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

Proceeding	92066016
Party	Defendant Ren Ventures Limited
Correspondence Address	JAMES E. ROSINI ANDREWS KURTH KENYON LLP ONE BROADWAY NEW YORK, NY 10004 UNITED STATES Email: jthomas@kenyon.com, jrosini@kenyon.com, tmdocketny@kenyon.com
Submission	Other Motions/Papers
Filer's Name	James E. Rosini, Esq.
Filer's email	tmdocketny@kenyon.com, jthomas@kenyon.com, jrosini@kenyon.com
Signature	/James E. Rosini/
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of:

Mark:

SABACC

Registration No.:

5,025,710

Registration Date:

August 23, 2016

LUCASFILM LTD. LLC and LUCASFILM
ENTERTAINMENT COMPANY LTD. LLC,

Petitioners,

v.

REN VENTURES LIMITED,

Registrant.

Cancellation No.: 92066016

REGISTRANT’S PARTIAL SUMMARY-JUDGMENT MOTION

PLEASE TAKE NOTICE that, based on the instant memorandum of law, the accompanying declaration of Jonathan W. Thomas, Esq. (and the exhibits attached thereto) (the “Thomas Decl.”), and all of the pleadings in the above-referenced Cancellation Proceeding (the “Proceeding”), Registrant Ren Ventures Limited (“Registrant”), by and through its undersigned counsel, hereby moves the Trademark Trial and Appeal Board (“TTAB”) for an Order: (i) granting partial summary judgment in Registrant’s favor pursuant to FED. R. CIV. P. 56(a) on the issue of Petitioners, Lucasfilm Ltd. LLC, and Lucasfilm Entertainment Company Ltd. LLC’s (collectively, “Petitioners”), lack of trademark rights in “Sabacc,” and (ii) granting Registrant any further relief the Board deems just and equitable.

TABLE OF CONTENTS

	Page
I. Preliminary Statement.....	1
II. Undisputed Factual Background.....	1
A. Registrant	1
B. Petitioners	3
1. Petitioners Have Never Applied to Register “Sabacc”	4
C. Registrant Seeks Evidence of Petitioners’ Alleged Use of “Sabacc” as a Mark	5
D. Petitioners Produced Documents Showing Use of STAR WARS-- <i>Not</i> “Sabacc”--as a Mark	6
III. Legal Standard: Summary Judgment under FED. R. CIV. P. 56(a).....	7
IV. Argument	8
A. Petitioners’ Ground for Cancellation: Alleged Trademark Use and Priority	8
B. Petitioners Cannot Prove Use of “Sabacc” as a Mark	9
1. The Appearance of “Sabacc” in <i>Star Wars</i> Films and Movies is Not Service-Mark Use of “Sabacc”	13
2. The Appearance of “Sabacc” in and on Books and Games about <i>Star</i> <i>Wars</i> is Not Trademark Use of “Sabacc”	14
V. Conclusion	16

TABLE OF AUTHORITIES

	Page(s)
Cases	
<i>Albin Pump v. Albin Pump LLC</i> , 2017 WL 3718309 (T.T.A.B., June 8, 2017).....	7, 8
<i>In re Caserta</i> 46 U.S.P.Q. 1088 (T.T.A.B., Feb. 26, 1998)	9, 12, 13, 14
<i>Celotex Corp. v. Catrett</i> , 477 U.S. 317 (1986).....	8
<i>In re D.C. Comics, Inc.</i> , 689 F.2d 1042 (Fed. Cir. 1982).....	11, 13
<i>In re Light</i> , 662 Fed. Appx. 929 (Fed. Cir. 2016).....	9
<i>In re Owens-Corning Fiberglas Corp.</i> , 774 F.2d 1116 (Fed. Cir. 1985).....	9
<i>Littel Concepts, LLC v. Striker Records, Inc.</i> , Cancellation Proceeding No. 92050431 (T.T.A.B., Dec. 27, 2010).....	8
<i>Paramount Pictures Corp. v. Romulan Invasions</i> , 7 U.S.P.Q. 2d 1897 (T.T.A.B., Mar. 31, 1988).....	<i>passim</i>
<i>In re Valley Dental</i> , 1998 WL 111034 (T.T.A.B. Mar. 6, 1998).....	9, 12, 13
Statutes	
15 U.S.C. § 1127.....	9
Other Authorities	
FED. R. CIV. P. 56(a).....	1, 7, 8, 16
J. Thomas McCarthy, 1 McCarthy on Trademarks and Unfair Competition § 3:3 (4th ed. 2014)	9

I. Preliminary Statement

Petitioners believe Registrant's duly registered "SABACC" mark is harming them even though Petitioners have never used, and Petitioners own no rights in, "Sabacc" as a mark.

Petitioners allege "Sabacc" is a fictional card game that appears in *Star Wars* movies, films, novels, comic books, and roleplaying games. The mere appearance of a fictional "Sabacc" game within *Star Wars* goods and services, however, does not perform the role of a trademark or service mark, *i.e.*: identifying and distinguishing the source of *Star Wars* goods and services. Petitioners' document production confirms, unsurprisingly, the mark "STAR WARS" performs that role.

At bottom, there is no genuine dispute that Petitioners cannot prove use of "Sabacc" as a mark. Without proof of use of "Sabacc" as a mark, Petitioners cannot prove trademark priority over Registrant with respect to "Sabacc" as a mark. Without proof of trademark priority, Petitioners cannot prevail in this Proceeding. For these reasons, and those discussed *infra*, Registrant is entitled to partial summary judgment pursuant to FED. R. CIV. P. 56(a) on the issue of Petitioners' lack of trademark rights in "Sabacc" as a mark.

II. Undisputed Factual Background

A. Registrant

Registrant is a United Kingdom-based entity. *See* Thomas Decl. at Exh. A; *see also* Petition at ¶ 15. Registrant markets and offers for sale, *inter alia*, a mobile game under the mark "SABACC" (the "SABACC Mark"):





On November 20, 2015, Registrant filed U.S. Trademark Application Ser. No. 86/827,417 (the “827 Application”), seeking registration of the SABACC Mark in:

Int. Cls. 9 for “[c]omputer game software; computer game entertainment software; video game software; downloadable electronic game software for use on mobile phones, tablets and other electronic mobile devices; interactive multimedia computer game software; games software for use on mobile phones, tablets and other electronic mobile devices; downloadable computer software for mobile phones, tablets and other electronic mobile devices; computer application software featuring video and computer games; computer application software for mobile phones, portable media players, tablets, handheld computers and other electronic mobile devices, namely, software for video and computer games; games cartridges for use with electronic games apparatus; video recordings featuring computer games; downloadable image files containing photographic images and artwork, and text in the field of video and computer games; downloadable music files; downloadable ring tones for mobile phones; accessories for telephones, mobile telephones, smart phones and tablet computers, namely, hands free kits, covers, cases, battery chargers, and earphones; bags and cases for mobile telephones and telephone equipment; parts and fittings for the aforesaid goods,” and

Int. Cls. 41 for “[e]ntertainment services, namely, providing on-line computer games; entertainment in the nature of computer games, namely, providing temporary use of non-downloadable computer games; entertainment services, namely, providing non-downloadable computer games online; entertainment services, namely, providing temporary use of non-downloadable interactive games; entertainment services, namely, providing temporary use of non-downloadable electronic games; entertainment services, namely, providing a website featuring games and puzzles; entertainment services, namely, providing online video games; entertainment services, namely, providing electronic games, including provision of computer games online, on social networks, or by means of a global computer network; entertainment services, namely, providing electronic games for use on mobile phones, tablets and other electronic mobile devices;

entertainment services, namely, providing temporary use of non-downloadable single and multi-player electronic interactive games via the internet, electronic communication networks and via a global computer network; organising sporting and cultural activities, namely, conducting tournaments, contests and competitions in the field of computer games; multimedia publishing of software, namely, publishing of computer game software, electronic games and video game software; information, advisory and consultancy services related to the aforesaid services, all of the aforesaid services also being provided online from a computer database or the Internet.” Thomas Decl. at Exh. A.

The United States Patent and Trademark Office (the “PTO”) published Registrant’s ‘827 Application for opposition on May 18, 2016. *See* Thomas Decl. at Exh. B. No one—including Petitioners—opposed the registration of Registrant’s SABACC mark. Accordingly, on August 23, 2016, Registrant’s ‘827 Application matured into U.S. Trademark Reg. No. 5,025,710 (the “710 Registration”). *See* Thomas Decl. at Exh. C.

B. Petitioners

Petitioners instituted this proceeding on May 1, 2017, alleging “they are and will be continue to be damaged by the registration of the mark SABACC shown in” Registrant’s ‘710 Registration. Petition at 12.

Petitioners allege that, within their *Star Wars* movies and films, a fictional “SABACC card game is played in the galaxy, and it is comprised of a number of face cards (including the Idiot, the Queen, the Evil One, and the Star) and four suits of fifteen pip cards (Flasks, Sabers, Staves, and Coins).” Petition at ¶ 8.

Petitioners allege “Sabacc” first appeared in connection with their “STAR WARS Franchise as early as 1980 [...]” Petition at ¶ 8. Since that time, either directly through Petitioners or Petitioners’ putative licensees, “Sabacc” allegedly has appeared or been mentioned in *Star Wars* films, television programs, books, novels, card games, and roleplaying card games. *See id.* at ¶¶ 8-14.

1. Petitioners Have Never Applied to Register “Sabacc”

Petitioners’ intellectual property portfolio is extensive. A search for “lucasfilms” in the PTO’s database generates 1,077 records:

Serial Number	Reg. Number	Word Mark	Check Status	Live/Dead
1 87685815		I'VE GOT A BAD FEELING ABOUT THIS	TSOR	LIVE
2 87339228		THE LAST JEDI	TSOR	LIVE
3 87339218		THE LAST JEDI	TSOR	LIVE
4 87339208		THE LAST JEDI	TSOR	LIVE
5 87683788		K.2SO	TSOR	LIVE
6 87683785		K.2SO	TSOR	LIVE
7 87683760		K.2SO	TSOR	LIVE
8 87339234		THE LAST JEDI	TSOR	LIVE
9 87460411		HAN SOLO	TSOR	LIVE
10 87332252		THE FREEMAKER ADVENTURES	TSOR	LIVE
11 87332245		THE FREEMAKER ADVENTURES	TSOR	LIVE
12 87332331		THE FREEMAKER ADVENTURES	TSOR	LIVE
13 87306958	5338471	ROGUE ONE: A STAR WARS STORY	TSOR	LIVE
14 87339247		THE LAST JEDI	TSOR	LIVE
15 87339153		THE LAST JEDI	TSOR	LIVE
16 87347431		STAR WARS: RIVALS	TSOR	LIVE
17 87661706		PORG	TSOR	LIVE
18 87347420		STAR WARS: RIVALS	TSOR	LIVE
19 87339276		THE LAST JEDI	TSOR	LIVE

Many of these records relate to *Star Wars*. For example, Petitioners own pending applications for the marks:

<u>Mark</u>	<u>U.S. Trademark Application Ser. No.</u>
THE LAST JEDI	87/339,228
K-2SO	87/083,788
HAN SOLO	87/460,411
KYLO REN	86/478,480
DEATH TROOPER	87/083,810
CAPTAIN PHASMA	86/478,471
BB-8	86/478,454

Petitioners also own registrations for the marks:

<u>Mark</u>	<u>U.S. Trademark Reg. No.</u>
JYN ERSO	5,307,486
KYLO REN	5,046,216
POE DAMERON	5,266,363
BB-8	5,041,888
DARTH VADER	5,037,185
PRINCESS LEIA	5,037,184
C-3PO	4,974,588
CHEWBACCA	3,090,303

Despite “Sabacc” allegedly appearing throughout *Star Wars* films and movies for nearly 40 years, Petitioners’ conduct with respect to “Sabacc” stands in stark contrast to the aspects of *Star Wars* discussed above. Indeed, unlike those aspects of *Star Wars*, Petitioners have never applied to register “Sabacc”; do not own a pending application for “Sabacc”; and do not own a registration for “Sabacc.”

C. Registrant Seeks Evidence of Petitioners’ Alleged Use of “Sabacc” as a Mark

Petitioners allege they have priority over Registrant with respect to the mark SABACC. *See* Petition at ¶ 18. Accordingly, on August 8, 2017, Registrant duly served Petitioners with document requests (“Registrant’s Requests”) concerning Petitioners’ alleged use of “Sabacc” as a mark. *See* Thomas Decl. at Exh. D.

For example, in Request No. 3, Registrant sought “documents sufficient to identify all goods and services that Petitioners have allegedly offered in United States commerce under or in connection with ‘Sabacc’ as a Mark.” *See* Thomas Decl. at Exh. D. As another example,

Registrant sought “documents sufficient to identify the date of Petitioners’ alleged first [continuous, and current] use of ‘Sabacc’ as a Mark in United States commerce.” *See id.* at Request Nos. 5-7. Registrant also sought “copies of all licensing agreements between Petitioners and any third party concerning the alleged use of ‘Sabacc’ as a Mark in the United States.” *See id.* at Request No. 14.

Registrant additionally sought documents concerning Petitioners’ efforts to enforce its alleged rights in “Sabacc” as a mark:

- Request No. 17 (protest letters allegedly sent by Petitioners to third parties concerning “Sabacc” as a mark);
- Request No. 18 (settlement agreements between Petitioners and third parties concerning “Sabacc” as a mark);
- Request No. 19 (complaints filed in state or federal courts by Petitioners concerning “Sabacc” as a mark);
- Request No. 20 (documents filed by Petitioners with the PTO concerning “Sabacc” as a mark);
- Request No. 21 (Notices of Opposition instituted by Petitioners concerning “Sabacc” as a mark);
- Request No. 22 (Petitions for Cancellation (other than the Petition) filed by Petitioners concerning “Sabacc” as a mark);
- Request No. 23 (documents filed by Petitioners with United States Customs and Border Protection concerning “Sabacc” as a mark); and
- Request No. 24 (documents filed by Petitioners with trademark “watch” services concerning “Sabacc” as a mark).

See Thomas Decl. at Exh. D.

D. Petitioners Produced Documents Showing Use of STAR WARS--*Not* “Sabacc”--as a Mark

In response to Registrant’s Requests seeking documents sufficient to show Petitioners’ alleged use of “*Sabacc*” as a mark (*see* Thomas Decl. at Exh. D., Request Nos. 3, and 5-7),

Petitioners produced documents that show their use of *STAR WARS* as a mark. For example, Petitioners produced:

- STAR WARS comic books;
- Annotated STAR WARS screenplays;
- a STAR WARS roleplaying game;
- “Lando Calrissian” novels;
- a STAR WARS “Cantina” game;
- a STAR WARS roleplaying game;
- a STAR WARS card game;
- a STAR WARS novel;
- STAR WARS Monopoly; and
- a STAR WARS dictionary.

