

Response to Office Action

The table below presents the data as entered.

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MARK SECTION	
MARK FILE NAME	https://tmng-al.uspto.gov/resting2/api/img/90330611/large
STANDARD CHARACTERS	NO
USPTO-GENERATED IMAGE	NO
ARGUMENT(S)	
The Applicant hereby submits the attached arguments and evidence in response to the Non-Distinctive Product Design Refusal and Rejection of the Section 2(f) Claim of Acquired Distinctiveness which were issued in the Office Action of November 1, 2021.	
EVIDENCE SECTION	
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DESCRIPTION OF EVIDENCE FILE	The evidence consists of arguments and exhibits in response to the Non-Distinctive Product Design Refusal and Rejection of the Section 2(f) Claim of Acquired Distinctiveness which were issued in the Office Action of November 1, 2021.
CORRESPONDENCE INFORMATION (current)	
NAME	Susan M. Schlesinger
PRIMARY EMAIL ADDRESS FOR CORRESPONDENCE	ip@msf-law.com
SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES)	NOT PROVIDED
DOCKET/REFERENCE NUMBER	3968-33
CORRESPONDENCE INFORMATION (proposed)	
NAME	Susan M. Schlesinger
PRIMARY EMAIL ADDRESS FOR CORRESPONDENCE	ip@msf-law.com
SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES)	NOT PROVIDED
DOCKET/REFERENCE NUMBER	3968-33
SIGNATURE SECTION	
RESPONSE SIGNATURE	/John S. Miranda/
SIGNATORY'S NAME	John S. Miranda
SIGNATORY'S POSITION	Associate Attorney, Meister Seelig & Fein LLP
DATE SIGNED	04/29/2022
ROLE OF AUTHORIZED SIGNATORY	Authorized U.S.-Licensed Attorney
SIGNATURE METHOD	Signed directly within the form
FILING INFORMATION SECTION	
SUBMIT DATE	Fri Apr 29 12:04:05 ET 2022

TEAS STAMP

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Approved for use through 11/30/2023. OMB 0651-0050

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Response to Office Action

To the Commissioner for Trademarks:

Application serial no. **90330611** (Stylized and/or with Design, see <https://tmng-al.uspto.gov/resting2/api/img/90330611/large>) has been amended as follows:

ARGUMENT(S)

In response to the substantive refusal(s), please note the following:

The Applicant hereby submits the attached arguments and evidence in response to the Non-Distinctive Product Design Refusal and Rejection of the Section 2(f) Claim of Acquired Distinctiveness which were issued in the Office Action of November 1, 2021.

EVIDENCE

Evidence has been attached: The evidence consists of arguments and exhibits in response to the Non-Distinctive Product Design Refusal and Rejection of the Section 2(f) Claim of Acquired Distinctiveness which were issued in the Office Action of November 1, 2021.

JPG file(s): [Evidence-1](#)[Evidence-2](#)[Evidence-3](#)[Evidence-4](#)[Evidence-5](#)[Evidence-6](#)[Evidence-7](#)[Evidence-8](#)

[Evidence-9](#)[Evidence-10](#)[Evidence-11](#)[Evidence-12](#)[Evidence-13](#)[Evidence-14](#)[Evidence-15](#)[Evidence-16](#)

[Evidence-17](#)[Evidence-18](#)[Evidence-19](#)[Evidence-20](#)[Evidence-21](#)

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Converted PDF file(s) (2 pages) [Evidence-1Evidence-2](#)

Correspondence Information (current):

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SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES): NOT PROVIDED

The docket/reference number is 3968-33.

Correspondence Information (proposed):

Susan M. Schlesinger

PRIMARY EMAIL FOR CORRESPONDENCE: ip@msf-law.com

SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES): NOT PROVIDED

The docket/reference number is 3968-33.

Requirement for Email and Electronic Filing: I understand that a valid email address must be maintained by the owner/holder and the owner's/holder's attorney, if appointed, and that all official trademark correspondence must be submitted via the Trademark Electronic Application System (TEAS).

SIGNATURE(S)

Response Signature

Signature: /John S. Miranda/ Date: 04/29/2022

Signatory's Name: John S. Miranda

Signatory's Position: Associate Attorney, Meister Seelig & Fein LLP

Signature method: Signed directly within the form

The signatory has confirmed that he/she is a U.S.-licensed attorney who is an active member in good standing of the bar of the highest court of a U.S. state (including the District of Columbia and any U.S. Commonwealth or territory); and he/she is currently the owner's/holder's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S.-licensed attorney not currently associated with his/her company/firm previously represented the owner/holder in this matter: the owner/holder has revoked their power of attorney by a signed revocation or substitute power of attorney with the USPTO; the USPTO has granted that attorney's withdrawal request; the owner/holder has filed a power of attorney appointing him/her in this matter; or the owner's/holder's appointed U.S.-licensed attorney has filed a power of attorney appointing him/her as an associate attorney in this matter.

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Serial Number: 90330611

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RESPONSE TO OFFICE ACTION

Applicant, Easter Unlimited, Inc., (“Applicant”) respectfully submits this response to the non-final Office Action dated November 1, 2021, regarding U.S. Application Serial No. 90/330,611 for the GHOST FACE Trade Dress mark (“Applicant’s Mark”).

BACKGROUND

The Examining Attorney initially refused registration of Applicant’s Mark on the Principal Register in an Office Action dated March 28, 2021 (the “First Office Action”), pursuant to the following refusals and requirements:

- Applicant’s Mark allegedly consisted of a non-distinctive product design under Sections 1, 2, and 45 of the Lanham Act (“Non-Distinctive Product Design Refusal”);
- Applicant’s Mark as shown on the drawing of record did not match Applicant’s Mark as shown on the specimen of record, under Sections 1 and 45 of the Lanham Act (“Specimen Refusal”); and
- Applicant was required to submit a new drawing of record and submit additional information about the drawing (“Drawing Requirements”).

Applicant filed a response to the First Office Action on September 27, 2021 (“First Response”), in which Applicant provided an amended drawing of record in response to the Specimen Refusal and Drawing Requirements. In response to the Non-Distinctive Product Design Refusal, Applicant submitted a claim of acquired distinctiveness and amended its application so as to seek registration of Applicant’s Mark on the Principal Register pursuant to Section 2(f) of the Lanham Act (the “Claim of Acquired Distinctiveness”). In support of the Claim of Acquired Distinctiveness, Applicant submitted the Declaration of R.J. Torbert dated September 27, 2021 and evidence attached thereto (the “Torbert 2021 Declaration”) to establish consumer recognition

of Applicant's Mark as a source identifier in connection with Applicant, based on Applicant's extensive and substantially exclusive and continuous use of Applicant's Mark in commerce for the relevant goods for over 30 years ("Initial Evidence of Acquired Distinctiveness").

Subsequently, the Examining Attorney issued a second non-final Office Action on November 1, 2021 (the "Second Office Action"). In the Second Office Action, the Examining Attorney stated that Applicant's amended drawing of record had been accepted and the Drawing Requirements and Specimen Refusal had been withdrawn. However, the Examining Attorney maintained the Non-Distinctive Product Design Refusal and raised a new issue, rejecting Applicant's Claim of Acquired Distinctiveness on the basis that Applicant's Initial Evidence of Acquired Distinctiveness was insufficient. Since successfully establishing Applicant's Claim of Acquired Distinctiveness would also obviate the outstanding Non-Distinctive Product Design Refusal, all arguments in this response will focus on the sufficiency of Applicant's Claim of Acquired Distinctiveness. Accordingly, Applicant hereby submits the below arguments and referenced evidence in response to the rejection of Applicant's Claim of Acquired Distinctiveness.

