

ESTTA Tracking number: **ESTTA961778**

Filing date: **03/21/2019**

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

Petition for Cancellation

Notice is hereby given that the following party has filed a petition to cancel the registration indicated below.

Petitioner Information

Name	Sony Interactive Entertainment LLC		
Entity	Limited liability Company	Citizenship	California
Address	2207 Bridgepointe Parkway San Mateo, CA 94404 UNITED STATES		

Attorney information	Mark Lerner Esq. Satterlee Stephens LLP 230 Park Avenue, Suite 1130 New York, NY 10169 UNITED STATES mlerner@ssbb.com 2124048714
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Registration Subject to Cancellation

Registration No.	1874656	Registration date	01/17/1995
Registrant	DC COMICS 1700 Broadway New York, NY 10019 UNITED STATES		

Goods/Services Subject to Cancellation

Class 016. First Use: 1994/07/12 First Use In Commerce: 1994/07/12 All goods and services in the class are subject to cancellation, namely: comic books
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Grounds for Cancellation

Abandonment	Trademark Act Section 14(3)
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Attachments	Sony Interactive vs DC Comics - Petition for Cancellation_3177486_1.pdf(4482786 bytes)
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Signature	/mark lerner/
Name	Mark Lerner
Date	03/21/2019

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

In the Matter of Registration No. 1874656
For the mark: ZERO HOUR
Registered: January 17, 1995

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Sony Interactive Entertainment LLC,	:	
	:	Cancellation No. _____
Petitioner,	:	
	:	
v.	:	
	:	
DC Comics, composed of Warner Bros. Inc., a	:	
Delaware corporation and Time Warner		
Entertainment Company, L.P., a Delaware		
partnership		
	:	
Respondent.	:	
-----X		

PETITION FOR CANCELLATION

Sony Interactive Entertainment LLC, ("Petitioner"), a Limited Liability Company organized and existing under the laws of California with a principal place of business at 2207 Bridgepointe Parkway, San Mateo, California 94404, believes that it will be damaged by the continued registration of U.S. Trademark Registration No. 1874656 for the mark ZERO HOUR (the "Registration"), and hereby petitions for cancellation of same on the basis of abandonment pursuant to Section 14(3) of the Lanham Trademark Act of 1946 ("Lanham Act"), 15 U.S.C. § 1064(3). As grounds for cancellation, Petitioner alleges as follows:

1. Petitioner is the owner of the mark FIREWALL ZERO HOUR which is the subject of a pending application before the Trademark Trial and Appeal Board (“TTAB”) bearing US Serial No. 87713622 (the “SIE Mark”). Petitioner seeks the registration of the SIE Mark for goods in International Classes 9, 16, 25, and 28, as well as services in Class 41. Attached hereto as Exhibit A is a true and correct copy of the status from the Trademark Status & Document Retrieval (“TSDR”) service of the United States Patent and Trademark Office (“USPTO”) reflecting the pending application.

2. Petitioner has already begun using the SIE Mark in U.S. commerce in connection with a video game named FIREWALL ZERO HOUR released on the Sony PlayStation platform, commencing on or around August 28, 2018. Petitioner has implemented the SIE Mark in connection with video games and video game services (International Classes 9 and 41). In view of these steps, Petitioner is significantly invested and has a real interest in the registration of the SIE Mark.

3. Petitioner’s Mark is currently subject to an Office Action dated September 25, 2018. The Office Action cites the mark ZERO HOUR, Registration No. 1874656 (the “Challenged Mark”) owned by Respondent DC Comics, a New York partnership composed of Warner Bros. Inc., and Time Warner Entertainment Company, L.P. (hereafter “Respondent”), as barring registration of the SIE Mark due to likelihood of confusion pursuant to Section 2 of the Trademark Act.¹ Registration No. 1874656 contains the recitation of goods “comic books” in International Class 16. Attached hereto as Exhibit B is a true and correct copy of the Office Action.

¹ The Office Action also cites Registration No. 4168202. However, after the date of the Office Action the USPTO cancelled this registration.

4. Due to the citation of the Challenged Mark (as reflected on the Office Action) and Petitioner's significant use and investment in the SIE Mark, Petitioner will be damaged if the Challenged Mark is not cancelled by the TTAB. Petitioner has a real interest in seeking cancellation of the Challenged Mark and has standing to bring this action.

ABANDONMENT

5. A registered trademark is considered abandoned if its "use has been discontinued with intent not to resume such use." 15 U.S.C. § 1127 (2006). "Nonuse for 3 consecutive years shall be prima facie evidence of abandonment." *Id.*; *Crash Dummy Movie, LLC v. Mattel, Inc.*, 601 F.3d 1387, 1391 (Fed. Cir. 2010). "'Use' of a mark means the bona fide use of such mark made in the ordinary course of trade, and not made merely to reserve a right in a mark." 15 U.S.C.A. § 1127 (2006).

6. Upon information and belief, Respondent used the Challenged Mark in connection with a limited comic book series entitled ZERO HOUR (the "Series").

7. Upon information and belief, Respondent only ever published the Series as a limited series in 1994 discontinued publishing the Series thereafter.

8. Upon information and belief, Respondent has thus not used the Challenged Mark for an ongoing series of comic books in at least three years and, upon information and belief, there is no intent to resume use in connection with an ongoing series of comic books. To the extent that Respondent purports to be using the Challenged Mark by means of sales of single or bundled past issues of the Series that was published in 1994, such use is *de minimis*, was not continuous, and cannot be considered sufficient use in commerce to avoid abandonment.

9. Accordingly, Respondent has abandoned the Challenged Mark and Registration No. 1874656 is subject to cancellation pursuant to 15 U.S.C. § 1064(3).

WHEREFORE, Petitioner respectfully prays that its cancellation be sustained and that Registration No. 1874656, for Respondent's ZERO HOUR mark be cancelled.

Dated: March 21, 2019

Respectfully submitted,

SATTERLEE STEPHENS LLP



By: _____

Mark Lerner

Robert Carrillo

230 Park Avenue

New York, New York 10169

Phone: (212) 818-9200

Facsimile: (212) 818-9606

Attorneys for Petitioner

Sony Interactive Entertainment LLC

EXHIBIT A

Generated on: This page was generated by TSDR on 2019-03-21 11:46:06 EDT

Mark: FIREWALL ZERO HOUR



US Serial Number: 87713622

Application Filing Date: Dec. 08, 2017

Filed as TEAS RF: Yes

Currently TEAS RF: Yes

Register: Principal

Mark Type: Trademark, Service Mark

Status: A final Office action refusing registration has been sent (issued) because the applicant neither satisfied nor overcame all requirements and/or refusals previously raised. The applicant may respond by filing (1) a request for reconsideration; and/or (2) an appeal to the Trademark Trial and Appeal Board. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

Status Date: Sep. 25, 2018

Mark Information

Mark Literal Elements: FIREWALL ZERO HOUR

Standard Character Claim: No

Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)

Description of Mark: The mark consists of the stylized word "FIREWALL" beneath which, and to the right of center, is a shaded rectangular shape containing the stylized words "ZERO HOUR". All the aforementioned literal and design elements appear against a shaded rectangular background.

Color(s) Claimed: Color is not claimed as a feature of the mark.

Design Search Code(s): 26.11.13 - Rectangles (exactly two rectangles); Two rectangles
26.11.16 - Rectangles touching or intersecting
26.11.21 - Rectangles that are completely or partially shaded

Goods and Services

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

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

For: Computer game software; video game software; game software; virtual reality video game software; computer game software recorded on magnetic or optical discs; video game software recorded on magnetic or optical discs; game software for hand-held games with liquid crystal display recorded on magnetic or optical discs; optical discs encoded with computer game software; optical discs encoded with video game software; optical discs encoded with game software for hand-held games with liquid crystal display; computer game programs; video game software downloaded via the global network; game software for hand-held games with liquid crystal display downloaded via the global network; downloadable computer game software; downloadable video game software; downloadable video game programs; downloadable game software for hand-held games with liquid crystal display; downloadable game software for a cellular phone; downloadable electronic publications in the nature of books and magazines in the field of video game machines and game software; downloadable electronic newsletters in the field of video game machines and game software

International Class(es): 009 - Primary Class

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

Class Status: ACTIVE

Basis: 1(b)

For: Art prints; blank journal books; comic books; note books; guide books featuring video game strategy; picture books; posters; printed materials, namely, novels and series of fiction books and short stories featuring scenes and characters based on video games; video game instruction manuals

International Class(es): 016 - Primary Class

U.S Class(es): 002, 005, 022, 023, 029, 037, 038, 050

Class Status: ACTIVE

Basis: 1(b)

For: Clothing, namely, underwear, sleepwear, socks, hosiery, headwear, hats, gloves, belts, scarves, footwear, aprons, coveralls, t-shirts, sweatshirts, robes, caps being headwear, knit hats, swimwear, trousers, athletic pants and shirts, shorts, leggings, dresses, skirts, pajamas, sweaters, raincoats, rain jackets, rain ponchos, and infant pants and shirts; infant and toddler one-piece clothing; shoes; footwear; slippers; Halloween costumes

International Class(es): 025 - Primary Class

U.S Class(es): 022, 039

Class Status: ACTIVE

Basis: 1(b)

For: Collectible toy figures; plush toys; action figures and accessories therefor

International Class(es): 028 - Primary Class

U.S Class(es): 022, 023, 038, 050

Class Status: ACTIVE

Basis: 1(b)

For: Electronic games services provided by means of the internet; electronic games services provided on-line from a computer network

International Class(es): 041 - Primary Class

U.S Class(es): 100, 101, 107

Class Status: ACTIVE

Basis: 1(b)

Basis Information (Case Level)

Filed Use: No

Currently Use: No

Amended Use: No

Filed ITU: Yes

Currently ITU: Yes

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: Sony Interactive Entertainment LLC

Owner Address: 2207 Bridgepointe Parkway
San Mateo, CALIFORNIA 94404
UNITED STATES

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country CALIFORNIA
Where Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Matthew J. Kuykendall

Docket Number: SCEATM00288

Attorney Primary Email Address: trademarks@playstation.sony.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Matthew J. Kuykendall
Sony Interactive Entertainment LLC
2207 Bridgepointe Parkway
San Mateo, CALIFORNIA 94404
UNITED STATES

Correspondent e-mail: trademarks@playstation.sony.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Mar. 20, 2019	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	

Mar. 20, 2019	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Sep. 25, 2018	NOTIFICATION OF FINAL REFUSAL EMAILED	
Sep. 25, 2018	FINAL REFUSAL E-MAILED	
Sep. 25, 2018	FINAL REFUSAL WRITTEN	93672
Sep. 05, 2018	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Sep. 04, 2018	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Sep. 04, 2018	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Sep. 04, 2018	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Sep. 04, 2018	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Mar. 01, 2018	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Mar. 01, 2018	NON-FINAL ACTION E-MAILED	6325
Mar. 01, 2018	NON-FINAL ACTION WRITTEN	93672
Feb. 22, 2018	ASSIGNED TO EXAMINER	93672
Dec. 20, 2017	NOTICE OF DESIGN SEARCH CODE E-MAILED	
Dec. 19, 2017	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Dec. 12, 2017	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information

TM Attorney: ROSEN, BENJAMIN H

Law Office LAW OFFICE 120
Assigned:

File Location

Current Location: TMO LAW OFFICE 120 - EXAMINING
ATTORNEY ASSIGNED

Date in Location: Sep. 25, 2018

EXHIBIT B

To: Sony Interactive Entertainment LLC (tmparalegal@owe.com)

Subject: U.S. TRADEMARK APPLICATION NO. 87713622 - FIREWALL ZERO HOUR - SIE 00001

Sent: 9/25/2018 7:53:39 PM

Sent As: ECOM120@USPTO.GOV

Attachments: [Attachment - 1](#)
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UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)
OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION

U.S. APPLICATION
SERIAL NO. 87713622

MARK: FIREWALL
ZERO HOUR

87713622

CORRESPONDENT**ADDRESS:**

Kathleen E.
Letourneau
Owen, Wickersham
& Erickson, P.C.
455 Market Street,
Suite 1910
San Francisco CA
94105

**CLICK HERE TO RESPOND TO THIS
LETTER:**

http://www.uspto.gov/trademarks/teas/response_forms.jsp

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APPLICANT: Sony
Interactive Entertainment
LLC

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

SIE 00001

**CORRESPONDENT
E-MAIL ADDRESS:**

tmparalegal@owe.com

OFFICE ACTION**STRICT DEADLINE TO RESPOND TO THIS LETTER**

TO AVOID ABANDONMENT OF APPLICANT'S TRADEMARK APPLICATION, THE USPTO MUST RECEIVE APPLICANT'S COMPLETE RESPONSE TO THIS LETTER **WITHIN 6 MONTHS** OF THE ISSUE/MAILING DATE BELOW. A RESPONSE TRANSMITTED THROUGH THE TRADEMARK ELECTRONIC APPLICATION SYSTEM (TEAS) MUST BE RECEIVED BEFORE MIDNIGHT **EASTERN TIME** OF THE LAST DAY OF THE RESPONSE PERIOD.