See Thomas Decl. at Exhs. E-N.

Notwithstanding Petitioners’ alleged long-standing licensing of “Sabacc” as a mark, and Registrant’s Document Request No. 14, Petitioners did not produce any licensing agreements, let alone any licensing agreements that concern “Sabacc” as a mark. *See* Thomas Decl. at ¶ 20. Petitioners also did not produce any trademark-enforcement documents in response to Registrant’s Document Requests No. 17-24 (*see supra*). *See id.* at ¶ 21.

III. Legal Standard: Summary Judgment under FED. R. CIV. P. 56(a)

“A motion for summary judgment is a pretrial device intended to save the time and expense of a full trial when the moving party is able to demonstrate, prior to trial, that there is no genuine dispute of material fact, and that it is entitled to judgment as a matter of law.” *Albin*

Pump v. Albin Pump LLC, 2017 WL 3718309, *3 (T.T.A.B., June 8, 2017) (referencing Fed. R. Civ. P. 56(a); *Celotex Corp. v. Catrett*, 477 U.S. 317 (1986)).

IV. Argument

The record evidence establishes that Petitioners have not, and do not, use “Sabacc” as a service mark or a trademark; rather, Petitioners use STAR WARS as a mark. Without evidence of trademark or service-mark use, it is impossible for Petitioners to establish trademark rights and priority in “Sabacc” as a mark. Without evidence of trademark rights and priority in “Sabacc” as a mark, there is no genuine dispute that Petitioners cannot prevail on their § 2(d) claim. Therefore, Registrant is entitled to summary judgment. *See Littell Concepts, LLC v. Striker Records, Inc.*, Cancellation Proceeding No. 92050431, *11-13 (T.T.A.B., Dec. 27, 2010) (dismissing § 2(d) common-law priority claim because petitioner could not prove use or ownership of the mark-at-issue).

A. Petitioners’ Ground for Cancellation: Alleged Trademark Use and Priority

To cancel a registration, the petitioning party must show both standing and valid grounds for cancellation.” *Albin Pump*, 2017 WL 3718309 at *3. Here, Petitioners’ ground for cancellation is a § 2(d) claim of common-law trademark priority in “Sabacc,” and a likelihood of confusion between Petitioners’ putative rights in “Sabacc,” on the one hand, and Registrant’s duly registered SABACC Mark, on the other hand. *See* Petition at ¶ 18.

“To establish priority, Petitioner must show proprietary rights in the mark that produce a[n] [alleged] likelihood of confusion.” *Albin Pump*, 2017 WL 37118309, at *5. “These proprietary rights may arise from a prior registration, prior trademark or service mark use, prior use as a trade name, prior use analogous to trademark or service mark use, or any other use sufficient to establish proprietary rights.” *Id.* Here, Petitioners premise their alleged trademark priority solely “on prior use of Petitioners’ [alleged] SABACC Mark in commerce [...]” *Id.* at

¶ 18. Petitioners' premise is faulty. Indeed, as discussed *infra*, the record evidence establishes there is no genuine dispute that Petitioners have not, and do not, use "Sabacc" as a mark.

B. Petitioners Cannot Prove Use of "Sabacc" as a Mark

As background, a word or term functions as a mark if it identifies a source of goods or services, and distinguishes those goods and services from the goods and services of others. *See* 15 U.S.C. § 1127 ("The term 'trademark' includes any word, name, symbol, device, or any combination thereof--used by a person [...] to identify and distinguish his or her goods [...] from those manufactured or sold by others and to indicate the source of the goods, even if that source is unknown"); *see also id.* (The term 'service mark' means any word, name, symbol, or device, or any combination thereof--used by a person [...] to identify and distinguish the services of one person [...] from the services of others and to indicate the source of the services, even if that source is unknown"); *In re Light*, 662 Fed. Appx. 929, 934 (Fed. Cir. 2016) ("[T]he the mark must identify the source of goods") (referencing *In re Owens-Corning Fiberglas Corp.*, 774 F.2d 1116, 1123 (Fed. Cir. 1985) ("Trademarks, indeed, are the essence of competition, because they make possible a choice between competing articles by enabling the buyer to distinguish one from the other"); and J. Thomas McCarthy, 1 MCCARTHY ON TRADEMARKS AND UNFAIR COMPETITION § 3:3 (4th ed. 2014) ("The prime question is whether the designation in question, as actually used, will be recognized in and of itself as an indication of origin for this particular product or service")).

The foregoing is equally true with respect to characters and elements of fictional works, *i.e.*: if a party does not use the characters and elements in a manner that identifies and distinguishes *source*, then the characters and elements do not function as marks. The cases of *Paramount*, *In re Valley Dental*, and *In re Caserta* are instructive on this point (*see infra*).

In *Paramount Pictures Corp. v. Romulan Invasions*, Paramount opposed the registration of the mark THE ROMULANS on the ground that it created a likelihood of confusion with “[a] race of space creatures called The Romulans” in Paramount’s STAR TREK series. 7 U.S.P.Q. 1897, *1 (T.T.A.B., Mar. 31, 1998).

Paramount, however, did not own a registration for “The Romulans.” *Paramount Pictures Corp.*, 7 U.S.P.Q. 1897 at *2. Therefore, Paramount claimed common-law trademark rights in “The Romulans” based on the following facts:

“The Romulans are a fictional alien race introduced in an early episode of the STAR TREK television show. They are related to the Vulcans, another fictional race and, with the Klingons, comprise two alien enemy races. The Romulans were featured in episodes called “The Balance of Terror” and “The Enterprise Incident” and have appeared or were mentioned in other episodes. A STAR TREK novel is published bi-monthly by the Pocket Books arm of Simon & Schuster. One such novel, *The Web of the Romulans*, has had more than one printing and there are more than 420,000 copies in print. Another, *My Enemy, My Ally*, which is about The Romulans, has more than 300,000 copies in print. A third book, “The Romulan Way” was scheduled for publication when opposer's depositions were taken. The Romulans have appeared in comic books as well. Games and plastic models of the Romulan spaceships have been available to the public. Mego Corporation, identified as a licensee, applied for a registration for THE ROMULAN for dolls, doll clothing and playsets. The application was assigned to opposer on June 3, 1977 shortly before it registered on June 28, 1977. The registration was cancelled for failure to file a Section 8 affidavit.” *Id.*

The Board held that these facts established “ample evidence that [Paramount] used the term ‘Romulans’ as of a long time prior to applicant’s first use.” *Paramount Pictures Corp.*, 7 U.S.P.Q. 1897 at *2. Nonetheless, the Board held “there are serious questions with regard to the nature of [Paramount’s] use” of the term “Romulans.” *Id.* (emphasis added).

With respect to Paramount’s alleged use of “Romulans” as a service mark, the Board held that Paramount “has not used the term ‘Romulan’ (or ‘Romulans’) as a mark to identify and distinguish any services [...]” *Paramount Pictures Corp.*, 7 U.S.P.Q. 1897 at *3. Instead, the Board held that “[t]he entertainment services performed by [Paramount] are identified by the

name STAR TREK.” *Id.* Moreover, the Board held that “[t]he term ‘Romulan’ has been used only as the name of a fictional race of people which appears from time to time in the STAR TREK television series and has apparently been mentioned in movies.” *Id.* However, as the Board held, “[a]pppearance of Romulans as characters in the storyline of the STAR TREK television series or movies does not make Romulans a trademark or service mark for either.” *Id.* (referencing *In re D.C. Comics, Inc.*, 689 F.2d 1042, 215 USPQ 394 at fn. 1 (CCPA 1982) (“[T]he appearance of the JOKER in a story in a BATMAN comic book does not make the JOKER a trademark for the book”)).

With respect to Paramount’s alleged use of “Romulans” as a trademark, Paramount “claim[ed] to have used ‘Romulan,’ through licensees or on its own, on comic books and various other books [...]” *Paramount Pictures Corp.*, 7 U.S.P.Q. 1897 at *3. However, the Board held that “the appearance of Romulans as characters in various novels or comic books based on STAR TREK cannot afford trademark protection for the name Romulan in connection with those goods.” *Paramount Pictures Corp.*, 7 U.S.P.Q. 1897 at *3.

Paramount also claimed trademark usage of “Romulans” in “a number of manuals for use with ‘STAR TREK--The Role Playing Game.” *Paramount Pictures Corp.*, 7 U.S.P.Q. 1897 at *4. As the Board observed, “[s]everal of the manuals involve plots in which Romulans are featured or otherwise take part.” *Id.* As the Board held, however, “[n]one appears to be marketed as a Romulan game but rather as STAR TREK game involving Romulans.” *Id.* Accordingly, the Board held that “[t]he claim of trademark rights with respect to games is subject to the same infirmity as was noted as to books about Romulans or comics involving Romulan characters.” *Id.*

Based on the foregoing, the Board dismissed Paramount’s opposition. *See Paramount Pictures Corp.*, 7 U.S.P.Q. 1897 at *5.

Moreover, in *In re Valley Dental, Inc.*, the Board held that “Sugar Bugs” did not function as a mark for promoting dental services and dental health.” 1998 WL 111034, *5 (T.T.A.B., Mar. 6, 1998).

As background, the applicant in *In re Valley Dental, Inc.* used “Sugar Bugs” in advertisements “in the form of cartoon strips titled ‘THE ADVENTURES OF MYRTLE MOLAR AND THE TOOTH TOTS.’” *In re Valley Dental*, 1998 WL 111034 at *2. The Board held that, while “the story lines in each of the cartoon specimens involves characters referred to as ‘SUGAR BUGS,’ and the pictorial representations in each cartoon undoubtedly are intended to represent these characters, nowhere [...] is ‘SUGAR BUGS’ used as a mark for applicant’s services.” *Id.* at *3.

The Board went on to hold “[t]he mere fact that these ‘characters’ in the two stories are referred to as ‘SUGAR BUGS’ does not in and of itself, make that term a service mark for applicant’s services.” *Id.* at *4 (holding applicant used “Sugar Bugs” “not as service mark, but merely as the name of a group of characters in the cartoon storyline”); *see also id.* (“The Board has previously held that the name of characters used in printed publications and entertainment services is not necessarily a trademark or service mark for such goods or services) (referencing *Paramount Pictures Corp. v. Romulan Invasions*, 7 USPQ2d 1897 (TTAB 1988)).

Further, in *In re Caserta*, the Board held that “Furr-ball Furcania” did not function as a mark “for children’s books and periodical publications, namely, comic strips and comic magazines.” 46 U.S.P.Q. 1088, *1 (T.T.A.B., Feb. 26, 1998).

As background, the applicant in *In re Caserta* used ““Furr-ball Furcania” in two ways, namely: (i) “as part of the title” of a children’s story, and (ii) to “identif[y] the main character of the story.” *In re Caserta*, 46 U.S.P.Q. 1088 at *1. With respect to the former use, the Board held that “titles of books are considered to be nothing more than the name by which the book

may be identified in much the same way that other items of merchandise are identified.” *Id.* at *3. With respect to the latter use, the issue was “whether the name of the fictitious character is used in such a manner that it is likely to be perceived as a trademark in connection with the identified goods.” *Id.* at *1. The Board held it did not rather; the Board held that “Furr-ball Furcania” merely identifies the main character in the story.” *Id.*

Based on the foregoing, the Board held that “Furr-ball Furcania” failed to “function[] as a trademark in connection with children’s books and periodical publications, namely, comic strips and comic magazines.” *In re Caserta*, 46 U.S.P.Q. 1088 at *3.

1. The Appearance of “Sabacc” in *Star Wars* Films and Movies is Not Service-Mark Use of “Sabacc”

As discussed *supra*, Petitioners allege “Sabacc” has appeared throughout *Star Wars* films and movies. *See generally* Petition. Petitioners also produced a *Star Wars* annotated screenplay for *Star Wars*, which states:

“In the second draft, as in the film, the *Falcon* hides along the side of the Imperial starship. Hans says his friend Lando Calrissian won the gas mine in a ‘sabacca game,’ or ‘so he claims.’ The scene with Boba Fett following the *Falcon* first appeared in the third draft.” *See* Thomas Decl. at Exh. F.

There is no genuine dispute that the mere appearance of a fictional game called “Sabacc” in *Star Wars* films and movies does not render “Sabacc” a service mark for *Star Wars* films and movies. *See Paramount Pictures Corp.*, 7 U.S.P.Q. 1897 at *3 (the “[a]pppearance of Romulans as characters in the storyline of the STAR TREK television series or movies does not make Romulans a trademark or service mark for either”); *see also In re DC Comics, Inc.*, 689 F.2d n.1 (*accord*); *In re Valley Dental*, 1998 WL 111034 at *2 (*accord*); *In re Caserta*, 46 U.S.P.Q. 1088 at *1 (*accord*). Instead, just as the mark STAR TREK identified the *Star Trek* franchise-at-issue in *Paramount*, the mark STAR WARS is what identifies Petitioners’ *Star Wars* films and

movies. *See id.* at 3 (“The entertainment services performed by [Paramount] are identified by the name STAR TREK”).

Based on the foregoing, there is no genuine dispute that Petitioners cannot prove use of “Sabacc” as a service mark.

