

United States of America

United States Patent and Trademark Office

FREAKY FLICKERS

Reg. No. 3,992,254

Registered July 12, 2011

Int. Cl.: 28

TRADEMARK

PRINCIPAL REGISTER

GANTTURN LLC (ARIZONA LIMITED LIABILITY COMPANY)

#1

16509 E ARROY VISTA DRIVE
FOUNTAIN HILLS, AZ 85268

FOR: FANTASY CHARACTER TOYS, IN CLASS 28 (U.S. CLS. 22, 23, 38 AND 50).

FIRST USE 11-11-2004; IN COMMERCE 11-11-2004.

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

SER. NO. 85-048,884, FILED 5-27-2010.

LESLIE RICHARDS, EXAMINING ATTORNEY



David J. Kyffers

Director of the United States Patent and Trademark Office

**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.

**The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or
reminder of these filing requirements.**

***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 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>.

From: TMOfficialNotices@USPTO.GOV
Sent: Tuesday, April 26, 2011 00:32 AM
To: peter@hargant.com
Subject: Official USPTO Notice of Publication: Serial Number 85048884

NOTICE OF PUBLICATION

Serial Number: 85-048,884
Mark: FREAKY FLICKERS(STANDARD CHARACTER MARK)
International Class(es): 028
Applicant: GantTurn LLC
Attorney Reference Number:

The mark identified above has been published in the *Trademark Official Gazette* (OG) on Apr 26, 2011. Any party who believes it will be damaged by the registration of the mark may file a notice of opposition (or extension of time therefor) with the Trademark Trial and Appeal Board. If no party files an opposition or extension request within thirty (30) days after the publication date, then within twelve (12) weeks of the publication date a certificate of registration should issue.

On the publication date or shortly thereafter, the applicant should carefully review the information that appears in the OG for accuracy (see steps, *below*). If any information is incorrect, the applicant should immediately email the requested correction to **TMPostPubQuery@uspto.gov**. For general information about this notice, please contact the Trademark Assistance Center at 1-800-786-9199.

1. Click on the following link or paste the URL into an internet browser:
http://www.uspto.gov/web/trademarks/tmog/20110426_OG.pdf#page=1
2. Wait for the total OG to download completely (as indicated on bottom of OG page).
3. At the top/side of the displayed page, click wherever the "binoculars" icon appears.
4. Enter in the "search" box the name of the applicant (for individual: last name, first name) or the serial number in this exact format (with hyphen and comma): 85-048,884, e.g.
5. View the retrieved result(s). If multiple results appear in the "results" box, click directly on each "search term" shown in the box to access all separate appearances in the OG.

Trademark Snap Shot Publication & Issue Review Stylesheet

(Table presents the data on Publication & Issue Review Complete)

OVERVIEW

SERIAL NUMBER	85048884	FILING DATE	05/27/2010
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	TRADEMARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	RICHARDS, LESLIE L	L.O. ASSIGNED	106

PUB INFORMATION

RUN DATE	03/22/2011		
PUB DATE	04/26/2011		
STATUS	681-PUBLICATION/ISSUE REVIEW COMPLETE		
STATUS DATE	03/19/2011		
LITERAL MARK ELEMENT	FREAKY FLICKERS		

DATE ABANDONED	N/A	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	REPUB 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	N/A		

FILING BASIS

FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	YES	1 (a)	YES	1 (a)	NO
1 (b)	NO	1 (b)	NO	1 (b)	NO
44D	NO	44D	NO	44D	NO
44E	NO	44E	NO	44E	NO
66A	NO	66A	NO		
NO BASIS	NO	NO BASIS	NO		

MARK DATA

STANDARD CHARACTER MARK	YES
LITERAL MARK ELEMENT	FREAKY FLICKERS

MARK DRAWING CODE	4-STANDARD CHARACTER MARK
COLOR DRAWING FLAG	NO

CURRENT OWNER INFORMATION

PARTY TYPE	10-ORIGINAL APPLICANT
NAME	GantTurn LLC
ADDRESS	#1 16509 E Arroy Vista drive Fountain Hills, AZ 85268
ENTITY	16-LTD LIAB CO
CITIZENSHIP	Arizona

GOODS AND SERVICES

INTERNATIONAL CLASS	028
DESCRIPTION TEXT	Fantasy character toys

GOODS AND SERVICES CLASSIFICATION

INTERNATIONAL CLASS	028	FIRST USE DATE	11/11/2004	FIRST USE IN COMMERCE DATE	11/11/2004	CLASS STATUS	6-ACTIVE
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MISCELLANEOUS INFORMATION/STATEMENTS