ISSUE/MAILING DATE: 9/25/2018

THIS IS A FINAL ACTION.

INTRODUCTION

This Office action is in response to applicant's communication filed on September 4, 2018.

In a previous Office action dated March 1, 2018, the trademark examining attorney refused registration of the applied-for mark based on the following:

- Section 2(d) Refusal – Likelihood of Confusion

In addition, the trademark examining attorney required the applicant to satisfy the following requirements:

- Description of Mark Required
- Requirement: Identification of Goods and Services
- Advisory: Multiple-Class Application Requirements

Based on applicant's response, the trademark examining attorney notes that the following requirements have been satisfied:

- Description of Mark Required
- Requirement: Identification of Goods and Services
- Advisory: Multiple-Class Application Requirements

In regards to the Section 2(d) Refusals, applicant has submitted evidence and arguments against the refusal. However, after careful consideration of applicant's evidence and arguments, the examining attorney finds them unpersuasive for the reasons below.

Therefore, the trademark examining attorney maintains and now makes **FINAL** the refusals in the summary of issues below. See 37 C.F.R. §2.63(b); TMEP §714.04.

SUMMARY OF ISSUES MADE FINAL that applicant must address:

- Section 2(d) Refusal – Likelihood of Confusion

SECTION 2(d) REFUSAL – LIKELIHOOD OF CONFUSION

Applicant seeks to register FIREWALL ZERO HOUR for goods in Classes 9, 16, 25, and 28 and services in Class 41.

The refusal of registration of the applied-for mark is made FINAL because of a likelihood of confusion with the marks ZERO HOUR in U.S. Registration No. 1874656 and ZERO HOUR: AMERICA'S MEDIC in U.S. Registration No. 4168202. Trademark Act Section 2(d), 15 U.S.C. §1052(d); *see* TMEP §§1207.01 *et seq.* See the previously attached registrations.

Trademark Act Section 2(d) bars registration of an applied-for mark that so resembles a registered mark that it is likely a consumer would be confused, mistaken, or deceived as to the source of the goods and/or services of the applicant and registrant(s). *See* 15 U.S.C. §1052(d). Determining likelihood of confusion is made on a case-by-case basis by applying the factors set forth in *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 1361, 177 USPQ 563, 567 (C.C.P.A. 1973). *In re i.am.symbolic, llc*, 866 F.3d 1315, 1322, 123 USPQ2d 1744, 1747 (Fed. Cir. 2017). However, “[n]ot all of the [*du Pont*] factors are relevant to every case, and only factors of significance to the particular mark need be considered.” *Coach Servs., Inc. v. Triumph Learning LLC*, 668 F.3d 1356, 1366, 101 USPQ2d 1713, 1719 (Fed. Cir. 2012) (quoting *In re Mighty Leaf Tea*, 601 F.3d 1342, 1346, 94 USPQ2d 1257, 1259 (Fed. Cir. 2010)). The USPTO may focus its analysis “on dispositive factors, such as similarity of the marks and relatedness of the goods [and/or services].” *In re i.am.symbolic, llc*, 866 F.3d at 1322, 123 USPQ2d at 1747 (quoting *Herbko Int’l, Inc. v. Kappa Books, Inc.*, 308 F.3d 1156, 1164-65, 64 USPQ2d 1375, 1380 (Fed. Cir. 2002)); *see* TMEP §1207.01.

SIMILARITY OF THE MARKS

Marks are compared in their entireties for similarities in appearance, sound, connotation, and commercial impression. *Stone Lion Capital Partners, LP v. Lion Capital LLP*, 746 F.3d 1317, 1321, 110 USPQ2d 1157, 1160 (Fed. Cir. 2014) (quoting *Palm Bay Imps., Inc. v. Veuve Clicquot Ponsardin Maison Fondée En 1772*, 396 F.3d 1369, 1371, 73 USPQ2d 1689, 1691 (Fed. Cir. 2005)); TMEP §1207.01(b)-(b)(v). “Similarity in any one of these elements may be sufficient to find the marks confusingly similar.” *In re Davia*, 110 USPQ2d 1810, 1812 (TTAB 2014) (citing *In re 1st USA Realty Profs, Inc.*, 84 USPQ2d 1581, 1586 (TTAB 2007)); *In re White Swan Ltd.*, 8 USPQ2d 1534, 1535 (TTAB 1988)); TMEP §1207.01(b).

Applicant has applied for the design mark FIREWALL ZERO HOUR and the cited registrations are the typed drawing ZERO HOUR and the standard character mark ZERO HOUR: AMERICA'S MEDIC.

In its response, applicant argues that its mark has a distinct commercial impression when the marks are not dissected and properly viewed in their entirety. Applicant highlights the different and unique first word FIREWALL, the unique stylization of its mark, and the alleged weakness of the element ZERO HOUR that is shared between the marks. Applicant essentially argues that when all these alleged differences are considered, the marks, in their entirety, do not form a similar commercial impression. However, applicant’s arguments are not persuasive.

Although applicant is correct that its mark exclusively contains the word FIREWALL and exclusively begins with the word FIREWALL, this distinction alone does not obviate the similarity in the overall appearance, sound, and connotation in the marks. The shared use of the distinctive wording ZERO HOUR, when the marks are viewed in their entirety, creates a similar appearance, similar sound, and similar connotation.

In regards to registrant’s mark ZERO HOUR, applicant takes registrant’s mark in full and merely appends the additional wording FIREWALL and a colon. The marks share the phrase ZERO HOUR, and this results in marks with a similar commercial appearance, sound, and connotation, and these elements altogether lead to a similar commercial impression.

Adding a term to a registered mark generally does not obviate the similarity between the compared marks, as in the present case, nor does it overcome a likelihood of confusion under Section 2(d). *See Coca-Cola Bottling Co. v. Jos. E. Seagram & Sons, Inc.*, 526 F.2d 556, 557, 188 USPQ 105, 106 (C.C.P.A. 1975) (finding BENGAL and BENGAL LANCER and design confusingly similar); *In re Toshiba Med. Sys. Corp.*, 91 USPQ2d 1266, 1269 (TTAB 2009) (finding TITAN and VANTAGE TITAN confusingly similar); *In re El Torito Rests., Inc.*, 9 USPQ2d 2002, 2004 (TTAB 1988) (finding MACHO and MACHO COMBOS confusingly similar); TMEP §1207.01(b)(iii). In the present case, the marks are identical in part.

In regards to registrant’s mark ZERO HOUR: AMERICA’S MEDIC, applicant takes registrant’s mark in full and deletes the wording AMERICA’S MEDIC while appending the additional wording FIREWALL and a colon. The marks still share the identical phrase ZERO HOUR, and this results in marks with a similar commercial appearance, sound, and connotation, and these elements altogether lead to a similar commercial impression.

Marks may be confusingly similar in appearance where similar terms or phrases or similar parts of terms or phrases appear in the compared marks and create a similar overall commercial impression. *See Crocker Nat’l Bank v. Canadian Imperial Bank of Commerce*, 228 USPQ 689,

690-91 (TTAB 1986), *aff'd sub nom. Canadian Imperial Bank of Commerce v. Wells Fargo Bank, Nat'l Ass'n*, 811 F.2d 1490, 1495, 1 USPQ2d 1813, 1817 (Fed. Cir. 1987) (finding COMMCASH and COMMUNICASH confusingly similar); *In re Corning Glass Works*, 229 USPQ 65, 66 (TTAB 1985) (finding CONFIRM and CONFIRMCELLS confusingly similar); *In re Pellerin Milnor Corp.*, 221 USPQ 558, 560 (TTAB 1983) (finding MILTRON and MILLTRONICS confusingly similar); TMEP §1207.01(b)(ii)-(iii).

Applicant additionally argues that its mark is uniquely stylized in a font “meant to evoke warfare”, with the wording ZERO HOUR written in a slightly smaller font. However, this argument is not persuasive because the stylization of applicant’s mark is not relevant to the inquiry, as a mark in typed or standard characters may be displayed in any lettering style; the rights reside in the wording or other literal element and not in any particular display or rendition. *See In re Viterro Inc.*, 671 F.3d 1358, 1363, 101 USPQ2d 1905, 1909 (Fed. Cir. 2012); *In re Mighty Leaf Tea*, 601 F.3d 1342, 1348, 94 USPQ2d 1257, 1260 (Fed. Cir. 2010); 37 C.F.R. §2.52(a); TMEP §1207.01(c)(iii). Thus, a mark presented in stylized characters and/or with a design element generally will not avoid likelihood of confusion with marks in typed or standard characters, as are the registrants’ marks, because the marks could be presented in the same manner of display. *See, e.g., In re Viterro Inc.*, 671 F.3d at 1363, 101 USPQ2d at 1909; *Squirtco v. Tomy Corp.*, 697 F.2d 1038, 1041, 216 USPQ 937, 939 (Fed. Cir. 1983) (stating that “the argument concerning a difference in type style is not viable where one party asserts rights in no particular display”). Both of the registrants’ marks could be stylized in a nearly identical fashion, and therefore applicant’s stylization does not create a distinction in appearance that could obviate any likelihood of confusion.

Finally, applicant argues that the shared element creating the similarity in the marks, namely ZERO HOUR, is weak wording. However, applicant has submitted no persuasive evidence to support that assertion.

The weakness or dilution of a particular mark is generally determined in the context of the number and nature of similar marks in use in the marketplace in connection with similar goods and/or services. *See Nat'l Cable Tel. Ass'n, Inc. v. Am. Cinema Editors, Inc.*, 937 F.2d 1572, 1579-80, 19 USPQ2d 1424, 1430 (Fed. Cir. 1991); *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 1361, 177 USPQ 563, 567 (C.C.P.A. 1973). Evidence of widespread third-party use of similar marks with similar goods and/or services “is relevant to show that a mark is relatively weak and entitled to only a narrow scope of protection” in that particular industry or field. *Palm Bay Imps., Inc. v. Veuve Clicquot Ponsardin Maison Fondee en 1772*, 396 F.3d 1369, 1373-74, 73 USPQ2d 1689, 1693 (Fed. Cir. 2005); *see In re Coors Brewing Co.*, 343 F.3d 1340, 1345, 68 USPQ2d 1059, 1062-63 (Fed. Cir. 2003).

Applicant has submitted one electronic copy of a third-party registration for a mark ZERO HOUR THREAT containing the wording ZERO HOUR to potentially support an argument that this wording is weak, diluted, or so widely used that it should not be afforded a broad scope of protection. This registration appears to be for unrelated goods that are not computer game software, comic books, or any of the other goods of applicant or registrants.

Evidence comprising only a small number of third-party registrations for similar marks with similar goods and/or services, as in the present case, is generally entitled to little weight in determining the strength of a mark. *See In re i.am.symbolic, llc*, 866 F.3d 1315, 1328-29, 123 USPQ2d 1744, 1751-52 (Fed. Cir. 2017); *AMF Inc. v. Am. Leisure Products, Inc.*, 474 F.2d 1403, 1406, 177 USPQ 268, 269 (C.C.P.A. 1973). These few registrations are “not evidence of what happens in the market place or that customers are familiar with them.” *AMF Inc. v. Am. Leisure Prods., Inc.*, 474 F.2d at 1406, 177 USPQ at 269; *see Richardson-Vicks Inc. v. Franklin Mint Corp.*, 216 USPQ 989, 992 (TTAB 1982). Thus, one third-party registration submitted by applicant is insufficient to establish that the wording ZERO HOUR is weak or diluted.

Further, evidence comprising third-party registrations for similar marks with different or unrelated goods and/or services, as in the present case, has “no bearing on the strength of the term in the context relevant to this case.” *See Tao Licensing, LLC v. Bender Consulting Ltd.*, 125 USPQ2d 1043, 1058 (TTAB 2017) (citing *In re i.am.symbolic, llc*, 866 F.3d at 1328, 123 USPQ2d at 1751)). Thus, this third-party registration submitted by applicant for unrelated goods is insufficient to establish that the wording ZERO HOUR is weak or diluted for the relevant goods and services.

