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**Mark:** DVDPRESS RENTALS



**US Serial Number:** 78181733

**Application Filing Date:** Nov. 05, 2002

**US Registration Number:** 2788849

**Registration Date:** Dec. 02, 2003

**Register:** Principal

**Mark Type:** Service Mark

**TM5 Common Status Descriptor:**



DEAD/REGISTRATION/Cancelled/Invalidated

The trademark application was registered, but subsequently it was cancelled or invalidated and removed from the registry.

**Status:** Registration cancelled because registrant did not file an acceptable declaration under Section 8. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

**Status Date:** Jul. 10, 2010

**Publication Date:** Sep. 09, 2003

**Date Cancelled:** Jul. 10, 2010

## Mark Information

**Mark Literal Elements:** DVDPRESS RENTALS

**Standard Character Claim:** No

**Mark Drawing Type:** 5 - AN ILLUSTRATION DRAWING WITH WORD(S)/LETTER(S)/NUMBER(S) IN STYLIZED FORM

**Disclaimer:** "DVD" or "RENTALS"

## 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:** Entertainment Services, namely the rental of prerecorded digital video discs featuring films and video games

**International Class(es):** 041 - Primary Class

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

**Class Status:** SECTION 8 - CANCELLED

**First Use:** Dec. 05, 2001

**Use in Commerce:** Dec. 05, 2001

## Basis Information (Case Level)

**Filed Use:** Yes

**Currently Use:** Yes

**Filed ITU:** No

**Currently ITU:** No

**Filed 44D:** No

**Currently 44D:** No

**Filed 44E:** No

**Currently 44E:** No

**Filed 66A:** No

**Currently 66A:** No

**Filed No Basis:** No

**Currently No Basis:** No

## Current Owner(s) Information

**Owner Name:** REDBOX AUTOMATED RETAIL, LLC

**Owner Address:** ONE TOWER LANE  
SUITE 1200  
OAKBROOK TERRACE 60181

**Legal Entity Type:** LIMITED LIABILITY COMPANY

**State or Country** The data cannot be loaded  
**Where Organized:**

## Attorney/Correspondence Information

### Attorney of Record - None

#### Correspondent

**Correspondent Name/Address:** GREG MEYER  
VIDEO VENDING NEW YORK, INC DBA DVDXPRE  
515 W 20TH ST 7TH FL  
NEW YORK, NEW YORK UNITED STATES 10011

**Phone:** 212 587-8911

**Fax:** 212 202-4760

**Correspondent e-mail:** [gmeyer@dvdexpress.net](mailto:gmeyer@dvdexpress.net)

**Correspondent e-mail Authorized:** Yes

### Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Oct. 05, 2016	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Jul. 10, 2010	CANCELLED SEC. 8 (6-YR)	
Feb. 18, 2010	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Nov. 07, 2007	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Oct. 27, 2004	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Dec. 02, 2003	REGISTERED-PRINCIPAL REGISTER	
Sep. 09, 2003	PUBLISHED FOR OPPOSITION	
Aug. 20, 2003	NOTICE OF PUBLICATION	
Jul. 03, 2003	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jul. 01, 2003	LETTER OF SUSPENSION E-MAILED	
Jul. 01, 2003	NOTICE OF UNRESPONSIVE AMENDMENT - E-MAILED	
Jun. 23, 2003	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Jun. 26, 2003	CASE FILE IN TICRS	
Apr. 10, 2003	NON-FINAL ACTION E-MAILED	
Mar. 27, 2003	ASSIGNED TO EXAMINER	

## TM Staff and Location Information

### TM Staff Information - None

#### File Location

**Current Location:** FILE REPOSITORY (FRANCONIA)

**Date in Location:** Dec. 08, 2003

## Assignment Abstract Of Title Information

### Summary

**Total Assignments:** 5

**Registrant:** Video Vending New York, Inc.

### Assignment 1 of 5

**Conveyance:** SECURITY INTEREST

**Reel/Frame:** [3139/0738](#)

**Pages:** 21

**Date Recorded:** Aug. 12, 2005

**Supporting Documents:** [assignment-tm-3139-0738.pdf](#)

### Assignor

**Name:** [VIDEO VENDING NEW YORK, INC.](#)

**Execution Date:** Aug. 05, 2005

**Legal Entity Type:** CORPORATION

**State or Country:** NEW YORK

Where Organized:

Assignee

Name: [COINSTAR, INC.](#)

Legal Entity Type: CORPORATION

State or Country DELAWARE  
Where Organized:

Address: 1800 - 114TH AVENUE SE  
BELLEVUE, WASHINGTON 98004

Correspondent

Correspondent Name: GRACE HAN STANTON

Correspondent Address: 1201 THIRD AVENUE  
SUITE 4800  
SEATTLE, WA 98101

Domestic Representative - Not Found

Assignment 2 of 5

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: [3655/0410](#)

Pages: 6

Date Recorded: Nov. 06, 2007

Supporting Documents: [assignment-tm-3655-0410.pdf](#)

Assignor

Name: [VIDEO VENDING NEW YORK, INC.](#)

Execution Date: Oct. 29, 2007

Legal Entity Type: CORPORATION

State or Country NEW YORK  
Where Organized:

Assignee

Name: [COINSTAR, INC.](#)

Legal Entity Type: CORPORATION

State or Country DELAWARE  
Where Organized:

Address: 1800 114TH AVENUE SE  
BELLEVUE, WASHINGTON 98004

Correspondent

Correspondent Name: M. ELLEN TORVIK

Correspondent Address: 1201 THIRD AVENUE  
SUITE 4800  
SEATTLE, WA 98101-3099

Domestic Representative - Not Found

Assignment 3 of 5

Conveyance: SECURITY INTEREST

Reel/Frame: [3672/0727](#)

Pages: 8

Date Recorded: Dec. 06, 2007

Supporting Documents: [assignment-tm-3672-0727.pdf](#)

Assignor

Name: [COINSTAR, INC.](#)

Execution Date: Nov. 15, 2007

Legal Entity Type: CORPORATION

State or Country DELAWARE  
Where Organized:

Assignee

Name: [BANK OF AMERICA, N.A.](#)

Legal Entity Type: NATIONAL BANKING ASSOCIATION

State or Country No Place of Organization Found  
Where Organized:

Address: 231 S. LASALLE STREET  
MAIL CODE: IL1-231-10-41  
CHICAGO, ILLINOIS 60697

Correspondent

**Correspondent Name:** RANDALL C. BROWN  
**Correspondent Address:** HAYNES AND BOONE, LLP  
901 MAIN STREET, SUITE 3100  
DALLAS, TX 75202