CHANGE IN REGISTRATION	NO
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PROSECUTION HISTORY

DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
03/19/2011	PREV	O	LAW OFFICE PUBLICATION REVIEW COMPLETED	012
03/15/2011	CNSA	O	APPROVED FOR PUB - PRINCIPAL REGISTER	011
03/14/2011	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED	010
03/14/2011	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	009
03/07/2011	ALIE	A	ASSIGNED TO LIE	008
02/23/2011	TROA	I	TEAS RESPONSE TO OFFICE ACTION RECEIVED	007
09/10/2010	GNRN	O	NOTIFICATION OF NON-FINAL ACTION E-MAILED	006
09/10/2010	GNRT	F	NON-FINAL ACTION E-MAILED	005
09/10/2010	CNRT	R	NON-FINAL ACTION WRITTEN	004
09/10/2010	DOCK	D	ASSIGNED TO EXAMINER	003

06/01/2010	NWOS	I	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	002
05/31/2010	NWAP	I	NEW APPLICATION ENTERED IN TRAM	001

CURRENT CORRESPONDENCE INFORMATION

ATTORNEY	NONE
CORRESPONDENCE ADDRESS	GANTTURN LLC GANTTURN LLC 16509 E ARROYO VISTA DR UNIT 1 FOUNTAIN HILLS, AZ 85268-4476
DOMESTIC REPRESENTATIVE	NONE

FREAKY FLICKERS

Trademark Snap Shot Publication Stylesheet
(Table presents the data on Publication Approval)

OVERVIEW

SERIAL NUMBER	85048884	FILING DATE	05/27/2010
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	TRADEMARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	RICHARDS, LESLIE L	L.O. ASSIGNED	106

PUB INFORMATION

RUN DATE	03/16/2011		
PUB DATE	N/A		
STATUS	680-APPROVED FOR PUBLICATON		
STATUS DATE	03/15/2011		
LITERAL MARK ELEMENT	FREAKY FLICKERS		
DATE ABANDONED	N/A	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	REPUB 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	N/A		

FILING BASIS

FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	YES	1 (a)	YES	1 (a)	NO
1 (b)	NO	1 (b)	NO	1 (b)	NO
44D	NO	44D	NO	44D	NO
44E	NO	44E	NO	44E	NO
66A	NO	66A	NO		
NO BASIS	NO	NO BASIS	NO		

MARK DATA

STANDARD CHARACTER MARK	YES
LITERAL MARK ELEMENT	FREAKY FLICKERS

MARK DRAWING CODE	4-STANDARD CHARACTER MARK
COLOR DRAWING FLAG	NO

CURRENT OWNER INFORMATION

PARTY TYPE	10-ORIGINAL APPLICANT
NAME	GantTurn LLC
ADDRESS	#1 16509 E Arroy Vista drive Fountain Hills, AZ 85268
ENTITY	16-LTD LIAB CO
CITIZENSHIP	Arizona

GOODS AND SERVICES

INTERNATIONAL CLASS	028
DESCRIPTION TEXT	Fantasy character toys

GOODS AND SERVICES CLASSIFICATION

INTERNATIONAL CLASS	028	FIRST USE DATE	11/11/2004	FIRST USE IN COMMERCE DATE	11/11/2004	CLASS STATUS	6-ACTIVE
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MISCELLANEOUS INFORMATION/STATEMENTS

CHANGE IN REGISTRATION	NO
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PROSECUTION HISTORY

DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
03/15/2011	CNSA	O	APPROVED FOR PUB - PRINCIPAL REGISTER	011
03/14/2011	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED	010
03/14/2011	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	009
03/07/2011	ALIE	A	ASSIGNED TO LIE	008
02/23/2011	TROA	I	TEAS RESPONSE TO OFFICE ACTION RECEIVED	007
09/10/2010	GNRN	O	NOTIFICATION OF NON-FINAL ACTION E-MAILED	006
09/10/2010	GNRT	F	NON-FINAL ACTION E-MAILED	005
09/10/2010	CNRT	R	NON-FINAL ACTION WRITTEN	004
09/10/2010	DOCK	D	ASSIGNED TO EXAMINER	003
06/01/2010	NWOS	I	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	002

