

Attorney Ref.: 13114/27

Class Nos. : 35, 38 and 41
Examiner : Steven Foster
Law Office : 106

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Expo Communications, Inc.
Mark : VIDEOPINIONS
Serial No. : 78/654,480
Filing Date : June 20, 2005

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



REQUEST TO DIVIDE APPLICATION
PURSUANT TO 37 C.F.R. § 2.87

SIR:

Applicant hereby requests that this application be divided into three applications by retaining the following services in the parent application:

Parent Application – Class 35

“Providing information on consumer products and services by way of a global computer network” in Class 35;

and by making the following services the subject of *two new child applications*:

First Child Application – Class 38

“Television broadcasting, cable television broadcasting, satellite television broadcasting, and interactive video-on-demand transmission services, all in the field of information on consumer products and services” in Class 38

Second Child Application – Class 41

“Entertainment services in the nature of on-going television programs in the field of information about consumer products and services” in Class 41

NY01 1315238 v1

U.S. PATENT & TRADEMARK OFFICE

02-23-2007

U.S. Patent & TradeMark Exam Dept. DR #52

Applicant has a bona fide intention to use the VIDEOPINIONS mark in connection with "Television broadcasting, cable television broadcasting, satellite television broadcasting, and interactive video-on-demand transmission services, all in the field of information on consumer products and services" in Class 38 and "Entertainment services in the nature of on-going television programs in the field of information about consumer products and services" in Class 41.

Please charge the \$200 fee pursuant to 37 C.F.R. § 2.6(a)(19) for the two new separate applications pursuant to § 2.87(b) to Kenyon and Kenyon's Deposit Account No. 11-0600.

Please also charge any additional required fees to Deposit Account 11-0600.

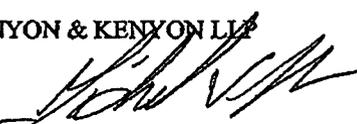
DECLARATION

The undersigned being hereby warned that willful false statements and the like are punishable by fine or by imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful statements and the like may jeopardize the validity of this document, declares that he/she is properly authorized to execute this document on behalf of the owner; and all statements made of his/her own knowledge are true and that all statements made on information and belief are believed to be true.

Respectfully submitted,

KENYON & KENYON LLP

Dated: Feb 20, 2007

By: 

Michael J. Freno
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Attorney for Applicant

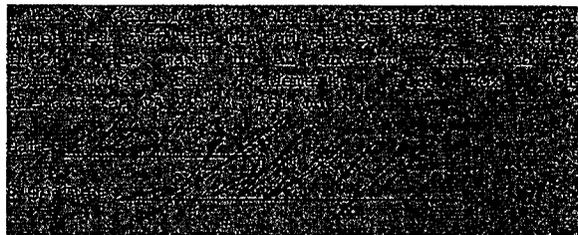
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Parent Application – Class 35

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“Television broadcasting, cable television broadcasting, satellite television broadcasting, and interactive video-on-demand transmission services, all in the field of information on consumer products and services” in Class 38

Second Child Application – Class 41

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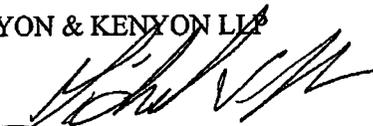
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CERTIFICATE OF MAILING

I certify that the foregoing is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to the Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22213-1451.

Commissioner for Trademarks
P.O. 1451
Arlington, VA 22313-1451

February 20, 2007

Date of Deposit

Name of person mailing papers:

Signature

Michael J. Fieno
[Signature]

REQUEST FOR RECONSIDERATION TO FINAL OFFICE ACTION

This letter is in response to the Office Action dated August 17, 2006.

REMARKS

I. APPLICANT RESPECTFULLY REQUESTS RECONSIDERATION OF THE EXAMINER'S DECISION TO MAKE THE AUGUST 17, 2006 ACTION FINAL

The Applicant respectfully asks the Examiner to reconsider its decision to make the August 17, 2006 action final. The Applicant understands that an action may only be made final



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when an examiner has raised in a previous action “all outstanding issues” and the “applicant has had an opportunity to respond to them”:

Final action is appropriate when a clear issue has been developed between the examining attorney and the applicant, i.e., the examining attorney has previously raised all outstanding issues and the applicant has had an opportunity to respond to them.