**Domestic Representative - Not Found**

**Assignment 4 of 5**

**Conveyance:** ASSIGNS THE ENTIRE INTEREST  
**Reel/Frame:** [4147/0365](#) **Pages:** 5  
**Date Recorded:** Feb. 10, 2010  
**Supporting Documents:** [assignment-tm-4147-0365.pdf](#)

**Assignor**

**Name:** [COINSTAR, INC.](#) **Execution Date:** Dec. 31, 2009  
**Legal Entity Type:** CORPORATION **State or Country Where Organized:** DELAWARE

**Assignee**

**Name:** [REDBOX AUTOMATED RETAIL, LLC](#) **State or Country Where Organized:** DELAWARE  
**Legal Entity Type:** LIMITED LIABILITY COMPANY  
**Address:** ONE TOWER LANE  
SUITE 1200  
OAKBROOK TERRACE, ILLINOIS 60181

**Correspondent**

**Correspondent Name:** MATTHEW SCHNELLER C/O PERKINS COIE LLP  
**Correspondent Address:** 1201 THIRD AVENUE  
SUITE 4800  
SEATTLE, WA 98101

**Domestic Representative - Not Found**

**Assignment 5 of 5**

**Conveyance:** RELEASE OF INTELLECTUAL PROPERTY SECURITY INTEREST  
**Reel/Frame:** [5885/0740](#) **Pages:** 20  
**Date Recorded:** Sep. 27, 2016  
**Supporting Documents:** [assignment-tm-5885-0740.pdf](#)

**Assignor**

**Name:** [BANK OF AMERICA, N.A.](#) **Execution Date:** Sep. 27, 2016  
**Legal Entity Type:** NATIONAL BANKING ASSOCIATION **State or Country Where Organized:** UNITED STATES

**Assignee**

**Name:** [OUTERWALL, INC.](#) **State or Country Where Organized:** DELAWARE  
**Legal Entity Type:** CORPORATION  
**Address:** 1800 114TH AVE SE  
BELLEVUE, WASHINGTON 98004  
**DBA, AKA, TA, Formerly:** AKA F/K/A COINSTAR, INC., A DELAWARE CORPORATION

**Correspondent**

**Correspondent Name:** VENISA DARK, HAYNES AND BOONE LLP  
**Correspondent Address:** 2323 VICTORY AVENUE, SUITE 700  
DALLAS, TX 75219

**Domestic Representative - Not Found**

<SERIAL NUMBER>	78181733
<MARK>	<a href="http://tess2.uspto.gov/webaka/images/78181733.gif">http://tess2.uspto.gov/webaka/images/78181733.gif</a>
<LAW OFFICE ASSIGNED>	LAW OFFICE 102
<CONTACT TYPE>	Correspondent
<ORIGINAL ADDRESS>	Video Vending New York, Inc. DBA DVDXPRESS 311 Greenwich Street Suite 6G New York NY USA 10013
<NEW ADDRESS>	
<CORRESPONDENT>	Greg Meyer
<ORGANIZATION>	Video Vending New York, Inc. dba DVDXpre
<INTERNAL ADDRESS>	7th Floor
<STREET ADDRESS>	515 West 20th Street
<CTRY>	New York
<STATE>	NY
<POSTAL CODE>	10011
<PHONE>	212 587-8911
<FAX>	212 202-4760
<EMAIL>	gmeyer@dvdexpress.net
<EMAIL AUTHORIZED>	Y
<SUBMIT DATE>	Oct 27, 2004
<BOILERPLATE>	
<EMAIL>	The USPTO is authorized to communicate with the applicant at the listed email address.
<SIGNATURE>	
<SIGNATURE-NAME>	/greg meyer/
<SIGNATORY-DATE>	20041027
<SIGNATORY-NAME>	Greg Meyer
<SIGNATORY-POSITION>	Managing Director

**Int. Cl.: 41**

**Prior U.S. Cls.: 100, 101 and 107**

**Reg. No. 2,788,849**

**United States Patent and Trademark Office**

**Registered Dec. 2, 2003**

**SERVICE MARK  
PRINCIPAL REGISTER**



VIDEO VENDING NEW YORK, INC. (NEW  
YORK CORPORATION), DBA DVDXPRESS  
311 GREENWICH STREET SUITE 6G  
NEW YORK, NY 10013

NO CLAIM IS MADE TO THE EXCLUSIVE  
RIGHT TO USE "DVD" OR "RENTALS", APART  
FROM THE MARK AS SHOWN.

FOR: ENTERTAINMENT SERVICES, NAMELY  
THE RENTAL OF PRERECORDED DIGITAL VI-  
DEO DISCS FEATURING FILMS AND VIDEO  
GAMES, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

SER. NO. 78-181,733, FILED 11-5-2002.

FIRST USE 12-5-2001; IN COMMERCE 12-5-2001.

ROBIN CHOSID, EXAMINING ATTORNEY

Aug 20, 2003

**NOTICE OF PUBLICATION UNDER 12(a)**

- |                                     |   |
|-------------------------------------|---|
| 1. Serial No.:<br>78/181,733        | 2. Mark:<br>DVDXPRESS RENTALS<br>(Stylized)   |
| 3. International Class(es):<br>41   |   |
| 4. Publication Date:<br>Sep 9, 2003 | 5. Applicant:<br>Video Vending New York, Inc. |

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

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

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

By direction of the Commissioner.

---

Correspondence Address:

Video Vending New York, Inc. DBA DVDXPRESS  
311 Greenwich Street Suite 6G  
New York NY USA 10013

TMP&I

**To:** Video Vending New York, Inc. DBA DVDXPRE ETC. ([gmeyer@dvdexpress.net](mailto:gmeyer@dvdexpress.net))  
**Subject:** TRADEMARK APPLICATION NO. 78181733 - DVDXPRESS RENTALS - N/A  
**Sent:** 7/1/03 1:39:16 PM  
**Sent As:** ECom102  
**Attachments:**

**UNITED STATES PATENT AND TRADEMARK OFFICE**

**SERIAL NO:** 78/181733

**APPLICANT:** Video Vending New York, Inc. DBA DVDXPRE  
ETC.

**CORRESPONDENT ADDRESS:**  
Video Vending New York, Inc. DBA DVDXPRE  
  
311 Greenwich Street Suite 6G  
New York NY USA 10013

**RETURN ADDRESS:**  
Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3514  
**ecom102@uspto.gov**

If no fees are enclosed, the address should  
include the words "Box Responses - No Fee."

**MARK:** DVDXPRESS RENTALS

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

**CORRESPONDENT EMAIL ADDRESS:**  
[gmeyer@dvdexpress.net](mailto:gmeyer@dvdexpress.net)

Please provide in all correspondence:

1. Filing date, serial number, mark and applicant's name.
2. Date of this Office Action.
3. Examining Attorney's name and Law Office number.
4. Your telephone number and e-mail address.