ARGUMENT

I. Applicant's Claim of Acquired Distinctiveness Under Section 2(f) of the Lanham Act is Supported by Extrinsic Evidence

The Claim of Acquired Distinctiveness should be accepted, and accordingly the Non-Distinctive Product Design Refusal should be withdrawn. While Applicant believes it had provided sufficient evidence previously, Applicant is providing additional evidence with this response, to further establish consumer recognition of Applicant's Mark as a source identifier in connection with Applicant based on Applicant's extensive and substantially exclusive and continuous use of the mark in commerce for the relevant goods for over 30 years. *See* 15 U.S.C. §1052(f). According

to Section 1212.02(b)(i) of the Trademark Manual of Examining Procedure (“TMEP”), a product design trade dress mark may register on the Principal Register if acquired distinctiveness is established under Section 2(f) of the Trademark Act. *See Wal-Mart Stores, Inc. v. Samara Bros.*, 529 U.S. 205, 213-216 (2000) (finding that product design trade dress can register on the Principal Register if it has acquired distinctiveness). Further, Section 1212.06 of the TMEP establishes that an applicant may submit appropriate evidence establishing the “duration, extent, and nature” of use of a mark in commerce so as to establish acquired distinctiveness. TMEP § 1212.06; *See also In re Owens-Coming Fiberglas Corp.*, 774 F.2d 1116, 1125 (Fed. Cir. 1985) (explaining that evidence of the method of use of the mark and evidence of the effectiveness of such use can show that the mark has acquired distinctiveness).

Here, Applicant’s Initial Evidence of Acquired Distinctiveness included evidence consisting of extensive unsolicited media coverage of Applicant’s Mark in connection with the relevant goods, namely, Halloween masks and costume masks in Class 28, *See* Torbert 2021 Declaration, Ex. A, as well as evidence establishing the high sales volume, controlled licensing, and exclusive use of Applicant’s Mark in connection with the goods. *See Id.* at ¶¶ 4-7.

In the Second Office Action, the Examining Attorney rejected Applicant’s Initial Evidence of Acquired Distinctiveness and specifically raised the issue of exclusivity, arguing that Applicant had failed to maintain exclusive use of its mark due to the availability of counterfeit versions of masks bearing Applicant’s Marks via online retail outlets. *See* Second Office Action, Pg. 1. Additionally, the Examining Attorney questioned whether the submitted unsolicited media evidence established consumer recognition of Applicant’s Mark as a source identifier for Applicant, since such media evidence referred primarily to the use of Applicant’s Mark in connection with the *Scream* franchise. *Id.* Further, the Examining Attorney indicated that actual

copies of advertisements and other evidence would be more persuasive. *Id.* In response to the Examining Attorney’s objections, Applicant submits the Supplemental Declaration of R.J. Torbert in Support of Claim of Acquired Distinctiveness dated April 25, 2022 and its attached exhibits (“Supplemental Declaration”), attached as Exhibit 1 to this response.

A. Applicant Strictly Controls All Licensing of Applicant’s Mark

The Supplemental Declaration establishes that Applicant has a program of fastidiously controlling all uses of Applicant’s Mark. Accordingly, Applicant has maintained substantially exclusive use of Applicant’s Mark. The Supplemental Declaration includes a list of controlled licensing placements and other permitted uses of Applicant’s Mark by third parties (“Controlled Licenses of Applicant’s Mark”). *See* Supplemental Declaration, ¶ 8. The Controlled Licenses of Applicant’s Mark establish that, contrary to the Examining Attorney’s argument that Applicant’s Mark is only recognized as being associated with the *Scream* franchise, Applicant’s Mark has been licensed or otherwise permitted for use in many well-known motion pictures, television shows, and other media, including *Dawson’s Creek*, *3rd Rock from the Sun*, *Scary Movie*, *The Sopranos*, *Boomtown*, *Beverly Hills 90210*, *Saturday Night Live*, and *The Simpsons* video game, among many other media, entertainment, and consumer product brands. *Id.* The Controlled Licenses of Applicant’s Mark establishes that industry professionals in entertainment and consumer brand-driven industries realize that Applicant’s Mark is not a non-distinctive mask design, but rather they recognize it as Applicant’s proprietary trade dress and only use it with official permission and in accordance with Applicant’s licensing and quality control policies. *Id.* Further, the article from *Stab Movies.Com*, attached as Exhibit 2 to this response, details the situation in which the producers of a popular film franchise complied with a request from Applicant to cease use of Applicant’s Mark in their films due to a separate licensing agreement which Applicant had entered

into with another party. This article serves to establish that Applicant's Mark is recognized as a proprietary and distinctive source identifier in connection with Applicant among creative professionals, due to Applicant's diligence in exercising control over all licensed and permitted uses of Applicant's Mark.

B. Applicant Consistently Enforced Its Exclusive Rights to Applicant's Mark

Applicant's substantially exclusive use of Applicant's Mark is further established by a summary in the Supplemental Declaration of Applicant's history of diligently enforcing its rights to Applicant's Mark against unauthorized third-party users. Supplemental Declaration, ¶¶ 9-10. While the Examining Attorney has referenced a few Amazon listings which appear to show infringing uses of Applicant's Mark, *see* Second Office Action, Pg. 1, these examples of infringement are relatively sparse in comparison to the thousands of unauthorized uses of Applicant's Mark which have been routinely eliminated via Applicant's trademark enforcement program since 1996. *See* Supplemental Declaration, ¶¶ 9-10. Specifically, as detailed in the Supplemental Declaration, Applicant has issued formal complaints which have resulted in the removal of infringing product listings and other unauthorized uses of Applicant's Mark on e-commerce websites such as Amazon, eBay, Etsy, and Red Bubble, as well as on Instagram. *Id.* Further, as established in the Supplemental Declaration, Applicant has engaged in legal action and other enforcement mechanisms in order to police unauthorized uses of Applicant's Mark and maintain its exclusive use of Applicant's Mark. *Id.* at ¶ 9. Due to the renowned status of Applicant's Mark, combatting infringements is a continuing process by Applicant. Moreover, given the overwhelming response of major e-commerce and social media platforms to takedown infringing products shows that such platforms recognize Applicant as the single source of Applicant's Mark.

C. Applicant's Mark Has Achieved Acquired Distinctiveness Due to Unsolicited Media Coverage and Applicant's Advertising Efforts

Applicant's Mark has achieved consumer recognition due to extensive unsolicited media coverage which directly credits Applicant as the source of Applicant's Mark, as well as Applicant's own advertising campaigns which link Applicant to Applicant's Mark. The Examining Attorney argues that much of the media evidence of record reflects the fame of Applicant's Mark in connection with its licensing placement in the *Scream* franchise, and that such evidence allegedly does not necessarily establish consumer recognition of Applicant's Mark as a source identifier for Applicant. *See* Second Office Action, Pg. 1. However, the additional evidence of unsolicited media coverage attached as Exhibit B to the Supplemental Declaration consists of multiple articles which directly acknowledge Applicant as the source behind goods bearing Applicant's Mark and credit Applicant with the success of Applicant's Mark in the *Scream* franchise and otherwise. *See* Supplemental Declaration, ¶ 11, Ex. B. Likewise, the evidence of Applicant's own advertising campaigns establishes that Applicant has consistently advertised its goods bearing Applicant's Mark in conjunction with Applicant's FUN WORLD® brand division since 1993, forging an association between Applicant's Mark and Applicant in the minds of the consuming public and industry professionals for nearly thirty years. *Id.* at ¶¶ 5, 11, Ex. A, C. This advertising evidence consists of Applicant's own catalogs, which have advertised Applicant's Mark as Applicant's proprietary trade dress for Halloween masks from 1993 to present, *Id.* at ¶ 5, Ex. A, as well as evidence showcasing Applicant's advertising of Applicant's Mark at costume industry trade shows around the country over the past several decades. *Id.* at ¶ 11, Ex. C. Further, *Scream* director Wes Craven has publicly credited Applicant as the owner of Applicant's Mark and alluded to

Applicant's strict enforcement and licensing policies and procedures in connection with Applicant's Mark. *See Exhibit 3* to this response.