2. The Appearance of “Sabacc” in and on Books and Games about *Star Wars* is Not Trademark Use of “Sabacc”

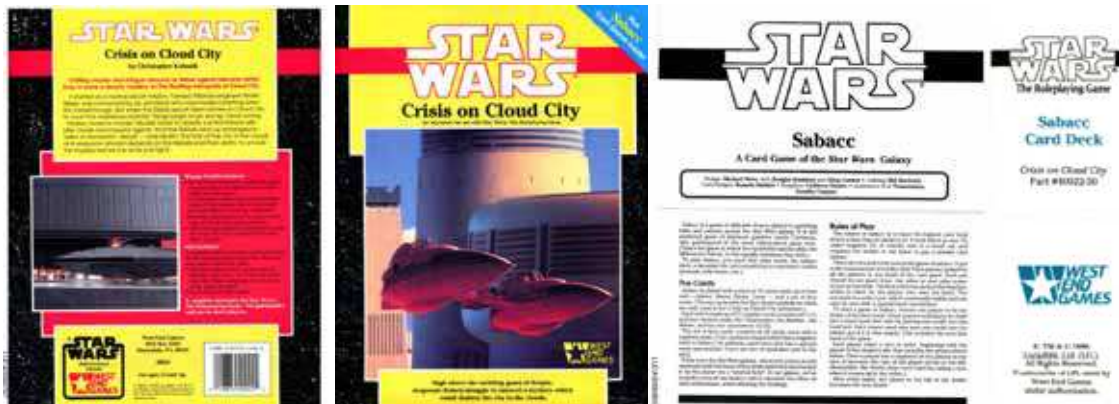
Ostensibly recognizing that the mere appearance of a fictional “Sabacc” game in *Star Wars* movies and films is not service-mark use, Petitioners allege in the Petition that they use and license “Sabacc” as a *trademark* for use in and on goods. *See generally* Petition. To support this *ipse dixit* allegation, Petitioners produced images of *Star Wars* comic books, novels, card games, dictionaries, and a roleplaying game in response to Registrants’ Requests for documents sufficient to demonstrate Petitioners’ alleged use of “Sabacc” as a mark. *See* Thomas Decl. at Exhs. E-N. As discussed *infra*, these documents do not show use of “Sabacc” as a trademark for at least two reasons.

First, just as the appearance of “Sabacc” in movies and films about *Star Wars* does not render “Sabacc” a service mark for *Star Wars* movies and films, the appearance of “Sabacc” in comics, novels, and games about *Star Wars* does not render “Sabacc” a trademark for these goods. *See Paramount Pictures Corp.*, 7 U.S.P.Q. 1897 at *3 (“[T]he appearance of Romulans as characters in various novels or comic books based on STAR TREK cannot afford trademark protection for the name Romulan in connection with those goods”).

That is because, like the mere appearance of “Romulans” in novels and comics about *Star Trek*, the mere appearance of “Sabacc” in novels, comics, and games about *Star Wars* does not identify and distinguish the *source* of these goods--the mark STAR WARS performs that role. Accordingly, there is no genuine dispute that Petitioners cannot prove use of “Sabacc” as a

trademark based on the mere appearance of “Sabacc” in novels, comics, and games about *Star Wars*.

Second, based on the Petitioners’ document production (*see* Thomas Decl. at Exhs. E-N), “Sabacc” has sporadically appeared over the past 40 years on the packaging for games about *Star Wars*:



The rare, intermittent appearance of “Sabacc” on the packaging for games about *Star Wars*, however, does not render “Sabacc” a trademark for these games. That is because, like “Romulans” and the *Star Trek* games-at-issue in *Paramount*, Petitioners do not use “Sabacc” to identify and distinguish the source of Petitioners’ *Star Wars* games. Instead, like the use of the mark STAR TREK in *Paramount* to identify, distinguish, and draw consumer attention to, games about *Star Trek*, Petitioners unremarkably use the mark STAR WARS to identify, distinguish, and draw consumer attention to, their games about *Star Wars*. *See Paramount Pictures Corp.*, 7 U.S.P.Q. 1897 at *4 (*accord*). Accordingly, there is no genuine dispute that Petitioners cannot prove use of “Sabacc” as a trademark based on the sporadic, intermittent appearance of “Sabacc” on the packaging for games about *Star Wars*.

V. Conclusion

Based on the foregoing, Registrant respectfully requests that Board issue an Order:

(i) granting partial summary judgment in Registrant's favor pursuant to FED. R. CIV. P. 56 (a) on the issue of Petitioners' lack of trademark and service mark rights in and to the term "Sabacc," and (ii) granting Registrant any further relief the Board deems just and equitable.

Dated: December 4, 2017
New York, New York

Respectfully submitted,

/s/ James E. Rosini
James E. Rosini
Jonathan W. Thomas
ANDREWS KURTH KENYON LLP
One Broadway
New York, New York 10004
Phone: (212) 425-7200
Fax: (212) 425-5288

*Attorneys for Registrant
Ren Ventures Limited*

CERTIFICATE OF SERVICE

I hereby certify that, on December 4, 2017, I served a true and correct copy of the foregoing document titled, *Registrant's Partial Summary-Judgment Motion*, by electronic mail on Petitioners' counsel at:

Linda K. McLeod
David M. Kelly
KELLY IP, LLP
1919 M Street, NW, Suite 610
Washington, D.C. 20036
linda.mcleod@kelly-ip.com
david.kelly@kelly-ip.com

/s/ Jonathan W. Thomas
Jonathan W. Thomas

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

In the Matter of:

Mark:	SABACC
Registration No.:	5,025,710
Registration Date:	August 23, 2016

LUCASFILM LTD. LLC and LUCASFILM
ENTERTAINMENT COMPANY LTD. LLC,

Petitioners,

v.

REN VENTURES LIMITED,

Registrant.

Cancellation No.: 92066016

**DECLARATION OF JONATHAN W. THOMAS, ESQ. IN SUPPORT
OF REGISTRANT'S PARTIAL SUMMARY-JUDGMENT MOTION**

I, Jonathan W. Thomas, hereby declare as follows:

1. I am a resident of the State of New York, over the age of 18, and competent to make this declaration.
2. I have personal knowledge about the matters set forth herein, and could and would testify thereto if called upon to do so.
3. I am an associate at the law firm of ANDREWS KURTH KENYON LLP. I am counsel-of-record for Registrant Ren Ventures Limited ("Registrant") in the above-captioned cancellation proceeding (the "Proceeding").
4. I submit this declaration in support of Registrant's motion: (i) for partial summary judgment pursuant to FED. R. CIV. P. 56(a), and (ii) for any further relief the Boards deems just and equitable.

5. I base the information herein on my representation of Registrant in the Proceeding; my review of the pleadings in the Proceeding; and my review of all documents attached hereto as exhibits.

6. I attach hereto as **Exhibit A** a true and correct copy of U.S. Trademark Application Ser. No. 86/827,417 (the “‘417 Application”).

7. I attach hereto as **Exhibit B** a true and correct copy of the Notice of Publication issued by the United States Patent and Trademark Office on May 18, 2016 concerning the ‘417 Application.

8. I attach hereto as **Exhibit C** a true and correct copy of the registration certificate for U.S. Trademark Reg. No. 5,025,710.

9. I attach hereto as **Exhibit D** a true and correct copy of Registrant’s First Set of Document Requests to Petitioners, Lucasfilm Ltd. LLC, and Lucasfilm Entertainment Company Ltd. LLC (collectively, “Petitioners”), in the Proceeding.

10. I attach hereto as **Exhibit E** a true and correct copy of the document Bates Stamped LUCAS000004-LUCAS000027, which Petitioners produced in this Proceeding.

11. I attach hereto as **Exhibit F** a true and correct copy of the documents Bates Stamped LUCAS000791- LUCAS000796, which Petitioners produced in this Proceeding.

12. I attach hereto as **Exhibit G** a true and correct copy of the documents Bates Stamped LUCAS000797- LUCAS000798, which Petitioners produced in this Proceeding.

13. I attach hereto as **Exhibit H** a true and correct copy of the documents Bates Stamped LUCAS000799-LUCAS000800, which Petitioners produced in this Proceeding.

14. I attach hereto as **Exhibit I** a true and correct copy of the documents Bates Stamped LUCAS000801- LUCAS000802, which Petitioners produced in this Proceeding.

15. I attach hereto as **Exhibit J** a true and correct copy of the documents Bates Stamped LUCAS000803- LUCAS000804, which Petitioners produced in this Proceeding.

16. I attach hereto as **Exhibit K** a true and correct copy of the document Bates Stamped LUCAS000805, which Petitioners produced in this Proceeding.

17. I attach hereto as **Exhibit L** a true and correct copy of the document Bates Stamped LUCAS000806, which Petitioners produced in this Proceeding.

18. I attach hereto as **Exhibit M** a true and correct copy of the document Bates Stamped LUCAS000866, which Petitioners produced in this Proceeding.

19. I attach hereto as **Exhibit N** a true and correct copy of the documents Bates Stamped LUCAS000867- LUCAS000869, which Petitioners produced in this Proceeding.

20. Petitioners did not produce any documents in this Proceeding that appear to respond to Registrant's Document Request No. 14. *See* Exh. D hereto.

21. Petitioners did not produce any documents in this Proceeding that appear to respond to Registrant's Document Request Nos. 17-24. *See* Exh. D hereto.

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

Dated: December 4, 2017
New York, New York

/s/ Jonathan W. Thomas
Jonathan W. Thomas

Exhibit A

Trademark/Service Mark Application, Principal Register

Serial Number: 86827417

Filing Date: 11/20/2015

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	86827417
MARK INFORMATION	
*MARK	SABACC
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	SABACC
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font, style, size, or color.
REGISTER	Principal
APPLICANT INFORMATION	
*OWNER OF MARK	Ren Ventures Limited
INTERNAL ADDRESS	Flat 2
*STREET	6 Bolingbroke Road
*CITY	London
*COUNTRY	United Kingdom
*ZIP/POSTAL CODE (Required for U.S. applicants)	W140AL
LEGAL ENTITY INFORMATION	
TYPE	private limited company
STATE/COUNTRY WHERE LEGALLY ORGANIZED	United Kingdom
GOODS AND/OR SERVICES AND BASIS INFORMATION	
INTERNATIONAL CLASS	009
*IDENTIFICATION	Computer game software; computer game entertainment software; video game software; downloadable electronic game software for use on mobile phones, tablets and other electronic mobile devices; interactive multimedia computer game software; games software for use on mobile phones, tablets and other electronic mobile devices; downloadable computer software for mobile phones, tablets and other electronic mobile devices; computer application software featuring video and computer games; computer application software for mobile phones, portable media players, tablets, handheld computers and other electronic mobile devices, namely, software for video and computer games; games cartridges for use with electronic games apparatus; video recordings featuring computer games; downloadable image files containing

	photographic images and artwork, and text in the field of video and computer games; downloadable music files; downloadable ring tones for mobile phones; accessories for telephones, mobile telephones, smart phones and tablet computers, namely, hands free kits, covers, cases, battery chargers, and earphones; bags and cases for mobile telephones and telephone equipment; parts and fittings for the aforesaid goods
FILING BASIS	SECTION 1(b)
FILING BASIS	SECTION 44(d)
FOREIGN APPLICATION NUMBER	14817662
FOREIGN APPLICATION COUNTRY	United Kingdom
FOREIGN FILING DATE	11/20/2015
INTENT TO PERFECT 44(d)	At this time, the applicant intends to rely on §44(e) as a basis for registration. If ultimately the applicant does not rely on §44(e) as a basis for registration, a valid claim of priority may be retained.
INTERNATIONAL CLASS	041
*IDENTIFICATION	Entertainment services, namely, providing on-line computer games; entertainment in the nature of computer games, namely, providing temporary use of non-downloadable computer games; entertainment services, namely, providing non-downloadable computer games online; entertainment services, namely, providing temporary use of non-downloadable interactive games; entertainment services, namely, providing temporary use of non-downloadable electronic games; entertainment services, namely, providing a website featuring games and puzzles; entertainment services, namely, providing online video games; entertainment services, namely, providing electronic games, including provision of computer games online, on social networks, or by means of a global computer network; entertainment services, namely, providing electronic games for use on mobile phones, tablets and other electronic mobile devices; entertainment services, namely, providing temporary use of non-downloadable single and multi-player electronic interactive games via the internet, electronic communication networks and via a global computer network; organising sporting and cultural activities, namely, conducting tournaments, contests and competitions in the field of computer games; multimedia publishing of software, namely, publishing of computer game software, electronic games and video game software; information, advisory and consultancy services related to the aforesaid services, all of the aforesaid services also being provided online from a computer database or the Internet.
FILING BASIS	SECTION 1(b)
FILING BASIS	SECTION 44(d)
FOREIGN APPLICATION NUMBER	14817662
FOREIGN APPLICATION COUNTRY	United Kingdom
FOREIGN FILING DATE	11/20/2015
INTENT TO	At this time, the applicant intends to rely on §44(e) as a basis for registration. If ultimately the applicant does not rely on

PERFECT 44(d)	§44(e) as a basis for registration, a valid claim of priority may be retained.
ATTORNEY INFORMATION	
NAME	Cynthia M. ARKO
ATTORNEY DOCKET NUMBER	T1984.US+
FIRM NAME	EIP US LLP
STREET	2468 Historic Decatur Road, Suite 200
CITY	San Diego
STATE	California
COUNTRY	United States
ZIP/POSTAL CODE	92106
PHONE	619-795-1300
EMAIL ADDRESS	sandiego@eip.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
OTHER APPOINTED ATTORNEY	Mallary de MERLIER, Nicholas TRANSIER, Ankur GARG, Ghazaly IMAM, Khanh T. GLATZEL
CORRESPONDENCE INFORMATION	
NAME	Cynthia M. ARKO
FIRM NAME	EIP US LLP
STREET	2468 Historic Decatur Road, Suite 200
CITY	San Diego
STATE	California
COUNTRY	United States
ZIP/POSTAL CODE	92106
PHONE	619-795-1300
*EMAIL ADDRESS	sandiego@eip.com;carko@eip.com; kallerston@eip.com
*AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
FEE INFORMATION	
APPLICATION FILING OPTION	TEAS RF
NUMBER OF CLASSES	2
FEE PER CLASS	275
*TOTAL FEE DUE	550
*TOTAL FEE PAID	550
SIGNATURE INFORMATION	
SIGNATURE	/Cynthia Arko/
SIGNATORY'S NAME	Cynthia M. ARKO
SIGNATORY'S POSITION	Attorney of record, California bar member
SIGNATORY'S PHONE NUMBER	619-795-1300

DATE SIGNED	11/20/2015
--------------------	------------

Trademark/Service Mark Application, Principal Register

Serial Number: 86827417

Filing Date: 11/20/2015

To the Commissioner for Trademarks:

MARK: SABACC (Standard Characters, see [mark](#))

The literal element of the mark consists of SABACC.

The mark consists of standard characters, without claim to any particular font, style, size, or color.