TRADEMARK MANUAL OF EXAMINATION PROCEDURES (“TMEP”) (4th Edition) § 714.03

(emphasis added). In this case, at least one new issue was raised in the August 17, 2006 office action even though the action was made final.

In particular, for the first time in the August 17, 2006 action, a refusal to register the Mark was made under Section 2(e)(1) for class 41. Office Action, 8/17/06 at 2 (“The refusal to register under Section 2(e)(1) of the Trademark Act is continued and made FINAL.”). This issue was never raised in the original and first January 10, 2006 office action, and could not be raised in the first office action because the Applicant did not claim services in class 41 until the Examiner recommended that the Applicant claim such services in the January 10, 2006 office action. The Applicant has never had an opportunity to respond to the Examiner’s refusal to register the VIDEOPINIONS mark in class 41 under Section 2(e)(1). Indeed, the Applicant argues below (for the first time) that VIDEOPINIONS is not descriptive for the claimed class 41 services, but only presents the argument for the first time because it was never raised before the August 17, 2006 office action. Quite simply, the Applicant did not know it was an issue—especially since it was the Examiner who recommended that the Applicant include a claim of services in class 41.

Furthermore, an office action cannot be made final in piecemeal: To make an action final at all, all requirements must have been made in the earlier action.

For a second action to be made final, all requirements or refusals must have been made in the first action. No requirement may be made final, even if it is a repeated requirement, unless the entire action is made final. Thus, if the examining attorney makes a new refusal or requirement in a second or subsequent action, a repeated refusal or requirement may not be made final.

TMEP § 714.03 (emphasis added). In this case, since the refusal to register the VIDEOPINIONS mark in class 41 was never made in an earlier action, Applicant respectfully contends that the refusal to register the mark in the August 17, 2006 office action should not have been made final.¹

Therefore, the Applicant respectfully asks the Examiner to find that the August 17, 2006 action to have been made final prematurely and asks the Examiner to issue a new non-final action. See TMEP § 714.06. However, if the Examiner decides on reconsideration that the application should publish, Applicant concedes that no new non-final action would be necessary.

II. REQUEST TO DIVIDE: 37 C.F.R. § 2.87

The Applicant separately files a request to divide the application into the three pending classes, International Class 35, International Class 38, and International Class 41.

III. SECTION 2(E)(1) REFUSAL OF CLASS 35

The Examiner has refused registration of the Applicant's mark in class 35 under Section 2(e)(1) of the Lanham Act, 15 U.S.C. § 1052(e)(1), stating that "[t]he refusal to register under Section 2(e)(1) of the Trademark Act is continued and made FINAL." Office Action, 8/17/06 at

¹ Additionally, the Examiner presented new evidence in the August 17, 2006 action, and the Applicant never had an opportunity to respond to this evidence. This is a separate and additional reason the August 17, 2006 should not have been made final. Furthermore, the Examiner has changed his characterization the Applicant's services to "offer[ing] opinions about products and services on videotape" from "the provision of opinions by means of video," which was his original characterization of the Applicant's service from the January 10, 2006 office action. See discussion below. Although Applicant disputes both characterizations, the Applicant was never given an opportunity to respond to the Examiner's latest characterization.

2. The Applicant respectfully traverses and requests reconsideration of the Examiner's refusal to register the VIDEOPINIONS mark in class 35.

The Lanham Act § 2 reads, in relevant part, as follows:

No trademark by which the goods of the applicant may be distinguished from the goods of others shall be refused registration on the principal register on account of its nature unless it— (e) consists of a mark which, (1) when used on or in connection with the goods of the applicant is merely descriptive . . . of them

§ 1052(e)(1) (emphasis added). The word “merely” means that the mark cannot be deemed descriptive unless it immediately conveys information with a “degree of particularity” concerning a significant quality, characteristic, function, attribute, or feature of the goods or services in connection with which it is used or is intended to be used. *In re Cerner Corp.*, 2001 TTAB LEXIS 87, at *3 (TTAB Jan. 31, 2001); *In re On Technology Corp.*, 41 USPQ2d (BNA) 1475, at *7 (TTAB 1996); *In re Intelligent Medical Sys.*, 5 USPQ2d (BNA) 1674 (TTAB 1987); *In re TMS Corporation of the Americas*, 200 USPQ (BNA) 57, 59 (TTAB 1978); *In re Colonial Stores, Inc.*, 394 F.2d 549 (C.C.P.A. 1968).