The Supplemental Declaration and its enclosed exhibits, as well as Exhibits 2 and 3 to this response, establish that Applicant's Mark has achieved acquired distinctiveness as defined in Section 2(f) of the Trademark Act. The Claim of Acquired Distinctiveness is supported by Applicant's substantially exclusive and continuous use of Applicant's Mark in commerce in connection with the underlying goods for over 30 years prior to the date of this claim, as well as Applicant's diligent enforcement and controlled licensing policies and procedures which maintain the exclusivity of Applicant's Mark. Further, consumer recognition of Applicant's Mark as a source identifier for Applicant has been fueled by Applicant's own advertising campaigns and extensive unsolicited media coverage of Applicant's Mark which directly links Applicant's Mark to Applicant. Accordingly, Applicant respectfully submits that the Non-Distinctive Product Design Refusal should be withdrawn and the mark be allowed to register on the Principal Register.

CONCLUSION

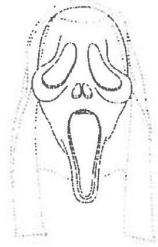
Based on the foregoing, Applicant respectfully submits that the outstanding Non-Distinctive Product Design refusal has been obviated by this response and that the Claim of Acquired Distinctiveness should be accepted. Accordingly, Applicant respectfully submits that Applicant's Mark is then in suitable form to proceed to publication. Reconsideration and publication are respectfully requested.

EXHIBIT 1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: **Easter Unlimited, Inc.**

Serial No.: **90/330,611**



Mark:

Class: **28**

Filed: **November 19, 2020**

Examining Attorney: Rhoda Nkojo

Law Office: 117

Meister Seelig & Fein LLP
125 Park Avenue, 7th Floor
New York, NY 10017
(212) 655-3500
ip@msf-law.com

**SUPPLEMENTAL DECLARATION OF R.J. TORBERT IN SUPPORT OF
CLAIM OF ACQUIRED DISTINCTIVENESS**

1. I, R.J. Torbert, am the Director of Licensing at Easter Unlimited, Inc. (“Easter” or “Applicant”) and have served as Easter’s Director of Licensing for over twenty-five years. As such, I am thoroughly familiar with the above-depicted trade dress (the “GHOST FACE Trade Dress”) and with the facts set forth herein.

2. Easter is the owner of the GHOST FACE Trade Dress depicted in U.S. Application No. 90/330,611 for “Halloween masks; costume masks” in Class 28 (the “Application”).
3. I am authorized on behalf of Easter to make this declaration (“Supplemental Declaration”), which supplements the previous *Declaration of R.J. Torbert in Support of Claim of Acquired Distinctiveness* dated September 27, 2021 and the exhibits attached thereto (the “Torbert Declaration of September 2021”) and was submitted in support of Easter’s Response to the Office Action filed in this Application on September 27, 2021.
4. The GHOST FACE Trade Dress has been in use by Easter and through its authorized and controlled licensees in U.S. commerce in connection with costume masks and Halloween masks for *over thirty years*, since at least as early as December 4, 1991, which is also the copyright registration date for the GHOST FACE Trade Dress.
5. The GHOST FACE Trade Dress first appeared in the product catalog distributed by Easter via its FUN WORLD ® division in 1993. Copies of the relevant pages from the 1993 FUN WORLD product catalog and from the 2022 FUN WORLD catalog, showing the GHOST FACE Trade Dress in connection with the costume and Halloween masks, are attached to this Supplemental Declaration as Exhibit A.
6. In the several decades during which the GHOST FACE Trade Dress has been used in commerce, Easter has sold over 250 million dollars’ worth of Halloween masks and costume masks featuring the GHOST FACE Trade Dress to U.S. consumers.
7. Purchasers of masks bearing the GHOST FACE Trade Dress include over 250 U.S.-based retailers, distributors, and other commercial customers, as well as over 40 international retailers and distributors.

8. Through long-term use and controlled licensing and marketing, the GHOST FACE Trade Dress has become highly distinctive and strongly associated with Easter via its FUN WORLD ® division. Specifically, Easter has entered into paid licensing arrangements with, or otherwise granted permission to, numerous high-profile media, entertainment, and consumer product brands for use of the GHOST FACE Trade Dress. Such licensed or otherwise authorized uses of the GHOST FACE Trade Dress are conducted in accordance with Easter's direction, branding guidelines, and approval in each instance. Licensees must credit Easter as the owner of the GHOST FACE Trade Dress and also adhere to Easter's quality control standards and parameters of use. Licensees and other authorized users of the GHOST FACE Trade Dress throughout the years include the following:

- 1996: The GHOST FACE Trade Dress is licensed to Miramax Films and Dimension Films for use in the motion picture *Scream*, directed by Wes Craven.
- 1997: The GHOST FACE Trade Dress is licensed for use in the motion picture *Scream* 2.
- 2000: The GHOST FACE Trade Dress is licensed for use in the motion picture *Scream* 3.
- 2000: The GHOST FACE Trade Dress is licensed for use, including use of parody versions, in the motion picture *Scary Movie*.
- 2001: The GHOST FACE Trade Dress is licensed for use in the motion picture *Jay and Silent Bob Strike Back*.
- 2011: The GHOST FACE Trade Dress is licensed for use in the motion picture *Scream* 4.

- 2012: The GHOST FACE Trade Dress is licensed for use in the *The Simpsons* video game.
- 2017: The GHOST FACE Trade Dress is licensed for use in the motion picture *Wonder*.
- 2019: The GHOST FACE Trade Dress is licensed for use in the video game *Dead by Daylight*.
- 2019: The GHOST FACE Trade Dress is licensed for use in the television series *Scream: Resurrection* for VH1.
- 2020: The GHOST FACE Trade Dress is licensed for use in the motion picture *Hubie Halloween* for Netflix.
- 2022: The GHOST FACE Trade Dress is licensed for use in the motion picture *Scream* (a.k.a. *Scream 5*).
- Between 1996 and 2022, the GHOST FACE Trade Dress was licensed or otherwise authorized for use in the following television shows: *Boomtown*, *The Sopranos*, *MadTV*, *3rd Rock From the Sun*, *Beverly Hills 90210*, *Dawson's Creek*, *Saturday Night Live*, and *Legacies*, as well as for use by MTV and in a commercial for the game, *Trivial Pursuit*.
- Other licensees of the GHOST FACE Trade Dress include the following entities: NECA Toys, McFarland Toys, Pioneer Balloons, Funko, Changes, Fright Rags, Equity Toys, Behaviour Interactive, Fourth Castle, Varese Sarabande, Red Dot Media, Loot Crate, Raymond Geddes, Goodie2sleeves, Amscan, Cavity Colors, Horrornaments, LLC, BKP Enterprises, Bioworld Merchandising, Sideshow, Inc., Eaglemoss, Mezco Toyz, LLC, BAD (Bensussen Deutsch), PCS Collectibles, PSD Underwear (Pant

Saggin, LLC), Bobbleheads.com (Royal Bobbles), Jabberwocky Toys, Mego Corp, and Grupo Rev.