05/31/2010

NWAP

I

NEW APPLICATION ENTERED IN TRAM

001

CURRENT CORRESPONDENCE INFORMATION

ATTORNEY

NONE

CORRESPONDENCE ADDRESS

GANTTURN LLC
GANTTURN LLC
16509 E ARROYO VISTA DR UNIT 1
FOUNTAIN HILLS, AZ 85268-4476

DOMESTIC REPRESENTATIVE

NONE

FREAKY FLICKERS

Trademark Snap Shot Amendment & Mail Processing Stylesheet
(Table presents the data on Amendment & Mail Processing Complete)

OVERVIEW

SERIAL NUMBER	85048884	FILING DATE	05/27/2010
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	TRADEMARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	RICHARDS, LESLIE L	L.O. ASSIGNED	106

PUB INFORMATION

RUN DATE	03/15/2011		
PUB DATE	N/A		
STATUS	661-RESPONSE AFTER NON-FINAL-ACTION-ENTERED		
STATUS DATE	03/14/2011		
LITERAL MARK ELEMENT	FREAKY FLICKERS		
DATE ABANDONED	N/A	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	REPUB 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	N/A		

FILING BASIS

FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	YES	1 (a)	YES	1 (a)	NO
1 (b)	NO	1 (b)	NO	1 (b)	NO
44D	NO	44D	NO	44D	NO
44E	NO	44E	NO	44E	NO
66A	NO	66A	NO		
NO BASIS	NO	NO BASIS	NO		

MARK DATA

STANDARD CHARACTER MARK	YES
LITERAL MARK ELEMENT	FREAKY FLICKERS

MARK DRAWING CODE	4-STANDARD CHARACTER MARK
COLOR DRAWING FLAG	NO

CURRENT OWNER INFORMATION

PARTY TYPE	10-ORIGINAL APPLICANT
NAME	GantTurn LLC
ADDRESS	#1 16509 E Arroy Vista drive Fountain Hills, AZ 85268
ENTITY	16-LTD LIAB CO
CITIZENSHIP	Arizona

GOODS AND SERVICES

INTERNATIONAL CLASS	028
DESCRIPTION TEXT	Fantasy character toys

GOODS AND SERVICES CLASSIFICATION

INTERNATIONAL CLASS	028	FIRST USE DATE	11/11/2004	FIRST USE IN COMMERCE DATE	11/11/2004	CLASS STATUS	6-ACTIVE
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MISCELLANEOUS INFORMATION/STATEMENTS

CHANGE IN REGISTRATION	NO
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PROSECUTION HISTORY

DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
03/14/2011	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED	010
03/14/2011	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	009
03/07/2011	ALIE	A	ASSIGNED TO LIE	008
02/23/2011	TROA	I	TEAS RESPONSE TO OFFICE ACTION RECEIVED	007
09/10/2010	GNRN	O	NOTIFICATION OF NON-FINAL ACTION E-MAILED	006
09/10/2010	GNRT	F	NON-FINAL ACTION E-MAILED	005
09/10/2010	CNRT	R	NON-FINAL ACTION WRITTEN	004
09/10/2010	DOCK	D	ASSIGNED TO EXAMINER	003
06/01/2010	NWOS	I	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	002
05/31/2010	NWAP	I	NEW APPLICATION ENTERED IN TRAM	001

CURRENT CORRESPONDENCE INFORMATION

ATTORNEY

NONE

CORRESPONDENCE ADDRESS

GANTTURN LLC
GANTTURN LLC
16509 E ARROYO VISTA DR UNIT 1
FOUNTAIN HILLS, AZ 85268-4476

DOMESTIC REPRESENTATIVE

NONE

FREAKY FLICKERS

Response to Office Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	85048884
LAW OFFICE ASSIGNED	LAW OFFICE 106
MARK SECTION (no change)	
GOODS AND/OR SERVICES SECTION (current)	
INTERNATIONAL CLASS	028
DESCRIPTION	Fantasy character toys
FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 11/11/2004
FIRST USE IN COMMERCE DATE	At least as early as 11/11/2004
GOODS AND/OR SERVICES SECTION (proposed)	
INTERNATIONAL CLASS	028
DESCRIPTION	Fantasy character toys
FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 11/11/2004
FIRST USE IN COMMERCE DATE	At least as early as 11/11/2004
STATEMENT TYPE	" The substitute (or new, if appropriate) specimen(s) was/were in use in commerce at least as early as the filing date of the application " <i>[for an application based on Section 1(a), Use in Commerce]</i> OR " The substitute (or new, if appropriate) specimen(s) was/were in use in commerce prior either to the filing of the Amendment to Allege Use or expiration of the filing deadline for filing a Statement of Use " <i>[for an application based on Section 1(b) Intent-to-Use]</i> .
SPECIMEN FILE NAME(S)	\\TICRS\EXPORT11\IMAGEOUT 11\850\488\85048884\xml4\ ROA0002.JPG
	\\TICRS\EXPORT11\IMAGEOUT 11\850\488\85048884\xml4\ ROA0003.JPG