In addition, applicant’s arguments regarding the co-existence of HOUR ZERO and THREAT ZERO HOUR are not particularly relevant, because one of those marks does not even contain the wording ZERO HOUR. Furthermore, prior decisions and actions of other trademark examining attorneys in registering other marks have little evidentiary value and are not binding upon the USPTO or the Trademark Trial and Appeal Board. TMEP §1207.01(d)(vi); *see In re USA Warriors Ice Hockey Program, Inc.*, 122 USPQ2d 1790, 1793 n.10 (TTAB 2017). Each case is decided on its own facts, and each mark stands on its own merits. *In re USA Warriors Ice Hockey Program, Inc.*, 122 USPQ2d at 1793 n.10 (quoting *In re Boulevard Entm't*, 334 F.3d 1336, 1343, 67 USPQ2d 1475, 1480 (Fed. Cir. 2003)).

Finally, applicant argues that the potential consumers are sophisticated and will not be confused as to source. However, even if consumers of the compared goods and/or services could be considered sophisticated and discriminating, it is settled that “even sophisticated purchasers are not immune from source confusion, especially in cases such as the present one involving identical marks and related goods [and/or services].” *In re i.am.symbolic, llc*, 116 USPQ2d 1406, 1413 (TTAB 2015) (citing *In re Research & Trading Corp.*, 793 F.2d 1276, 1279, 230 USPQ 49, 50 (Fed. Cir. 1986)), *aff'd*, 866 F.3d 1315, 123 USPQ2d 1744 (Fed. Cir. 2017); *see also In re Shell Oil Co.*, 992 F.2d 1204, 1208, 26 USPQ2d 1687, 1690 (Fed. Cir. 1993). The identity of the marks and the relatedness of the goods and/or services “outweigh any presumed sophisticated purchasing decision.” *In re i.am.symbolic, llc*, 116 USPQ2d at 1413 (citing *HRL Assocs., Inc. v. Weiss Assocs., Inc.*, 12 USPQ2d 1819, 1823 (TTAB 1989), *aff'd*, 902 F.2d 1546, 14 USPQ2d 1840 (Fed. Cir. 1990)); *see also Stone Lion Capital Partners, LP v. Lion Capital LLP*, 746 F.3d

1317, 1325, 110 USPQ2d 1157, 1163-64 (Fed. Cir. 2014).

Because the marks are similar in appearance, sound, connotation and commercial impression, the marks are confusingly similar.

RELATEDNESS OF THE GOODS AND SERVICES

As amended, the applicant identifies the following goods and services:

- Class 9* *Computer game software; video game software; game software; virtual reality video game software; computer game software recorded on magnetic or optical discs; video game software recorded on magnetic or optical discs; game software for hand-held games with liquid crystal display recorded on magnetic or optical discs; optical discs encoded with computer game software; optical discs encoded with video game software; optical discs encoded with game software for hand-held games with liquid crystal display; computer game programs; video game software downloaded via the global network; game software for hand-held games with liquid crystal display downloaded via the global network; downloadable computer game software; downloadable video game software; downloadable video game programs; downloadable game software for hand-held games with liquid crystal display; downloadable game software for a cellular phone; downloadable electronic publications in the nature of books and magazines in the field of video game machines and game software; downloadable electronic newsletters in the field of video game machines and game software*
- Class 16* *Art prints; blank journal books; comic books; note books; guide books featuring video game strategy; picture books; posters; printed materials, namely, novels and series of fiction books and short stories featuring scenes and characters based on video games; video game instruction manuals*
- Class 25* *Clothing, namely, underwear, sleepwear, socks, hosiery, headwear, hats, gloves, belts, scarves, footwear, aprons, coveralls, t-shirts, sweatshirts, robes, caps being headwear, knit hats, swimwear, trousers, athletic pants and shirts, shorts, leggings, dresses, skirts, pajamas, sweaters, raincoats, rain jackets, rain ponchos, and infant pants and shirts; infant and toddler one-piece clothing; shoes; footwear; slippers; Halloween costumes*
- Class 28* *Collectible toy figures; plush toys; action figures and accessories therefor*
- Class 41* *Electronic games services provided by means of the internet; electronic games services provided on-line from a computer network*

Registration No. 1874656 identifies the following goods:

- Class 16* *comic books*

Registration No. 4168202 identifies the following goods:

- Class 9* *Computer game software*

When analyzing an applicant's and registrant's goods and/or services for similarity and relatedness, that determination is based on the description of the goods and/or services stated in the application and registration at issue, not on extrinsic evidence of actual use. *See Stone Lion Capital Partners, LP v. Lion Capital LLP*, 746 F.3d 1317, 1323, 110 USPQ2d 1157, 1162 (Fed. Cir. 2014) (quoting *Octocom Sys. Inc. v. Hous. Computers Servs. Inc.*, 918 F.2d 937, 942, 16 USPQ2d 1783, 1787 (Fed. Cir. 1990)).

Absent restrictions in an application and/or registration, the identified goods and/or services are presumed to travel in the same channels of trade to the same class of purchasers. *In re Viterro Inc.*, 671 F.3d 1358, 1362, 101 USPQ2d 1905, 1908 (Fed. Cir. 2012) (quoting *Hewlett-Packard Co. v. Packard Press, Inc.*, 281 F.3d 1261, 1268, 62 USPQ2d 1001, 1005 (Fed. Cir. 2002)). Additionally, unrestricted and broad identifications are presumed to encompass all goods and/or services of the type described. *See, e.g., Sw. Mgmt., Inc. v. Ocinomled, Ltd.*, 115 USPQ2d 1007, 1025 (TTAB 2015); *In re N.A.D., Inc.*, 57 USPQ2d 1872, 1874 (TTAB 2000).

In this case, the identifications of "comic books" and "computer game software" set forth in the application and registrations are identical and have no restrictions as to nature, type, channels of trade, or classes of purchasers. Therefore, it is presumed that these goods travel in all normal channels of trade, and are available to the same class of purchasers. *See Midwestern Pet Foods, Inc. v. Societe des Produits Nestle S.A.*, 685 F.3d 1046, 1053, 103 USPQ2d 1435, 1440 (Fed. Cir. 2012). Accordingly, the "comic books" and "computer game software" goods of applicant and the registrants are considered related for purposes of the likelihood of confusion analysis.

Furthermore, the compared goods and/or services need not be identical or even competitive to find a likelihood of confusion. *See On-line Careline Inc. v. Am. Online Inc.*, 229 F.3d 1080, 1086, 56 USPQ2d 1471, 1475 (Fed. Cir. 2000); *Recot, Inc. v. Becton*, 214 F.3d 1322, 1329, 54 USPQ2d 1894, 1898 (Fed. Cir. 2000); TMEP §1207.01(a)(i). They need only be "related in some manner and/or if the circumstances surrounding their marketing are such that they could give rise to the mistaken belief that [the goods and/or services] emanate from the same

source.” *Coach Servs., Inc. v. Triumph Learning LLC*, 668 F.3d 1356, 1369, 101 USPQ2d 1713, 1722 (Fed. Cir. 2012) (quoting *7-Eleven Inc. v. Wechsler*, 83 USPQ2d 1715, 1724 (TTAB 2007)); TMEP §1207.01(a)(i).

The previously attached Internet evidence, consisting of screenshots from third parties that produce all the class 9 gaming goods, all the class 16 goods including comic books, books, and art prints, all the class 25 clothing, and all the Class 18 toy figures, dolls, and action figures. Further evidence shows third parties that produce comic books and electronic game services or computer games and electronic game services. The evidence establishes that the same entity commonly produces the relevant goods and provides the relevant services and markets the goods and services under the same mark, that the relevant goods and services are sold or provided through the same trade channels and used by the same classes of consumers in the same fields of use, and that the goods and services are similar or complementary in terms of purpose or function:

- X-Men (computer games, clothes, prints, toys, comic books)
 - https://www.amazon.com/X-Men-Destiny-Xbox-360/dp/B004MXQ3DY/ref=sr_1_1?th=1
 - https://www.amazon.com/Marvel-Original-Charcoal-T-Shirt-X-Large/dp/B01N0C29LK/ref=sr_1_14?
 - https://www.amazon.com/X-Men-Marvel-Comics-Print-Poster/dp/B006ACR3NY/ref=sr_1_4?
 - https://www.amazon.com/X-Men-Marvel-Legends-6-Inch-Figures/dp/B01GGONQC2/ref=sr_1_1?
 - <http://marvel.com/comics/characters/1009726/x-men>
- Batman (computer games, clothes, prints, toys, comic books)
 - https://www.amazon.com/LEGO-Batman-Beyond-Gotham-Xbox-360/dp/B00KJ8UPDA/ref=sr_1_1?
 - https://www.amazon.com/Batman-Classic-Shirt-Exclusive-Stickers/dp/B01M9B4YOA/ref=sr_1_2_sspa?
 - https://www.amazon.com/Dignovel-Studios-Watercolor-illustration-Superhero/dp/B01J8KJVR0/ref=sr_1_1_sspa?
 - https://www.amazon.com/Fisher-Price-Imaginext-Friends-Batman-Villains/dp/B00EXBB35S/ref=sr_1_1_s_it
 - <https://www.dccomics.com/comics/batman-beyond-2016/batman-beyond-17>
- Assassin's Creed (computer games, clothes, prints, toys, comic books)
 - https://titan-comics.com/?tag_series=assassins-creed
 - <https://www.ubisoft.com/en-gb/franchise/assassins-creed/>
 - <https://www.aliexpress.com/item/Free-Shipping-Assassins-Creed-4-Black-Flag-Edward-Kenway-PVC-Action-Figure-Collection-Model-Toy-6/1829526335.html>
 - <https://store.ubi.com/us/clothing/brands/assassins-creed/>
 - https://www.amazon.com/PrettyLee-Custom-Modern-Canvas-Assasin/dp/B01IR093RA/ref=sr_1_1?
- Guardians of the Galaxy (computer games, clothes, prints, toys, comic books)
 - http://store.steampowered.com/app/579950/Marvels_Guardians_of_the_Galaxy_The_Telltale_Series/
 - http://marvel.com/comics/characters/1011299/guardians_of_the_galaxy
 - <https://www.target.com/p/marvel-guardians-of-the-galaxy-titan-hero-series-6-pack/-/A-51436266?>
 - <https://www.amazon.com/Clothing-Shoes-Jewelry-Guardians-Galaxy/s?ie=UTF8&field-brandtextbin=Guardians%20Of%20The%20Galaxy&page=1&rh=n%3A7141123011>
 - https://www.amazon.com/entitled-GUARDIANS-GALAXY-Minimal-Chungkong/dp/B0742LBKNV/ref=sr_1_2_sspa?
- Marvel (Electronic Game Services, Comics, Computer Game Software)
 - <http://www.marvelhq.com/games>
 - <http://marvel.com/comics>
 - http://marvel.com/games/151/lego_marvel_super_heroes
- DC (Comics, Video Games, Electronic Game Services)
 - <https://www.dckids.com/games>
 - <https://www.dccomics.com/comics>
 - <https://www.dccomics.com/games/dc-legends>
- Dark Horse (Comics, Electronic Game Services)
 - <https://www.darkhorse.com/Features/Games>
 - <https://www.darkhorse.com/Comics>
- Nintendo (Video Games, Electronic Game Services)
 - <https://play.nintendo.com/themes/friends/mario/>
 - <https://www.nintendo.com/switch/online-service/>
- Ubisoft (Video Games, Electronic Game Services)
 - <https://uplay.ubi.com/>
 - <https://store.ubi.com/us>
 - <https://www.ubisoft.com/en-us/#>
- EA (Video Games, Electronic Game Services)
 - <https://www.ea.com/ea-access/v1>
 - <https://www.ea.com/games>
- Sony (Video Games, Electronic Game Services)

- <https://www.playstation.com/en-us/explore/playstation-vr/games/>
- <https://www.playstation.com/en-us/explore/games/ps4-games/?console=ps4>
- <https://www.playstation.com/en-us/explore/playstationnow/>

In its response, applicant provides no arguments that the goods and/or services are unrelated, but applicant has attached additional evidence supporting the relatedness of the goods and services.