Serial Number 78/181733

**NOTICE OF SUSPENSION**

Action on this application is suspended pending the disposition of:

- Cancellation No(s). **92041205**

If the applicant is a party to the above proceeding, the applicant should advise the Examining Attorney of the outcome of the proceeding when it is terminated.

Please feel free to contact me when the registration has been cancelled.

/rscb/  
Robin S. Chosid-Brown  
Trademark Examining Attorney  
Law Office 102  
(703) 308-9102 ext 204  
[robin.chosid-brown@uspto.gov](mailto:robin.chosid-brown@uspto.gov)



**To:** Video Vending New York, Inc. DBA DVDXPRESS ETC. ([gmeyer@dvdexpress.net](mailto:gmeyer@dvdexpress.net))  
**Subject:** TRADEMARK APPLICATION NO. 78181733 - DVDXPRESS RENTALS - N/A  
**Sent:** 7/1/03 1:07:08 PM  
**Sent As:** ECom102  
**Attachments:**

## UNITED STATES PATENT AND TRADEMARK OFFICE

**SERIAL NO:** 78/181733

**APPLICANT:** Video Vending New York, Inc. DBA DVDXPRESS ETC.

**CORRESPONDENT ADDRESS:**  
Video Vending New York, Inc. DBA DVDXPRESS  
  
311 Greenwich Street Suite 6G  
New York NY USA 10013

**RETURN ADDRESS:**  
Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3514  
**ecom102@uspto.gov**

**MARK:** DVDXPRESS RENTALS

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

**CORRESPONDENT EMAIL ADDRESS:**  
[gmeyer@dvdexpress.net](mailto:gmeyer@dvdexpress.net)

Please provide in all correspondence:

1. Filing date, serial number, mark and applicant's name.
2. Date of this Office Action.
3. Examining Attorney's name and Law Office number.
4. Your telephone number and e-mail address.

## OFFICE ACTION

Serial Number 78/181733

This letter responds to the applicant's communication filed on June 23, 2003.

The applicant's letter e-mailed on June 23, 2003 is an incomplete response to the Office action dated April 10, 2003 because the applicant failed to enter the required disclaimers. Because this omission appears to be inadvertent, the applicant may complete its response either within thirty days of the mailing date of this letter or within the time remaining in the response period of the last Office action, whichever is longer. 37 C.F.R. §2.65(b). See TMEP §718.03(b).

/rscb/  
Robin S. Chosid-Brown  
Trademark Examining Attorney  
Law Office 102  
(703) 308-9102 ext 204  
[robin.chosid-brown@uspto.gov](mailto:robin.chosid-brown@uspto.gov)

### How to respond to this Office Action:

To respond formally using the Office's Trademark Electronic Application System (TEAS), visit <http://www.uspto.gov/teas/index.html> and follow the instructions.

To respond formally via E-mail, visit <http://www.uspto.gov/web/trademarks/tmelecresp.htm> and follow the instructions.

To respond formally via regular mail, your response should be sent to the mailing Return Address listed above and include the serial number, law office and examining attorney's name on the upper right corner of each page of your response.

To check the status of your application at any time, visit the Office's Trademark Applications and Registrations Retrieval (TARR) system at <http://tarr.uspto.gov/>

For general and other useful information about trademarks, you are encouraged to visit the Office's web site at <http://www.uspto.gov/main/trademarks.htm>

**FOR INQUIRIES OR QUESTIONS ABOUT THIS OFFICE ACTION, PLEASE CONTACT THE ASSIGNED EXAMINING ATTORNEY.**

# Trademark

Serial Number  
(Text)

TRADEMARK



78181733

NEW CASE DELIVERED

MAR 2 8 2003

## PROSECUTION HISTORY

LAW OFFICE 102

Entry

Date

Initials

1.			
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☐ See inside of file for additional entries.

**Serial No: 78181733**

Page 1 of 1  
Printed: 6/24/03 9:16:26 AM

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**From:** gmeyer@dvdexpress.net  
**To:** Ecom102@uspto.gov  
**CC:**  
**Subject:** TRADEMARK APPLICATION NO. 78181733  
**Date:** 6/23/03 6:17:22 PM  
**Attachments:**

---

**RESPONSE TO OFFICE ACTION:**

Applicant's Name: Video Vending New York, Inc. d/b/a DVDXpress  
Mark: DVD XPRESS RENTALS  
Serial Number: 78181733  
Filing Date: November 5, 2002  
Law Office: 102  
Trademark Examining Attorney: Robin S. Chosid-Brown  
Date of Office Action: April 10, 2003  
Applicant's Telephone Number: (212) 587-8911  
Applicant's Email Address: [gmeyer@dvdexpress.net](mailto:gmeyer@dvdexpress.net)

**REASON:**

The reason provided for the refusal to register the mark, LIKELIHOOD OF CONFUSION, no longer pertains since the referenced mark which was confusingly similar, Registration No. 2122471, was canceled as of 6/16/03. The Cancellation Number is 92041205.

Thank you and regards,

/greg meyer/

-----  
Greg Meyer  
Managing Director  
Video Vending New York, Inc. d/b/a DVDXpress  
T:(212) 587-8911  
F:(212) 202-4760  
Email: [gmeyer@dvdexpress.net](mailto:gmeyer@dvdexpress.net)  
Web: [www.dvdexpress.net](http://www.dvdexpress.net)

**From:** gmeyer@dvdexpress.net ([gmeyer@dvdexpress.net](mailto:gmeyer@dvdexpress.net))  
**To:** Ecom102@uspto.gov ([SMTP:Ecom102@uspto.gov](mailto:SMTP:Ecom102@uspto.gov))  
**Subject:** TRADEMARK APPLICATION NO. 78181733  
**Received:** 6/23/03 6:17:22 PM  
**Attachments:**

RESPONSE TO OFFICE ACTION: Applicant's Name: Video Vending New York, Inc. d/b/a DVDXpress Mark: DVD XPRESS RENTALS  
Serial Number: 78181733 Filing Date: November 5, 2002 Law Office: 102 Trademark Examining Attorney: Robin S. Chosid-Brown Date of  
Office Action: April 10, 2003 Applicant's Telephone Number: (212) 587-8911 Applicant's Email Address: gmeyer@dvdexpress.net REASON:  
The reason provided for the refusal to register the mark, LIKELIHOOD OF CONFUSION, no longer pertains since the referenced mark which  
was confusingly similar, Registration No. 2122471, was canceled as of 6/16/03. The Cancellation Number is 92041205. Thank you and regards,  
/greg meyer/ ----- Greg Meyer Managing Director Video Vending New York, Inc. d/b/a DVDXpress  
T:(212) 587-8911 F:(212) 202-4760 Email: gmeyer@dvdexpress.net Web: www.dvdexpress.net