The applicant, Ren Ventures Limited, a private limited company legally organized under the laws of United Kingdom, having an address of
Flat 2,
6 Bolingbroke Road
London W140AL
United Kingdom

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

International Class 009: Computer game software; computer game entertainment software; video game software; downloadable electronic game software for use on mobile phones, tablets and other electronic mobile devices; interactive multimedia computer game software; games software for use on mobile phones, tablets and other electronic mobile devices; downloadable computer software for mobile phones, tablets and other electronic mobile devices; computer application software featuring video and computer games; computer application software for mobile phones, portable media players, tablets, handheld computers and other electronic mobile devices, namely, software for video and computer games; games cartridges for use with electronic games apparatus; video recordings featuring computer games; downloadable image files containing photographic images and artwork, and text in the field of video and computer games; downloadable music files; downloadable ring tones for mobile phones; accessories for telephones, mobile telephones, smart phones and tablet computers, namely, hands free kits, covers, cases, battery chargers, and earphones; bags and cases for mobile telephones and telephone equipment; parts and fittings for the aforesaid goods
Intent to Use: The applicant has a bona fide intention, and is entitled, to use the mark in commerce on or in connection with the identified goods/services.

Priority based on foreign filing: The applicant has a bona fide intention, and is entitled, to use the mark in commerce on or in connection with the identified goods/services and asserts a claim of priority based on United Kingdom application number 14817662, filed 11/20/2015.

INTENT TO PERFECT 44(d) : At this time, the applicant intends to rely on §44(e) as a basis for registration. If ultimately the applicant does not rely on §44(e) as a basis for registration, a valid claim of priority may be retained.

International Class 041: Entertainment services, namely, providing on-line computer games; entertainment in the nature of computer games, namely, providing temporary use of non-downloadable computer games; entertainment services, namely, providing non-downloadable computer games online; entertainment services, namely, providing temporary use of non-downloadable interactive games; entertainment services, namely, providing temporary use of non-downloadable electronic games; entertainment services, namely, providing a website featuring games and puzzles; entertainment services, namely, providing online video games; entertainment services, namely, providing electronic games, including provision of computer games online, on social networks, or by means of a global computer network; entertainment services, namely, providing electronic games for use on mobile phones, tablets and other electronic mobile devices; entertainment services, namely, providing temporary use of non-downloadable single and multi-player electronic interactive games via the internet, electronic communication networks and via a global computer network; organising sporting and cultural activities, namely, conducting tournaments, contests and competitions in the field of computer games; multimedia publishing of software, namely, publishing of computer game software, electronic games and video game software; information, advisory and consultancy services related to the aforesaid services, all of the aforesaid services also being provided online from a computer database or the Internet.

Intent to Use: The applicant has a bona fide intention, and is entitled, to use the mark in commerce on or in connection with the identified goods/services.

Priority based on foreign filing: The applicant has a bona fide intention, and is entitled, to use the mark in commerce on or in connection with the identified goods/services and asserts a claim of priority based on United Kingdom application number 14817662, filed 11/20/2015.

INTENT TO PERFECT 44(d) : At this time, the applicant intends to rely on §44(e) as a basis for registration. If ultimately the applicant does not

rely on §44(e) as a basis for registration, a valid claim of priority may be retained.

The applicant's current Attorney Information:

Cynthia M. ARKO and Mallary de MERLIER, Nicholas TRANSIER, Ankur GARG, Ghazaly IMAM, Khanh T. GLATZEL of EIP US LLP
2468 Historic Decatur Road, Suite 200
San Diego, California 92106
United States

The attorney docket/reference number is T1984.US+.

The applicant's current Correspondence Information:

Cynthia M. ARKO
EIP US LLP
2468 Historic Decatur Road, Suite 200
San Diego, California 92106
619-795-1300(phone)
sandiego@eip.com;carko@eip.com; kallerston@eip.com (authorized)

E-mail Authorization: I authorize the USPTO to send e-mail correspondence concerning the application to the applicant or applicant's attorney at the e-mail address provided above. I understand that a valid e-mail address must be maintained and that the applicant or the applicant's attorney must file the relevant subsequent application-related submissions via the Trademark Electronic Application System (TEAS). Failure to do so will result in an additional processing fee of \$50 per international class of goods/services.

A fee payment in the amount of \$550 has been submitted with the application, representing payment for 2 class(es).

Declaration

The signatory believes that: if the applicant is filing the application under 15 U.S.C. § 1051(a), the applicant is the owner of the trademark/service mark sought to be registered; the applicant is using the mark in commerce on or in connection with the goods/services in the application; the specimen(s) shows the mark as used on or in connection with the goods/services in the application; and/or if the applicant filed an application under 15 U.S.C. § 1051(b), § 1126(d), and/or § 1126(e), the applicant is entitled to use the mark in commerce; the applicant has a bona fide intention, and is entitled, to use the mark in commerce on or in connection with the goods/services in the application. The signatory believes that to the best of the signatory's knowledge and belief, no other persons, except, if applicable, concurrent users, have the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services of such other persons, to cause confusion or mistake, or to deceive. The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements and the like may jeopardize the validity of the application or any registration resulting therefrom, declares that all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

Declaration Signature

Signature: /Cynthia Arko/ Date: 11/20/2015
Signatory's Name: Cynthia M. ARKO
Signatory's Position: Attorney of record, California bar member
RAM Sale Number: 86827417
RAM Accounting Date: 11/23/2015

Serial Number: 86827417
Internet Transmission Date: Fri Nov 20 14:39:08 EST 2015
TEAS Stamp: USPTO/BAS-XX.XXX.X.XXX-20151120143908100
046-86827417-5406a601ce0832c3e511cd8c272
71bdc50ffc29ddfe7cdc617afe15a9f4e4f53d-C
C-956-20151120141635711480

SABACC

Exhibit B



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451
www.uspto.gov

May 18, 2016

NOTICE OF PUBLICATION

- | | |
|--------------------------------------|---|
| 1. Serial No.:
86-827,417 | 2. Mark:
SABACC
(STANDARD CHARACTER MARK) |
| 3. International Class(es):
9, 41 | |
| 4. Publication Date:
Jun 7, 2016 | 5. Applicant:
Ren Ventures Limited |

The mark of the application identified appears to be entitled to registration. The mark will, in accordance with Section 12(a) of the Trademark Act of 1946, as amended, be published in the *Official Gazette* on the date indicated above for the purpose of opposition by any person who believes he will be damaged by the registration of the mark. If no opposition is filed within the time specified by Section 13(a) of the Statute or by rules 2.101 or 2.102 of the Trademark Rules, the Commissioner of Patents and Trademarks may issue a certificate of registration.

Copies of the trademark portion of the *Official Gazette* containing the publication of the mark may be obtained from:

The Superintendent of Documents
U.S. Government Printing Office
PO Box 371954
Pittsburgh, PA 15250-7954
Phone: 202-512-1800

By direction of the Commissioner.

Email Address(es):

sandiego@eip.com
carko@eip.com
kallerston@eip.com

Exhibit C

United States of America

United States Patent and Trademark Office

SABACC

Reg. No. 5,025,710

Registered Aug. 23, 2016

Int. Cl.: 9, 41

Service Mark

Trademark

Principal Register

Ren Ventures Limited (UNITED KINGDOM private limited company)
Flat 2

6 Bolingbroke Road
London UNITED KINGDOM W140AL

CLASS 9: Computer game software; computer game entertainment software; video game software; downloadable electronic game software for use on mobile phones, tablets and other electronic mobile devices; interactive multimedia computer game software; games software for use on mobile phones, tablets and other electronic mobile devices; downloadable computer software for application and database integration, computer system and application development, deployment and management, and for the integration of text, audio, graphics, still images and moving pictures into an interactive delivery for multimedia applications, for mobile phones, tablets and other electronic mobile devices; computer application software featuring video and computer games; computer application software for mobile phones, portable media players, tablets, handheld computers and other electronic mobile devices, namely, software for video and computer games; computer and video game cartridges for use with electronic games apparatus; video recordings featuring computer games; downloadable image files containing photographic images and artwork, and text in the field of video and computer games; downloadable music files; downloadable ring tones for mobile phones; accessories for telephones, mobile telephones, smart phones and tablet computers, namely, hands free kits, covers, cases, battery chargers, and earphones; bags and cases specially adapted for holding or carrying for mobile telephones and telephone equipment; parts and fittings for the aforesaid goods

CLASS 41: Entertainment services, namely, providing on-line computer games; entertainment in the nature of computer games, namely, providing temporary use of non-downloadable computer games; entertainment services, namely, providing non-downloadable computer games online; entertainment services, namely, providing temporary use of non-downloadable interactive games; entertainment services, namely, providing temporary use of non-downloadable electronic games; entertainment services, namely, providing a website featuring games and puzzles; entertainment services, namely, providing online video games; entertainment services, namely, providing electronic games, including provision of computer games online, on social networks, or by means of a global computer network; entertainment services, namely, providing temporary use of non-downloadable single and multi-player electronic interactive games via the internet, electronic communication networks and via a global computer network; organising sporting and cultural activities, namely, conducting tournaments, contests and competitions in the field of computer games; multimedia publishing of software, namely, publishing of computer game software, electronic games and video game software; information, advisory and consultancy services related to the aforesaid services, all of the aforesaid services also being provided online from a computer database or the Internet



Michelle K. Lee

Director of the United States
Patent and Trademark Office

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT STYLE, SIZE OR COLOR

PRIORITY CLAIMED UNDER SEC. 44(D) ON UNITED KINGDOM APPLICATION NO. 14817662, FILED 11-20-2015, REG. NO. 14817662, DATED 03-18-2016, EXPIRES 11-20-2025

SER. NO. 86-827,417, FILED 11-20-2015
JAY K FLOWERS, EXAMINING ATTORNEY

REQUIREMENTS TO MAINTAIN YOUR FEDERAL TRADEMARK REGISTRATION

WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.

Requirements in the First Ten Years*

What and When to File:

- **First Filing Deadline:** You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. See 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.
- **Second Filing Deadline:** You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between the 9th and 10th years after the registration date.* See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*

What and When to File:

- You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the United States Patent and Trademark Office (USPTO). The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. See 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. See 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.

NOTE: A courtesy e-mail reminder of USPTO maintenance filing deadlines will be sent to trademark owners/holders who authorize e-mail communication and maintain a current e-mail address with the USPTO. To ensure that e-mail is authorized and your address is current, please use the Trademark Electronic Application System (TEAS) Correspondence Address and Change of Owner Address Forms available at <http://www.uspto.gov>.

Exhibit D

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

In the Matter of:

Mark:

SABACC

Registration No.:

5,025,710

Registration Date:

August 23, 2016

LUCASFILM LTD. LLC and LUCASFILM
ENTERTAINMENT COMPANY LTD. LLC,

Petitioners,

v.

REN VENTURES LIMITED,

Registrant.

Cancellation No.: 92066016

REGISTRANT REN VENTURES LIMITED'S
FIRST SET OF DOCUMENT REQUESTS

Pursuant to Rules 26(a)(1) and 34 of the Federal Rules of Civil Procedure ("FRCP"), 37 CFR § 2.120, and TBMP § 401, Registrant Ren Ventures Ltd. ("Registrant"), by and through its undersigned counsel, propounds its first set of document requests to Petitioners, Lucasfilm Ltd. LLC, and Lucasfilm Entertainment Company Ltd. LLC (collectively, "Petitioners"), in the above-captioned proceeding.

Petitioners shall produce their documents and things at the offices of ANDREWS KURTH KENYON LLP, One Broadway, New York, New York 10024, attention James E. Rosini, within 30 days of the date of these requests.

INSTRUCTIONS

1. For each request, Petitioners must furnish all information and materials in their possession, custody, or control.

2. In the event of any alleged ambiguity in a request, Petitioners' response should: state the alleged ambiguity; state why Petitioners considers the request to be ambiguous, including the possible meanings contemplated by Petitioners; and identify the meaning Petitioners adopted in responding to the request.

3. Registrant reserves the right to clarify the meaning of any allegedly ambiguous or unclear request, and to request and obtain all information potentially within the broader meaning of any request subject to multiple interpretations.

4. If Petitioners base their response to any request upon information and belief, then Petitioners must set forth the source(s) of the information and the grounds of the belief.

5. For any request that Petitioners withhold some or all information or otherwise objects to, Petitioners must: provide a response of the fullest nature possible; identify the reason for withholding information; identify the person or entity in possession of such information; and identify all document(s) containing such information.

6. If a request asks for information that could have at one time been supplied by consulting documents that longer exist, then in answering such request or part thereof, Petitioners must do the following for each such document:

- (a) identify the document;
- (b) state the time period during which the document was maintained;
- (c) state the circumstance(s) under which the document ceased to exist, and the date thereof;
- (d) identify each person having knowledge of the circumstance(s) described in response to subsection (c) above; and
- (e) identify each person who has possession, custody, or control of the document, or to whom it was available or had knowledge of the document and/or the contents thereof.

7. If Petitioners cannot respond to a request completely (or part thereof) after exercising due diligence to secure the information and materials needed to do so, then Petitioners must: answer the discovery request, to the extent possible; specify the reasons (not subject to a claim of privilege) for their inability to answer the remainder of the request; and state whatever information or knowledge they have or possess concerning the unanswered portion(s) of the request.

8. Documents and things that Petitioners produce in response to these requests must be organized as they are kept in the ordinary course of Petitioners' business, must clearly designate the individual (and, as appropriate, the individual's job title) from whose files each document was produced, must clearly designate the file from which each document was produced, and must clearly designate the location of such file.

9. Documents produced pursuant to these requests that are ordinarily kept in electronic form are to be produced in electronic form (in native format, where possible), with identification of the program(s) used to open and view such documents.

10. Nothing contained in these requests shall be taken, construed, or interpreted as Registrant accepting or admitting the existence of any "facts," allegations, or positions set forth by Petitioners in this proceeding.

11. The present requests are of a continuing nature. In the event that responsive information comes to Petitioners' attention following their submission of a response to a request, Petitioners must promptly supplement their response with such additional information in accordance with Rule 26(e) of the Federal Rules of Civil Procedure.

DEFINITIONS

1. The terms “**you**,” “**your**,” and “**Petitioners**” shall mean and refer to Lucasfilm Ltd. LLC, and Lucasfilm Entertainment Company Ltd. LLC, respectively, and any individual or any entity (including, without limitation, the officers, directors, employees, partners, contractors, corporate parent(s), subsidiaries, affiliates, agents, attorneys, successors-in-interest, predecessors-in-interest thereof) representing Petitioners and/or acting in concert or participation with Petitioners.

2. The term “**Registrant**” shall mean and refer to Ren Ventures Limited, its officers, directors, employees, partners, corporate parent(s), subsidiaries, affiliates, agents, attorneys, successors-in-interest, predecessors-in-interest, and any other entity or individual representing Registrant and/or acting in concert or participation with Registrant.