Additional evidence of applicant's goods and services being related to comic books:

2000 AD (British but American store)

Comics - <https://shop.2000ad.com/catalogue/2000-ad/2018/PRG2099P>

Clothing - <https://shop.2000ad.com/catalogue/clothing/XRC009>

Archie Comics

Comics - <https://store.archiecomics.com/collections/catalog/products/archie-comics-digest-subscription-10-issues>

Clothing - <https://store.archiecomics.com/collections/b-v-merchandise/products/archie-club-tee>

Clothing - <https://store.archiecomics.com/collections/b-v-merchandise/products/lottie-shift-dress-in-veronica-print>

Northwest Press

Comics – <https://northwestpress.com/shop/pride-high-1/>

Clothing - <https://northwestpress.com/shop/comics-are-for-everyone-logo-shirt/>

Oni Press

Comics - <https://onipress.com/collections/floppies/products/invader-zim-36?variant=13342667210863>

Clothing - <https://onipress.com/collections/merchandise/products/oni-t-shirts-eccc-pre-order?variant=527750065>

Top Cow

Clothing - <http://www.thetopcowstore.com/ProductDetails.asp?ProductCode=SLSHIRT>

Comics – <http://www.thetopcowstore.com/ProductDetails.asp?ProductCode=WB151E>

Action Figures - <http://www.thetopcowstore.com/searchresults.asp?cat=65>

Additional evidence of all applicant's goods and services being related to computer games:

Bethesda

Printed Materials - <https://gear.bethesda.net/products/fallout-the-vault-dwellers-official-cookbook>

Clothing - <https://gear.bethesda.net/products/ladies-vault-boy-pullover-hoodie>

Video Game - <https://gear.bethesda.net/products/fallout-76-tricentennial-edition>

Electronic Game - <https://fallout.bethesda.net/apps>

Blizzard

Action Figure - <https://gear.blizzard.com/us/cbd-colossal-arthas-figure>

Clothing – <https://gear.blizzard.com/us/overwatch-bastion-shirt-womens>

Printed Material - <https://gear.blizzard.com/us/category/books-art/world-of-warcraft-book-2-blizzard-legends>

Video Game and Computer Game - <https://us.shop.battle.net/en-us/product/overwatch?p=20991>

Disney

Printed Materials - <https://books.disney.com/book/haunted-howl-oween/>

Video Games – <https://books.disney.com/book/haunted-howl-oween/>

Minecraft

Printed Material – https://www.minecraftshop.com/p/minecraft_the_survivors_book_of_secrets.html

Clothing - https://www.minecraftshop.com/p/minecraft_minecon_earth_2018_premium_tee.html

Video Game and Computer Game – <https://minecraft.net/en-us/store/?ref=m>

Action Figures - https://www.minecraftshop.com/p/minecraft_husk_zombie_action_figure.html

Sega

Video Game – <http://www.sega.com/games>

Action Figure – <https://shop.sega.com/collections/collectibles/products/sonic-the-hedgehog-boom8-vol-4-knuckles-figure>

Clothing - <https://shop.sega.com/collections/hoodies/products/sega-the-house-of-the-dead-red-eye-black-hoodie>

Thus, applicant's and registrant's goods and/or services are considered related for likelihood of confusion purposes. See, e.g., *In re Davey*

Prods. Pty Ltd., 92 USPQ2d 1198, 1202-04 (TTAB 2009); *In re Toshiba Med. Sys. Corp.*, 91 USPQ2d 1266, 1268-69, 1271-72 (TTAB 2009).

Because the marks are confusingly similar and the goods services are related, there is a likelihood of confusion to relevant consumers, and therefore the refusal of registration is made FINAL.

RESPONSE GUIDELINES

Applicant must respond within six months of the date of issuance of this final Office action or the application will be abandoned. 15 U.S.C. §1062(b); 37 C.F.R. §2.65(a). Applicant may respond by providing one or both of the following:

- (1) a response [filed using the Trademark Electronic Application System \(TEAS\)](#) that fully satisfies all outstanding requirements and/or resolves all outstanding refusals; and/or
- (2) an appeal to the Trademark Trial and Appeal Board [filed using the Electronic System for Trademark Trials and Appeals \(ESTTA\)](#) with the required filing fee of \$200 per class.

37 C.F.R. §2.63(b)(1)-(2); TMEP §714.04; *see* 37 C.F.R. §2.6(a)(18); TBMP ch. 1200.

In certain rare circumstances, an applicant may respond by [filing a petition to the Director](#) pursuant to 37 C.F.R. §2.63(b)(2) to review procedural issues. TMEP §714.04; *see* 37 C.F.R. §2.146(b); TBMP §1201.05; TMEP §1704 (explaining petitionable matters). There is a fee required for filing a petition. 37 C.F.R. §2.6(a)(15).

TEAS PLUS OR TEAS REDUCED FEE (TEAS RF) APPLICANTS – TO MAINTAIN LOWER FEE, ADDITIONAL REQUIREMENTS MUST BE MET, INCLUDING SUBMITTING DOCUMENTS ONLINE: Applicants who filed their application online using the lower-fee TEAS Plus or TEAS RF application form must (1) file certain documents online using TEAS, including responses to Office actions (see TMEP §§819.02(b), 820.02(b) for a complete list of these documents); (2) maintain a valid e-mail correspondence address; and (3) agree to receive correspondence from the USPTO by e-mail throughout the prosecution of the application. *See* 37 C.F.R. §§2.22(b), 2.23(b); TMEP §§819, 820. TEAS Plus or TEAS RF applicants who do not meet these requirements must submit an additional processing fee of \$125 per class of goods and/or services. 37 C.F.R. §§2.6(a)(1)(v), 2.22(c), 2.23(c); TMEP §§819.04, 820.04. However, in certain situations, TEAS Plus or TEAS RF applicants may respond to an Office action by authorizing an examiner's amendment by telephone or e-mail without incurring this additional fee.

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Benjamin Rosen
Examining Attorney
Law Office 120
(571) 272-8425
benjamin.rosen@uspto.gov

TO RESPOND TO THIS LETTER: Go to http://www.uspto.gov/trademarks/teas/response_forms.jsp. Please wait 48-72 hours from the issue/mailling date before using the Trademark Electronic Application System (TEAS), to allow for necessary system updates of the application. For *technical* assistance with online forms, e-mail TEAS@uspto.gov. For questions about the Office action itself, please contact the assigned trademark examining attorney. **E-mail communications will not be accepted as responses to Office actions; therefore, do not respond to this Office action by e-mail.**

All informal e-mail communications relevant to this application will be placed in the official application record.

WHO MUST SIGN THE RESPONSE: It must be personally signed by an individual applicant or someone with legal authority to bind an applicant (i.e., a corporate officer, a general partner, all joint applicants). If an applicant is represented by an attorney, the attorney must sign the response.

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

TO UPDATE CORRESPONDENCE/E-MAIL ADDRESS: Use the TEAS form at <http://www.uspto.gov/trademarks/teas/correspondence.jsp>.

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Judge Dredd » The Booth Conspiracy (part 5)

Mega-City One, 2140 AD. Home to over 100 million citizens, this urban hell is situated along the east coast of post-apocalyptic North America. Crime is rampant, and only the Judges — future law-enforcers empowered to dispense instant justice — can stop total anarchy. Toughest of them all is JUDGE DREDD — he is the Law! Now, a terror cell called the Sons of Booth are attempting to bring down Justice Department...

Survival Geeks » SLACK N' HASH (part 4)

Somewhere in the outer limits of space/time, plunging through the planes of reality, is what looks like a regular suburban two-up two-down, but it is in fact powered by misfiring transdimensional technology. Inside live sci-fi obsessives Clive, Rufus and Simon, plus reluctant housemate Sam and pet Cthulhu Howard: explorers on the edge of beyond, they're never far from trouble on the worlds they visit...

Mechastopheles » True Faith (part 8)

It is over a year since the Fall, when the demons rose and society collapsed, and humanity fights a daily battle in a world where hellish creatures stalk the land. A band of survivors have sought refuge in a demonically powered robot called MECHASTOPHELES, and they use this infernal ark as a means to seek sanctuary and find others that need rescuing. But Lord Mechastopheles is not easily controlled...

Tharg's Future Shocks » Talk's Cheap (part 1)

Out in the vast reaches of the universe, there are an infinite number of stories waiting to be told. These cautionary tales pass from traveller to traveller in the spaceports and around campfires on distant planets, acquiring the status of legend, their shocking ends a salutary lesson in hubris. Anything is possible in these twisted trips into the galaxy's dark side. Abandon your preconceptions, and expect the unexpected...

The Order » The New World (part 13)


Throughout history, mankind has been under threat of extermination by the Wyrms, creatures from another plane that systematically break into our reality. Defending humanity are the men and women of THE ORDER, a secret band of warriors that have fought the anubies across the centuries. But the Wyrms have fractured time, noble robot knight Ritterstahl has been lost, and The Order themselves are splintering...

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\$23.99 (This item)

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\$9.99 \$14.99

Jughead Volume 2

\$4.99 \$5.99

Update your basic tee-and-jeans look when you become the newest Archie Club member in our Official Archie Club tee!

This pale pink super soft tee comes in a semi-fitted silhouette and features a front screen print of the iconic duo themselves!

100% cotton

Please note that this product will be shipped from a location separate from our books.

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Update your basic tee and jeans look when you become the newest Archie Club member in our Official Archie Club Tee!

This pale pink super soft tee comes in a semi-fitted silhouette and features a front screen print of the zodiac duo themselves!

100% cotton


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Veronica Lodge Pin

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LOTTIE SHIFT DRESS IN VERONICA PRINT

\$73⁹⁹

Size




Extra Small

Quantity

1

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Total price \$81.97

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✕ Lottie shift dress in Veronica Print

Extra Small

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Main Cover

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\$3.99

Take it back to the 60's with our mod-style shift mini dress! The Lottie features an abstract print comprised of vintage Veronica Lodge comic artwork by Dan DeCarlo. This shift dress comes in a lightweight silky material with a slight sheen, making it perfect for spring! Print varies slightly on each dress, making each one truly unique and a perfect collector's item for any Veronica Lodge fan.

100% Poly

Please note that this product will be shipped from a location separate from our books.

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🔍🔒🔄

Lottie shift dress in Veronica... x

🏠★⚙️


Take it back to the 80's with our mod-style shift mini dress! The Lottie features an abstract print comprised of vintage Veronica Lodge comic artwork by Dan DeCarlo. This shift dress comes in a lightweight silky material with a slight sheen, making it perfect for spring! Print varies slightly on each dress, making each one truly unique and a perfect collector's item for any Veronica Lodge fan.

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Total price: \$54.98
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New Subscriptions can take about 5-6 weeks to start up from the date ordered. Also, it will start with the next issue due to print. However, if the order is a renewal and renewed in time your subscription will continue from your previous subscription.

Dimensions: 4.8 X 6.6

Pages: Up to 206 Pages

RETAIL PRICE IS \$69.99 FOR 10 ISSUES (\$79.99 IN CANADA)

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Dimensions: 4.5 X 6.5

Pages: Up to 256 Pages

RETAIL PRICE IS \$69.90 FOR 10 ISSUES (\$79.90 IN CANADA)


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11.5" x 7.5"

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Fallout PIP-BOY

From Vault-Tec and RobCo Industries comes the Pip-Boy: America's finest, easiest-to-use personal information processor. This app lets your portable device interact with Fallout 4 on your Xbox One, PlayStation 4 or PC. Away from your game system? No problem! Pip-Boy will remember your status and allow you to access your data while on the go.