SPECIMEN DESCRIPTION	Retail packaging of the product. This product has been sold in the USA and Canadian market place
SIGNATURE SECTION	
DECLARATION SIGNATURE	/peter gantner/
SIGNATORY'S NAME	Peter Gantner
SIGNATORY'S POSITION	Owner
DATE SIGNED	02/23/2011
RESPONSE SIGNATURE	/peter gantner/
SIGNATORY'S NAME	Peter Gantner
SIGNATORY'S POSITION	owner
DATE SIGNED	02/23/2011
AUTHORIZED SIGNATORY	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Wed Feb 23 03:19:33 EST 2011
TEAS STAMP	USPTO/ROA-24.251.208.96-2 0110223031933827724-85048 884-4802a376157ad921ad2c3 f41cc324c3e76-N/A-N/A-201 10223025800196024

Response to Office Action

To the Commissioner for Trademarks:

Application serial no. **85048884** has been amended as follows:

CLASSIFICATION AND LISTING OF GOODS/SERVICES

Applicant proposes to amend the following class of goods/services in the application:

Current: Class 028 for Fantasy character toys

Original Filing Basis:

Filing Basis: Section 1(a), Use in Commerce: The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended. The mark was first used at least as early as 11/11/2004 and first used in commerce at least as early as 11/11/2004, and is now in use in such commerce.

Proposed: Class 028 for Fantasy character toys

Filing Basis: Section 1(a), Use in Commerce: The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended. The mark was first used at least as early as 11/11/2004 and first used in commerce at least as early as 11/11/2004, and is now in use in such commerce.

Applicant hereby submits a new specimen for Class 028. The specimen(s) submitted consists of Retail packaging of the product. This product has been sold in the USA and Canadian market place.

"The substitute (or new, if appropriate) specimen(s) was/were in use in commerce at least as early as the filing date of the application"*[for an application based on Section 1(a), Use in Commerce]* OR **"The substitute (or new, if appropriate) specimen(s) was/were in use in commerce prior either to the filing of the Amendment to Allege Use or expiration of the filing deadline for filing a Statement of Use"***[for an application based on Section 1(b) Intent-to-Use].*

[Specimen File1](#)

[Specimen File2](#)

SIGNATURE(S)

Declaration Signature

If the applicant is seeking registration under Section 1(b) and/or Section 44 of the Trademark Act, the applicant has had a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. 37 C.F.R. Secs. 2.34(a)(2)(i); 2.34 (a)(3)(i); and 2.34(a)(4)(ii); and/or the applicant has had a bona fide intention to exercise legitimate control over the use of the mark in commerce by its members. 37 C.F. R. Sec. 2.44. If the applicant is seeking registration under Section 1(a) of the Trademark Act, the mark was in use in commerce on or in connection with the goods and/or services listed in the application as of the application filing date or as of the date of any submitted allegation of use. 37 C.F.R. Secs. 2.34(a)(1)(i); and/or the applicant has exercised legitimate control over the use of the mark in commerce by its members. 37 C.F.R. Sec. 2.44. The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; that if the original application was submitted unsigned, that all statements in the original application and this submission made of the declaration signer's knowledge are true; and all statements in the original application and this submission made on information and belief are believed to be true.

Signature: /peter gantner/ Date: 02/23/2011

Signatory's Name: Peter Gantner

Signatory's Position: Owner

Response Signature

Signature: /peter gantner/ Date: 02/23/2011

Signatory's Name: Peter Gantner

Signatory's Position: owner

The signatory has confirmed that he/she is not represented by either an authorized attorney or Canadian attorney/agent, and that he/she is either (1) the applicant or (2) a person(s) with legal authority to bind the applicant; and if an authorized U.S. attorney or Canadian attorney/agent previously represented him/her in this matter, either he/she has filed a signed revocation of power of attorney with the USPTO or the USPTO has granted the request of his/her prior representative to withdraw.