9. The substantial exclusivity of the GHOST FACE Trade Dress has been maintained by Easter through a vigorous routine of intellectual property enforcement. Thousands of unauthorized uses of the GHOST FACE Trade Dress have been stopped via Easter's active, thorough, and ongoing practice of enforcing its GHOST FACE Trade Dress and other intellectual property rights through issuing cease and desist letters, submitting takedown notices, and taking legal actions, as applicable.
10. Easter first implemented its current program for enforcement of its exclusive rights to the GHOST FACE Trade Dress in 1996 and, since then, Easter has consistently engaged in enforcement of its GHOST FACE Trade Dress rights. Some examples of enforcement efforts from the past several years in connection with the GHOST FACE Trade Dress are as follows:
 - Over 700 infringing product listings have been removed from Red Bubble at Easter's request.
 - Over 650 infringing product listings have been removed from Etsy at Easter's request.
 - Over 200 infringing product listings have been removed from Amazon.com at Easter's request.
 - Over 100 infringing uses of the GHOST FACE Trade Dress have been removed from Instagram at Easter's request.
 - Over 30 infringing product listings have been removed from eBay at Easter's request.
11. Importantly, the GHOST FACE Trade Dress has achieved widespread recognition and association with Easter among the relevant consumer base and industry, as established by

unsolicited media coverage, as well as advertising campaigns targeted toward both consumers and industry professionals which directly and expressly link the design of the GHOST FACE Trade Dress to Easter and its FUN WORLD division. Representative articles of such unsolicited media coverage are attached hereto as Exhibit B and representative examples of such advertising campaigns are attached hereto as Exhibit C. The evidence in Exhibit C shows the GHOST FACE Trade Dress being advertised at the following trade shows:

- *Halloween Costume & Party Show*: Easter promoted the GHOST FACE Trade Dress at this show in Chicago, IL from 1996 to 2011.
- *Halloween & Party Expo*: Easter promoted the GHOST FACE Trade Dress at this show in Las Vegas, NV in 2012; Houston, TX from 2013 to 2015; and New Orleans, LA from 2016 to 2020.

12. In view of the foregoing, the GHOST FACE Trade Dress has become distinctive of Easter's goods through its substantially exclusive and continuous use of the GHOST FACE Trade Dress in commerce that the U.S. Congress may lawfully regulate for at least the five years immediately before the date of this Supplemental Declaration. Indeed, the GHOST FACE Trade Dress has been in substantially exclusive and continuous use in U.S. commerce since at least as early as December 4, 1991.

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 own knowledge are true; and all statements made on information and belief are believed to be true.

Easter Unlimited, Inc.

By: 

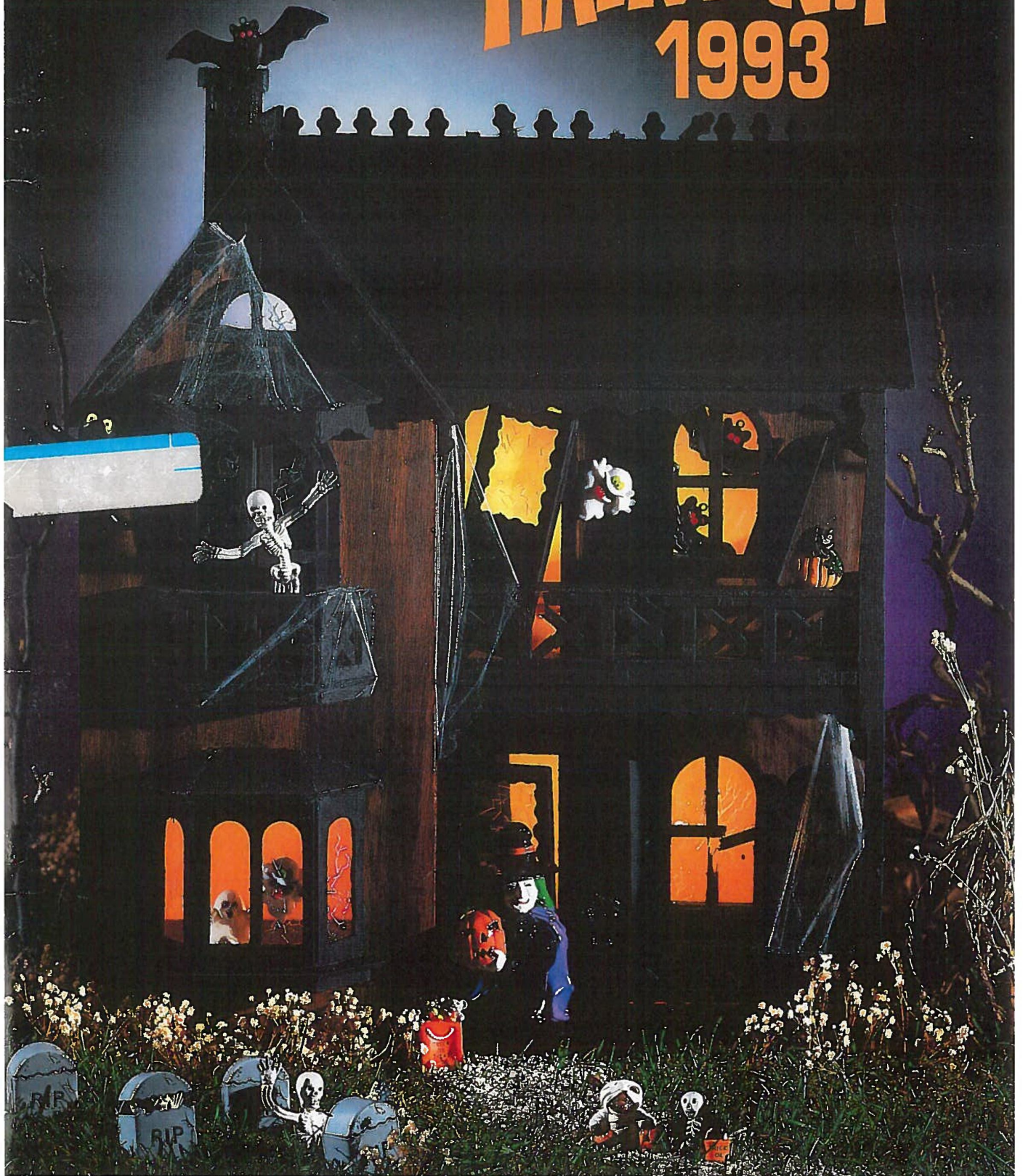
R.J. Torbert
Director of Licensing

Date: April 25th 2022

EXHIBIT A

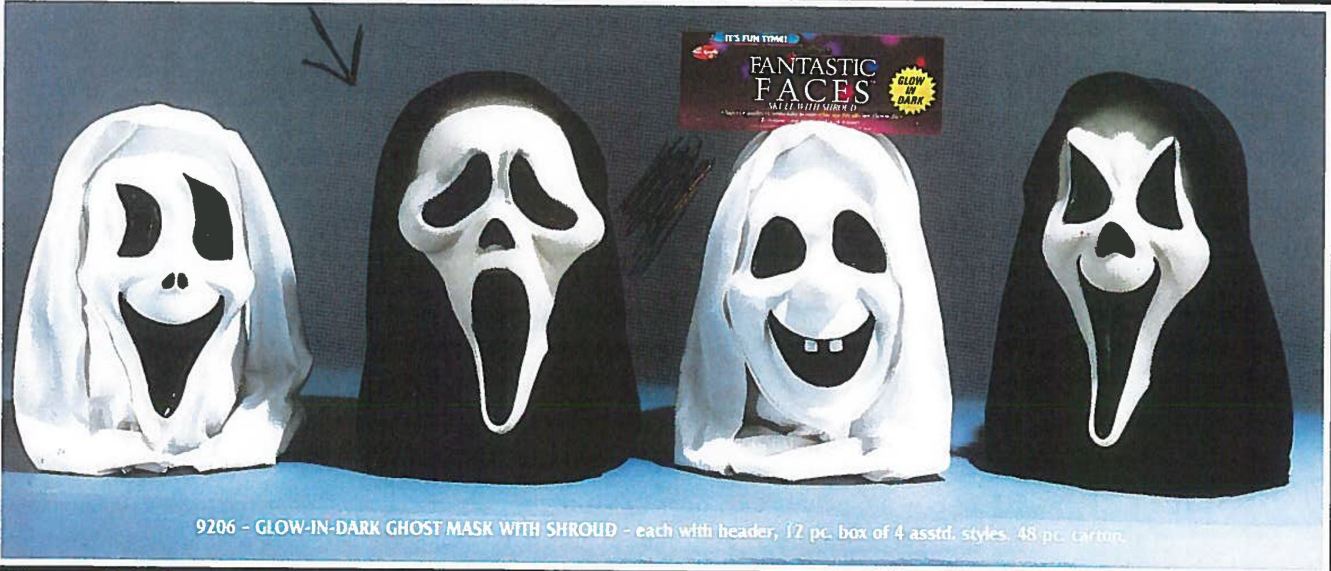
FUN WORLD

HALLOWEEN 1993





9224 - LITE-UP BLINKING MASK - each with header, 12 pc. box of 4 asstd. styles, 24 pc. carton.