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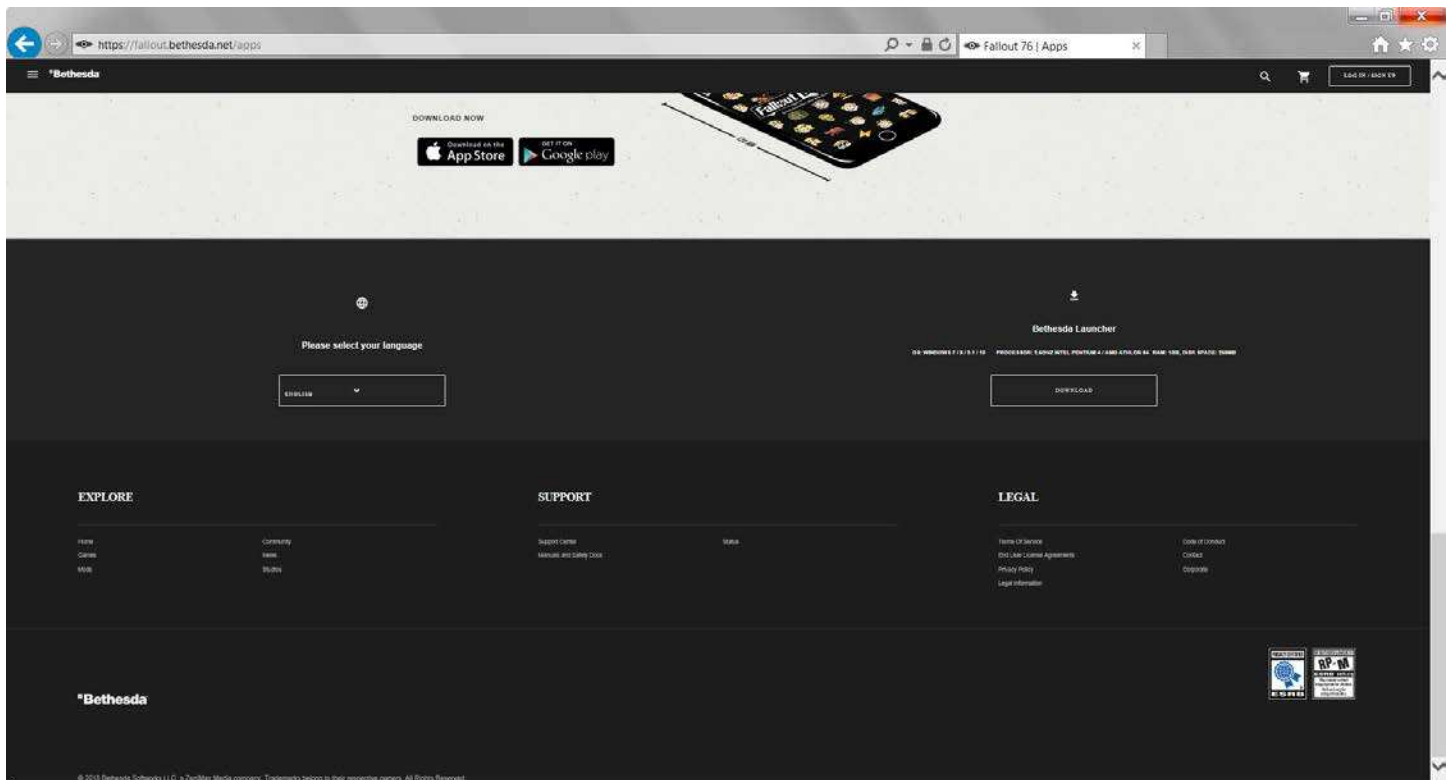


Fallout C.H.A.T.

Just up your boring old messages with the official Vault-Tec Communications Hub and Transmitter - that's C.H.A.T. to you. Bring Fallout flavor to your messages with our fully customized keyboard, including text styles, over 60 emojis and animated Vault Boy GIFs. So warm up your tapping fingers and show that you're the ultimate Fallout fan with C.H.A.T. today!

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Ladies Vault Boy Pullover H... X

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LADIES VAULT BOY PULLOVER HOODIE

\$60.00

Size

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Quantity

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Sometimes it gets cold out in the wasteland and you need a little extra protection from the harsh elements. Now you can display Vault Boy's smiling, winking face on your chest for all to see whilst protecting yourself from the bitter nuclear winter!

[Size Chart](#)

Product Description:

- Oversized 3D screen printed Vault Boy head on front chest
- 3D screen printed Fallout logo on pocket
- Slim fit, consider sizing up for more comfortable fit
- Water-resistant fleece body
- Poly-Tech fabric
- 80% polyester/20% Cotton
- Unlined hood
- 1x1 ribbing at cuffs and waistband
- Nickel eyelets
- Flat drawcords



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\$80.00



Fallout 76
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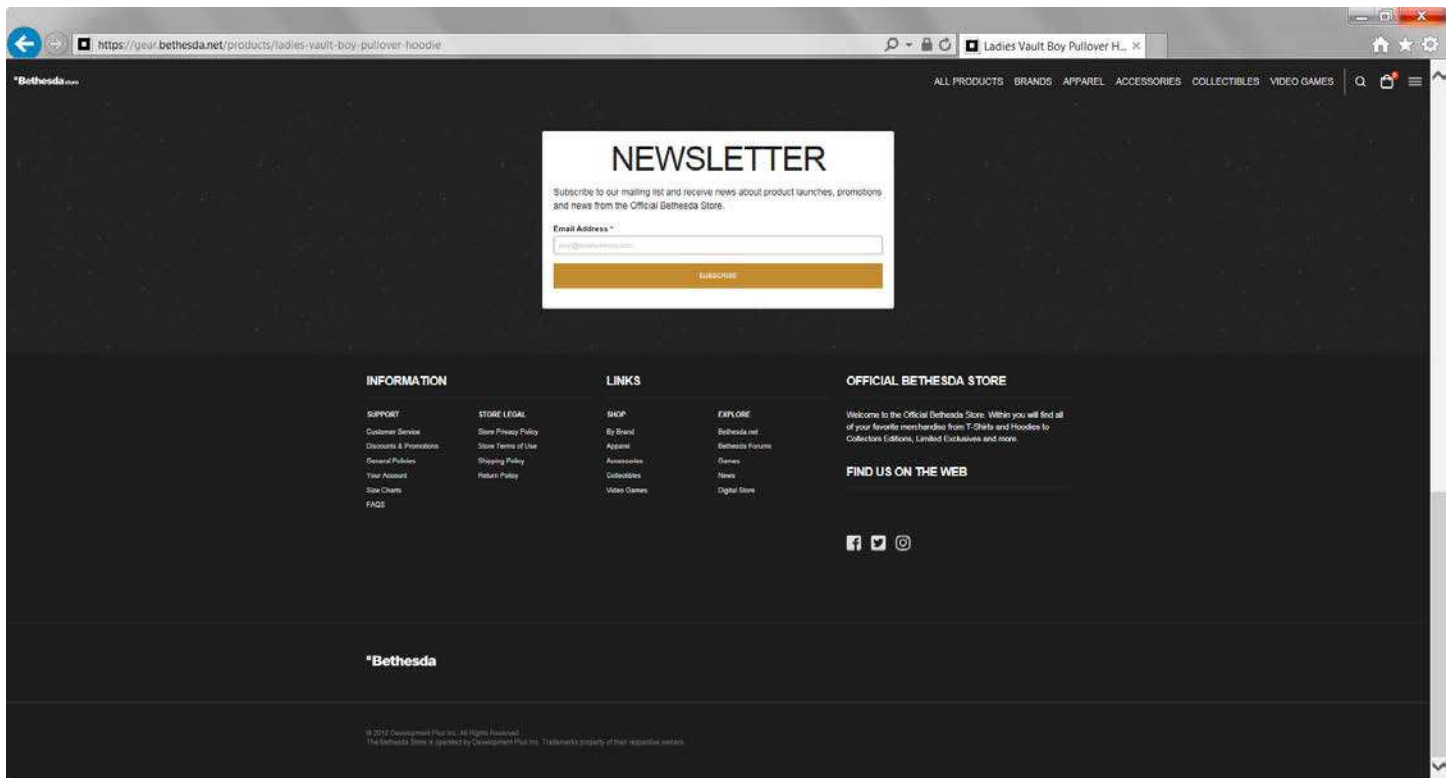
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\$35.00

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Based on the irradiated delicacies found in the award-winning Fallout video game series, this Vault-Tec™ approved cookbook provides fans of the game with over seventy recipes inspired by their favorite Fallout foods.

Whip up tasty versions of Yum Yum Deviled Eggs, throw some deathclaw meat on

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Whip up tasty versions of Yum Yum Deviled Eggs, throw some deathclaw meat on the grill, and recreate BlamCo Mac & Cheese with Fallout: The Vault Dweller's Official Cookbook.

Product Description:

- 8" x 10" Cookbook
- 192 pages

THIS PRODUCT IS PRE-SALE.

ANY ORDER CONTAINING PRE-SALE ITEMS WILL NOT SHIP UNTIL ALL ITEMS ARE AVAILABLE TO SHIP.

ITEM WILL BE AVAILABLE TO SHIP LATE OCTOBER 2018.

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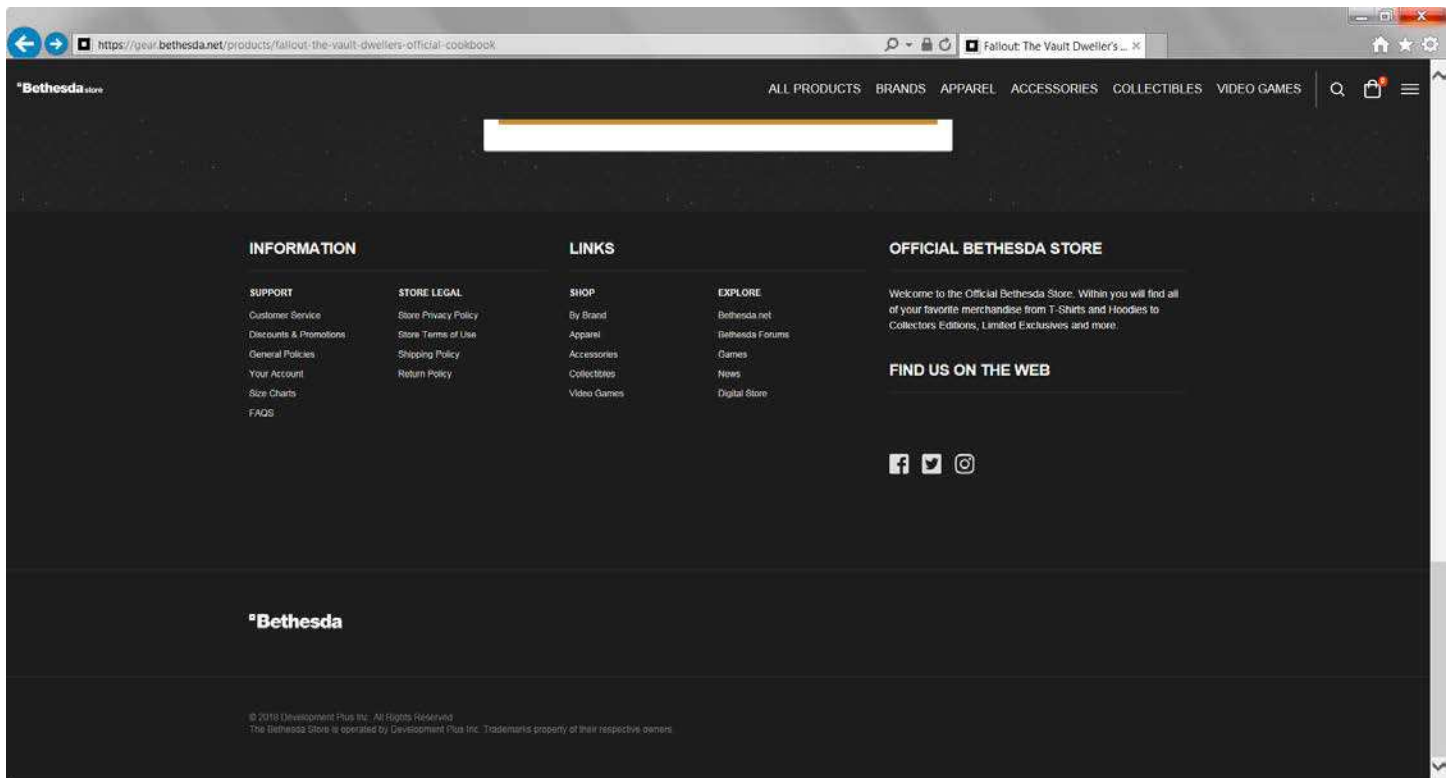
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FALLOUT 76 TRICENTENNIAL EDITION

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Your order will not ship until all items are available for shipping. Please consider ordering PRE-ORDER items separately from other items.

CART PURCHASE RESTRICTION

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\$80.00

Platform:

Xbox One

Quantity:

1

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Celebrate 300 years of freedom with the all-new Fallout 76 Tricentennial Edition, commemorating the opening of Vault 76. Our good friends at Vault-Tec have pulled double shifts, working around the clock to assemble this one-of-a-kind compilation. For you! Be the talk of the town when you emerge from Vault 76 fully prepared and patriotically styled in the new American frontier!

In addition to the highly anticipated game, the Fallout 76 Tricentennial Edition includes bonus in-game items:

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- Tricentennial Power Armor Customization for the T-51, T-45, T-60, and X-01 Power Armors.
- Tricentennial Weapon Customization for the 10MM Pistol, Hachet, and Laser Rifle.
- Spectacularly Handsome Vault Boy Mascot Head.
- Patriotic Uncle Sam Outfit.
- Celebratory Vault Boy Saluting Emote.
- First Class Tricentennial Workshop Robbers.
- Tricentennial Commemorative Photo Frame.

Pre-order B.E.T.A. codes are sent the Monday or Tuesday after you order. We send the codes out in weekly batches.

Keep an eye on your inbox and click this [link](#) for assistance in redeeming your code once you have received it.

The B.E.T.A. has not yet begun but it's always a good idea to be prepared before venturing out into the wasteland!

THIS PRODUCT IS PRE-SALE.