The Applicant contends that VIDEOPINIONS does not describe anything whatsoever, let alone “[p]roviding information on consumer products and services by way of a global computer network.” Respectfully, the Applicant believes the Examiner has chosen (without justification) dictionary definitions of the words “video” and “opinion” from among many possible definitions to define the mark VIDEOPINIONS to mean offering opinions by means of videotape, and then (ignoring the Applicant's recited services, and at times instead relying on extrinsic evidence and representations by third parties) characterized the Applicant's services as the service of the offering opinions by means of videotape. By bending and twisting the mark VIDEOPINIONS and bending and twisting the recited services of class 35, the Examiner unnaturally attempts to

force the Applicant's VIDEOPINIONS mark and the Applicant's services to converge. Such an analysis begs the question. An analysis under Section 2(e)(1) requires, *inter alia*, an objective analysis of the mark to determine what it means, if anything, to consumers; and a determination of whether the mark describes with a degree of particularity the recited class 35 services claimed by the Applicant.

A. The Coined Mark VIDEOPINIONS Has No Known Meaning

Applicant contends that even though the word "video" has multiple known meanings in the English language, and even though "opinions" has multiple known meanings in the English language, the combination "video opinions" has no recognized meaning. Without actually ever asserting what the Examiner takes the mark VIDEOPINIONS to mean or what the Examiner takes the mark VIDEOPINIONS to mean to consumers, the Examiner has provided dictionary definitions of the terms "video" and "opinion." *In re Merrill Lynch, Pierce, Fenner & Smith, Inc.*, 828 F.2d 1567, 4 USPQ2d 1141, 1143 (Fed. Cir. 1987) (reversing Examiner and Board finding of descriptiveness, but holding that evidence of the public's understanding of a term may be obtained from any competent source, including dictionaries).

1. The Term "Video" Has Multiple Meanings

There are numerous definitions of the word "video," with conventional uses of the word as either a noun or an adjective. The Examiner provided the definitions of "video" from a single source, the Microsoft® Encarta® dictionary. Encarta® lists at least the five definitions of the noun word "video" and two definitions of the adjective word "video." Ex. 1 (Microsoft® Encarta definitions of "video"). To eliminate any bias in picking and choosing definitions of the words and to complete the record, the Applicant provides additional dictionary definitions. *See, e.g.*, Ex. 2 (www.infoplease.com definitions of "video"); Ex. 3 (Merriam-Webster Online

definitions of "video"); Ex. 4 (American Heritage Dictionary definitions of "video"),² Ex. 4 (Dictionary.com definitions of "video");³ and Ex. 5 (Oxford English Dictionary definitions of "video."). The various dictionary sources provide definitions of "video" ranging from, *inter alia*, music videos, movies, video recorders, videocassettes or videotapes, television, and the visual portion of television. The definitions include each of the following:

A music video.	Ex. 4
a program, movie, or the like, that is available commercially on videocassette	Ex. 2
a recording similar to a videotape but stored in digital form (as on an optical disk or a computer's hard drive)	Ex. 3
A video recorder; also, a VDU.	Ex. 5
A video recording; videotape as a recording medium.	Ex. 5
A videocassette or videotape, especially one containing a recording of a movie, music performance, or television program.	Ex. 4
being, relating to, or involving images on a television screen or computer display <a video terminal>	Ex. 3
being, relating to, or used in the transmission or reception of the television image <a video channel> -- compare AUDIO	Ex. 3
comput images on computer screen: the text and graphics images that appear on a computer screen	Ex. 1
Computer Science Of or relating to the production of images on video displays	Ex. 4
Computer Science The appearance of text and graphics on a video display.	Ex. 4
image reproduction industry: the industry of recording and broadcasting visual information and entertainment, especially that which can be viewed on a television a star of stage, screen, and video	Ex. 1
Informal television: She is a star of stage and video.	Ex. 2
Informal videotape	Ex. 2
of or pertaining to television, esp. the visual elements	Ex. 2
of or pertaining to the electronic apparatus for producing the television picture: video amplifier	Ex. 2
of or pertaining to videocassettes, videocassette recorders, music video, etc.: a video shop	Ex. 2
Of or relating to television, especially televised images	Ex. 4
Of or relating to videotaped productions or videotape equipment and technology	Ex. 4
pertaining to or employed in the transmission or reception of television pictures	Ex. 2
relating to video frequencies: relating to or using video frequencies	Ex. 1
relating to visual image reproduction: relating to the recording or broadcasting of visual	Ex. 1

² The American Heritage® Dictionary of the English Language, Fourth Edition. Retrieved February 18, 2007, from Dictionary.com website: <http://dictionary.reference.com/browse/video>.