Serial Number: 85048884

Internet Transmission Date: Wed Feb 23 03:19:33 EST 2011

TEAS Stamp: USPTO/ROA-24.251.208.96-2011022303193382

7724-85048884-4802a376157ad921ad2c3f41cc

324c3e76-N/A-N/A-20110223025800196024



SECRET CODE FOR WEB WORLD INSIDE!

GO TO WWW.FRECKLESFLICKERS.COM

WARNING:
CHOKING HAZARD - Small parts.
Not for Children under 3 years.

COLLECT ALL 40!

CONTAINS:
2 FLICKERS,
1 BATTLECARD,
2 STICKERS &
1 CHECKLIST

BOUNCE 'EM

CLICK 'EM

FLICKERS

FLICKERS INSIDE!





SECRET CODE FOR WEB WORLD INSIDE!

GO TO WWW.FRECKLESFLICKERS.COM

WARNING:
CHOKING HAZARD - Small parts.
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CONTAINS:
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1 BATTLECARD,
2 STICKERS &
1 CHECKLIST

BOUNCE 'EM

CLICK 'EM

COLLECT 'EM

FRECKLES FLICKERS

FLICKERS

FLICKERS INSIDE!



To: GantTurn LLC (peter@hargant.com)
Subject: U.S. TRADEMARK APPLICATION NO. 85048884 - FREAKY FLICKERS - N/A
Sent: 9/10/2010 1:35:09 PM
Sent As: ECOM106@USPTO.GOV
Attachments:

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

APPLICATION SERIAL NO. 85048884

MARK: FREAKY FLICKERS

85048884

CORRESPONDENT ADDRESS:

GANTTURN LLC
GANTTURN LLC
16509 E ARROYO VISTA DR UNIT 1
FOUNTAIN HILLS, AZ 85268-4476

CLICK HERE TO RESPOND TO THIS LETTER:
<http://www.uspto.gov/teas/eTEASpageD.htm>

APPLICANT: GantTurn LLC

CORRESPONDENT'S REFERENCE/DOCKET

NO:

N/A

CORRESPONDENT E-MAIL ADDRESS:

peter@hargant.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.

ISSUE/MAILING DATE: 9/10/2010

TEAS PLUS APPLICANTS MUST SUBMIT DOCUMENTS ELECTRONICALLY OR SUBMIT FEE: Applicants who filed their application online using the reduced-fee TEAS Plus application must continue to submit certain documents online using TEAS, including responses to Office actions. *See* 37 C.F.R. §2.23(a)(1). For a complete list of these documents, see TMEP §819.02(b). In addition, such applicants must accept correspondence from the Office via e-mail throughout the examination process and must maintain a valid e-mail address. 37 C.F.R. §2.23(a)(2); TMEP §§819, 819.02(a). TEAS Plus

applicants who do not meet these requirements must submit an additional fee of \$50 per international class of goods and/or services. 37 C.F.R. §2.6(a)(1)(iv); TMEP §819.04. In appropriate situations and where all issues can be resolved by amendment, responding by telephone to authorize an examiner's amendment will not incur this additional fee.

The referenced application has been reviewed by the assigned trademark examining attorney. Applicant must respond timely and completely to the issue(s) below. 15 U.S.C. §1062(b); 37 C.F.R. §§2.62(a), 2.65(a); TMEP §§711, 718.03.

Search Results – No Confusingly Similar Marks Found

The trademark examining attorney has searched the Office's database of registered and pending marks and has found no conflicting marks that would bar registration under Trademark Act Section 2(d). TMEP §704.02; *see* 15 U.S.C. §1052(d).

Specimen Unacceptable

The specimen is not acceptable because it does not show the applied-for mark used in connection with any of the goods in the application. An application based on Trademark Act Section 1(a) must include a specimen showing the applied-for mark in use in commerce for each class of goods and/or services. Trademark Act Sections 1 and 45, 15 U.S.C. §§1051, 1127; 37 C.F.R. §§2.34(a)(1)(iv), 2.56(a); TMEP §§904, 904.07(a).

In this case, the specimen consists of a “visual image of how the Fantasy characters are played.” However, it does not show use of the mark on the goods or their packaging.

Therefore, applicant must submit the following:

- (1) A substitute specimen showing the mark in use in commerce for each class of goods and/or services specified in the application; and
- (2) The following statement, verified with an affidavit or signed declaration under 37 C.F.R. §2.20: “**The substitute specimen was in use in commerce at least as early as the filing date of the application.**” 37 C.F.R. §2.59(a); TMEP §904.05; *see* 37 C.F.R. §2.193(e)(1). If submitting a substitute specimen requires an amendment to the dates of use, applicant must also verify the amended dates. 37 C.F.R. §2.71(c); TMEP §904.05.