3. The term “**Registrant’s Mark**” shall mean and refer to the mark “SABACC.”

4. The term “**the ‘710 Registration**” shall mean and refer to U.S. Trademark Registration No. 5,025,710.

5. The term “**Mark**” shall mean and refer collectively to a “trademark” and a “service mark,” as defined in 15 U.S.C. § 1127.

6. The term “**PTO**” shall mean and refer to the United States Patent and Trademark Office.

7. The term “**TTAB**” shall mean and refer to the Trademark Trial and Appeal Board within the PTO.

8. The term “**Proceeding**” shall mean and refer to the trademark cancellation proceeding styled *Lucasfilm Ltd. LLC and Lucasfilm Entertainment Company Ltd. LLC*, Cancellation No. 92066016, presently pending before the TTAB.

9. The terms “**document(s)**,” “**evidence**,” and “**things**” shall be given the broadest construction under FRCP 34 and Local Civil Rule 26.3(c)(2), and shall include any and all kinds of written, printed, typed, recorded, photographic, electronic, or other graphic matter, however produced or reproduced, of any kind or description, whether sent or received or neither, including originals (both sides thereof), drafts, copies, copies not identical to the original, any material underlying, supporting or used in the preparation of such document, now or at any time in Petitioners’ possession, custody or control, or available to Petitioners or known to Petitioners, whether or not prepared by them (individually or collectively), including, but not limited to: social networking, websites, website data, agreements, contracts, invoices, bills, receipts, purchase orders, checks, books, pamphlets, periodicals, records, reports, financial statements, vouchers, ledgers, forecasts, appraisals, analyses, surveys, studies, calculations, statistical records and statements, charts, maps, graphs, blue prints, drawings, sketches, worksheets, flow charts, computer programs, including source code, laboratory reports, production files, work papers, drafts, letters, papers, photographs, objects, tangible things, correspondence, telegrams, emails, cables, telex messages, TWX messages, radiograms, programs, advertisements, notes, notations, transcripts, memoranda, minutes, reports, recording of telephone or other conversations or interview or conferences or meetings, telephone call slips, telephone bills, affidavits, unsworn written statements, forms, summaries, opinions, evaluations, journals, desk or other calendars, appointment books, desk pads, desk sheets, desk or personal diaries, lists, tabulations, disc or tape cassette or other sound recordings and transcripts thereof, punch card cells, manuals, directives, bulletins, accounts, travel and expense accounts and reports, computer printouts and runoffs, computer tapes, data processing input and output, microfilms, microfiches, correspondence (including attachments or exhibits), intra-office and intra-departmental

communications, circulars, field memos or reports, technical manual, manpower logs, specifications, diagrams, plans, drawings, schematics, guarantees, data on equipment, press releases, requisitions, certifications, opinions, testing data, research files and materials, delivery tickets, evaluation contracts, performance bonds, payment books, insurance policies, licenses, packaging labels, books or records of accounting, routing slips, computer hard drive(s), external electronic media (including cassette tapes, VCR tapes, DVDs, MP3s, compact discs and removable magnetic media).

Should the foregoing materials or writings not be in paper form, then Petitioners shall provide a true and correct copy in paper form to Registrant on the date and time, and at the location, specified on page one of these requests, with the original and all means for reviewing the original being maintained in Petitioners' possession for Registrant's review of the original if requested.

10. The term “**communications**” means the transmittal of information (*i.e.*, facts, ideas, inquiries, or otherwise in oral, written, and electronic form).

11. The term “**concerning**” means relating to, referring to, describing, identifying, evidencing, or constituting.

12. The terms “**person**” or “**persons**” mean any natural person or any business, legal or government entity or association, including without limitation corporations, partnerships, proprietorships, joint ventures, unincorporated associations, trusts, estates, quasi-public entities and all other forms of specifically identifiable legal entities.

13. The terms “**all**,” “**any**,” and “**each**” shall be construed as encompassing any and all.

14. The connectives “**and**” and “**or**” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of each discovery request all responses that might otherwise be construed to be outside of its scope.

15. The past tense includes the present tense, and the present tense includes the past tense.

16. The use of the singular form of any word includes the plural form and vice versa.

17. The masculine form of any word includes the feminine form and vice versa.

REQUESTS FOR DOCUMENTS AND THINGS

DOCUMENT REQUEST NO. 1:

Produce documents sufficient to identify the date that Petitioners’ allegedly adopted “Sabacc” as a Mark in the United States.

DOCUMENT REQUEST NO. 2:

Produce documents sufficient to identify the predecessor(s)-in-interest to Petitioners’ alleged rights in and to “Sabacc” as a Mark.

DOCUMENT REQUEST NO. 3:

Produce documents sufficient to identify all goods and services that Petitioners have allegedly offered in United States commerce under or in connection with “Sabacc” as a Mark.

DOCUMENT REQUEST NO. 4:

Produce documents sufficient to identify all goods and services that Petitioners allegedly intend to offer in United States commerce under or in connection with “Sabacc” as a Mark.

DOCUMENT REQUEST NO. 5:

Produce documents sufficient to identify the date of Petitioners’ alleged first use of “Sabacc” as a Mark in United States commerce.

DOCUMENT REQUEST NO. 6:

Produce documents sufficient to identify Petitioners' alleged continuous use of "Sabacc" as a Mark in United States commerce, from the date of Petitioners' claimed date of first use, through the present.

DOCUMENT REQUEST NO. 7:

Produce documents sufficient to identify Petitioner's alleged current use of "Sabacc" as a Mark in United States commerce.

DOCUMENT REQUEST NO. 8:

Produce documents sufficient to identify the purchasers of all goods and services that Petitioners have allegedly offered in United States commerce under or in connection with "Sabacc" as a Mark.

DOCUMENT REQUEST NO. 9:

Produce documents sufficient to identify the anticipated purchasers of all goods and services that Petitioners allegedly intend to offer in United States commerce under or in connection with "Sabacc" as a Mark.

DOCUMENT REQUEST NO. 10:

Produce documents sufficient to identify the trade channels that Petitioners allegedly use to offer goods and services in United States commerce under or in connection with "Sabacc" as a Mark.

DOCUMENT REQUEST NO. 11:

Produce documents sufficient to identify the amount of money that Petitioners spend each year to advertise goods and services that Petitioners allegedly offer in United States commerce

under or in connection with “Sabacc” as a Mark, from the date of Petitioners’ claimed date of first use, through the present.

DOCUMENT REQUEST NO. 12:

Produce documents sufficient to identify the amount of Petitioners’ annual sales of goods and services that Petitioners allegedly offer in United States commerce under or in connection with “Sabacc” as a Mark, from the date of Petitioners’ claimed date of first use, through the present.

DOCUMENT REQUEST NO. 13:

Produce documents sufficient to identify Petitioners’ annual revenue derived from sales of goods and services that Petitioners allegedly offer in United States commerce under or in connection with “Sabacc” as a Mark, from the date of Petitioners’ claimed date of first use, through the present.

DOCUMENT REQUEST NO. 14:

Produce copies of all licensing agreements between Petitioners and any third party concerning the alleged use of “Sabacc” as a Mark in the United States.

DOCUMENT REQUEST NO. 15:

Produce copies of all assignments between Petitioners and any third party concerning the alleged use of “Sabacc” as a Mark in the United States.

DOCUMENT REQUEST NO. 16:

Produce copies of all trademark searches concerning the Mark SABACC.

DOCUMENT REQUEST NO. 17:

Produce copies of all protest letters sent by Petitioners to any third party concerning the alleged use of “Sabacc” as a Mark.

DOCUMENT REQUEST NO. 18:

Produce copies of all settlement agreements between Petitioners and any third party concerning the alleged use of “Sabacc” as a Mark in the United States.

DOCUMENT REQUEST NO. 19:

Produce copies of all complaints that Petitioners have filed in state and federal courts in the United States concerning the alleged use of “Sabacc” as a Mark.

DOCUMENT REQUEST NO. 20:

Produce copies of all documents that Petitioners have filed and/or recorded with the PTO concerning the alleged use of “Sabacc” as a Mark.

DOCUMENT REQUEST NO. 21:

Produce copies of all Notices of Opposition that Petitioners have filed with the TTAB concerning the alleged use of “Sabacc” as a Mark.

DOCUMENT REQUEST NO. 22:

Other than this Proceeding, produce copies of all Petitions for Cancellation that Petitioners have filed with the TTAB concerning the alleged use of “Sabacc” as a Mark.

DOCUMENT REQUEST NO. 23:

Produce copies of all documents that Petitioners have filed with the United States Customs and Border Protection concerning the alleged use of “Sabacc” as a Mark.

DOCUMENT REQUEST NO. 24:

Produce copies of all documents that Petitioners have filed with any “watch” service concerning the alleged use of “Sabacc” as a Mark.

DOCUMENT REQUEST NO. 25:

Produce copies of surveys, analyses, studies, opinions, or the like concerning consumer understanding of “Sabacc.”

DOCUMENT REQUEST NO. 26:

Produce copies of all media coverage concerning Petitioners’ alleged use of “Sabacc” as a Mark.

DOCUMENT REQUEST NO. 27:

Produce copies of all communications, whether oral or in writing, received by Petitioners that suggest, imply, or infer that Registrant, Registrant’s goods and/or services, or Registrant’s SABACC Mark may be connected, affiliated, or otherwise associated with Petitioners.

DOCUMENT REQUEST NO. 28:

Produce documents sufficient to identify the reason why Petitioners instituted this Proceeding.

DOCUMENT REQUEST NO. 29:

Produce documents sufficient to identify the date that Petitioners first learned of Registrant.

DOCUMENT REQUEST NO. 30:

Produce documents sufficient to identify the date that Petitioners first learned of Registrant’s Mark SABACC.

DOCUMENT REQUEST NO. 31:

Produce documents sufficient to identify the date that Petitioners first learned of Registrant’s ‘710 Registration.

DOCUMENT REQUEST NO. 32:

To the extent not already produced, produce documents sufficient to support the allegation in ¶ 8 of the Cancellation Petition in this Proceeding that Petitioners allegedly used “Sabacc” as a “[M]ark in connection with [sic] the STAR WARS Franchise as early as 1980 in the May 1980 novelization of the 1980 film *Star Wars Episode V: The Empire Strikes Back*.”

DOCUMENT REQUEST NO. 33:

To the extent not already produced, produce documents sufficient to support the allegation in ¶ 9 of the Cancellation Petition in this Proceeding that Petitioners allegedly used “Sabacc” as a Mark “in a trilogy of Lando Calrissian novels published in July 1983, including *Lando Calrissian and the Mindharp of Sharu* [...].”

DOCUMENT REQUEST NO. 34:

To the extent not already produced, produce documents sufficient to support the allegation in ¶ 10 of the Cancellation Petition in this Proceeding that, “[a]s early as November 1989,” Petitioners allegedly licensed “Sabacc” for use as a Mark “in connection with a roleplaying card game featuring a card deck and rules for the game.”

DOCUMENT REQUEST NO. 35:

To the extent not already produced, produce documents sufficient to support the allegation in ¶ 11 of the Cancellation Petition in this Proceeding that “Sabacc” is used as a Mark in “*Star Wars: Episode VII The Force Awakens* (December 18, 2015) [...].”

DOCUMENT REQUEST NO. 36:

To the extent not already produced, produce documents sufficient to support the allegation in ¶ 11 of the Cancellation Petition in this Proceeding that “Sabacc” is used as a Mark in “*Star Wars Rebels* (January 12, 2015) [...].”

DOCUMENT REQUEST NO. 37:

To the extent not already produced, produce documents sufficient to support the allegation in ¶ 11 of the Cancellation Petition in this Proceeding that “Sabacc” is used as a Mark in “*Star Wars* comic books (2015 onward).”

DOCUMENT REQUEST NO. 38:

To the extent not already produced, produce documents sufficient to support the allegation in ¶ 12 of the Cancellation Petition in this Proceeding that Petitioners allegedly licensed “Sabacc” for use as a Mark in “MONOPOLY STAR WARS Classic Trilogy (1997).”

DOCUMENT REQUEST NO. 39:

To the extent not already produced, produce documents sufficient to support the allegation in ¶ 13 of the Cancellation Petition in this Proceeding that “Sabacc” is used as a Mark in “a STAR WARS Customizable Card Game (2001) [...]”

DOCUMENT REQUEST NO. 40:

To the extent not already produced, produce documents sufficient to support the allegation in ¶ 14 of the Cancellation Petition in this Proceeding that “Sabacc” is used as a Mark in “*STAR WARS: The Force Awakens, The Visual Dictionary* (published December 18, 2015).”

DOCUMENT REQUEST NO. 41:

To the extent not already produced, produce documents sufficient to support the allegation in ¶ 18 of the Cancellation Petition in this Proceeding that “Petitioners [allegedly] have priority based on prior use of Petitioners’ [putative Sabacc] Mark in commerce on or in connection with Petitioners’ Products before the November 20, 2015 priority date of Respondent’s [‘710 Registration], and before any date of first use that may be proven by Respondent.”

DOCUMENT REQUEST NO. 42:

To the extent not already produced, produce documents sufficient to support the allegation in ¶ 20 of the Cancellation Petition in this Proceeding that Registrant’s alleged “Products and Services are identical to or related to Petitioners’ Products [allegedly] advertised, promoted, offered, and/or sold in connection with Petitioners’ [putative Sabacc] Mark.”

DOCUMENT REQUEST NO. 43:

To the extent not already produced, produce documents sufficient to support the allegation in ¶ 21 of the Cancellation Petition in this Proceeding that “Petitioners have a history of licensing and using its [putative] marks, names, characters, and elements from its STAR WARS Franchise in connection with a wide variety of products and services including, but not limited to, computer games, video games, board games, card games, mobile applications, books, and entertainment services.”

DOCUMENT REQUEST NO. 44:

To the extent not already produced, produce documents sufficient to support the allegation in ¶ 21 of the Cancellation Petition in this Proceeding that “consumers are accustomed to encountering Petitioners’ names, [putative] marks, characters, and elements from its STAR WARS Franchise in connection with such products and services.”

DOCUMENT REQUEST NO. 45:

To the extent not already produced, produce documents sufficient to support the allegation in ¶ 21 of the Cancellation Petition in this Proceeding that “consumers are likely to associate Respondent’s SABACC [M]ark and Respondent’s Products and Services with Petitioners, Petitioners’ [putative Sabacc] Mark, and Petitioners’ Products.”

DOCUMENT REQUEST NO. 46:

To the extent not already produced, produce documents sufficient to support the allegation in ¶ 22 of the Cancellation Petition in this Proceeding that “Respondent’s SABACC Mark shown in [the ‘710 Registration] so resembles Petitioners’ previously used [putative Sabacc] Mark set forth above as to be likely, when used in connection with Respondent’s Products and Services, to cause confusion, or to cause mistake, or to deceive under Section 2(d) of the Lanham Act, as amended, 15 U.S.C. § 1052(d).”