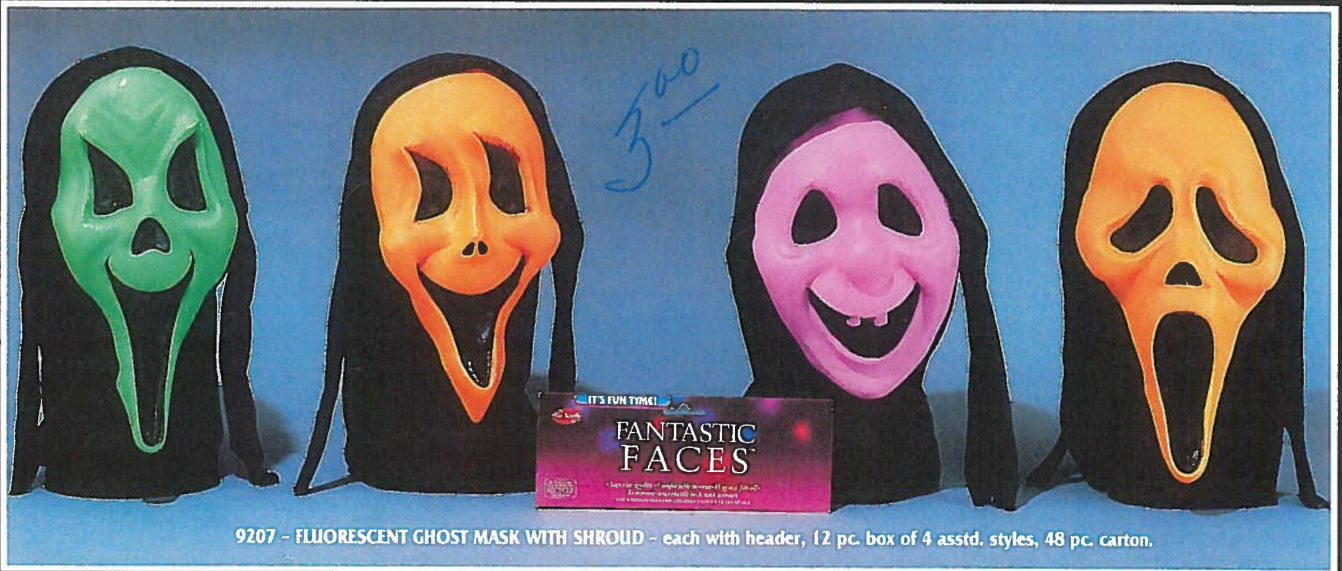
9206 - GLOW-IN-DARK GHOST MASK WITH SHROUD - each with header, 12 pc. box of 4 asstd. styles, 48 pc. carton.



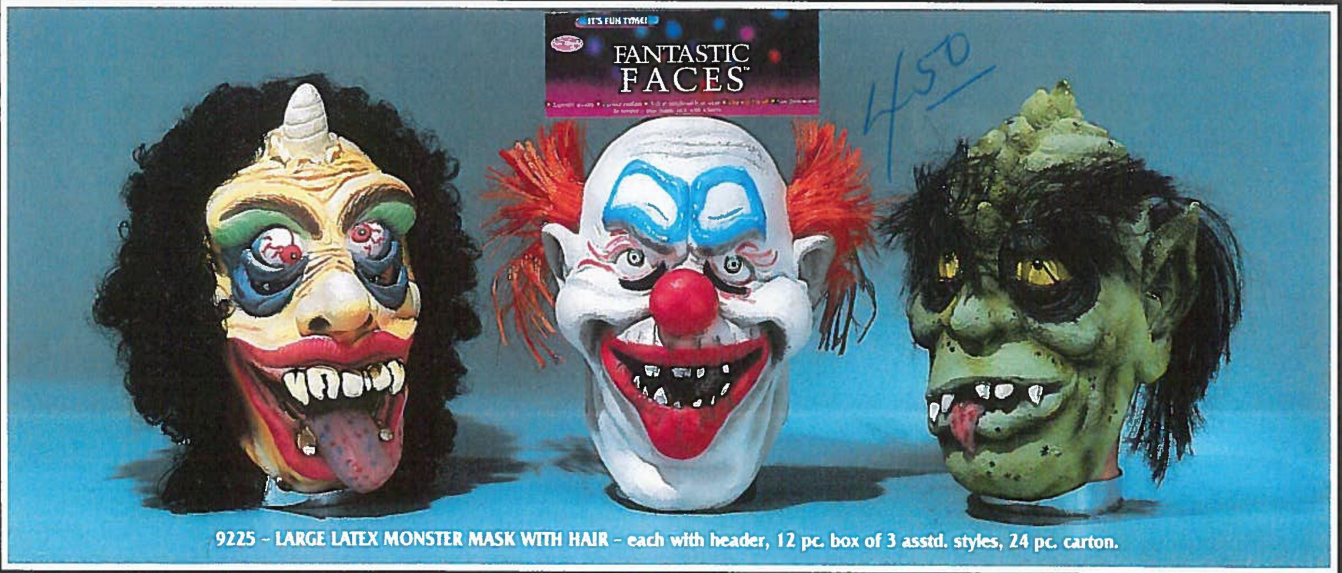
9222 - LATEX MASK WITH SHROUD - each with header, 12 pc. box of 4 asstd. styles, 48 pc. carton.



9200 - CHILDREN'S SOFT FACE MASK - each in poly bag with header, 24 pc. box of 4 asstd. styles, 144 pc. carton.



9207 - FLUORESCENT GHOST MASK WITH SHROUD - each with header, 12 pc. box of 4 asstd. styles, 48 pc. carton.



9225 - LARGE LATEX MONSTER MASK WITH HAIR - each with header, 12 pc. box of 3 asstd. styles, 24 pc. carton.

SINCE  1963

Halloween Costumes!



140 New Items This Year!

2022 HALLOWEEN COLLECTION

Over 50 Years of Seasonal Product Fun, Honesty, and Integrity

Fun-World.net

1007
GHOST FACE® - PLUS



- What's Included:**
- Hooded Robe
 - Tie Belt
 - Ghost Face® Mask
- Case Pack:** 6
- Available Sizes:**
- Fits Up To 6'2"/300 lbs.

1074
BLEEDING GHOST FACE® - ADULT



- What's Included:**
- Hooded Robe
 - Tie Belt
 - Gloves
 - Bleeding Ghost Face® Mask
 - Hand-Held Pump with Theatrical Blood
 - 2 fl. oz (59.14mL) of theatrical blood
- Case Pack:** 6
- Available Sizes:**
- Fits Up To 6'/200 lbs.