Examples of specimens for goods are tags, labels, instruction manuals, containers, photographs that show the mark on the actual goods or packaging, or displays associated with the actual goods at their point of sale. *See* TMEP §§904.03 *et seq.*

If applicant cannot satisfy the above requirements, applicant may amend the application from a use in commerce basis under Section 1(a) to an intent to use basis under Section 1(b), for which no specimen is required. *See* TMEP §806.03(c). However, if applicant amends the basis to Section 1(b), registration will not be granted until applicant later amends the application back to use in commerce by filing an acceptable allegation of use with a proper specimen. *See* 15 U.S.C. §1051(c), (d); 37 C.F.R. §§2.76, 2.88; TMEP §1103.

To amend to Section 1(b), applicant must submit the following statement, verified with an affidavit or signed declaration under 37 C.F.R. §2.20: “ **Applicant has had a bona fide intention to use the mark in commerce on or in connection with the goods and/or services listed in the application as of the filing date of the application.**” 37 C.F.R. §2.34(a)(2); TMEP §806.01(b); *see* 15 U.S.C. §1051(b); 37 C.F.R. §§2.35(b)(1), 2.193(e)(1).

Pending receipt of a proper response, registration is refused because the specimen does not show the applied-for mark in use in commerce as a trademark and/or service mark for the identified goods and/or services. Trademark Act Sections 1 and 45, 15 U.S.C. §§1051, 1127; 37 C.F.R. §§2.34(a)(1)(iv), 2.56(a); TMEP §§904, 904.07(a).

Declaration for Substitute Specimen

The following is a sample declaration under 37 C.F.R. §2.20 with a supporting statement for a substitute specimen:

The undersigned 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 document or any registration resulting there from, declares ***that the substitute specimen was in use in commerce at least as early as the filing date of the application***; all statements made of his/her own knowledge are true; and all statements made on information and belief are believed to be true.

(Signature)

(Print or Type Name and Position)

(Date)

Declaration for Amending to Section 1(b)

As stated above, if the applicant cannot satisfy the specimen requirement and would like to amend the application filing basis to Section (1b) intent to use, the following is a properly worded declaration: ***Applicant has had a bona fide intention to use the mark in commerce on or in connection with the goods or services listed in the application as of the filing date of the application.*** The undersigned 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 document 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.

(Signature)

(Print or Type Name and Position)

(Date)

Response Guidelines

The Office recommends applicants use the Trademark Electronic Application System (TEAS) to respond to Office actions online at <http://www.uspto.gov/teas/index.html>. If applicant responds on paper via regular mail, the response should include the title "Response to Office Action" and the following information: (1) the name and law office number of the examining attorney, (2) the serial number and filing date of the application, (3) the date of issuance of this Office action, (4) applicant's name, address, telephone number and e-mail address (if applicable), and (5) the mark. 37 C.F.R. §2.194(b)(1); TMEP §302.03(a).

The Trademark Applications and Registrations Retrieval (TARR) database on the USPTO website at <http://tarr.uspto.gov> provides detailed, up to the minute information about the status and prosecution history of trademark/service mark applications and registrations. To access the TARR database, applicant will need to provide an application serial number or registration number. The TARR database is available 24 hours a day, 7 days a week.

If applicant has questions about its application or needs assistance in responding to this Office action, please telephone the assigned trademark examining attorney directly at the number below.

/Leslie L. Richards/
Trademark Examining Attorney
Law Office 106
U.S. Patent and Trademark Office
571-272-1256 phone
571-273-9106 fax

TO RESPOND TO THIS LETTER: Use the Trademark Electronic Application System (TEAS) response form at <http://teasroa.uspto.gov/roa/>. Please wait 48-72 hours from the issue/ mailing date before using TEAS, to allow for necessary system updates of the application. For *technical* assistance with online forms, e-mail TEAS@uspto.gov.

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 Trademark Applications and Registrations Retrieval (TARR) at <http://tarr.uspto.gov/>. Please keep a copy of the complete TARR screen. If TARR shows no change for more than six months, 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/teas/eTEASpageE.htm>.