ANY ORDER CONTAINING PRE-SALE ITEMS WILL NOT SHIP UNTIL ALL ITEMS ARE AVAILABLE TO SHIP.

ITEM WILL BE AVAILABLE TO SHIP NOVEMBER 14TH, 2018.

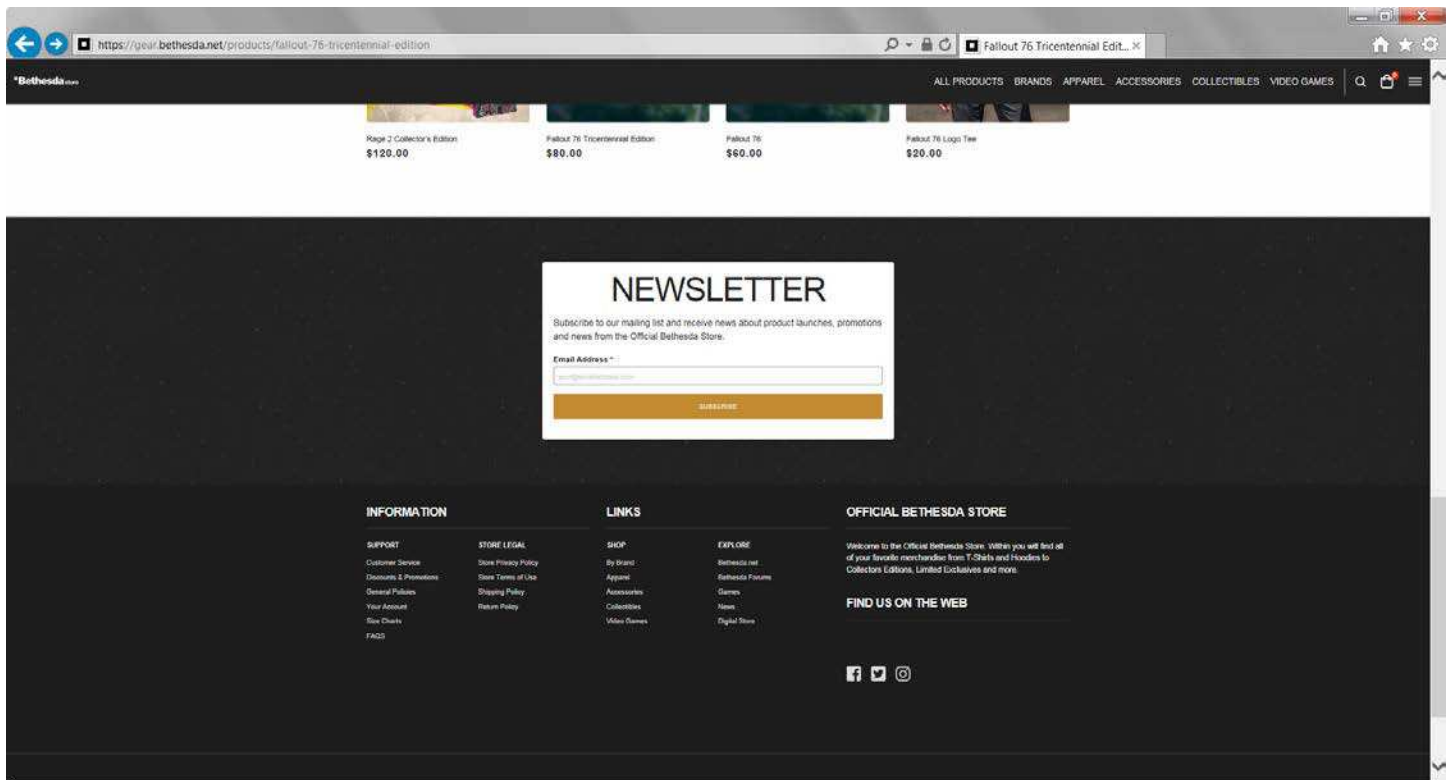
THIS IS A PHYSICAL COPY OF THE GAME.

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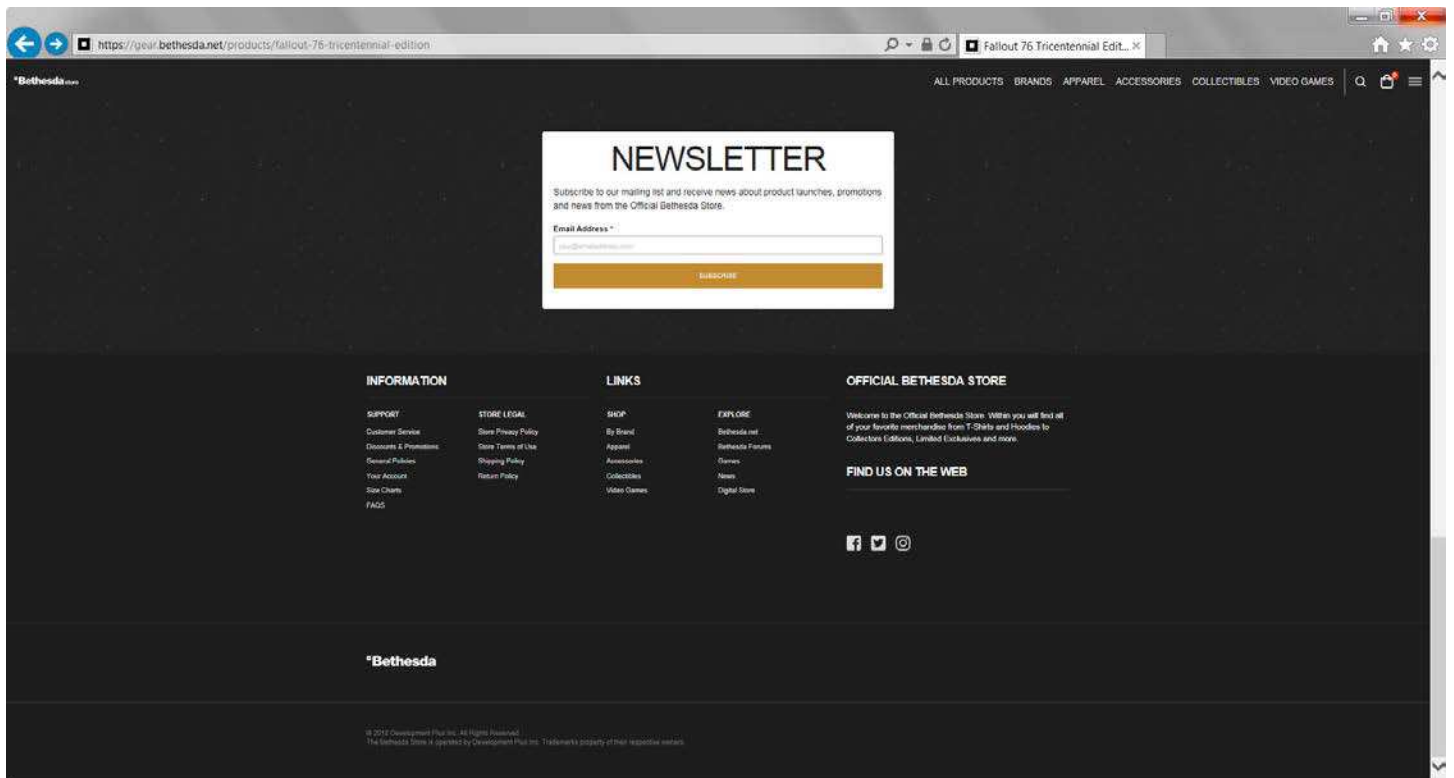
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SIZE

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DESCRIPTIONREVIEWS (7)

Bastion's always ready for anything, and you will be, too, in this olive green scoop neck tee! Made of 50% poly/25% combed ring-spun cotton/25% rayon, available in sizes S-2XL.

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Cute But Deadly Colossal A...

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Cute But Deadly Colossal Arthas Figure

\$55.00

5 Reviews

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"Frostmourne hungers!" At long last, the Lich King has launched his campaign against the living from Northrend. Behold Arthas' power as he lights up before you with this new colossal figure!

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Cute But Deadly Colossal A...


"Frostmourne hungers!" At long last, the Lich King has launched his campaign against the living from Northrend. Behold, Arthas' power as he lights up before you with this new colossal figure!

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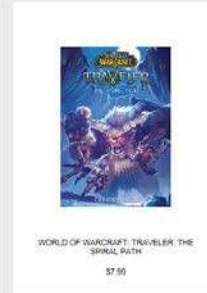
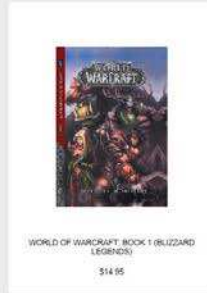
When two men claim a single throne, can a Kingdom be saved? The warrior Lo'Gosh shares both the face and memories of Varian Wrynn—but clearly only one man can wear the crown. With the help of old friends Broil and Valeera, and new allies like Thargas Anvilmar, Lo'Gosh is determined to wrest control from the hands of this impostor. But is Varian really his enemy?

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"Best Ongoing Game" - The Game Awards

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Fight for the Future



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Overwatch® - Overwatch | ...

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Fight for the Future




Experience the extraordinary

Speed up and slow down time. Rain destruction from above in an experimental, jet-powered armor suit. Stalk your prey as a wraith-like assassin that can appear anywhere, anytime. Unleash powers like Dragonstrike, Transcendence, and Oraviton Surge. Every hero has a unique set of extraordinary game-changing abilities.




Play heroes, not classes

Every hero has a unique perspective on the battlefield and a story behind how they arrived there. You are a champion of a bygone age wielding his punishing rocket hammer in the service of honor, a robotic monk committed to healing the rift between man and machine, a genetically engineered gorilla who also happens to be a brilliant scientist, and many, many more.




Fight for the future... together

Teamwork is imperative for survival as you enter the fight with friends and comrades. Careful coordination will prove the difference between victory and defeat as your team combines the formidable powers at your disposal to devastating effect.



Shift your perspective

Just when it seems like your team is destined to go down in defeat, switch heroes on the fly and change the course of the battle. But don't forget that your opponents can do the same. Master the game within the game as both teams shift strategies and heroes in a constant dance to gain the upper hand.






The world is your battlefield

Protect the secrets of the mysterious Temple of Anubis in Egypt, safely escort an EMP device through King's Row in London, and do battle at other key locations around the planet. Every map has its own distinct feel with unique gameplay and team-based objectives.

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Jump into the Nexus with Tracer and surprise your enemies in the blink of an eye.



StarCraft® II In-game Portraits and a
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With portraits of Tracer, Reaper, Pharah, Winston, Bastion, and Soldier: 76, you're sure to become a champion of the Koprulu Sector. You can also battle it out in Hearthstone with a Overwatch-themed card back fit for a hero!

System Requirements

 Windows

Minimum Requirements

Operating System
Windows® 7 / Windows® 8 /
Windows® 10 64-bit (latest Service
Pack)

Processor
Intel® Core™ i3 or AMD
Phenom™ X3 8550

Vice

NVIDIA® GeForce® GTX 460, ATI
Radeon™ HD 4850, or Intel® HD
Graphics 4400

Storage

20 GB available hard drive space

Resolution

1024 x 768 minimum display resolution

Recommended Specifications

Operating System
Windows® 7 / Windows® 8 /
Windows® 10 64-bit (latest Service
Pack)