126394
GHOST FACE DRESS® - ADULT



- What's Included:**
- Dress
- Case Pack:** 6
- Available Sizes:**
- Small 4/6
 - Medium 8/10
 - Large 12/14
 - Xlarge 14/16

133152
E.L. GHOST FACE® - CHILD



- What's Included:**
- Hooded Robe
 - Belt
 - Light-Up Mask
 - Battery Pack
 - *Requires 2 x AA Batteries (NOT INCLUDED)
- Case Pack:** 6
- Available Sizes:**
- Medium 8/10
 - Large 12/14

133154
E.L. GHOST FACE® - ADULT



- What's Included:**
- Hooded Robe
 - Belt
 - Light-Up Mask
 - Battery Pack
- Case Pack:** 6
- Available Sizes:**
- Fits Up To 6'/200 lbs.

137052
25TH ANNIVERSARY MOVIE GHOST FACE® - CHILD



- What's Included:**
- Hooded Robe
 - Gloves
 - Mask
- Case Pack:** 6
- Available Sizes:**
- Medium 8/10
 - Large 12/14

137054
25TH ANNIVERSARY MOVIE GHOST FACE® - ADULT



- What's Included:**
- Hooded Robe
 - Gloves
 - Mask
- Case Pack:** 6
- Available Sizes:**
- Fits Up To 6'/200 lbs.

137222
LU FADE MOUTH GHOST FACE® - CHILD



- What's Included:**
- Hooded Robe
 - Belt
 - Mask w/Battery Box
 - Gloves
- Case Pack:** 6
- Available Sizes:**
- Medium 8/10
 - Large 12/14

137404
PRIDE GHOST FACE® - ADULT



- What's Included:**
- Mask
 - Hooded Robe
 - Belt
 - Gloves

Case Pack: 6

- Available Sizes:**
- Fits Up To 6'/200 lbs.

137412
PATRIOTIC GHOST FACE® - CHILD



- What's Included:**
- Hooded Robe
 - Mask
 - Belt
 - Gloves

Case Pack: 6

- Available Sizes:**
- Medium 8/10
 - Large 12/14

137414
PATRIOTIC GHOST FACE® - ADULT



- What's Included:**
- Mask
 - Hooded Robe
 - Belt
 - Gloves

Case Pack: 6

- Available Sizes:**
- Fits Up To 6'/200 lbs.

137422
PUMPKIN GHOST FACE® - CHILD



- What's Included:**
- Mask
 - Hooded Robe
 - Belt
 - Gloves

Case Pack: 6

- Available Sizes:**
- Medium 8/10
 - Large 12/14

137424
PUMPKIN GHOST FACE® - ADULT



- What's Included:**
- Mask
 - Hooded Robe
 - Belt
 - Gloves
- Case Pack:** 6
- Available Sizes:**
- Fits Up To 6'/200 lbs.

137432
GHOST FACE® HOCKEY JERSEY AND MASK - CHILD



- What's Included:**
- Shirt
 - Mask
 - Printed Front & Back
- Case Pack:** 6
- Available Sizes:**
- Medium 8/10
 - Large 12/14

137434
GHOST FACE® HOCKEY JERSEY AND MASK - ADULT



- What's Included:**
- Shirt
 - Mask
 - Printed Front & Back
- Case Pack:** 6
- Available Sizes:**
- Fits Up To 6'/200 lbs.

8774
BLEEDING GHOST FACE® - CHILD



- What's Included:**
- Hooded Robe
 - Tie Belt
 - Gloves
 - Bleeding Ghost Face® Mask
 - Hand-Held Pump with Theatrical Blood
 - *2 fl. oz (59.14ml.) of theatrical blood
- Case Pack:** 6
- Available Sizes:**
- Medium 8/10
 - Large 12/14

8874
GHOST FACE® - CHILD



- What's Included:**
- Hooded Robe
 - Tie Belt
 - Ghost Face® Mask
- Case Pack:** 6
- Available Sizes:**
- Fits Up To Size 12

8875
GHOST FACE® - TEEN



- What's Included:**
- Hooded Robe
 - Tie Belt
 - Ghost Face® Mask
- Case Pack:** 6
- Available Sizes:**
- Fits Up to 5'7"/150 lbs

9974
GHOST FACE® - ADULT



- What's Included:**
- Hooded Robe
 - Tie Belt
 - Ghost Face® Mask
- Case Pack:** 6
- Available Sizes:**
- Fits Up To 6'/200 lbs.

10115
LUCY POLKA DOT DRESS - PLUS



- What's Included:**
- Dress
 - Apron
 - Hair Bow
- Case Pack:** 6
- Available Sizes:**
- One Size Fits 16W/22W

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8930
BLEEDING GHOST FACE® MASK



What's Included:

- Mask with Shroud and Attached Tubing
- Hand-Held Pump
- Theatrical Fun Blood

Packaging: Header Card
Case Pack: 12
MOQ: 12



9206S
GHOST FACE® MASK W/SHROUD



What's Included:

- Mask

Packaging: Header Card
Case Pack: 48
Inner Pack: 12
MOQ: 24

9206ZGF
ZOMBIE GHOST FACE® MASK



What's Included:

- Mask w/Shroud

Packaging: Header Card
Case Pack: 48
MOQ: 0

93491
GHOST FACE® 25TH ANNIVERSARY MOVIE MASK



What's Included:

- Mask w/Hood

Packaging: Header Card
Case Pack: 48
Inner Pack: 12
MOQ: 12

93512
PATRIOTIC GHOST FACE® MASK



What's Included:
• Mask w/Shroud
Packaging: Header Card
Case Pack: 12
MOQ: 0

93514
GHOST FACE® PUMPKIN MASK



What's Included:
• Mask w/Shroud
Packaging: Header Card
Case Pack: 24
Inner Pack: 12
MOQ: 24

93526
PRIDE GHOST FACE® MASK



What's Included:
• Mask w/Shroud
Packaging: Header Card
Case Pack: 24
Inner Pack: 12
MOQ: 24

93529
GHOST FACE® STOP THE WAR MASK



Case Pack: 24
Inner Pack: 12
MOQ: 24

EXHIBIT B

"One email can go a long way."

R.J. Torbert Talks the GhostFace Mask and Scream 4

Steve Barton | Aug 10, 2010

What an insane feeling it must be to have helped to create the look of one of the single most recognizable horror icons ever. For R.J. Torbert this feeling is an every day reality, and recently he spoke a bit about how the mask was chosen as well as the nagging rumor about their being more than just one look for GhostFace as he returns to the big screen with Wes Craven's upcoming slasherfest *Scream 4*.

Torbert sat down for an in-depth interview with **Examiner.com** and dished the following.

On how audiences have reacted to the look of GhostFace, Torbert offered:



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"My opinion is that audiences had never seen a face of a ghost like this before. When the mask was developed in 1991-1992, it was part of a style assortment called Fantastic Faces. Some people referred to it as the peanut eyed ghost. It became part of "Fearsome Faces" a few years later. I thought it looked like a "Ghost in Pain" which was unique for the time.

Wes Craven must have thought it had a unique look, too, because when he saw it scouting locations at the house of a mask collector (who had passed away) he was adamant about it being in the movie. It was here that I pushed hard to "baptize" the mask, and with the Gellers' blessing "GhostFace®" was born.



Enter to Win Tales from the Hinterland by Melissa Albert, a
By The Portalist

fiverr. What's inside the box? - Your unboxer. Learn more

THE PUBLISHER DESK

GhostFac... but the in... As far as t...

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GhostFace® is not only a registered trademark of Fun World, but the image is copyright protected under that same name. As far as the audience's reaction to GhostFace® ... Besides the unique look, credit must also be given to Wes Craven and his crew. The first movie left you on the edge of your seat so much so that the GhostFace® image was the icing on the cake to put reaction over the top.