DOCUMENT REQUEST NO. 47:

To the extent not already produced, produce documents sufficient to support the allegation in the Cancellation Petition in this Proceeding that “Petitioners that they are being and will continue to be damaged by the [‘710 Registration].”

DOCUMENT REQUEST NO. 48:

To the extent not already produced, produce all non-privileged documents that Petitioners intend to rely on and/or introduce into evidence in the Proceeding.

Dated: August 8, 2017
New York, New York

Respectfully submitted,

/s/ James E. Rosini
James E. Rosini
Jonathan W. Thomas
ANDREWS KURTH KENYON LLP
One Broadway
New York, New York 10004
Tel.: (212) 425-7200
Fax: (212) 425-5288
Email: jrosini@kenyon.com
Email: jthomas@kenyon.com

Attorneys for Registrant Ren Ventures Limited.

CERTIFICATE OF SERVICE

I hereby certify that, on August 8, 2017, I served a true and correct copy of the foregoing document, titled *Ren Ventures Limited's First Set of Document Requests*, via electronic mail, upon the following counsel of record for Petitioners:

Linda K. McLeod
David M. Kelly
KELLY IP, LLP
1919 M Street, NW, Suite 610
Washington, D.C. 20036
linda.mcleod@kelly-ip.com
david.kelly@kelly-ip.com

/s/ Jonathan W. Thomas
Jonathan W. Thomas

*Attorney for Registrant
Ren Ventures Limited*

Exhibit E

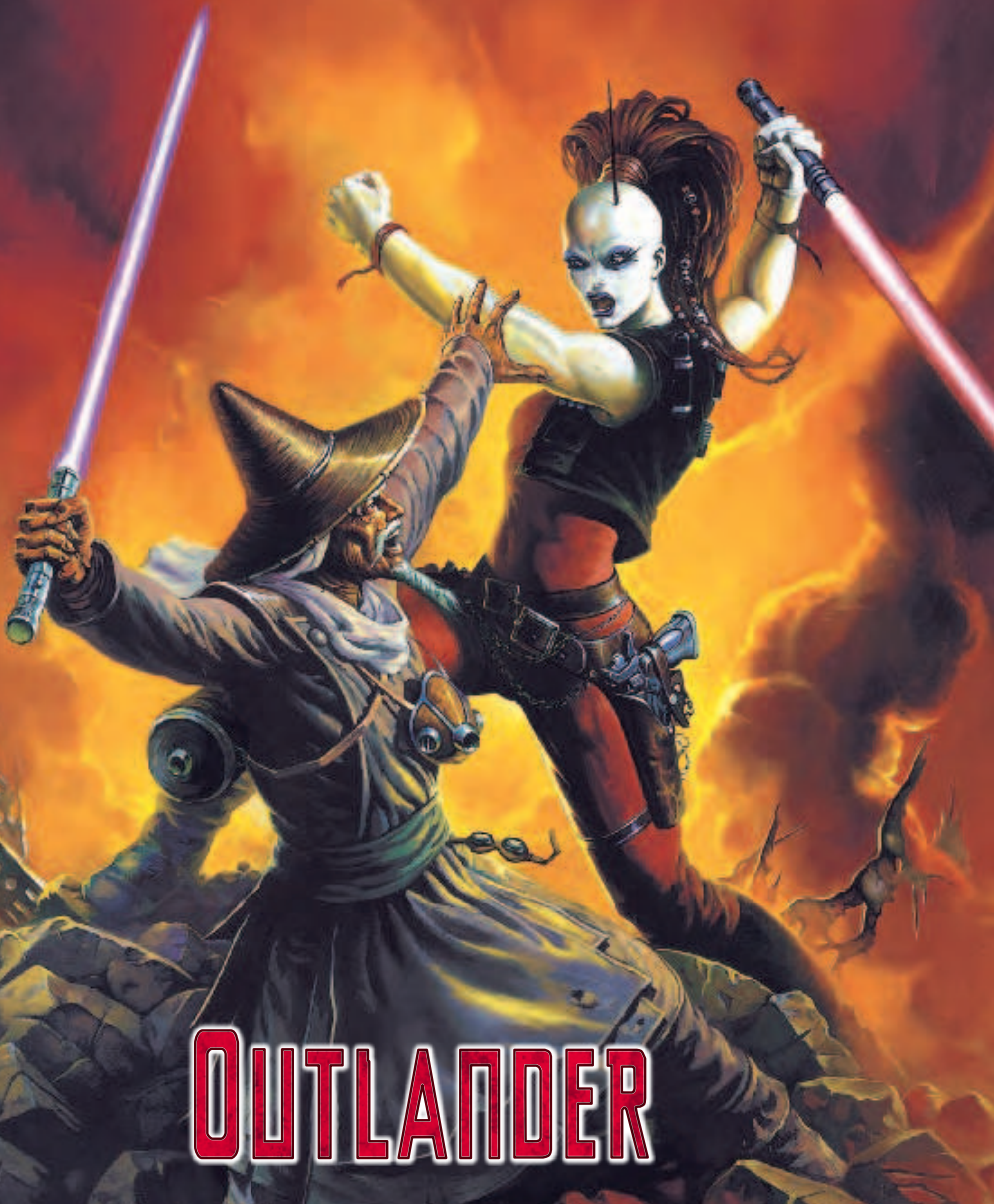
MARVEL

**STAR
WARS**

STAR WARS
12

OUTLANDER
6 of 6

STAR WARS



OUTLANDER

L E G E N D S

LUCAS000004



STAR WARS®

part six

The Exile of Sharad Hett

writer

TIM TRUMAN

penciller

AL RIO

inkers

MARK HEIKE
MARK LIPKA

letterer

STEVE DUTRO

colorist

DAVE McCAIG

cover artist

KEN KELLY

designer

KRISTEN BURDA

assistant editor

ADAM GALLARDO

editor

DAVE LAND

Disney

LUCASFILM

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LUCAS000005







ALTERNATIVE

"THE BOONTA STIRS THEM UP NICELY, LIKE FLEEK EELS IN PEPPER OIL. WHEN IT BOILS, THEY RISE TO THE TOP."

DIS

"ON TATOOINE, THERE'S ALWAYS SKIMMING TO DO. IF YOU'RE PATIENT, YOU SNAG SOMETHING WORTHWHILE."

"HERE'S WHAT'S IN THE POT TODAY."

"SEE THE BIG WORM ON THE SKIFF? THAT'S GARDULLA THE HUTT. GARDULLA CONTROLS LOTS OF BUSINESSES ON TATOOINE AND WOULD PREFER TO CONTROL THEM ALL!"

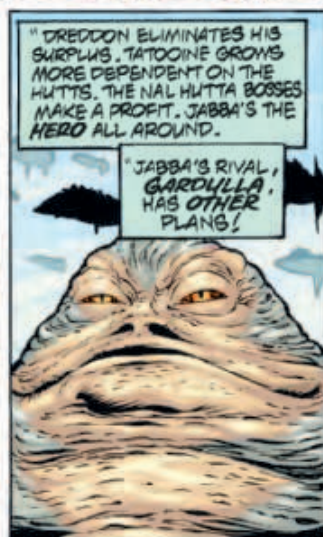
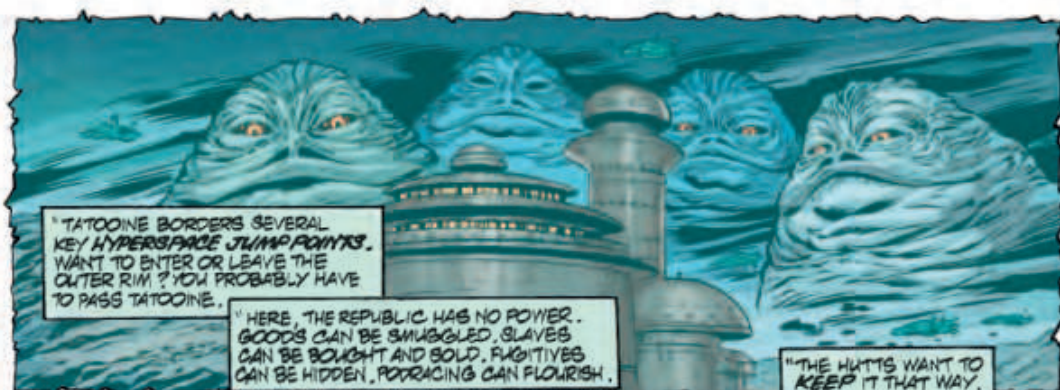
"THERE'S ONLY ONE THING IN THE WAY. ANOTHER HUTT. A CRAFTY SLUG NAMED JABBA."

"THE HUTTS HAVE PLANS FOR THIS PLANET. JABBA KNOWS IT."

"TATOOINE IS SPARSLEY SETTLED. FEW RESOURCES. IGNORED BY THE REPUBLIC AND THE CORPORATIONS. JUST A BALL OF WORTHLESS, BURNING DUST."

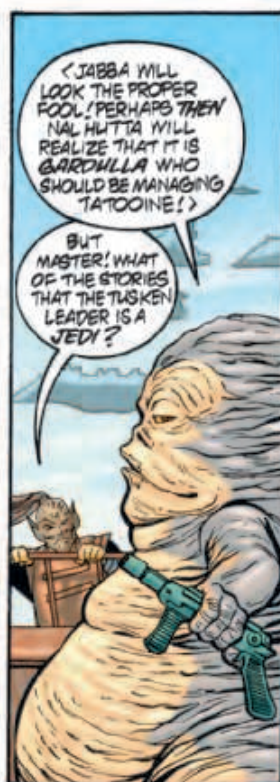
"THE HUTTS AREN'T INTERESTED IN GEO-PHYSICAL MATTERS. THEY SIMPLY LIKE TATOOINE'S LOCATION."

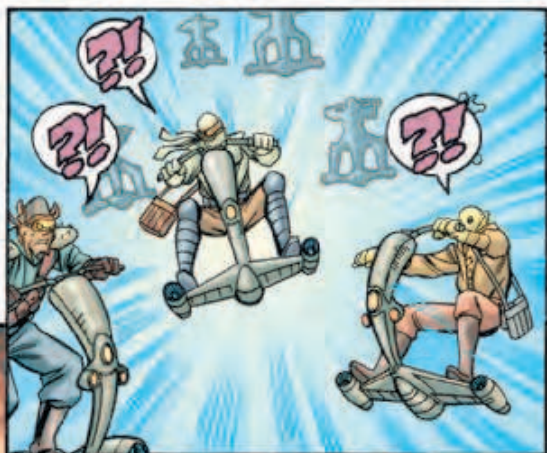
"THEY HAVE A PHILOSOPHY. THE KAJIDIG. IT MEANS 'SOMEBODY'S GOT TO HAVE IT. WHY NOT US?'"



















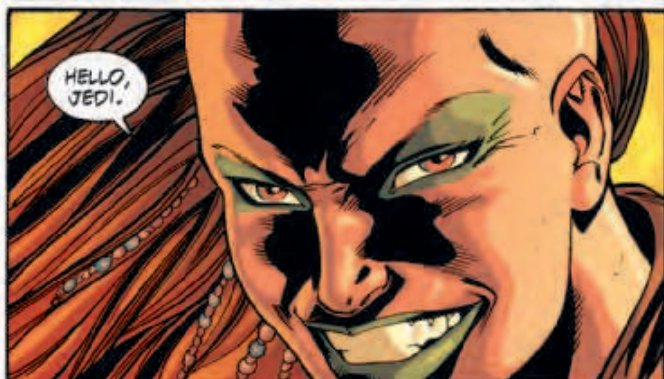












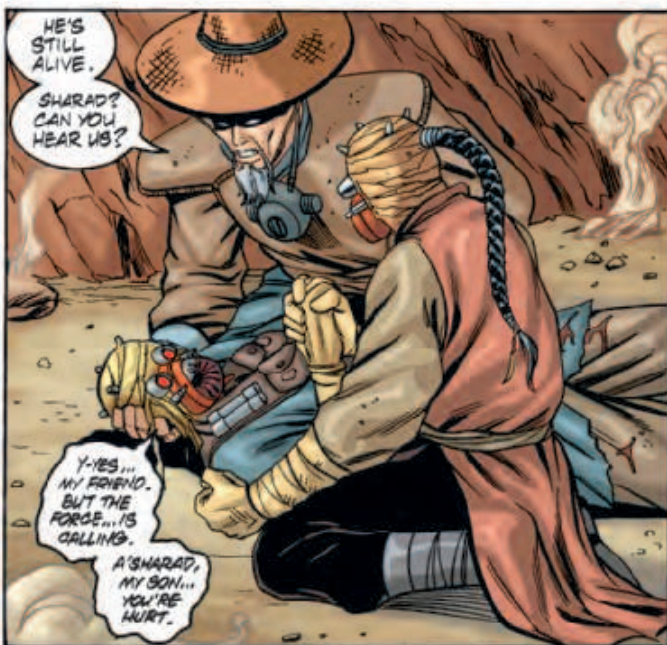






SHE'S GONE.

WE'LL SEE HER AGAIN. MAY THE FORCE HELP US -- AND HER!



HE'S STILL ALIVE.

SHARAD? CAN YOU HEAR US?

Y-YES... MY FRIEND. BUT THE FORCE... IS CALLING.

A'SHARAD, MY SON... YOU'RE HURT.

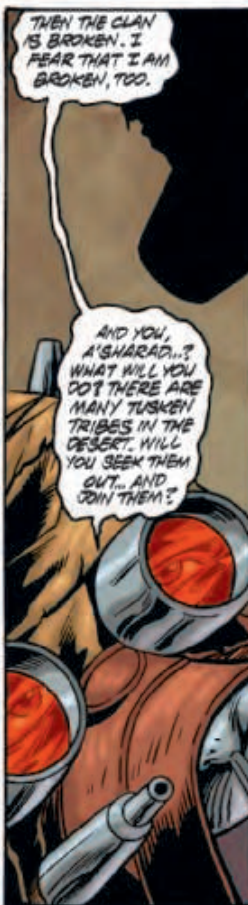


I'LL BE ALL RIGHT, FATHER. DON'T WORRY.

OUR WARRIORS...?



TAKEN BY DEATH, SHARAD. A FEW ESCAPED, BUT NOT MANY.