³ Dictionary.com. Dictionary.com Unabridged (v 1.1). Random House, Inc. <http://dictionary.reference.com/browse/video> (accessed: February 18, 2007).

information or entertainment by means of videotape or television	
something recorded onto videotape: something that has been recorded on videotape, especially a movie or music performance a video of my brother's wedding	Ex. 1
Television as a broadcasting medium. U.S. colloq.	Ex. 5
Television. the elements of television, as in a program or script, pertaining to the transmission or reception of the image (distinguished from audio).	Ex. 2
Television. the video part of a television broadcast.	Ex. 2
Television: a star of stage, screen, and video.	Ex. 4
TELEVISION; also : the visual portion of television	Ex. 3
That which is displayed or to be displayed on a television screen or other cathode-ray tube; the signal corresponding to this	Ex. 5
The production or use of video recordings.	Ex. 5
The visual portion of a televised broadcast.	Ex. 4
videocassette: videotape, or a videocassette (informal) now available to rent or buy on video	Ex. 1
VIDEOTAPE: as a : a recording of a motion picture or television program for playing through a television set b : a videotaped performance of a song often featuring an interpretation of the lyrics through visual images	Ex. 3
visual part of television: the visual part of a television broadcast	Ex. 1

Given the various definitions of the word "video" and given the different definitions of the noun and adjective forms of the word "video," the question presents itself: What does the term "video" mean to consumers? The Examiner never explains. Instead, the Examiner simply states: "The term "video" is . . . being used for its normal meaning." Office Action, 8/17/06 at 2 (emphasis added). However, in view of the diverse meanings of the word "video," it is unclear which meaning is "normal" and which meaning the Examiner believes to be attributed to this word.⁴

2. The Term "Opinion" Has Multiple Meanings

Similarly, there are numerous definitions of the noun word "opinion." The Examiner provides definitions of "opinion" from two sources, a website called Infoplease.com and

⁴ The word "video" is not inherently descriptive of the services of class 35. For example, there are numerous registered service marks containing the word "video" in class 35, including VIDEOSPACE, VIDEOSHOPPING, VIDEOSEEKER, VIDEORESUMECREATOR, VIDEOMASTERS, VIDEOMARATHON, VIDEOFINDER, VIDEOVIEW, VIDEOLINK, and VIDEOLOGO. See Ex. 6.

Merriam-Webster Online. Office Action, 8/17/07 (attachments). To round out the record, the Applicant provides definitions of "opinion" from additional dictionaries. *See, e.g.*, Ex. 7 (Microsoft® Encarta definitions of "opinion"); Ex. 8 (American Heritage definitions of "opinion"); and Ex. 9 (Oxford English Dictionary online definitions of "opinion"). The Oxford English Dictionary's ("OED") definition of "opinion" is the following.

opinion, n.

I. Simple uses.

1. As a count noun: a view held about a particular issue; a judgement formed or a conclusion reached; a belief; a religious or political conviction. Formerly (also): a plan, an intention (obs.).
 2. a. What is thought of a person by others; the (esp. good) estimation in which one stands; reputation (of being such, or of possessing some quality). Obs.
b. Report, rumour. Obs.
 3. a. With specifying adjective, as common, general, public, vulgar, etc. A judgement, belief, or conviction held by the majority of or many people; what is generally thought about something. See also opinion poll, opinion survey, sense 7.
b. More generally: what or how one thinks about something; judgement or belief. Esp. in in my opinion: according to my thinking; as it seems to me. a matter of opinion: a matter about which each may have his or her own opinion; a disputable point.
c. to be of (the) opinion (that): to hold the belief or view; to think (that). Also with further syntactic variation.
d. Public or general opinion.
 4. A formal statement by a judge or other competent authority of what he or she judges or advises on a matter; professional advice; as a legal (also medical) opinion, to get an opinion of counsel, etc. In a second (also another) opinion: the opinion of a second (esp. medical) expert or adviser. Also in transferred and extended uses.
 5. a. Favourable estimate of oneself; conceit, arrogance; self-confidence. Obs. rare.
b. spec. A good or favourable estimate of someone or something; esteem. Esp. in to have no (great) opinion of: to regard as inferior or unworthy.
c. What one thinks of a person or thing; an estimate of character, quality, or value.
 6. Thought of what is likely to be the case, knowledge; expectation based on knowledge or belief. Obs.
- II. Compounds.**