The feeling of GhostFace® being the icon of Halloween has made all of us here very proud and very protective of its use. We appreciate not only the fans of Scream but those who appreciate GhostFace®. It is those fans that we simply ask not to buy unauthorized product of GhostFace® and/or Scream. As of now only, Fun World Div./Easter Unlimited Inc. or Weinstein/Dimension relating to Scream 4 are authorized to utilize the image on product. We ask you not to support knockoffs of intellectual properties. We are aware that there is currently a video game being advertised in online publication with no authorization to date. They will eventually hear from us if we do not hear from them. Your readers should always ask, "Is this an officially licensed product?" before spending their hard-earned money."



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THE PUBLISHER DESK

In terms of the rumored multi-mask usage in the film, Torbert revealed:

"There has been much publicity regarding additional masks. Since there have been photos published already, I will comment more about it.

One of our design staff, under the direction of Alan Geller, worked on a different updated look of GhostFace®.

I took those images and communicated with Weinstein executives about 6-8 months prior to filming. In addition, direct communications were received to me from Wes Craven in regards to "possible" use. I also met with executives at Weinstein in NYC regarding this and other issues regarding GhostFace® and the movie. When filming started I even requested a copy of the script from Wes Craven and the gentleman that he is told me only a few people had access to it, therefore I had a polite "No." I can't help but think that maybe his thoughts were that I was crazy. LOL.

Getting back to the additional masks. They have them on set. We are in communication. Wes Craven does keep in touch. I don't want to get sliced and diced and be a victim of Ghost Face®, but keep your eyes open. You may see them, you may not. Stay alert and you may even see more, who knows? This is fun, isn't it? However, I want to be clear there has never been confirmation on how these masks were to be used or not used. It will be a mystery until the movie opens."

Hit up the above linkage for the full interview.

Advertisements



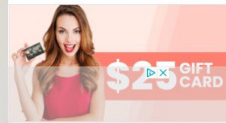
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Getting back to the additional masks. They have them on set. We are in communication. Wes Craven does keep in touch. I don't want to get sliced and diced and be a victim of Ghost Face®, but keep your eyes open. You may see them, you may not. Stay alert and you may even see more, who knows? This is fun, isn't it? However, I want to be clear there has never been confirmation on how these masks were to be used or not used. It will be a mystery until the movie opens."

Hit up the above linkage for the full interview.

Scream 4 stars Neve Campbell, Courteney Cox, David Arquette, Emma Roberts, Hayden Panettiere, Rory Culkin, Nico Tortorella, Anthony Anderson, and Marielle Jaffe. Look for it in theatres on April 15th, 2011, and to stay on top of things, be sure to follow @wescraven on Twitter.

Scream 4 Synopsis

The horror series that reignited the genre and grossed more than \$500 million worldwide is back! From Kevin Williamson, creator of the original Scream trilogy, the new film sees the return of cast members Neve Campbell, Courteney Cox, and David Arquette along with a group of new stars, who can all hopefully stay alive long enough to figure out the new rules to this one-of-a-kind horror franchise!

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THE GOLDEN AGE OF TRAVEL THE PALM BEACHES FLORIDA

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Decorations Masks

New Ghostface Masks and Merch Announced for 2022

January 19, 2022 Matt Artz -1 Comments Fun World, Ghostface, Scream

The new *Scream* is the number one movie in theaters right now, having dethroned Marvel's *Spider-Man: No Way Home* after four weeks at the top of the box office, and 2022 is just going to get bigger for the franchise, with new *Ghostface* masks and other products coming this year.

Revealed on *Fun World's* official website, new Ghostface merch debuting in 2022 includes a six foot tall Halloween inflatable featuring the killer emerging from a jack-o'-lantern, three different *Dead By Daylight* grave breakers, a five-foot Ghostface scarecrow, a Ghostface "Pumpkin mask," a "slayer kit" including mask, gloves, knife, and voice changer, and more.

In related news, Fun World is also releasing three variations of the *Scream* parody *Scary Movie* mask this year.

View more photos of the new Ghostface merchandise announced for 2022 from Fun World below.

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DECORATIONS

New Ghostface Masks and Merch Announced for 2022

Revealed on [Fun World's official website](#), new Ghostface merch debuting in 2022 includes a six foot tall Halloween inflatable featuring the killer emerging from a jack-o'-lantern, three different *Dead By Daylight* grave breakers, a five-foot Ghostface scarecrow, a Ghostface "Pumpkin mask," a "slayer kit" including mask, gloves, knife, and voice changer, and more.

In related news, Fun World is also releasing three variations of the *Scream* parody *Scary Movie* mask this year. You can see photos of the new Ghostface releases announced so far for 2022 from Fun World below.

(Click an image to enlarge.)



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'Squid Game' Official Halloween Costumes Arrive for 2022 from Disguise

March 31, 2022 Matt Arz 0 Comments

The first officially licensed Halloween masks and costumes based on the massively popular Netflix series *Squid Game* will be released

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As seen in the Motion Picture SCARY MOVIE



New GHOSTFACE 'Scream' and 'Scary Movie' Masks and Merch Announced f...

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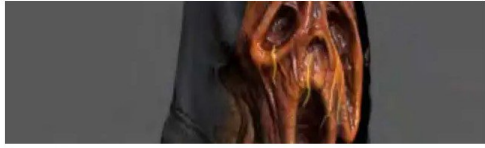
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'Dead by Daylight' Ghostface Skins Costumes Coming 2021

April 29, 2021 Matt Arz 0 Comments Dead by Daylight, Fun World, Ghostface, Scream

In addition to a new, more screen accurate version of the iconic Ghostface mask and costume, Fun World is also set to release multiple new Ghostface masks and costumes representing the character's various skins from the horror video game *Dead by Daylight*, also coming for Halloween 2021.

Read on for a preview of the new looks coming this year.

The Viper Face costume includes mask, red hooded sleeveless vest and tattered long sleeve robe, belts, and gloves, available in adult (pictured below) and child sizes.

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In addition to a new, more screen accurate version of the iconic Ghostface mask and costume, Fun World is also set to release multiple new Ghostface masks and costumes representing the character's various skins from the horror video game *Dead by Daylight*, also coming for Halloween 2021.

Read on for a preview of the new looks coming this year.

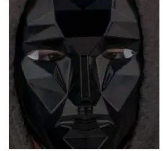
The Viper Face costume includes mask, red hooded sleeveless vest and tattered long sleeve robe, belts, and gloves, available in adult (pictured below) and child sizes.



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Squid Game' Official Halloween Costumes Arrive for 2022 from Disguise

March 31, 2022 Matt Arz 0 Comments

The first officially licensed Halloween masks and costumes based on the massively popular Netflix series Squid Game will be released

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The Devil Face costume includes shirt, hooded tunic, gloves, and a blood red horned version of the Ghostface mask, available in adult (pictured below) and child sizes.



New World of Monsters and Mental Illness [Review]

'Squid Game' Official Halloween Costumes Arrive for 2022 from Disguise

Costumes



Costumes Masks

'Squid Game' Official Halloween Costumes Arrive for 2022 from Disguise

March 31, 2022 Matt Arz 0 Comments

The first officially licensed Halloween masks and costumes based on the massively popular Netflix series Squid Game will be released

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Debuted in the game in 2021, the new **Scorched Ghostface** costume includes mask (also available separately), hooded vest, robe, belt, gloves, available in adult (pictured below) and child sizes.

According to the developer, a recurring event in the game every year for Halloween is called "the blight," during which cankerous plants appear around the realm. With the serum extracted out of them, a character named the Alchemist tortures the *Dead by Daylight* killers in experiments, which transform them into even more gruesome monsters, as the serum exaggerates the unique features of each killer. All of the blighted outfits feature the orange color, usually incandescent. All killers also feature a syringe in their back with a unique ID (per killer), showing where the alchemist injected the serum.

For Scorched Ghostface, it was imagined the man and the alter ego got merged into one being, as the mask and shroud melted and integrated with the man's flesh, making the character more gory, as if the serum's acid destroyed his flesh while still keeping him alive. This is illustrated further in the cavity in his chest, showing glowing organs.