THEN THE CLAN IS BROKEN. I FEAR THAT I AM BROKEN, TOO.

AND YOU, A'SHARAD...? WHAT WILL YOU DO? THERE ARE MANY TUSKEN TRIBES IN THE DESERT. WILL YOU SEEK THEM OUT... AND JOIN THEM?



MY CLAN IS DEAD. MY BANTHA IS GONE. I WILL HAVE NO OTHERS. THE JEDI SHALL BE MY CLAN, NOW AND FOREVER.

I WILL GO WITH KY-ADI-MUNDI TO CORUSCANT. THE FORCE SHALL GUIDE MY WAY FROM THERE.



Exhibit F

STAR WARS®

THE ANNOTATED SCREENPLAYS

Star Wars: A New Hope

Based on the story and screenplay by George Lucas

The Empire Strikes Back

Based on the story by George Lucas and screenplay by
Leigh Brackett and Lawrence Kasdan

Return of the Jedi

Based on the story by George Lucas and screenplay by
Lawrence Kasdan and George Lucas

LAURENT BOUZEREAU



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STAR WARS®

THE ANNOTATED SCREENPLAYS

Star Wars: A New Hope

The Empire Strikes Back

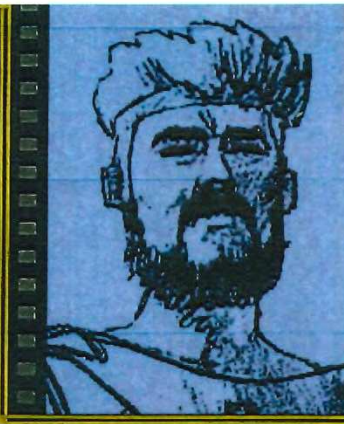
Return of the Jedi



Luke Skywalker was
Annikin Starkiller.

Han Solo was a
"huge green-skinned
guy with no nose
and large gills."

And Princess Leia
had a bit part.



Here, at last, is the definitive *Star Wars* script collection—all three full-length screenplays, presented with the secrets that led to their creation!

Through hours of exclusive interviews with George Lucas, Lawrence Kasdan, Irvin Kershner, and others involved in crafting the original trilogy, Laurent Bouzereau has uncovered the complex process through which life was breathed into the legendary *Star Wars* saga. Then, by exhaustively annotating the actual scripts, he reveals the fascinating tale behind each step in the evolution of these blockbuster films.

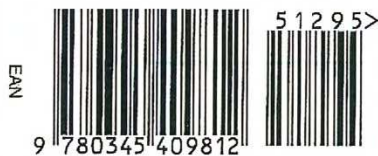
STAR WARS: A NEW HOPE
THE EMPIRE STRIKES BACK
RETURN OF THE JEDI



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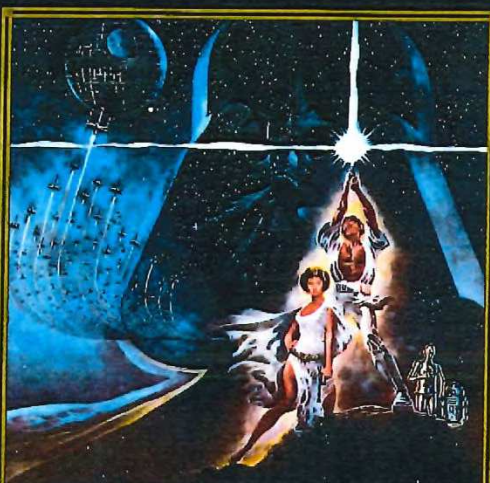
ISBN 0-345-40981-7



EAN

STAR WARS®

The Annotated Screenplays



STAR WARS: A NEW HOPE

based on the story and screenplay by George Lucas

THE EMPIRE STRIKES BACK

based on the story by George Lucas and screenplay
by Leigh Brackett and Lawrence Kasdan

RETURN OF THE JEDI

based on the story by George Lucas and screenplay
by Lawrence Kasdan and George Lucas

Laurent Bouzereau

fectly acceptable alternative in extreme circumstances. The Empire may be gracious enough—

Leia reaches over and shuts off Threepio in mid-sentence.

HAN: Thank you.

Leia slips out of her chair and moves next to the handsome pilot.

LEIA: What did you have in mind for your next move?

HAN: Well, if they follow standard Imperial procedure, they'll dump their garbage before they go to lightspeed, and then we just float away.

LEIA: With the rest of the garbage. Then what?

HAN: Then we've got to find a safe port somewhere around here. Got any ideas?

LEIA: No. Where are we?

HAN: The Anoat system.

LEIA: Anoat system. There's not much there.

HAN: No. Well, wait. This is interesting. Lando.

He points to a computer mapscreen on the control panel.

LEIA: Lando system?

HAN: Lando's not a system, he's a man. Lando Calrissian. He's a card player, gambler, scoundrel. You'd like him.

LEIA: Thanks.

HAN: Besspin. It's pretty far, but I think we can make it.

LEIA: *(reading from the computer)* A mining colony?

HAN: Yeah. A Tiberina gas mine. Lando conned somebody out of it. We go back a long way, Lando and me.

LEIA: Can you trust him?

HAN: No. But he has got no love for the Empire, I can tell you that.

Chewie barks over the intercom. Han quickly changes his readouts and stretches to look out the cockpit window.

HAN: *(into intercom)* Here we go, Chewie. Stand by. Detach!

Leia thinks for a moment, a grin creeps across her face.

LEIA: You do have your moments. Not many of them, but you do have them. *Leia gives Han a quick kiss.*

EXT. SPACE—IMPERIAL STAR DESTROYER

As the Avenger Star Destroyer moves slowly into space, the hatch on its underbelly opens, sending a trail of junk floating behind it. Hidden among the refuse, the Falcon tumbles away. In the next moment, the Avenger roars off into hyperspace. The Falcon's engines are ignited, and it races off into the distance. Amidst the slowly drifting junk, Boba Fett's ship appears and moves after the Falcon.

INT. BOBA FETT'S SHIP—COCKPIT

Boba Fett is tailing the Millennium Falcon.

In the first draft Han remembers his friend Lando Kadar, a refugee from the Clone Wars. Solo refers to him as an honest smuggler who

lives on a planet called Hoth. This discussion takes place inside the cave on the asteroid; the *Falcon* comes out of hiding (remember, in this draft there's no space slug), and the ship jumps to lightspeed before the Imperial fighters catch on.

In the second draft, as in the film, the *Falcon* hides along the side of the Imperial starship. Han says his friend Lando Calrissian won the gas mine in a "sabacca game," or "so he claims." The scene with Boba Fett following the *Falcon* first appeared in the third draft.

EXT. DAGOBAH—BOG—CLEARING—DAY

In the clearing behind Yoda's house Luke again stands upside down, but his face shows less strain and more concentration than before. Yoda stands beside the young warrior.

YODA: Concentrate.

An equipment case slowly rises into the air.

YODA: Feel the Force flow. Yes.

Nearby Artoo watches, humming to himself, when suddenly he, too, rises into the air. His head turns frantically, looking for help.

YODA: Good. Calm, yes. Through the Force, things you will see. Other places. The future . . . the past. Old friends long gone.

Luke suddenly becomes distressed.

LUKE: Han! Leia!

The packing box and Artoo fall to the ground with a crash, then Luke himself tumbles over.

YODA: *(shaking his head)* Hmm. Control, control. You must learn control.

LUKE: I saw . . . I saw a city in the clouds.

YODA: Mmm. Friends you have there.

LUKE: They were in pain.

YODA: It is the future you see.

LUKE: Future? Will they die?

Yoda closes his eyes and lowers his head.

YODA: Difficult to see. *(looking up)* Always in motion is the future.

LUKE: I've got to go to them.

YODA: Decide you must how to serve them best. If you leave now, help them you could. But you would destroy all for which they have fought and suffered.

Luke is stopped cold by Yoda's words. Gloom shrouds him as he nods his head sadly.

Irvin Kershner: "We tried to move Yoda's eyes apart, make them extralarge, but we realized that the creature didn't look real, didn't

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Exhibit G

STAR WARS®

Crisis on Cloud City

by Christopher Kubasik

Chilling murder and intrigue abound as Rebel agents become detectives to solve a deadly mystery on the floating metropolis of Cloud City.

It started as a routine escort mission. Famed Alliance engineer Walex Blissex was contacted by an old friend who had made a startling scientific breakthrough. But when the Rebel escort team arrives on Cloud City to meet this mysterious scientist, things begin to go wrong. Dead wrong.

Mystery leads to murder. Murder leads to deadly confrontations with killer Droids and Imperial agents. And the Rebels wind up entangled in webs of deception, deceit — and death! The fate of the city in the clouds and everyone aboard depends on the Rebels and their ability to unravel the mystery before the knots pull tight!



40-page booklet features:

- An exciting adventure script with parts for each player designed to hurl them right into the action.
- An extensive pullout section including maps of the famous city in the clouds and non-player character templates.
- Detailed information on the inner workings of Cloud City and its citizens.
- Extensive gamemaster guidelines to help re-create the tone and feel of the *Star Wars* movies.

Also includes:

- A complete deck of sabacc cards and rules for the popular game played by Han Solo and Lando Calrissian, with:
- Standard rules which can be used in tandem with *Crisis on Cloud City*, your own *Star Wars* campaign, or as a complete game by itself.
- 84 illustrated color cards.

A complete adventure for *Star Wars: The Roleplaying Game*. For gamemaster and one or more players.



West End Games
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For ages 12 and up.

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Plus
Sabacc
Card Game Inside!

STAR WARS®

Crisis on Cloud City

An Adventure for use with *Star Wars: The Roleplaying Game*



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High above the swirling gases of Bespin, desperate Rebels struggle to unravel a mystery which could destroy the city in the clouds.

Exhibit H

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Lando Calrissian and the Starcave of ThonBoka

A NOVEL BY
L. NEIL SMITH

BASED ON THE CHARACTERS AND
SITUATIONS CREATED BY GEORGE LUCAS



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Ballantine/31158/\$2.50



Lando Calrissian and the Mindharp of Sharu

A NOVEL BY
L. NEIL SMITH BASED ON THE CHARACTERS AND
SITUATIONS CREATED BY GEORGE LUCAS



Ballantine/31163/\$2.50



Lando Calrissian and the Flamewind of Oseon

A NOVEL BY
L. NEIL SMITH BASED ON THE CHARACTERS AND
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LUCAS000800

Exhibit I

WHAT IS SABACC?

Sabacc is a game of skill and chance played in gambling halls and casinos across the *Star Wars* galaxy. It is rumored to be the game in which Lando Calrissian lost his famed starship, *The Millennium Falcon*, to fellow smuggler Han Solo.

To play Sabacc, players need a Sabacc deck consisting of 76 cards and one 6 sided die.

Sabacc can be played with as few as two and as many as eight players. Players can designate a dealer or take turns as the dealer, rotating in a clockwise fashion at the beginning of each hand.

The goal of the game is to have a final hand with a total as close to 23 as possible without going over.

SABACC TERMS

Pure Sabacc - A hand totaling 23 or -23.

Idiot's Array - A hand consists of the Idiot card, a 2 card of any suit, and a 3 card of any suit. The Idiots Array is the only hand that can beat a Pure Sabacc.

Bomb Out - A losing hand totaling 24 or higher.

Sabacc Shift - The moment in a Sabacc game where cards randomly change suits and values.

Interference Field - A field that prevents cards from changing during a Sabacc Shift.

SABACC SUITS



Coins



Flasks



Sabers

Staves

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NEKEX



NEKEX

SABACC FACE CARDS



Balance



Endurance



The Evil One



Demise



The Idiot



Moderation



The Queen
of Air and Darkness



Star

HOW TO PLAY SABACC

The dealer shuffles the deck and then deals out one card to each player, including himself, in rotation, and then repeats another rotation until each player has two cards face down. Starting to the left of the dealer, each player calls out their beginning hand totals.

Starting to the left of the dealer, each player can choose to draw one or more cards from the deck then choose to trade a card from their hand for a card from the deck, or stand.

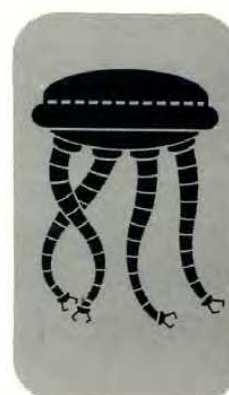
They can then choose to place just one card in the "Interference Field" by placing their card face up on the table. This prevents that card from being Shifted should a Shift occur.

The player then rolls the die. If it lands on 4, 5 or 6 a "Sabacc Shift" occurs and the dealer collects all the cards that are not locked in the "Interference Field" from that player, shuffles them into the deck, then deals the same amount of cards back to the player. This will be that player's final hand for the round.

This process is then repeated by each player, ending with the dealer. Each player then calls out their final hand totals. The player with the highest hand, totaling 23 or below, wins. A hand with a total of 24 or higher is said to "bomb out" and loses the round.

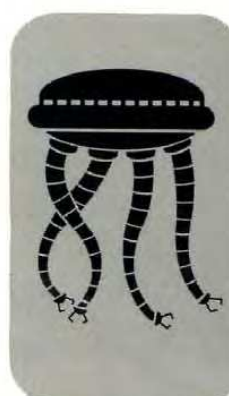
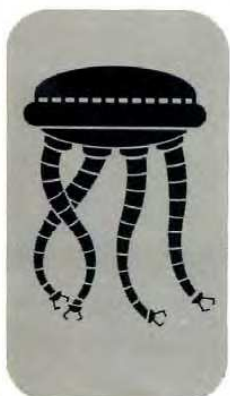
In the event of a tie, each tied player will roll the die, the player that rolls the highest number wins.

Exhibit J



Sabacc Card Deck

Crisis on Cloud City
Part #40022-50



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Turn Phases

Betting Phase: Each player is dealt *two cards*. The player to the left of the dealer begins play with the option to bet. If he chooses to do so, the bet is placed in the hand pot. If a bet is placed, each player must match that bet if he or she wishes to remain in the hand.

Only the player whose turn it is may place a bet, but that bet may be raised by any of the players in turn. The betting and raising limits are *three credits*. Before moving on to the next phase, the player whose turn it is must ask each player if they wish to *fold* (drop out of the hand). A player may only fold during the betting phase, and must pay one credit to the sabacc pot to do so.

Shifting Phase: After the betting phase is completed, the player whose turn it is rolls a six-sided die. If the result is a 1, 2 or 3, *shifting* occurs.