7. General attrib., as opinion-former, holder, leader, -maker, etc.; opinion-breeding, -making n. and adj.; opinion-forming, -tapping adjs. opinion column, a column in a newspaper or periodical which contains an opinion piece; an article in such a column (quot. 1947 refers to a regular column entitled 'Opinion'). opinion mill, a person who or organization which speculates on or disseminates public opinions. opinion piece, an article in a newspaper or periodical expressing the opinion (freq. one which is controversial or biased) of the writer on a particular item of news. opinion poll, an assessment of public opinion taken by questioning a random or representative sample of the public, often as a basis for forecasting patterns of voting (cf. sense 3a). opinion polling, the compiling of opinion polls. opinion pollster, a person or organization engaged in compiling opinion polls. opinion survey = opinion poll. opinion trade, the business of polling or expressing opinions.

Id. Although the OED provides compound forms of the word "opinion," the OED does not recognize the compound "video-opinion."

The word "opinion" has multiple meanings, with definitions ranging from, *inter alia*, favorable esteem, a formal statement by a judge, a belief or conclusion held with confidence but not substantiated by positive knowledge or proof, the public or general opinion, and/or a judgment based on special knowledge. The definitions include each of the following.

A belief or conclusion held with confidence but not substantiated by positive knowledge or proof	Ex. 8
a belief or judgment that rests on grounds insufficient to produce complete certainty	Infoplease.com
a favorable estimate; esteem: I haven't much of an opinion of him.	Infoplease.com
a formal expression of judgment or advice by an expert b : the formal expression (as by a judge, court, or referee) of the legal reasons and principles upon which a legal decision is based	Merriam-Webster OnLine
A formal statement by a judge or other competent authority of what he or she judges or advises on a matter; professional advice; as a legal (also medical) opinion, to get an opinion of counsel, etc. In a second (also another) opinion: the opinion of a second (esp. medical) expert or adviser. Also in transferred and extended uses	Ex. 9
A judgment based on special knowledge and given by an expert: a medical opinion	Ex. 8
a judgment or estimate of a person or things with respect to character, merit, etc.: to forfeit someone's good opinion.	Infoplease.com
A judgment or estimation of the merit of a person or thing: has a low opinion of	Ex. 8

braggarts	
a personal view, attitude, or appraisal	Infoplease.com
a view, judgment, or appraisal formed in the mind about a particular matter b : APPROVAL, ESTEEM	Merriam-Webster OnLine
As a count noun: a view held about a particular issue; a judgement formed or a conclusion reached; a belief; a religious or political conviction	Ex. 9
belief stronger than impression and less strong than positive knowledge b : a generally held view	Merriam-Webster OnLine
body of generally held views: the view or views held by most people or by a large number of people	Ex. 7
estimation: a view regarding the worth of somebody or something	Ex. 7
expert view: an expert assessment of something	Ex. 7
Favourable estimate of oneself; conceit, arrogance; self-confidence. Obs. rare.	Ex. 9
Law A formal statement by a court or other adjudicative body of the legal reasons and principles for the conclusions of the court	Ex. 8
law conclusion of fact: a conclusion drawn from observation of the facts	Ex. 7
Law. The formal statement by a judgment or court of the reasoning and the principles of law used in reaching a decision of a case	Infoplease.com
More generally: what or how one thinks about something; judgement or belief. Esp. in in my opinion: according to my thinking; as it seems to me. a matter of opinion: a matter about which each may have his or her own opinion; a disputable point	Ex. 9
personal view: the view somebody takes about an issue, especially when it is based solely on personal judgment	Ex. 7
Public or general opinion	Ex. 9
Report, rumour. Obs.	Ex. 9
spec. A good or favourable estimate of someone or something; esteem. Esp. in to have no (great) opinion of: to regard as inferior or unworthy.	Ex. 9
the formal expression of a professional judgment: to ask for a second medical opinion	Infoplease.com
The prevailing view: public opinion	Ex. 8
Thought of what is likely to be the case, knowledge; expectation based on knowledge or belief. Obs.	Ex. 9
to be of (the) opinion (that): to hold the belief or view; to think (that). Also with further syntactic variatio	Ex. 9
What is thought of a person by others; the (esp. good) estimation in which one stands; reputation (of being such, or of possessing some quality)	Ex. 9
What one thinks of a person or thing; an estimate of character, quality, or value.	Ex. 9
With specifying adjective, as common, general, public, vulgar, etc. A judgement, belief, or conviction held by the majority of or many people; what is generally thought about something. See also opinion poll, opinion survey.	Ex. 9