Processor
Intel® Core™ i5 or AMD Phenom™ II
X3 or better

Video

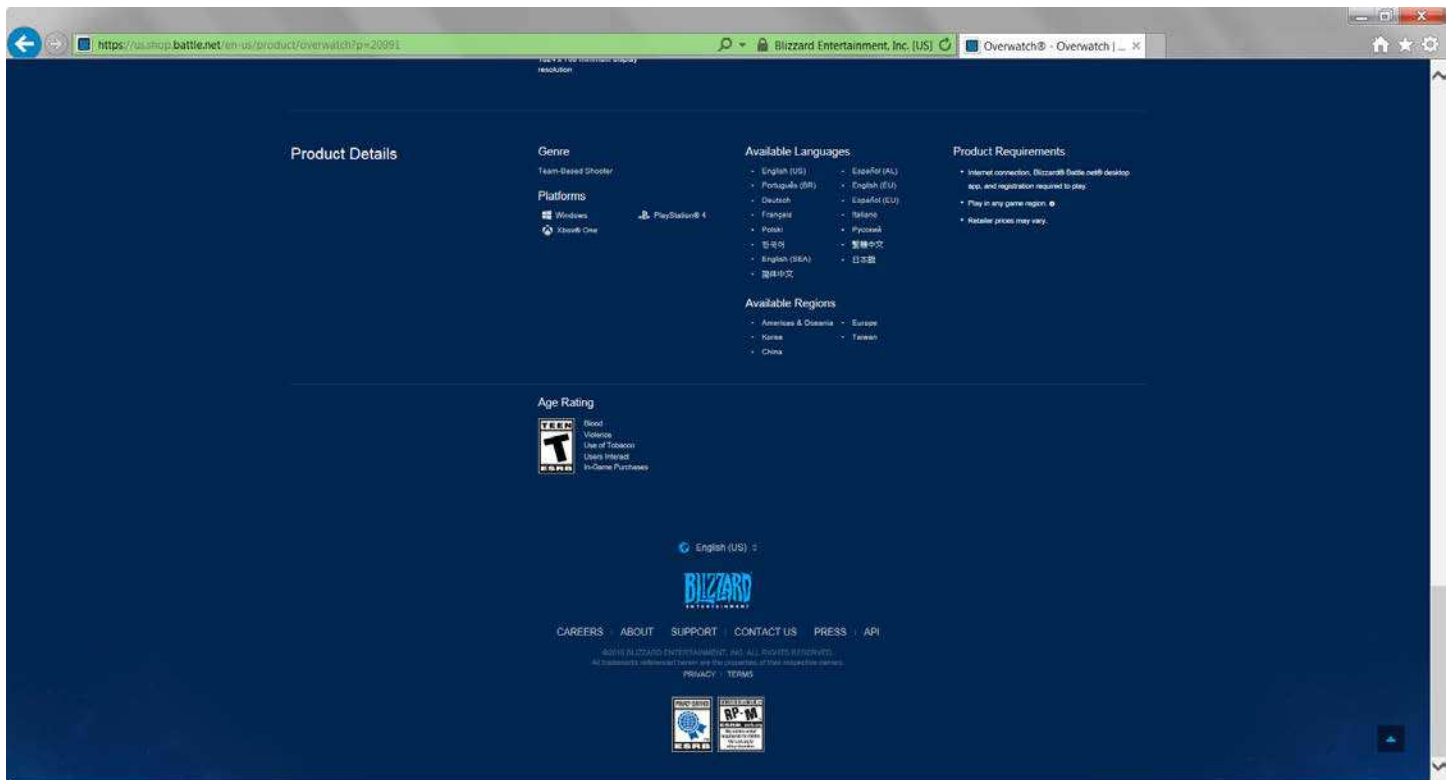
NVIDIA® GeForce® GTX 660 or AMD
Radeon™ HD 7900 or better

Storage

30 GB available hard drive space

Resolution

1024 x 768 minimum display resolution



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978-1-3680-1561-5


PAGES
24

AGE RANGE
3-5


Other Books in Puppy Dog Pals




Pups on a Mission
By: Disney Book Group
Illustrated By: Disney Storybook Art Team




Five Tales of Fun!
By: Disney Book Group
Illustrated By: Disney Storybook Art Team




Happy Birthday, Puppy Pals!
By: Disney Book Group
Illustrated By: Disney Storybook Art Team, Premium Entertainment




Puppy Dog Pals Mission: Fun
By: Disney Book Group
Illustrated By: Disney Storybook Art Team, Premium Entertainment




Puppy Dog Pals: Adventures in Puppy-Sitting
By: Disney Book Group
Illustrated By: Disney Storybook Art Team



Ice, Ice, Puggy
By: Disney Book Group
Illustrated By: Disney Storybook Art Team, Premium Entertainment




Bingo and Rolly's Jokes and Riddles




Design-A-Dog


Other Books by Disney Book Group




One, Two, Winnie the Pooh
COMING SOON




First Colors, Shapes, Numbers
COMING SOON




Happy Birthday, Mickey!
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Andi Mack: Rockin' Good Day
COMING SOON



LEGO Friends: Friendship is Magic
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COMING SOON

LEGO Disney Princess: Lost and Found

By: Disney Book Group

Illustrated By: Disney Storybook Art Team

COMING SOON

Andi Mack: Rockin' Road Trip

By: Disney Book Group

COMING SOON


LEGO Disney Princess: The Friendship Bridge

By: Disney Book Group

Illustrated By: Disney Storybook Art Team

COMING SOON


Other Books Ages 3-5



COMING SOON

This is Miles Morales

By: Marvel Press Book Group




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Spider-Man, Spider-Man!

By: Marvel Press Book Group

Illustrated By: Thane Clarke

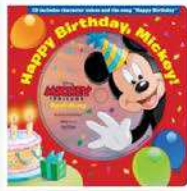


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My First Disney Classics Bedtime Storybook

By: Disney Book Group

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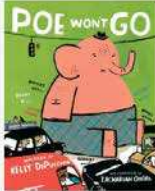


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Happy Birthday, Mickey!

By: Disney Book Group

Illustrated By: Disney Storybook Art Team




COMING SOON

Poe Won't Go

By: Kelly DiPucchio

Illustrated By: Zachariah OHara




COMING SOON

A Cozy Good Night

By: Linda Ashman

Illustrated By: Chuck Groenink




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LEGO Disney Princess: Lost and Found

By: Disney Book Group

Illustrated By: Disney Storybook Art Team



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The Very Fluffy Kitty, Pap Book

By: A. N. Kang

Illustrated By: A. N. Kang

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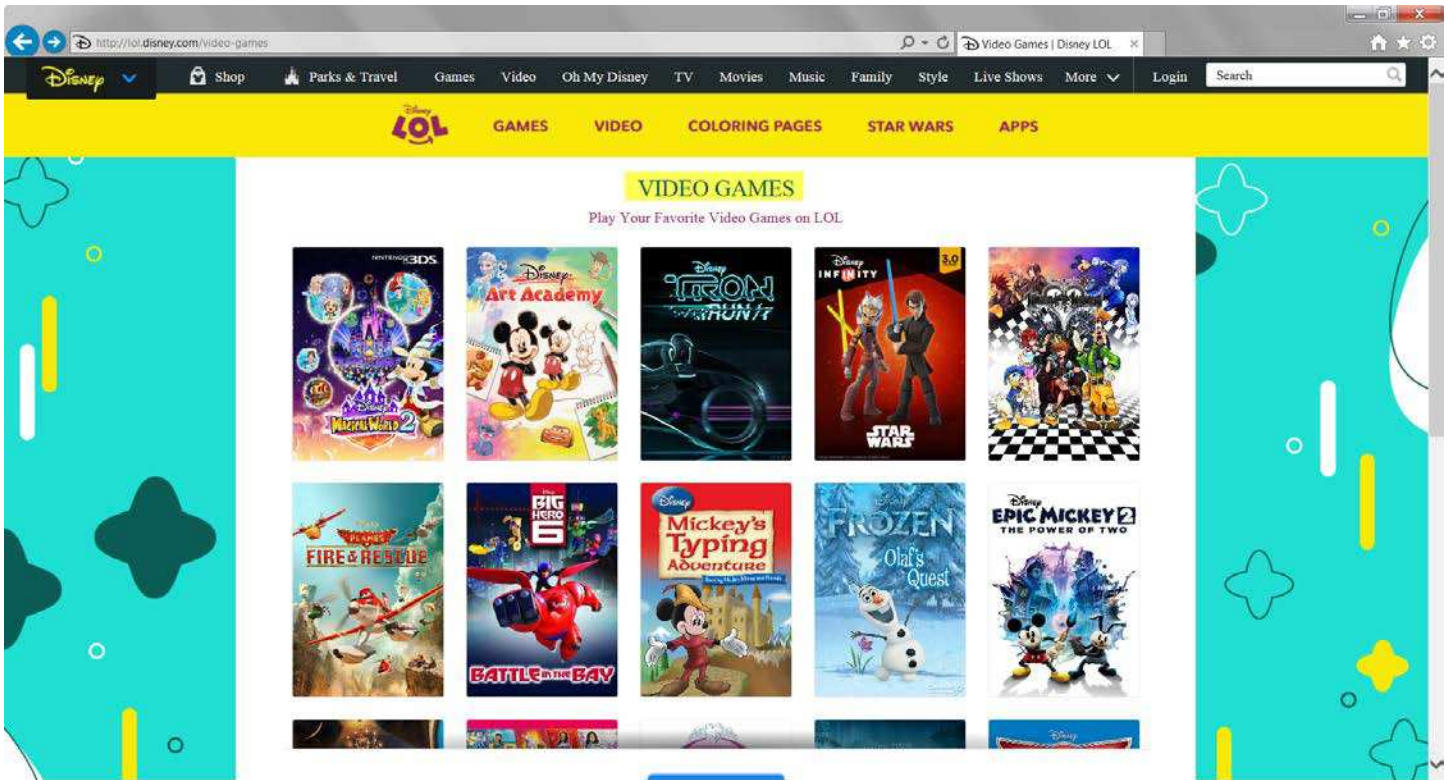
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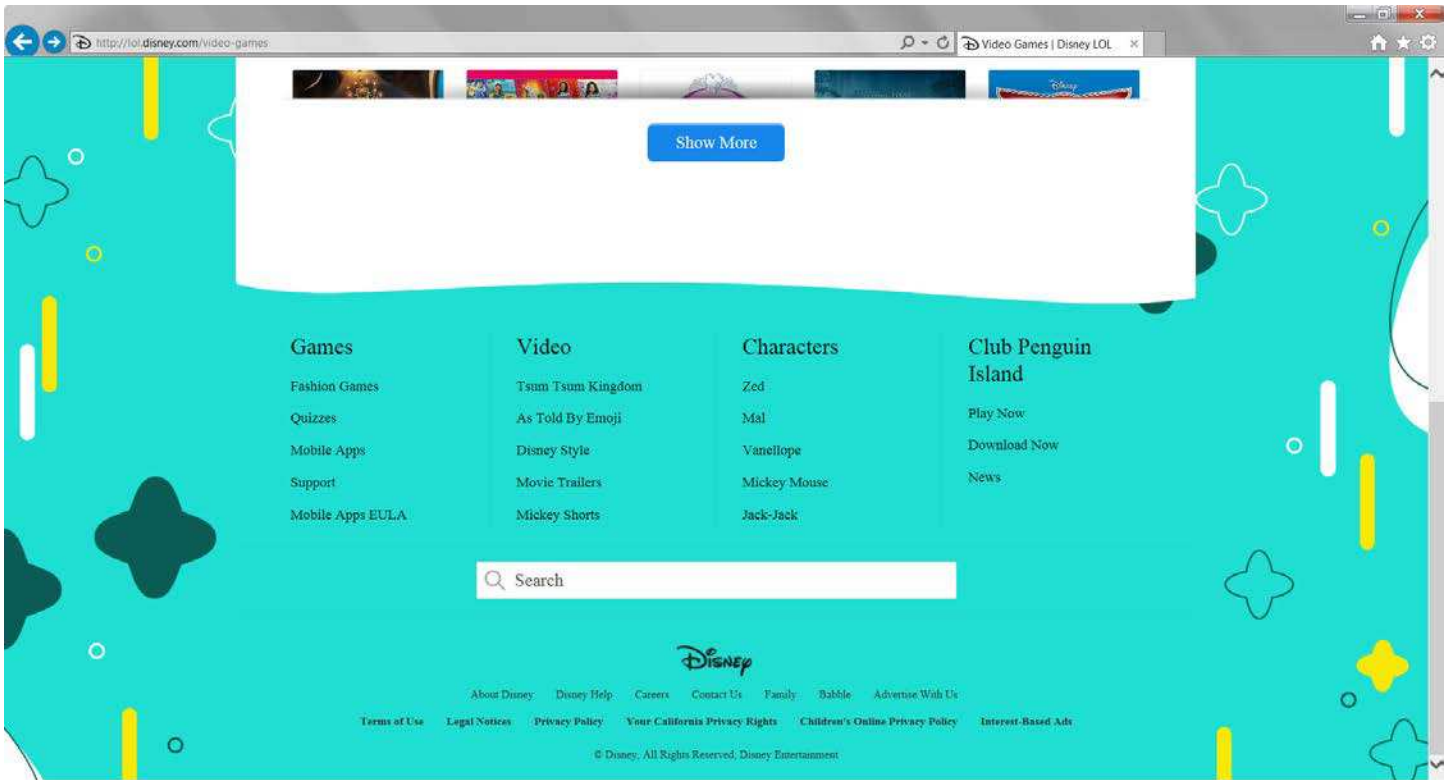
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
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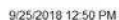