<b>To:</b>	Video Vending New York, Inc. DBA DVDXPRE ETC. (gmeyer@dvdexpress.net)
<b>Subject:</b>	TRADEMARK APPLICATION NO. 78181733 - attachment -- disregard first e-mail
<b>Sent:</b>	4/10/03 3:53:33 PM
<b>Sent As:</b>	ECom102
<b>Attachments:</b>	C:\xsearch evidence\75189907P001OF001.JPG

## UNITED STATES PATENT AND TRADEMARK OFFICE

**SERIAL NO:** 78/181733

**APPLICANT:** Video Vending New York, Inc. DBA DVDXPRE ETC.

**CORRESPONDENT ADDRESS:**

Video Vending New York, Inc. DBA DVDXPRE

311 Greenwich Street Suite 6G  
New York NY USA 10013

**RETURN ADDRESS:**

Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3513  
**ecom102@uspto.gov**

**MARK:** DVDXPRESS RENTALS

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

**CORRESPONDENT EMAIL ADDRESS:**

gmeyer@dvdexpress.net

Please provide in all correspondence:

1. Filing date, serial number, mark and applicant's name.
2. Date of this Office Action.
3. Examining Attorney's name and Law Office number.
4. Your telephone number and e-mail address.

## OFFICE ACTION

**TO AVOID ABANDONMENT, WE MUST RECEIVE A PROPER RESPONSE TO THIS OFFICE ACTION WITHIN 6 MONTHS OF OUR MAILING OR E-MAILING DATE.**

**RE:** Serial Number 78/181733

The assigned examining attorney has reviewed the referenced application and determined the following.

## **REFUSAL – LIKELIHOOD OF CONFUSION**

The examining attorney refuses registration under Trademark Act Section 2(d), 15 U.S.C. Section 1052(d), because the applicant's mark, when used on or in connection with the identified services, so resembles the mark in U.S. Registration No. 2122471 as to be likely to cause confusion, to cause mistake, or to deceive. TMEP section 1207. See the enclosed registration.

Section 2(d) of the Trademark Act bars registration where a mark so resembles a registered mark, that it is likely, when applied to the goods, to cause confusion, or to cause mistake or to deceive. TMEP section 1207.01. The Court in *In re E. I. DuPont de Nemours & Co.*, 476 F.2d 1357, 177 USPQ 563 (CCPA 1973), listed the principal factors to consider in determining whether there is a likelihood of confusion. Among these factors are the similarity of the marks as to appearance, sound, meaning and commercial impression and the similarity of the goods. The overriding concern is to prevent buyer confusion as to the source of the goods. *Miss Universe, Inc. v. Miss Teen U.S.A., Inc.*, 209 USPQ 698 (N.D. Ga. 1980). Therefore, any doubt as to the existence of a likelihood of confusion must be resolved in favor of the registrant. *Lone Star Mfg. Co. v. Bill Beasley, Inc.*, 498 F.2d 906, 182 USPQ 368 (CCPA 1974).

The applicant's mark, DVD XPRESS RENTALS [DESIGN], is confusingly similar to the registrant's mark, DVD EXPRESS, for related and identical services. Thus, registration is denied.

Although the examining attorney has refused registration, the applicant may respond to the refusal to register by submitting evidence and arguments in support of registration.

## **INFORMALITY**

If the applicant chooses to respond to the refusal to register, the applicant must also respond to the following informality.

### **Disclaimer Required**

Trademark Act Section 6(a), 15 U.S.C. Section 1056(a), states that the Commissioner may require the applicant to disclaim an unregistrable component of a mark. Trademark Act Section 2(e), 15 U.S.C. Section 1052(e), bars the registration of a mark which is merely descriptive or deceptively misdescriptive, or primarily geographically descriptive of the goods. Therefore, the Commissioner may require the disclaimer of a portion of a mark which, when used in connection with the goods or services, is merely descriptive or deceptively misdescriptive, or primarily geographically descriptive. If an applicant does not comply with a disclaimer requirement, the examining attorney may refuse registration of the entire mark. TMEP section 1213.01(b). A disclaimer does not remove the disclaimed matter from the mark. It is simply a statement that the applicant does *not* claim exclusive rights in the disclaimed wording or design apart from the mark as shown in the drawing.

The applicant must insert a disclaimer of DVD and RENTALS in the application. Trademark Act Section 6, 15 U.S.C. Section 1056; TMEP sections 1213 and 1213.09(a)(i).

A properly worded disclaimer should read as follows:

No claim is made to the exclusive right to use "DVD" or "RENTALS" apart from the mark as shown.

### **RESPONSE GUIDELINES**

The applicant may respond via regular mail to the address listed above, or via e-mail to [Ecom102@uspto.gov](mailto:Ecom102@uspto.gov). In the body of the response, please clearly state the applicant's name, mark, serial number, Law Office and Examining Attorney, mailing date of the Office Action, and the applicant's telephone number.

To respond to this Office action electronically, the applicant must:

- include the serial number in the subject line;
- send the response to <mailto:ecom102@uspto.gov>. E-mail sent to any other address will NOT be processed, and may result in ABANDONMENT of the application;
- submit specimens and/or evidence as scanned images or digital photographs in .GIF or .JPG format only. NO OTHER FORMATS WILL BE PROCESSED (TMEP §304.01);
- respond within six-months from the Office action mailing date, or within the period stated in the Office action;
- respond in English; and
- sign the response electronically, e.g. /john smith/. See 37 CFR §1.4(d)(1)(iii); TMEP §804.05.

The examining attorney will send correspondence only to the e-mail address listed in the application. A request to change an e-mail address may be submitted by signed e-mail to one of the above e-mail addresses.

Note: only one e-mail address may be used for correspondence. TMEP §§304.03 and 304.07.

Send comments on the USPTO e-Commerce Law Office Pilot Program to [Comments@uspto.gov](mailto:Comments@uspto.gov).

PLEASE NOTE: Because it delays processing, submission of duplicate papers is discouraged. Unless specifically requested to do so by the Office, parties should not mail follow up copies of documents transmitted by fax. TMEP 702.04(e); Cf. ITC Entertainment Group Ltd. V. Nintendo of America Inc. 45 USPQ2d 2021 (TTAB 1998).

### **Fee increase effective January 1, 2003**

Effective January 1, 2003, the fee for filing an application for trademark registration will be increased to **\$335.00** per International Class. The USPTO will not accord a filing date to applications that are filed on or after that date that are not accompanied by a minimum of \$335.00.

Additionally, the fee for amending an existing application to add an additional class or classes of goods/services will be \$335.00 per class for classes added on or after January 1, 2003.

/rscb/  
Robin S. Chosid-Brown  
Trademark Examining Attorney



Law Office 102  
(703) 308-9102 ext 204  
robin.chosid-brown@uspto.gov

**How to respond to this Office Action:**

To respond formally using the Office's Trademark Electronic Application System (TEAS), visit <http://www.uspto.gov/teas/index.html> and follow the instructions.