Given the various definitions of the word "opinion," the following question presents itself: What does the word "opinion" mean to consumers? In this case, the Examiner provides the following definition of the word "opinion."

The term "opinion" is defined as "a personal view, attitude, or appraisal" or as "a view, judgment, or appraisal formed in the mind about a particular matter." See attached dictionary definitions. . . .

Office Action, 8/17/06 at 2. Although the Examiner focuses on a single definition of "opinion" from among many, no explanation or evidentiary basis is given for choosing this particular definition over the others.⁵

3. The Coined Mark VIDEOPINIONS Has No Meaning at All, and the Combination of "Video" and "Opinions" Evokes a New Commercial Impression

The Applicant's VIDEOPINIONS mark is a unique expression, coined by the Applicant for use in connection with its service of "[p]roviding information on consumer products and services by way of a global computer network." The mark VIDEOPINIONS has no dictionary definition, and no meaning in common language. There is no such thing as a "videopinions" or a "video opinions." This is undisputed.

a. Given The Various Definitions of "Video" And "Opinion," The Expression VIDEOPINIONS or "Video Opinion" Has No Clear Meaning

Given the all the various meanings of the terms "opinion" and "video," one cannot come to any clear understanding as to what "videopinions" or "video opinions" could possibly mean. There are hundreds of permutations and possibilities, many of which make no sense.

⁵ The word "opinion" is also not inherently descriptive of the services of class 35. For example, there are numerous registered service marks containing the word "opinion" in class 35, including WORLDOPINION, VALUEDOPINION, INTERNETOPINIONS.COM, QUALITYOPINIONS.COM, OPINIONBANK, OPINIONLAB, and OPINIONSITE. See Ex. 12.

For example, taking the noun form of the word "video" and placing it beside the noun word "opinion" creates nonsense: It is like referring to "cat dog." For example, taking the first occurring definitions from the OED, the definition of "video" is "that which is displayed or to be displayed on a television screen or other cathode-ray tube. . . ." (Ex. 5) and the definition of "opinion" is "a view held about a particular issue; a judgement formed or a conclusion reached; a belief; a religious or political conviction." Ex. 9. The combination makes no sense, e.g., "that which is displayed or to be displayed on a television screen or other cathode-ray tube a view held about a particular issue; a judgement formed or a conclusion reached; a belief; a religious or political conviction." The same applies for the various other combinations of definitions for the respective words.⁶

The Applicant is not arguing that a consumer would have difficulty figuring out what the Applicant's services are from looking at the mark VIDEOPINIONS (which the Applicant also believes to be the case), but rather, the Applicant is here arguing that the coined word VIDEOPINIONS or the combination of "video" and "opinions" has no meaning whatsoever in the English language. Reaffirming this conclusion that VIDEOPINIONS has no meaning, the Examiner himself never actually states what he takes the combined terms to mean. The present case is analogous to the case of *In re Harrington*, 219 USPQ 854, 856 (TTAB 1983), where the applicant filed for the mark COLLEGE ACADEMY for "education services, namely, providing special learning programs for gifted and talented children in grades 4 to 8." Reversing the examining attorney's refusal to register the mark under Section 2(e)(1), the Trademark Trial and Appeal Board ("Board") found that "the composite of the two words is not a term in general use

⁶ Even when the word "video" is taken as an adjective instead of a noun, the combination of terms still makes no sense: "of or pertaining to the electronic apparatus for producing the television picture a view held about a particular issue; a judgement formed or a conclusion reached; a belief; a religious or political conviction."

to describe educational services (or anything else, for that matter) and has no dictionary meaning.” *Id.* at 856 (emphasis added). No dictionary defines “videopinions.”