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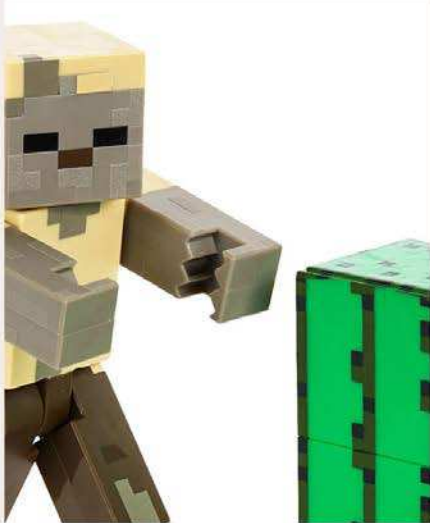
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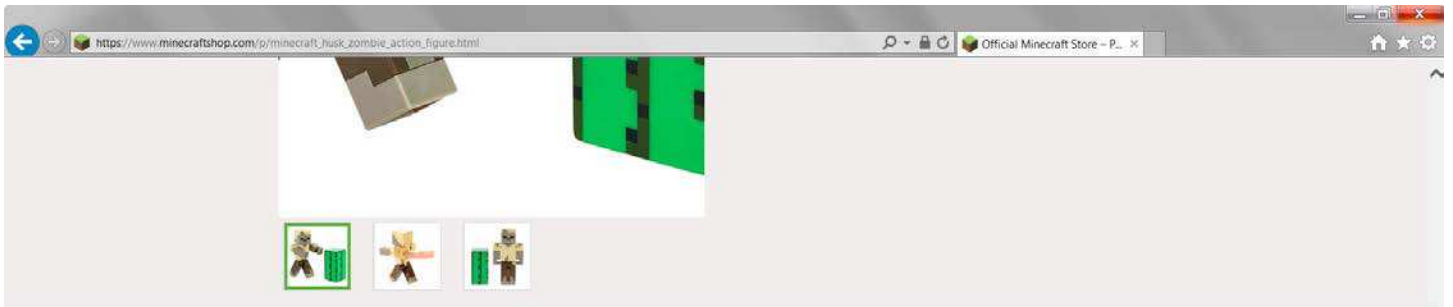
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Details

- Officially licensed by Minecraft, designed and created by Mattel
- COLLECT THEM ALL: 5" scale action figures, Series 4
- Features fully-articulated 5" scale Husk figure, with cactus
- Unique Function: Press the button to raise his arms
- Ages 6 and up

Description

Build your Minecraft world! This collection includes a variety of large-scale figures from the world of Minecraft. Since this figure is in 5-inch scale, it's easy to pose again and again. Relive all your favorite moments from the world of Minecraft!

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Color: Black



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Details

- MINECON EARTH 2018 EXCLUSIVE: Officially licensed by Minecraft, designed and created by JINX
- Knitted from 100% combed ring-spun cotton, 30/1
- Lightweight 4.3 ounce jersey
- Features slim-fit body

Description

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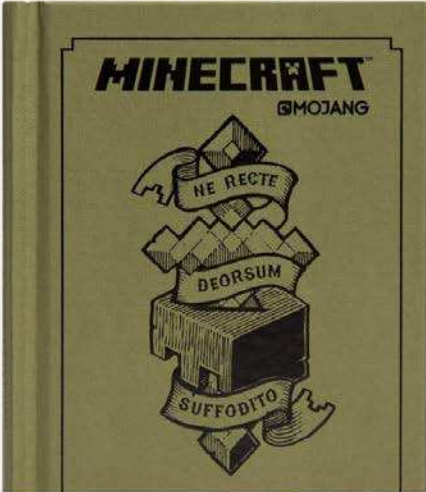
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The book cover is olive green with a black border. At the top, it says 'MINECRAFT' in large, bold, black letters, with 'MOJANG' in smaller letters below it. In the center, there is a stack of three stone blocks. A banner is draped over the top block with the text 'NE RECTE'. Another banner is draped over the middle block with the text 'DEORSUM'. A third banner is draped over the bottom block with the text 'SUFFODITO'. The book is shown at a slight angle, revealing its spine on the left.

Minecraft: The Survivors' Book of Secrets

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Details

- Officially licensed by Minecraft
- 112 pages, Hardcover
- Book measures approximately 4.6 inches x 6.7 inches x 0.5 inch
- Ages 8 to 12; Grades 3 to 7 Juvenile Nonfiction

Description

An official Minecraft guidebook full of tips to fend off mobs and withstand the wild! This official Minecraft book contains the collective knowledge of the Survivors: an underground group of Minecraft experts who have been around since the days of Alpha.

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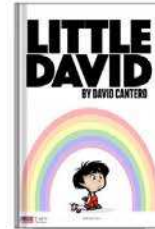


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ALISON BECHDEL

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BY DAVID CANTERO

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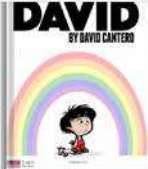
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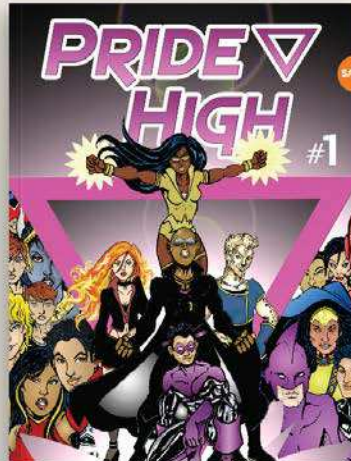


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BY: TOMMY RODDY, BRIAN PONCE, CARL HIPPENSTEEL,

Pride High is an award-winning independent comic book series about a gay-straight alliance at a high school for superpowered youth. This special edition of the first issue is optimized for digital reading and gives readers a great introduction to the series.

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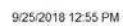
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MEET THE AUTHOR



TOMMY RODDY


Tommy Roddy was born in Seoul, South Korea and raised in Columbia, South Carolina. He now calls San Francisco home. He has always rooted for the underdogs in the pages of his favorite comics. Though mostly a Marvel X-Men fan, the '80s run of the Teen Titans has a special place in his heart. Tommy was awarded with a lifetime membership in Blind LGBT Pride International (formerly BFLAG) for Pride High's positive portrayal of a blind lesbian teen. He was a recipient of the third annual Prism Comics Queer Press Grant along with fellow San Franciscan, Justin Hall.

BOOKS OF TOMMY RODDY



Pride High #1

2012



Pride High

2012

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Pride High
2012

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Pride High is an award-winning independent comic book series about a gay-straight alliance at a high school for superpowered youth.

This special edition of the first issue is optimized for digital reading and gives readers a great introduction to the series.

Pride High writer and co-creator Tommy Roddy was the co-recipient of Prism Comics' 2008 Queer Press Grant.

DETAILS

Publisher: Northwest Press

Publish Date: 2012

Page Count: 37

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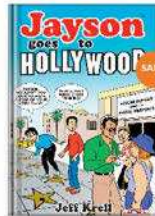
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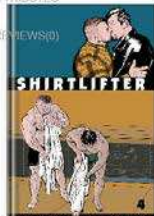
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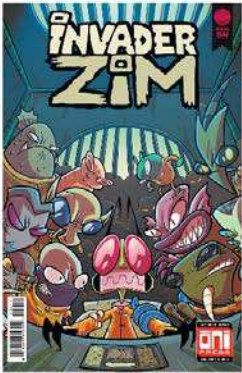
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(W) Eric Trautman
(A) Kate Shannon
(CA) Warren Wuchuck, Miracle Mosley (Cover B)

What's so prison? ZIM's in prison! What did he do to get there? No one knows! Not even him! But Mos-Pig 10 is the most notorious Space Prison in the whole of the 21st Empire, and ZIM better get out soon, or he could end up rotting in a space cell for the rest of the comic series, and that would be very, very bad for sales.

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SONIC THE HEDGEHOG



SONIC THE HEDGEHOG BOOM8 VOL. 4
KNUCKLES FIGURE

No reviews




This Knuckles figure features him in a battle-ready pose, attached to a round base.

SKU: 30CD0F504
Pre-order Date: 10/11/2018
This item ships to the U.S., Canada, Australia, New Zealand, Mexico, Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Ecuador, El Salvador, Honduras, Nicaragua, Panama, Peru.

\$29.95


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The Boom8 Series is based on the classic version of Knuckles. This Knuckles figure features him in a battle-ready pose, attached to a round base. Stands about 3.15" tall and comes in a colorful vintage-style window box that's perfect for collectors.



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THE HOUSE OF THE DEAD RED EYE BLACK HOODIE

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This black hoodie features a skull with a red eye and the logo from the 1996 first-person arcade game series, The House of the Dead.

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REVIEWS

This black hoodie features a skull with a red eye and the logo from the 1996 first-person arcade game series, The House of the Dead. 78% cotton/22% polyester.

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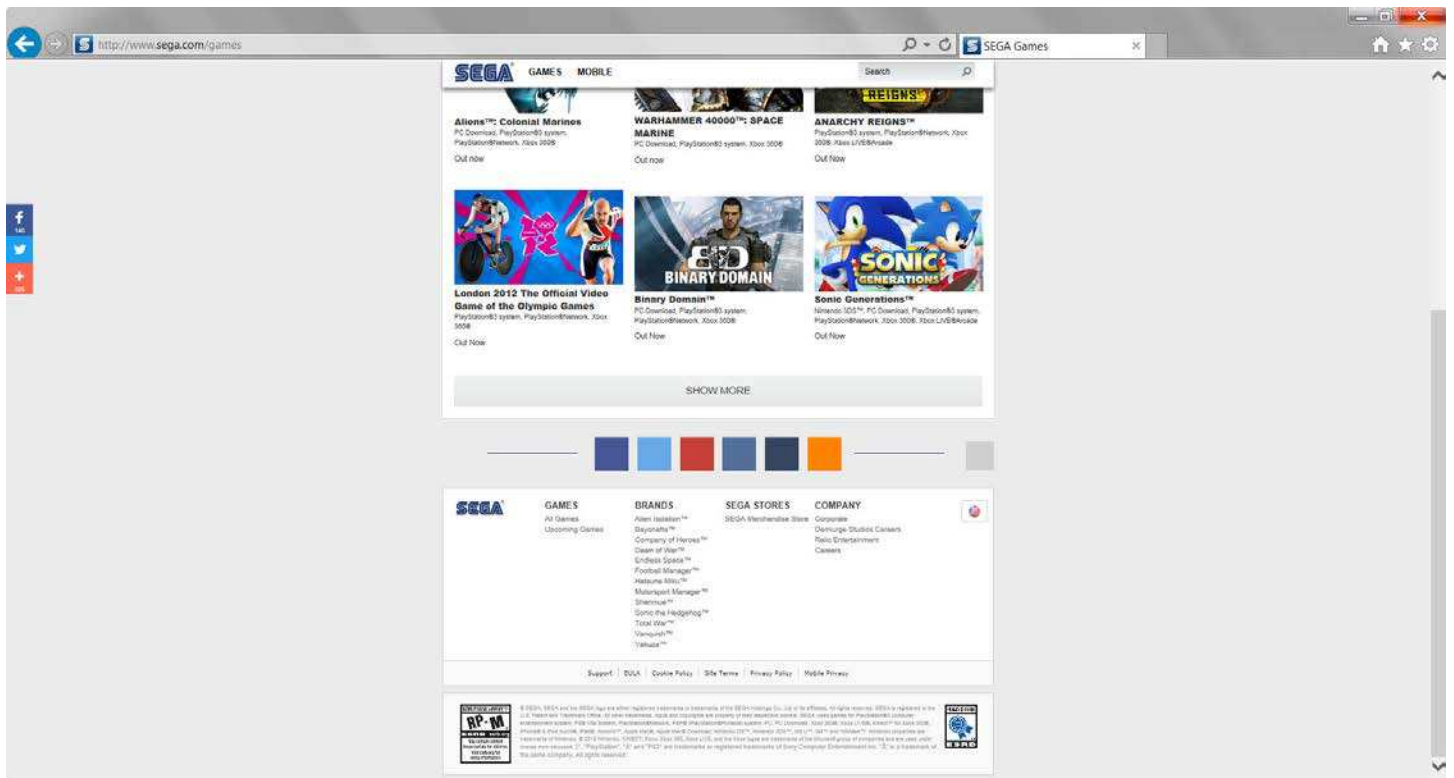
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Armed with detachable Witchblade armor and police force weapons.

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Sizes M, L, XL & XXL

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Marc Silvestri- Rise of the Magi T-Shirt

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DAWN OF A NEW ERA!

The new creative team of TIM SEELEY (HACK/SLASH) and DIEGO BERNARD (The Man With No Name) bring excitement and big changes to Sara Pezzini's world with this debut jump-on issue! Forever altered by the events of ARTIFACTS, Sara finds herself in a completely foreign situation and surroundings. The mystery of how and why will compel readers for the coming year and beyond!

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