To: GantTurn LLC (peter@hargant.com)
Subject: U.S. TRADEMARK APPLICATION NO. 85048884 - FREAKY FLICKERS - N/A
Sent: 9/10/2010 1:35:13 PM
Sent As: ECOM106@USPTO.GOV
Attachments:

IMPORTANT NOTICE REGARDING YOUR TRADEMARK APPLICATION

Your trademark application (Serial No. 85048884) has been reviewed. The examining attorney assigned by the United States Patent and Trademark Office (“USPTO”) has written a letter (an “Office Action”) on 9/10/2010 to which you must respond. Please follow these steps:

1. **Read** the Office letter by clicking on this [link](#) **OR** go to <http://tportal.uspto.gov/external/portal/tow> and enter your serial number to [access](#) the Office letter.

PLEASE NOTE: The Office letter may not be immediately available but will be viewable within 24 hours of this e-mail notification.

2. **Respond** within 6 months, calculated from 9/10/2010 (*or sooner if specified in the Office letter*), using the Trademark Electronic Application System [Response to Office Action form](#). If you have difficulty using the USPTO website, contact TDR@uspto.gov.

3. **Contact** the examining attorney who reviewed your application with any questions about the content of the office letter:

/Leslie L. Richards/
Trademark Examining Attorney
Law Office 106
U.S. Patent and Trademark Office
571-272-1256 phone
571-273-9106 fax

WARNING

Failure to file any required response by the applicable deadline will result in the [ABANDONMENT](#) of your application.

Do NOT hit “Reply” to this e-mail notification, or otherwise attempt to e-mail your response, as the USPTO does NOT accept e-mailed responses. Instead, please use the Trademark Electronic Application System [Response to Office Action form](#).

*** User:Lrichards ***

#	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/ Search Duration	Search
01	1	0	1	1	0:01	85048884[SN]
02	5	3	2	2	0:01	*fl{"iy"}{"ck"}{v}r*[bi,ti]
03	0	0	0	0	0:01	*phl{"iy"}{"ck"}{v}r*[bi,ti]
04	0	0	0	0	0:01	*phl{"iy"}ck{v}r*[bi,ti]
05	0	0	0	0	0:01	*fhl{"iy"}ck{v}r*[bi,ti]
06	126	N/A	0	0	0:02	*fl{"iy"}ck{v}r*[bi,ti]
07	39	0	39	34	0:03	6 not dead[ld]

Session started 9/10/2010 1:32:13 PM

Session finished 9/10/2010 1:34:08 PM

Total search duration 0 minutes 10 seconds

Session duration 1 minutes 55 seconds

Default NEAR limit=1ADJ limit=1

Sent to TICRS as Serial Number: 85048884

*** User:Lrichards ***

#	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/ Search Duration	Search
01	1	0	1	1	0:01	85048884[SN]
02	658	N/A	0	0	0:01	*frea{"ckxq"}*[bi,ti]
03	202	N/A	0	0	0:01	*free{"ckxq"}*[bi,ti]
04	938	N/A	0	0	0:01	*fre{"ckxq"}*[bi,ti]
05	6	N/A	0	0	0:01	*phre{"ckxq"}*[bi,ti]
06	2	N/A	0	0	0:01	*phree{"ckxq"}*[bi,ti]
07	7	N/A	0	0	0:01	*phrea{"ckxq"}*[bi,ti]
08	1253	N/A	0	0	0:02	*fl{"iy"}{"ckxq"}*[bi,ti]
09	3	3	0	0	0:01	*phl{"iy"}{"ckxq"}*[bi,ti]
10	1	0	1	1	0:01	(2 or 3 or 4) and 8 not dead[lid]
11	197	0	197	169	0:04	(2 and "028"[cc]) not dead[lid]
12	91	0	91	75	0:03	3 not dead[lid]
13	13	0	13	5	0:01	4 and ("028" or a or b or 200)[ic] not dead[lid]
14	37	0	37	24	0:02	8 and ("028" or a or b or 200)[ic] not dead[lid]
15	407	N/A	0	0	0:03	41 and ("028" or a or b or 200)[ic] not dead[lid]

Session started 9/10/2010 1:18:18 PM

Session finished 9/10/2010 1:30:33 PM

Total search duration 0 minutes 24 seconds

Session duration 12 minutes 15 seconds

Default NEAR limit=1ADJ limit=1

Sent to TICRS as Serial Number: 85048884

FREAKY FLICKERS



Trademark/Service Mark Application, Principal Register

TEAS Plus Application

Serial Number: 85048884

Filing Date: 05/27/2010

*NOTE: Data fields with the * are mandatory under TEAS Plus. The wording "(if applicable)" appears where the field is only mandatory under the facts of the particular application.*

The table below presents the data as entered.

