.uspto.gov/>, enter the U.S. application serial number, and click on “Documents.”

The Office action may not be immediately viewable, to allow for necessary system updates of the application, but will be available within 24 hours of this e-mail notification.

**(2) QUESTIONS:** For questions about the contents of the Office action itself, please contact the assigned trademark examining attorney. For *technical* assistance in accessing or viewing the Office action in the Trademark Status and Document Retrieval (TSDR) system, please e-mail [TSDR@uspto.gov](mailto:TSDR@uspto.gov).

**WARNING**

**PRIVATE COMPANY SOLICITATIONS REGARDING YOUR APPLICATION:** Private companies **not** associated with the USPTO are using information provided in trademark applications to mail or e-mail trademark-related solicitations. These companies often use names that closely resemble the USPTO and their solicitations may look like an official government document. Many solicitations require that you pay “fees.”

Please carefully review all correspondence you receive regarding this application to make sure that you are responding to an official document from the USPTO rather than a private company solicitation. All official USPTO correspondence will be mailed only from the “United States Patent and Trademark Office” in Alexandria, VA; or sent by e-mail from the domain “@uspto.gov.” For more information on how to handle private company solicitations, see

[http://www.uspto.gov/trademarks/solicitation\\_warnings.jsp](http://www.uspto.gov/trademarks/solicitation_warnings.jsp).