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Industry legend Stanley Geller passes away

By Jacqui Parr
August 7, 2020



Stanley Geller, chairman of world Halloween giant FunWorld, has passed at the age of 94. The following tribute has been written by Sergio Battaner, sales and marketing director at Palmer Agencies (the European distributor for FunWorld), who had worked closely with him for the last 16 years.

"Stanley was a true pioneer of the party industry and a Halloween trailblazer but, most importantly, was a **great human being who believed in hard work, discipline, friendship, honesty and integrity.**



Stanley Geller, FunWorld chairman.

In April 1963, Stanley Geller bought the business from his father-in-law, with revenue of approx. \$500,000 and renamed the company FunWorld, Easter Unlimited. He travelled to Japan by propeller planes on buying trips and developed strong relationships with factories there, and sold goods by traveling the roads of the USA in a station wagon filled with samples, going from Minneapolis to Miami, Boston to Bentonville, New York to New Orleans and everywhere in between. Life was tough but good, and the business grew and grew with the help of many people.

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Stanley was succeeded in 1981 by his son Alan Geller, who gave FunWorld a real jump start in Halloween when he lead the company during the growth of the Halloween business. **FunWorld became the reference in Halloween and party product and his creation – the Ghost Face mask and costume – was born and soon became part of Hollywood history as the lead character of the Scream movie franchise.** It was 'an icon of Halloween', according to the NY Times.

The FunWorld family now consists of hundreds of employees, independent salesforce and distributors and maintains a presence in warehouses, showrooms or offices all around the world. Under Stanley's chairmanship, progress and growth also became development and acquisition. **FunWorld are now one of the largest Halloween creators and suppliers in the world, selling in every continent except the Antarctic!**

Stanley maintained that: "We are always doing things the second best way", meaning there is always room to improve. This perseverance, combined with innovation, made FunWorld a highly respected leader in the industry.

Stanley had a witty mind, a funny character, a sharp business sense, a caring personality, an honest backbone, a wonderful knowledge and experience, and an exciting attitude towards life. **He leaves a**



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WHAT'S HAPPENING WITH GHOST FACE AND FUN WORLD AND SPYGLASS

Lots of people are still asking about this, so we will clarify again. We were the ONLY fan films on the internet that had permission from Fun World (the company that makes the Ghost Face mask) to use Ghost Face in our films. We did not have a contract with them, we had an agreement with them that we could use the mask as long as we don't use it to make a profit. Our original agreement with Fun World was for us to create Stab 4-7 and everything in between. Although we did not complete a version of Stab 7, a decade has passed since our agreement with FunWorld was created and now they have a new contract with SpyGlass which restricts them from giving us and any one else permission to use the Ghost Face mask in fan films. We have not had any sort of contact with SpyGlass, only with Fun World. Fun World asked ask not to move forward with the reboot of Stab using the Ghost Face mask to prevent issues with their contract with SpyGlass. There are TONS of other Scream fan films on the internet that use the Ghost Face mask without permission, some that have just as many views as we do. However, like our previous films, they remain on the internet because they were created before the new contract with SpyGlass. If you are planning on creating your own Scream fan film, you need to contact @RJTorbert on Twitter and ask for permission to use the mask, which will not be granted because of their contract with SpyGlass. So the simple answer here is, no one, not even low budget, non profit fan films, can use Ghost Face without permission from Fun World, which will not be granted due to their contract with SpyGlass. Hence us using a new mask for our next movie. Ghost Face is the intellectual property of Fun World, so they have the right to do with it as they please. We have had a wonderful working relationship with Fun World over the years, so we know this is nothing malicious. They simply can't give any one permission to use the mask right now. If you use the mask without permission, you run the risks of having your videos removed and lawsuits.

9/29/2020

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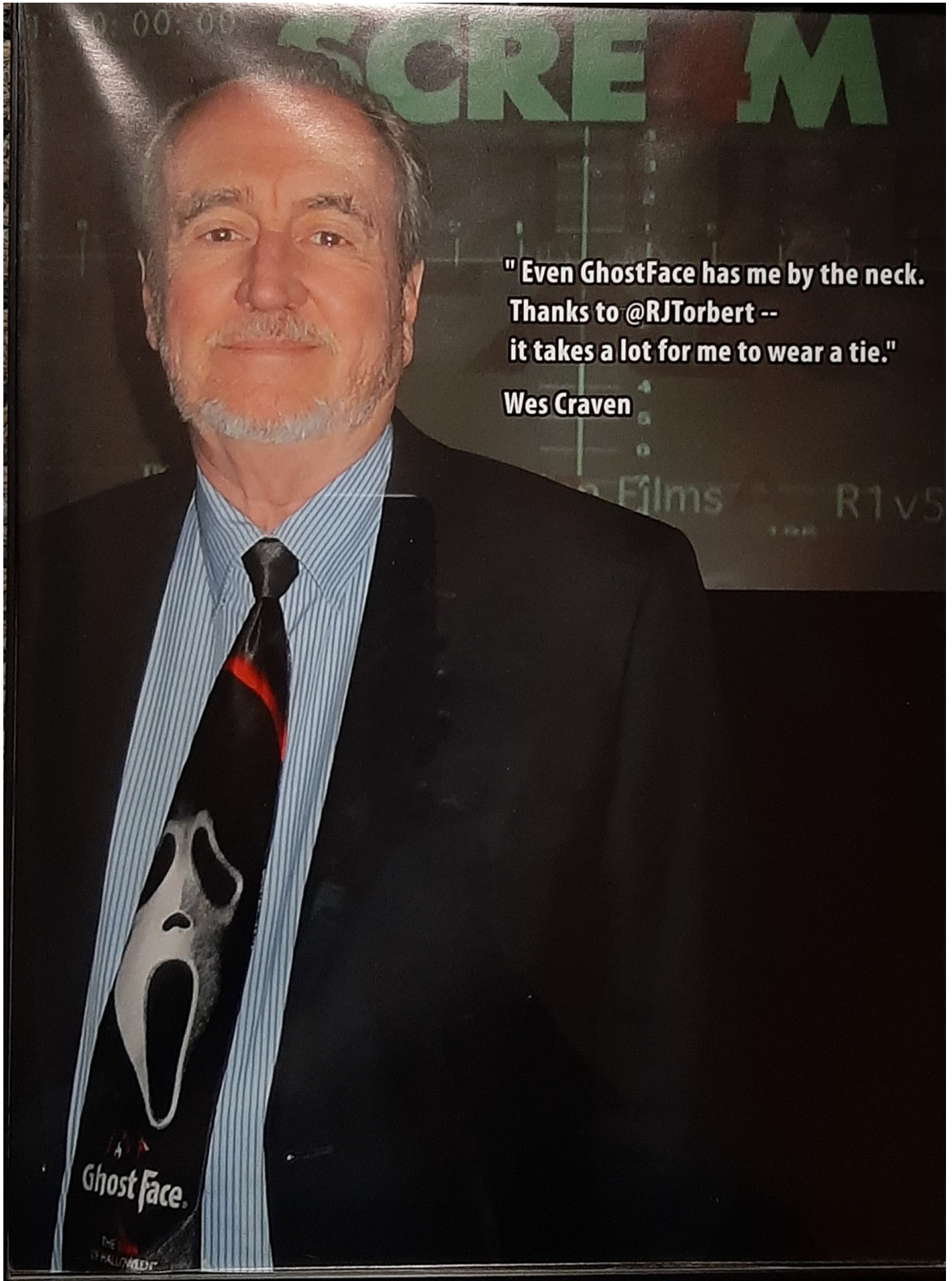


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EXHIBIT 3



**"Even GhostFace has me by the neck.
Thanks to @RJTorbent --
it takes a lot for me to wear a tie."**

Wes Craven