Input Field	Entered
TEAS Plus	YES
MARK INFORMATION	
*MARK	FREAKY FLICKERS
*STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	FREAKY FLICKERS
*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	GantTurn LLC
INTERNAL ADDRESS	#1
*STREET	16509 E Arroy Vista drive
*CITY	Fountain Hills
*STATE (Required for U.S. applicants)	Arizona
*COUNTRY	United States
*ZIP/POSTAL CODE (Required for U.S. applicants only)	85268
PHONE	480 241 3896

EMAIL ADDRESS	peter@hargant.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
LEGAL ENTITY INFORMATION	
*TYPE	LIMITED LIABILITY COMPANY
* STATE/COUNTRY WHERE LEGALLY ORGANIZED	Arizona
GOODS AND/OR SERVICES AND BASIS INFORMATION	
*INTERNATIONAL CLASS	028
IDENTIFICATION	Fantasy character toys
*FILING BASIS	SECTION 1(a)
FIRST USE ANYWHERE DATE	At least as early as 11/11/2004
FIRST USE IN COMMERCE DATE	At least as early as 11/11/2004
SPECIMEN FILE NAME(S)	\\TICRS\EXPORT10\IMAGEOUT\10\850\488\85048884\xml1\FTK0003.JPG
SPECIMEN DESCRIPTION	Visual image of how the Fantasy characters are played
ADDITIONAL STATEMENTS INFORMATION	
*TRANSLATION (if applicable)	
*TRANSLITERATION (if applicable)	
*CLAIMED PRIOR REGISTRATION (if applicable)	
*CONSENT (NAME/LIKENESS) (if applicable)	
*CONCURRENT USE CLAIM (if applicable)	
CORRESPONDENCE INFORMATION	
*NAME	GantTurn LLC
FIRM NAME	GantTurn LLC
INTERNAL ADDRESS	#1
*STREET	16509 E Arroy Vista drive
*CITY	Fountain Hills
*STATE (Required for U.S. applicants)	Arizona

* COUNTRY	United States
* ZIP/POSTAL CODE	85268
PHONE	480 241 3896
* EMAIL ADDRESS	peter@hargant.com
* AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
FEE INFORMATION	
NUMBER OF CLASSES	1
FEE PER CLASS	275
* TOTAL FEE PAID	275
SIGNATURE INFORMATION	
* SIGNATURE	/peter gantner/
* SIGNATORY'S NAME	peter gantner
* SIGNATORY'S POSITION	general partner
* DATE SIGNED	05/26/2010

Trademark/Service Mark Application, Principal Register

TEAS Plus Application

Serial Number: 85048884

Filing Date: 05/27/2010

To the Commissioner for Trademarks:

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

The literal element of the mark consists of FREAKY FLICKERS.

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

The applicant, GantTurn LLC, a limited liability company legally organized under the laws of Arizona, having an address of

#1,
16509 E Arroy Vista drive
Fountain Hills, Arizona 85268
United States

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:

For specific filing basis information for each item, you must view the display within the Input Table.

International Class 028: Fantasy character toys

In International Class 028, the mark was first used at least as early as 11/11/2004, and first used in commerce at least as early as 11/11/2004, and is now in use in such commerce. The applicant is submitting one specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods and/or services, consisting of a(n) Visual image of how the Fantasy characters are played.

[Specimen File 1](#)

The applicant's current Correspondence Information:

GantTurn LLC
GantTurn LLC
#1
16509 E Arroy Vista drive
Fountain Hills, Arizona 85268
480 241 3896(phone)

peter@hargant.com (authorized)

A fee payment in the amount of \$275 has been submitted with the application, representing payment for 1 class(es).

Declaration

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

Signature: /peter gantner/ Date Signed: 05/26/2010

Signatory's Name: peter gantner

Signatory's Position: general partner

RAM Sale Number: 5848

RAM Accounting Date: 05/27/2010

Serial Number: 85048884

Internet Transmission Date: Thu May 27 02:02:27 EDT 2010

TEAS Stamp: USPTO/FTK-98.167.195.119-201005270202274

59684-85048884-460a28eb9fd6d4f2dbd1f6847

7b6fb89-CC-5848-20100527013923710424

FREAKY FLICKERS