To respond formally via E-mail, visit <http://www.uspto.gov/web/trademarks/tmelecresp.htm> and follow the instructions.

To respond formally via regular mail, your response should be sent to the mailing Return Address listed above and include the serial number, law office and examining attorney's name on the upper right corner of each page of your response.

To check the status of your application at any time, visit the Office's Trademark Applications and Registrations Retrieval (TARR) system at <http://tarr.uspto.gov/>

For general and other useful information about trademarks, you are encouraged to visit the Office's web site at <http://www.uspto.gov/main/trademarks.htm>

**FOR INQUIRIES OR QUESTIONS ABOUT THIS OFFICE ACTION, PLEASE CONTACT THE ASSIGNED EXAMINING ATTORNEY.**

**Print: Apr 10, 2003**

**75189907**

**TYPED DRAWING**

**Serial Number**

75189907

**Status**

CANCELLATION PENDING

**Word Mark**

DVD EXPRESS

**Registration Number**

2122471

**Date Registered**

1997/12/16

**Type of Mark**

SERVICE MARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(1) TYPED DRAWING

**Owner**

DVD EXPRESS, INC. CORPORATION CALIFORNIA 7083 Hollywood Boulevard,  
Ste. 305 Hollywood CALIFORNIA 90028

**Goods/Services**

Class Status -- ACTIVE. IC 035. US 100 101 102. G & S: retail distributorships in the field of pre-recorded films, games, music and computer software. First Use: 1996/11/05. First Use In Commerce: 1996/11/05.

**Disclaimer Statement**

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

**Filing Date**

1996/10/30

**Examining Attorney**

BONNET, ODETTE

**Attorney of Record**

PETER M EICHLER

# ERRATA SHEET

Between November 3 and December 9, 2002, the printed version of some TEAS filings may be incomplete. The correct data is stored in TICSRS and the data has been corrected in TRAM, except where noted. You need to review the electronic file using TICSRS Image retrieval for the following data elements

1. Email authorization for all entities (applicant/owner, attorney, domestic representative and correspondent) – the field <AUTHORIZE EMAIL COMMUNICATION> does not appear in the printed copy. Please note: The correct data is in TRAM so the templates will pull up the e-mail address if the applicant or attorney has authorized e-mail communications.
2. Specimen Indicator – the specimens should have been printed and are in both TICSRS and the paper file; however, the fields specimen filed <SPECIMEN> and the description of the specimen <SPECIMEN DESCRIPTION>, are not in the hard-copy.
3. Classification supplied by user – the field indicating the classification code selected by the user for Section 1(a) classes is missing. The class code in TRAM is the classification coded by the LIE's.
4. Fax number - missing from domestic representative and attorney. It is also missing for correspondent when they are the correspondent. (Fax number for correspondent is correct when the applicant is pro se.)

You may print a new paper copy from TICSRS, using TICSRS Image Retrieval to print selected pages, selected documents, or all pages.

Steve Meyer located in South Tower, Rm 10A19, e-mail address Meyer, Steve (TM) is available as a Point of Contact for questions.

**To:** Video Vending New York, Inc. DBA DVDXPRE ETC. ([gmeyer@dvdexpress.net](mailto:gmeyer@dvdexpress.net))  
**Subject:** TRADEMARK APPLICATION NO. 78181733 - attachment -- disregard first e-mail  
**Sent:** 4/10/03 3:53:33 PM  
**Sent As:** ECom102  
**Attachments:** [Attachment - 1](#)

## UNITED STATES PATENT AND TRADEMARK OFFICE

**SERIAL NO:** 78/181733

**APPLICANT:** Video Vending New York, Inc. DBA DVDXPRE  
ETC.

**CORRESPONDENT ADDRESS:**  
Video Vending New York, Inc. DBA DVDXPRE  
  
311 Greenwich Street Suite 6G  
New York NY USA 10013

**RETURN ADDRESS:**  
Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3513  
**ecom102@uspto.gov**

**MARK:** DVDXPRESS RENTALS

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

**CORRESPONDENT EMAIL ADDRESS:**  
[gmeyer@dvdexpress.net](mailto:gmeyer@dvdexpress.net)

Please provide in all correspondence:

1. Filing date, serial number, mark and applicant's name.
2. Date of this Office Action.
3. Examining Attorney's name and Law Office number.
4. Your telephone number and e-mail address.

## OFFICE ACTION

**TO AVOID ABANDONMENT, WE MUST RECEIVE A PROPER RESPONSE TO THIS OFFICE ACTION WITHIN 6 MONTHS OF OUR MAILING OR E-MAILING DATE.**

Serial Number 78/181733

The assigned examining attorney has reviewed the referenced application and determined the following.

### **REFUSAL – LIKELIHOOD OF CONFUSION**

The examining attorney refuses registration under Trademark Act Section 2(d), 15 U.S.C. Section 1052(d), because the applicant's mark, when used on or in connection with the identified services, so resembles the mark in U.S. Registration No. 2122471 as to be likely to cause confusion, to cause mistake, or to deceive. TMEP section 1207. See the enclosed registration.

Section 2(d) of the Trademark Act bars registration where a mark so resembles a registered mark, that it is likely, when applied to the goods, to cause confusion, or to cause mistake or to deceive. TMEP section 1207.01. The Court in *In re E. I. DuPont de Nemours & Co.*, 476 F.2d 1357, 177 USPQ 563 (CCPA 1973), listed the principal factors to consider in determining whether there is a likelihood of confusion. Among these factors are the similarity of the marks as to appearance, sound, meaning and commercial impression and the similarity of the goods. The overriding concern is to prevent buyer confusion as to the source of the goods. *Miss Universe, Inc. v. Miss Teen U.S.A., Inc.*, 209 USPQ 698 (N.D. Ga. 1980). Therefore, any doubt as to the existence of a likelihood of confusion must be resolved in favor of the registrant. *Lone Star Mfg. Co. v. Bill Beasley, Inc.*, 498 F.2d 906, 182 USPQ 368 (CCPA 1974).

The applicant's mark, DVD XPRESS RENTALS [DESIGN], is confusingly similar to the registrant's mark, DVD EXPRESS, for related identical services. Thus, registration is denied.

Although the examining attorney has refused registration, the applicant may respond to the refusal to register by submitting evidence and arguments in support of registration.

### **INFORMALITY**

If the applicant chooses to respond to the refusal to register, the applicant must also respond to the following informality.