In shifting, each player has *one card*, chosen randomly by the player to his right, discarded from his hand. All of the cards which were discarded are pooled together and shuffled by the dealer. The dealer then displays the discarded cards face down on the table, and each player, in order starting with the player to the dealer's left, picks one of the discarded cards and adds it to his hand.

Note: If a player folds on his own turn, he must still make the roll in the shifting phase, but his cards are not included in the shift.

Calling Phase: After the shifting phase is completed, the player whose turn it is asks if anyone would like to *call* the hand. When a hand is called, each player must immediately place their cards face-up on the table in front of them and declare what they have. See "Winning a Hand" for victory conditions and penalties.

A player may only call the hand during the calling phase of another player's turn, never during their own turn.

No one may call the hand until every player has had at least one turn, including the dealer.

Calling simulates locking in your cards, since there is no "neutral field" included.

Note: You may wish to increase the minimum number of turns before the hand may be called when playing with fewer than four players. This allows for more interesting hands to develop.

Drawing Phase: After the calling phase, the player whose turn it is has the option to *draw one card* from the deck. If the player holds more than two cards, he may exchange one of the cards in his hand for a card drawn from the deck, or simply draw a card from the deck and add it to his hand (but not both).

There is no limit to the amount of cards that a player may hold in his or her hand, but he must always have at least *two cards*. Cards which are dropped from a player's hand during this phase are removed from play.

Winning a Hand

When a hand is called, the player with the highest card total which is 23 or less wins the hand. A player also wins the hand if everyone else folds. The winning player wins the *hand pot only*.

If two or more players are tied, they must participate in a *sudden demise*. In a sudden demise, the dealer deals each participating player one card from the deck which the players *must* add to their hands. The best modified hand takes the pot. If there is still a tie, the pot is split.

If any player has a total which is **over 23, less than negative 23, or exactly zero** when the hand is called, he or she has *bombed out*. In this circumstance, the bombed-out player must match the exact amount of credits which are currently in the hand pot, and pay it to the sabacc pot.

In addition to this, if the player who called the hand does not win it, he or she must also pay the sabacc pot as if they had bombed-out.

Special Hands

To win the sabacc pot, a player must have one of two special hands. The first is when a player has a card total of exactly 23. This is called a *Pure Sabacc*, and is usually accompanied by an enthusiastic cry of "Sabacc!" when the cards are turned over.

The other sabacc pot winning hand is called an *Idiot's Array*. To achieve this, a player must have an *Idiot* face card, a *two* card and a *three* card of any suit (a literal 23).

An *Idiot's Array* beats a *Pure Sabacc*, but if two or more players have the same special hand in contention for the sabacc pot, a *sudden demise* is held as usual.

Roleplaying Rules

If you are roleplaying a game of sabacc, the characters' *gambling* skills are used in conjunction with the above rules. Once during each hand, a character may choose to make a *gambling* roll. That character declares which opposing character he or she wishes to roll against, and opposed rolls are made. If the character who declared the *gambling* attempt wins the opposed roll, the other character must reveal his entire hand to his opponent.

The *gambling* roll may be declared at any time during a hand, during anyone's turn.

In addition to using the *gambling* skill legally, a character may elect to *cheat*. To do this requires success on a *Difficult gambling* roll. This allows the character to be exempt from a card *shifting*, keeping the cards he has. The cheating attempt may be declared after a shift has been rolled.

Failure on the cheating roll means that the character has been caught cheating and is out of the game. This situation should be roleplayed accordingly.



Exhibit K

STAR WARS®

Sabacc

A Card Game of the *Star Wars* Galaxy

Design: Michael Stern with Douglas Kaufman and Greg Gorden • Editing: Bill Slavicsek
Card Designs: Rosaria Baldari • Graphics: Cathleen Hunter • Assistance: C.J. Tramontana,
Jonatha Caspian

Sabacc is a game of skill and chance played in gambling halls and casinos across the *Star Wars* galaxy. It is the preferred game of infamous gambler Lando Calrissian, who participated in the most talked-about game ever. (That's the game in which he reportedly lost his ship, the *Millennium Falcon*, to the equally infamous Han Solo.)

To play *Sabacc*, you need this rules sheet, the sabacc deck, a six-sided die, and something to represent credits (peanuts, jelly beans, etc.).

The Cards

Sabacc is played with a deck of 76 cards made up of four suits — *Sabres*, *Staves*, *Flasks*, *Coins* — and a set of *face cards*. (The six cards with the Exo Droid symbols on them are only used in the Crisis on Cloud City adventure.)

Each suit is made up of 11 regular cards (numbered 1-11) and four *ranked* cards; the *Commander*, the *Mistress*, the *Master*, and the *Ace* (numbered 12-15).

The set of face cards consists of 16 cards, each with a *negative value*. (You can have a hand which has a negative total in *Sabacc*.) In addition, each face card has a special name and symbol. There are two of each face card in the deck.

If this were the *Star Wars* galaxy, electronic pulses would randomly shift the faces of the cards until they were locked in by the player via a "neutral field". In our galaxy, we've included several mechanics which simulate the effect of wild randomness, while allowing for strategy.

Rules of Play

The object of *Sabacc* is to have the highest card total which is less than or equal to 23. A total which is over 23, under negative 23, or exactly zero is a *bomb out*, and requires the holder of the hand to pay a *penalty* (see below).

There are two *pots* to be won in the game of sabacc. A pot is the total amount of credits (*Star Wars* money) staked by all the players in one hand of the card game. Each pot should be set apart from the other in neat piles somewhere on the table. The first of the two pots is the *hand pot*, which is taken by the player who wins the hand. The second is the *sabacc pot*, which continually builds, and can only be won with a special hand (see below).

To start a game of *Sabacc*, choose one player to be the dealer of the first hand. Other players wishing to be dealt into a hand must first *ante* by placing one credit into the hand pot. Each player must also ante one credit into the sabacc pot if it is ever empty. This includes the very first hand of the game.

Each player takes a *turn* in order, beginning with the player to the dealer's left, that includes the phases listed below. Once a player has completed all the phases in the turn, it becomes the turn of the player on his or her left. (Remember, the dealer plays each hand by taking a turn when it comes up in the order.)

After every hand, the player to the left of the dealer becomes the new dealer.

Exhibit L

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STAR WARS THE EMPIRE STRIKES BACK™



by Donald F. Glut
Based on a story by George Lucas

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Exhibit M

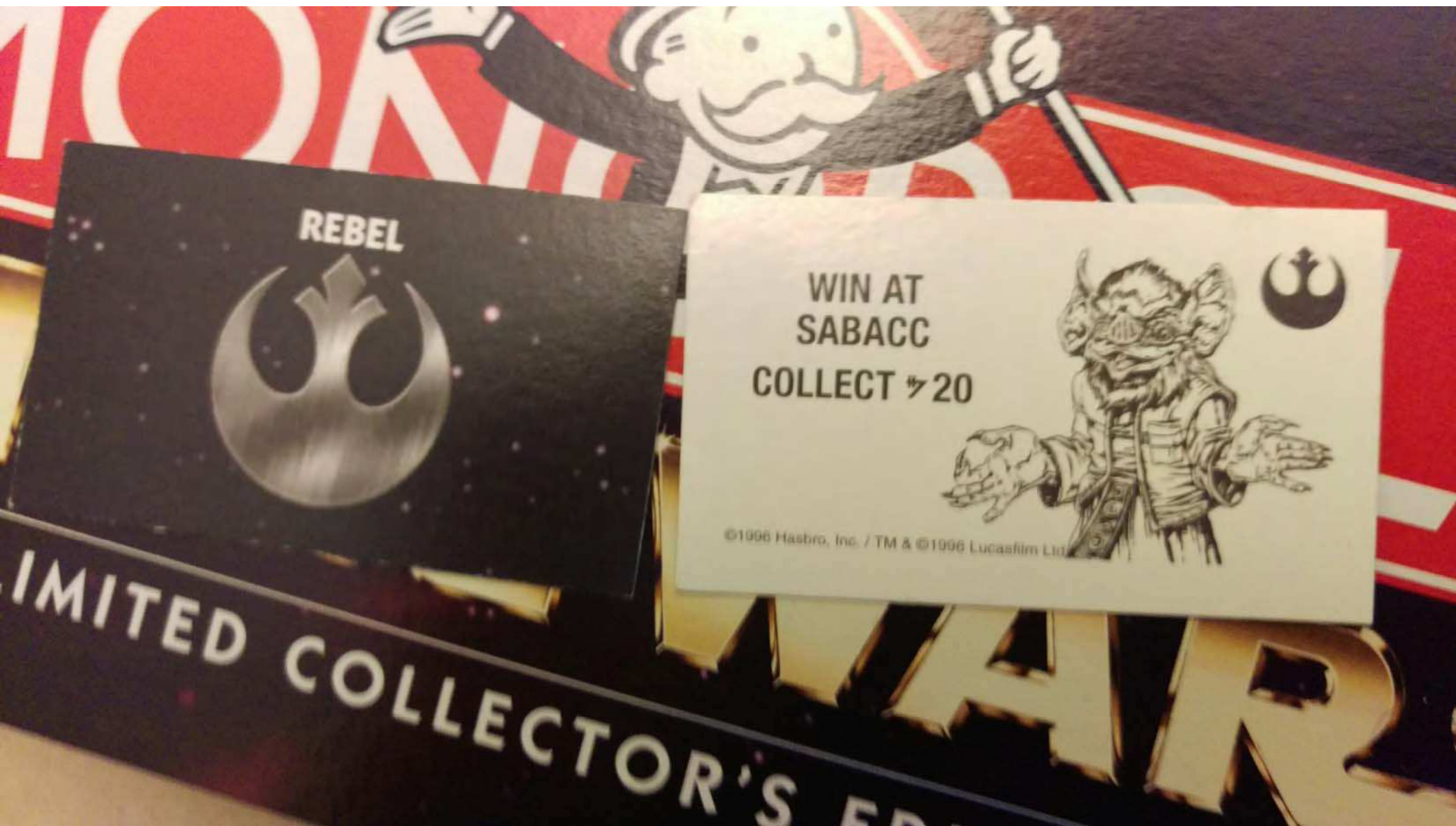


Exhibit N

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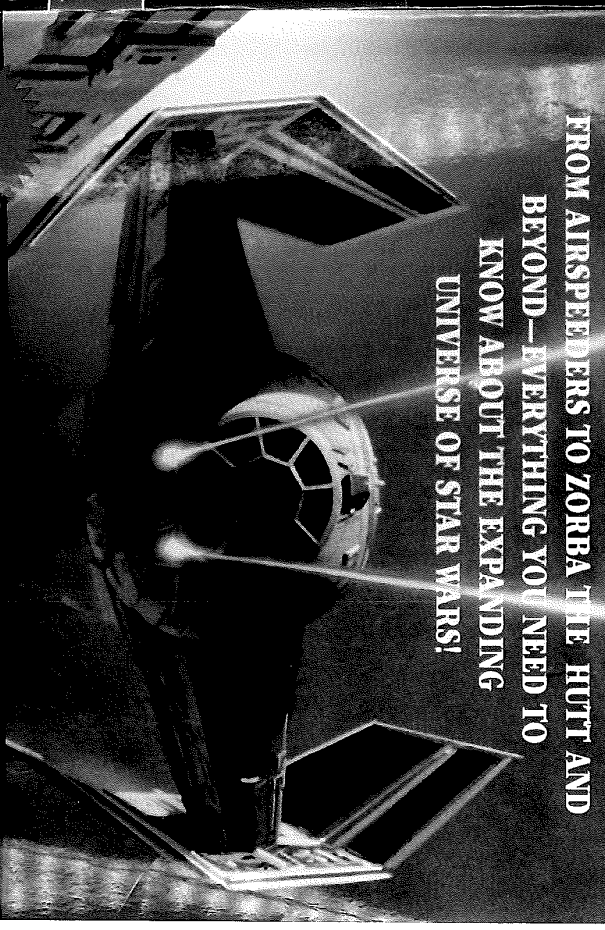
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For everyone who remembers the first time they saw *Star Wars*—the place, the moment, the feelings of awe and wonder. May the Force never lose its magic . . .

Thanks to Milko (Jade), Dale (Caine), Les (Fahjay), and Steven (K'tarrk), who wanted to play Star Wars when I most needed to get back into the proper frame of mind.

Special thanks to George Lucas for creating this far-away galaxy, to all the other authors whose collected works contributed to this guide, to West End Games for expanding the wealth of detail known about this long-ago time, and to Lucy Autrey Wilson and Sue Rostoni at Lucasfilm for letting me gather all this stuff into one place.

S

S-foil

☛ The wing section assembly of an X-wing starfighter is called an S-foil. The double-layered wings spread apart for attack, forming the X that gives the craft its name. Each wing section is connected to the diagonal wing section opposite it. [SW, RJ]

sabacc

☛ Sabacc is the card game Lando Calrissian and Han Solo are both fond of playing. In fact, Han won the *Millennium Falcon* from Lando in a sabacc game the two played many years ago. [ESB]

☛ Sabacc is played with an electronic deck of seventy-six card-chips whose values change randomly in response to electronic impulses. There are four suits in a sabacc deck: sabers, staves, flasks, and coins. Each suit consists of eleven numbered cards (one to eleven) and four ranked cards (twelve to fifteen). The ranked cards are the Commander,

the Mistress, the Master, and the Ace. There are also sixteen face cards. When a hand is dealt, the dealer presses a button on the sabacc table to send out a series of random pulses that shift the values and pictures shown on the card-chips. Through several rounds of bluffing and betting, players watch and wait for their card-chips to shift. They can lock any or all of their card-chip values by placing them in the table's interference field, which blocks the pulses and stops the card-chips from changing. To win at sabacc, a player must get a "pure sabacc" which totals exactly twenty-three, or an "idiot's array" which consists of an idiot face card (value zero), a two value card, and a three value card—a literal twenty-three. Some players cheat by using a skifter, a card-chip rigged to change its value when the player presses the corner of the card. [CCC, HESB]

Sabador

☛ Sabador owns a pet store on the planet Etti IV. A Rakirian from the planet Rakrir, Sabador has a short, segmented, tubular body, five pairs of limbs, two eyestalks, an olfactory cluster, and a vocal organ that is located in the center of his midsection. He stands upright on the lowest two sets of limbs. [HSE]

Saheelindeel

☛ The planet Saheelindeel, in the Tion Hegemony, is home to an intelligent simianlike species. The world is technologically slow and backward, far below the galactic norm. A queen rules Saheelindeeli society, and she is in the midst of forging a modernization campaign. [HLL]