### **Disclaimer Required**

Trademark Act Section 6(a), 15 U.S.C. Section 1056(a), states that the Commissioner may require the applicant to disclaim an unregistrable component of a mark. Trademark Act Section 2(e), 15 U.S.C. Section 1052(e), bars the registration of a mark which is merely descriptive or deceptively misdescriptive, or primarily geographically descriptive of the goods. Therefore, the Commissioner may require the disclaimer of a portion of a mark which, when used in connection with the goods or services, is merely descriptive or deceptively misdescriptive, or primarily geographically descriptive. If an applicant does not comply with a disclaimer requirement, the examining attorney may refuse registration of the entire mark. TMEP section 1213.01(b). A disclaimer does not remove the disclaimed matter from the mark. It is simply a statement that the applicant does *not* claim exclusive rights in the disclaimed wording or design apart from the mark as shown in the drawing.

The applicant must insert a disclaimer of DVD and RENTALS in the application. Trademark Act Section 6, 15 U.S.C. Section 1056; TMEP sections 1213 and 1213.09(a)(i).

A properly worded disclaimer should read as follows:

No claim is made to the exclusive right to use "DVD" or "RENTALS" apart from the mark as shown.

### **RESPONSE GUIDELINES**

The applicant may respond via regular mail to the address listed above, or via e-mail to [Ecom102@uspto.gov](mailto:Ecom102@uspto.gov). In the body of the response, please clearly state the applicant's name, mark, serial number, Law Office and Examining Attorney, mailing date of the Office Action, and the applicant's telephone number.

To respond to this Office action electronically, the applicant must:

- include the serial number in the subject line;
- send the response to <mailto:ecom102@uspto.gov>. E-mail sent to any other address will NOT be processed, and may result in ABANDONMENT of the application;
- submit specimens and/or evidence as scanned images or digital photographs in .GIF or .JPG format only. NO OTHER FORMATS WILL BE PROCESSED (TMEP §304.01);
- respond within six-months from the Office action mailing date, or within the period stated in the Office action;
- respond in English; and
- sign the response electronically, e.g. /john smith/. See 37 CFR §1.4(d)(1)(iii); TMEP §804.05.

The examining attorney will send correspondence only to the e-mail address listed in the application. A request to change an e-mail address may be submitted by signed e-mail to one of the above e-mail addresses.

Note: only one e-mail address may be used for correspondence. TMEP §§304.03 and 304.07.

-

Send comments on the USPTO e-Commerce Law Office Pilot Program to [Comments@uspto.gov](mailto:Comments@uspto.gov).

PLEASE NOTE: Because it delays processing, submission of duplicate papers is discouraged. Unless specifically requested to do so by the Office, parties should not mail follow up copies of documents transmitted by fax. TMEP 702.04(e); Cf. ITC Entertainment Group Ltd. V. Nintendo of America Inc. 45 USPQ2d 2021 (TTAB 1998).

### **Fee increase effective January 1, 2003**

Effective January 1, 2003, the fee for filing an application for trademark registration will be increased to **\$335.00** per International Class. The

USPTO will not accord a filing date to applications that are filed on or after that date that are not accompanied by a minimum of \$335.00.

Additionally, the fee for amending an existing application to add an additional class or classes of goods/services will be \$335.00 per class for classes added on or after January 1, 2003.

/rscb/  
Robin S. Chosid-Brown  
Trademark Examining Attorney  
Law Office 102  
(703) 308-9102 ext 204  
robin.chosid-brown@uspto.gov

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**Print: Apr 10, 2003**

**75189907**

**TYPED DRAWING**

**Serial Number**

75189907

**Status**

CANCELLATION PENDING

**Word Mark**

DVD EXPRESS

**Registration Number**

2122471

**Date Registered**

1997/12/16

**Type of Mark**

SERVICE MARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(1) TYPED DRAWING

**Owner**

DVD EXPRESS, INC. CORPORATION CALIFORNIA 7083 Hollywood Boulevard,  
Ste. 305 Hollywood CALIFORNIA 90028

**Goods/Services**

Class Status -- ACTIVE. IC 035. US 100 101 102. G & S: retail distributorships in the field of pre-recorded films, games, music and computer software. First Use: 1996/11/05. First Use In Commerce: 1996/11/05.

**Disclaimer Statement**

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

**Filing Date**

1996/10/30

**Examining Attorney**

BONNET, ODETTE

**Attorney of Record**

PETER M EICHLER

\*\*\* User: rchosid \*\*\*

#	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/ Search Duration	Search
01	516	N/A	0	0	0:01	*dvd*[bi,ti]
02	5	N/A	0	0	0:02	("d v d" or "dv d" or "d vd") [bi,ti]
03	11538	N/A	0	0	0:01	*xpr{v}{"SZ"}*[bi,ti]
04	5967	N/A	0	0	0:01	*rent*[bi,ti]
05	9	4	5	4	0:01	(1 or 2) and (3 or 4)
06	38	24	14	5	0:01	3 and 4

Session started 4/10/03 3:35:44 PM  
Session finished 4/10/03 3:38:53 PM  
Total search duration 0 minutes 7 seconds  
Session duration 3 minutes 9 seconds

Default NEAR limit= 1 ADJ limit= 1

Sent to TIGRS as Serial Number: 78181733



\*\*\* User: rchosid \*\*\*

#	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/ Search Duration	Search
01	516	N/A	0	0	0:01	*dvd*[bi,ti]
02	5	N/A	0	0	0:02	("d v d" or "dv d" or "d vd") [bi,ti]
03	11538	N/A	0	0	0:01	*xpr{v}{"SZ"}*[bi,ti]
04	5967	N/A	0	0	0:01	*rent*[bi,ti]
05	9	4	5	4	0:01	(1 or 2) and (3 or 4)
06	38	24	14	5	0:01	3 and 4

Session started 4/10/03 3:35:44 PM

Session finished 4/10/03 3:38:54 PM

Total search duration 0 minutes 7 seconds

Session duration 3 minutes 10 seconds

Default NEAR limit= 1 ADJ limit= 1

Sent to TIGRS as Serial Number: 78181733

**DOCUMENT INFORMATION****TRADEMARK/SERVICEMARK APPLICATION****VERSION 1.24****APPLICANT INFORMATION**

NAME	Video Vending New York, Inc. DBA DVDPRESS
STREET	311 Greenwich Street
CITY	New York
STATE	NY
COUNTRY	USA
ZIP/POSTAL CODE	10013
TELEPHONE NUMBER	212-587-8911
FAX NUMBER	413-691-0838
E-MAIL ADDRESS	gmeyer@dvdpress.net
AUTHORIZE E-MAIL COMMUNICATION	Yes

**APPLICANT ENTITY INFORMATION**

CORPORATION: STATE/COUNTRY OF INCORPORATION	New York
---	----------

**TRADEMARK/SERVICEMARK INFORMATION**

MARK	DVDPRESS RENTALS
TYPED FORM	No

**BASIS FOR FILING AND GOODS/SERVICES INFORMATION**

USE IN COMMERCE: SECTION 1(a)	Yes
LISTING OF GOODS AND/OR SERVICES	Entertainment Services, namely the rental of prerecorded digital video discs featuring films and video games.
FIRST USE ANYWHERE DATE	12/05/2001
FIRST USE IN COMMERCE DATE	12/05/2001

78181733

**OPTIONAL INFORMATION****DISCLAIMER**

No claim is made to the exclusive right to use DVD or RENTALS apart from the mark as shown.

**FEE INFORMATION**

TOTAL FEES PAID 325

NUMBER OF CLASSES PAID 1

NUMBER OF CLASSES 1

**LAW OFFICE INFORMATION**

E-MAIL ADDRESS FOR CORRESPONDENCE gmeyer@dvdexpress.net

**SIGNATURE AND OTHER INFORMATION**

SIGNATURE /greg meyer/

DATE 11/05/2002

NAME Greg Meyer

TITLE Managing Director, Duly Authorized Officer

**MAILING ADDRESS**

LINE Video Vending New York, Inc. DBA DVDPRESS

LINE 311 Greenwich Street

LINE New York NY USA 10013

**SERIAL NUMBER INFORMATION**

SERIAL NUMBER 78181733

**RAM INFORMATION**

RAM SALE NUMBER 603

RAM ACCOUNTING DATE 11/05/2002

INTERNET TRANSMISSION DATE Tue Nov 05 13:08:59 EST 2002

TEAS STAMP USPTO/BAS-20723724470-20021105130859316114-78181733-

78181733

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20021105130432579475

E-MAIL ADDRESS  
FOR  
ACKNOWLEDGMENT

gmeyer@dvdexpress.net

<SERIAL NUMBER> 78181733  
<FILING DATE> 11/05/2002

<DOCUMENT INFORMATION>  
<TRADEMARK/SERVICEMARK APPLICATION>  
<VERSION 1.24>

<APPLICANT INFORMATION>

<NAME>	Video Vending New York, Inc. DBA DVDXPRESS
<STREET>	311 Greenwich Street
Suite 6G	
<CITY>	New York
<STATE>	NY
<COUNTRY>	USA
<ZIP/POSTAL CODE>	10013
<TELEPHONE NUMBER>	212-587-8911
<FAX NUMBER>	413-691-0838
<E-MAIL ADDRESS>	gmeyer@dvdexpress.net
<AUTHORIZE E-MAIL COMMUNICATION>	Yes

<APPLICANT ENTITY INFORMATION>

<CORPORATION: STATE/COUNTRY OF INCORPORATION> New York

<TRADEMARK/SERVICEMARK INFORMATION>

<MARK> DVDXPRESS RENTALS  
<TYPED FORM> No

~Applicant requests registration of the above-identified trademark/service mark 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).~

<BASIS FOR FILING AND GOODS/SERVICES INFORMATION>

<USE IN COMMERCE: SECTION 1(a)> Yes

~The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, or the applicant's predecessor in interest used the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended.~

<LISTING OF GOODS AND/OR SERVICES> Entertainment Services, namely the rental of prerecorded digital video discs featuring films and video games.

<FIRST USE ANYWHERE DATE> 12/05/2001

<FIRST USE IN COMMERCE DATE> 12/05/2001

<OPTIONAL INFORMATION>

<DISCLAIMER> No claim is made to the exclusive right to use DVD or RENTALS apart from the mark as shown.

**<FEE INFORMATION>**

<TOTAL FEES PAID> 325  
<NUMBER OF CLASSES PAID> 1  
<NUMBER OF CLASSES> 1

**<LAW OFFICE INFORMATION>**

~The USPTO is authorized to communicate with the applicant's attorney at the below e-mail address~

<E-MAIL ADDRESS FOR CORRESPONDENCE> gmeyer@dvdexpress.net

**<SIGNATURE AND OTHER INFORMATION>**

~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> /greg meyer/  
<DATE> 11/05/2002  
<NAME> Greg Meyer  
<TITLE> Managing Director, Duly Authorized Officer

**<MAILING ADDRESS>**

<LINE> Video Vending New York, Inc. DBA DVDXPRESS  
<LINE> 311 Greenwich Street  
Suite 6G  
<LINE> New York NY USA 10013

**<SERIAL NUMBER INFORMATION>**

<SERIAL NUMBER> 78181733

**<RAM INFORMATION>**

<RAM SALE NUMBER> 603  
<RAM ACCOUNTING DATE> 11/05/2002  
<INTERNET TRANSMISSION DATE> Tue Nov 05 13:08:59 EST 2002  
<TEAS STAMP>

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78181733

E-MAIL ADDRESS FOR ACKNOWLEDGMENT> gmeyer@dvdexpress.net

**Internet Transmission Date:**

2002/11/05

**Serial Number:**

78181733

**Filing Date:**

2002/11/05



TRADEMARK APPLICATION

U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICE  
FEE RECORD SHEET

TOTAL FEES PAID: \$325

RAM SALE NUMBER: 603  
RAM ACCOUNTING DATE: 11/05/2002



NO OCR



11-05-2002



**Drawing Page**

**Serial Number:**

78181733

**Applicant:**

Video Vending New York, Inc. DBA DVDXPRESS  
311 Greenwich Street  
New York NY USA 10013



**Date of First Use:**

12/05/2001

**Date of First Use in Commerce:**

12/05/2001

**Goods and Services:**

Entertainment Services, namely the rental of prerecorded digital video discs featuring films and video games.

**Mark:**



NO OCR



11-05-2002

**Drawing Page****Serial Number:**

78181733

**Applicant:**

Video Vending New York, Inc. DBA DVDXPRESS  
311 Greenwich Street Suite 6G  
New York NY USA 10013

**Date of First Use:**

12/05/2001

**Date of First Use in Commerce:**

12/05/2001

**Goods and Services:**

Entertainment Services, namely the rental of prerecorded digital video discs featuring films and video games.

**Mark:**

NO OCR



11-05-2002

# **DVD X PRESS**

**R E N T A L S**

**Internet Transmission Date:**

2002/11/05

**Serial Number:**

78181733

**Filing Date:**

2002/11/05



TRADEMARK APPLICATION

U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICE  
FEE RECORD SHEET

TOTAL FEES PAID: \$325

RAM SALE NUMBER: 603  
RAM ACCOUNTING DATE: 11/05/2002



NO OCR



11-05-2002

<b>DOCUMENT INFORMATION</b>	
<b>TRADEMARK/SERVICEMARK APPLICATION</b>	
<b>VERSION 1.24</b>	
<b>APPLICANT INFORMATION</b>	
NAME	Video Vending New York, Inc. DBA DVDXPRESS
STREET	311 Greenwich Street Suite 6G
CITY	New York
STATE	NY
COUNTRY	USA
ZIP/POSTAL CODE	10013
TELEPHONE NUMBER	212-587-8911
FAX NUMBER	413-691-0838
E-MAIL ADDRESS	gmeyer@dvdexpress.net
AUTHORIZE E-MAIL COMMUNICATION	Yes
<b>APPLICANT ENTITY INFORMATION</b>	
CORPORATION: STATE/COUNTRY OF INCORPORATION	New York
<b>TRADEMARK/SERVICEMARK INFORMATION</b>	
MARK	DVDXPRESS RENTALS
TYPED FORM	No
<b>BASIS FOR FILING AND GOODS/SERVICES INFORMATION</b>	
USE IN COMMERCE: SECTION 1(a)	Yes

SPECIMEN	Yes
SPECIMEN DESCRIPTION	Business Card for Director of DVDXPRESS RENTALS service.
INTERNATIONAL CLASS NUMBER	041
LISTING OF GOODS AND/OR SERVICES	Entertainment Services, namely the rental of prerecorded digital video discs featuring films and video games.
FIRST USE ANYWHERE DATE	12/05/2001
FIRST USE IN COMMERCE DATE	12/05/2001
<b>OPTIONAL INFORMATION</b>	
DISCLAIMER	No claim is made to the exclusive right to use DVD or RENTALS apart from the mark as shown.
MISCELLANEOUS STATEMENT	Applicant has also applied for the mark 'DVDXPRESS' which is pending as Serial No. 78181407.
<b>FEE INFORMATION</b>	
TOTAL FEES PAID	325
NUMBER OF CLASSES PAID	1
NUMBER OF CLASSES	1
<b>LAW OFFICE INFORMATION</b>	
E-MAIL ADDRESS FOR CORRESPONDENCE	gmeyer@dvdexpress.net
<b>SIGNATURE AND OTHER INFORMATION</b>	
SIGNATURE	/greg meyer/
DATE	11/05/2002
NAME	Greg Meyer

TITLE	Managing Director, Duly Authorized Officer
<b>MAILING ADDRESS</b>	
LINE	Video Vending New York, Inc. DBA DVDXPRESS
LINE	311 Greenwich Street
LINE	New York NY USA 10013
<b>SERIAL NUMBER INFORMATION</b>	
SERIAL NUMBER	78181733
<b>RAM INFORMATION</b>	
RAM SALE NUMBER	603
RAM ACCOUNTING DATE	11/05/2002
INTERNET TRANSMISSION DATE	Tue Nov 05 13:08:59 EST 2002
TEAS STAMP	USPTO/BAS-20723724470-20021105130859316114-78181733-20019b5917b863a17eb838f4caa8657958a-RAM-603-20021105130432579475
E-MAIL ADDRESS FOR ACKNOWLEDGMENT	gmeyer@dvdexpress.net

&lt;SERIAL NUMBER&gt; 78181733

&lt;FILING DATE&gt; 11/05/2002

## &lt;DOCUMENT INFORMATION&gt;

&lt;TRADEMARK/SERVICEMARK APPLICATION&gt;

&lt;VERSION 1.24&gt;

## &lt;APPLICANT INFORMATION&gt;

<NAME> Video Vending New York, Inc. DBA DVDXPRESS  
<STREET> 311 Greenwich Street Suite 6G  
<CITY> New York  
<STATE> NY  
<COUNTRY> USA  
<ZIP/POSTAL CODE> 10013  
<TELEPHONE NUMBER> 212-587-8911  
<FAX NUMBER> 413-691-0838  
<E-MAIL ADDRESS> gmeyer@dvdexpress.net  
<AUTHORIZE E-MAIL COMMUNICATION> Yes

## &lt;APPLICANT ENTITY INFORMATION&gt;

&lt;CORPORATION: STATE/COUNTRY OF INCORPORATION&gt; New York

## &lt;TRADEMARK/SERVICEMARK INFORMATION&gt;

&lt;MARK&gt; DVDXPRESS RENTALS

&lt;TYPED FORM&gt; No

~Applicant requests registration of the above-identified trademark/service mark 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).~

## &lt;BASIS FOR FILING AND GOODS/SERVICES INFORMATION&gt;

&lt;USE IN COMMERCE: SECTION 1(a)&gt; Yes

~The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, or the applicant's predecessor in interest used the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended.~

Applicant attaches one SPECIMEN for each class showing the mark as used in commerce on or in connection with any item in the class of listed goods and/or services.

&lt;SPECIMEN&gt; Yes

&lt;SPECIMEN DESCRIPTION&gt; Business Card for Director of DVDXPRESS RENTALS service.

&lt;INTERNATIONAL CLASS NUMBER&gt; 041

&lt;LISTING OF GOODS AND/OR SERVICES&gt; Entertainment Services, namely the rental of



prerecorded digital video discs featuring films and video games.

<FIRST USE ANYWHERE DATE> 12/05/2001

<FIRST USE IN COMMERCE DATE> 12/05/2001

**<OPTIONAL INFORMATION>**

<DISCLAIMER> No claim is made to the exclusive right to use DVD or RENTALS apart from the mark as shown.

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**<FEE INFORMATION>**

<TOTAL FEES PAID> 325

<NUMBER OF CLASSES PAID> 1

<NUMBER OF CLASSES> 1

**<LAW OFFICE INFORMATION>**

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<E-MAIL ADDRESS FOR CORRESPONDENCE> gmeyer@dvdexpress.net

**<SIGNATURE AND OTHER INFORMATION>**

~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> /greg meyer/

<DATE> 11/05/2002

<NAME> Greg Meyer

<TITLE> Managing Director, Duly Authorized Officer

**<MAILING ADDRESS>**

<LINE> Video Vending New York, Inc. DBA DVDXPRESS

<LINE> 311 Greenwich Street

Suite 6G

<LINE> New York NY USA 10013

**<SERIAL NUMBER INFORMATION>**

<SERIAL NUMBER> 78181733

**<RAM INFORMATION>**

<RAM SALE NUMBER> 603

<RAM ACCOUNTING DATE> 11/05/2002

<INTERNET TRANSMISSION DATE> Tue Nov 05 13:08:59 EST 2002

<TEAS STAMP>

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E-MAIL ADDRESS FOR ACKNOWLEDGMENT> gmeyer@dvdexpress.net

**Drawing Page****Serial Number:**

78181733

**Applicant:**

Video Vending New York, Inc. DBA DVDXPRESS  
311 Greenwich Street Suite 6G  
New York NY USA 10013

**Date of First Use:**

12/05/2001

**Date of First Use in Commerce:**

12/05/2001

**Goods and Services:**

Entertainment Services, namely the rental of prerecorded digital video discs featuring films and video games.

**Mark:**

NO OCR



11-05-2002

# **DVD X PRESS**

**R E N T A L S**