In the *Harrington* case, there was no evidence showing use of the composite term COLLEGE ACADEMY in the academic field. *Id.* Likewise, in this case, there is no evidence showing use of the term VIDEOPINIONS (or “video opinions”) in the field of providing information on consumer products and services by way of a global computer network. Although the Examiner has attached two documents to the August 17, 2006 office action which the Examiner alleges “show[] use of the phrase ‘video opinion’ and its plural in descriptive fashion,” the Applicant disputes the relevance and admissibility of the documents.⁷

The first proffered document comprises excerpts apparently from a Kansas City Star article entitled “Students view life from both sides of camera” by Roberta Johnson. The excerpts apparently (though it is unclear because the full article and context was not provided) quote a seventh-grade student as saying: “We got to tape (yesterday) and today, I get to do the video opinion poll.” The Applicant objects to the admissibility of this document because it is impossible to understand what the limited text means and the Applicant requests the entire article be submitted.⁸ At the same time, based on the limited text provided, a “video opinion poll” is clearly not a use of VIDEOPINIONS. Moreover, whereas the term “opinion poll” is a common

⁷ Note that the Examiner’s attachments to his August 17, 2007 cannot fully be understood or appreciated. According to the August 17, 2007 office action, the “Office Action has been split into 2 smaller e-mail messages.” According to the office action, Email 1 includes 5 attachments, and Email 2 includes 8 attachments. The Applicant only received 7 attachments in total, which include: (1) webpages titled “Branding Ad Vice”; (2) webpages titled “GamePro.com”; (3) webpage for Infoplease dictionary; (4) webpage for Merriam-Webster Online; (5) webpage from MSN Encarta®; (6) excerpts apparently from a Kansas City Star article entitled “Students view life from both sides of camera” by Roberta Johnson; and (7) an unknown and unidentified excerpt titled “Private Eyes” by Geraldine Baum. If the Examiner intended to attach more exhibits than described herein, the Applicant never received such attachments and such other attachments are not part of the public record accessible on the www.uspto.gov website.

⁸ Federal Rule of Evidence 106 states: “When a writing or recorded statement or part thereof is introduced by a party, an adverse party may require the introduction at that time of any other part or any other writing or recorded statement which ought in fairness to be considered contemporaneously with it.”

compound term recognized by the Oxford English Dictionary (see above), the compound term “video opinion” is not a recognized compound term.

The second document proffered by the Examiner is from an unknown and unidentified source, but appears to be entitled “Private Eyes” by Geraldine Baum. The document states:

...article recounted how a consortium of peace groups frustrated with network news coverage of the Gulf War. They solicited video opinions from groups nationwide, received 100 responses and then culled them, broadcasting four short programs on cable and PBS stations.

It is unclear from this excerpt what the article is exactly saying or how “video opinions” is being used. Again, the Applicant objects to this evidence under Federal Rules of Evidence 106 as failing to proffer the full document and context and the Applicant requests the full document be submitted for examination. However, even from the limited text provided, it is clear that the use does not involve “[p]roviding information on consumer products and services by way of a global computer network,” which is the Applicant’s class 35 services at issue.

Perhaps the most compelling fact derived from the evidence proffered by the Examiner is that from a NEXIS database search, not a single instance of use of the coined term VIDEOPINIONS was apparently found. Moreover, the Examiner’s submission of a single use of the phrase “video opinions” is not sufficient to demonstrate that VIDEOPINIONS merely describes the Applicant’s recited class 35 services. For example, *In re Adamchik*, Ser. No. 76571862, 2006 TTAB LEXIS 345 (TTAB Aug. 7, 2006), an applicant sought registration for the mark OBJECTSTYLE for “providing web and e-mail hosting services to the open-source software development community” in class 38. The examiner submitted a webpage as an example of use of the term “object style,” but the Board held that a single example of use is not enough to show descriptiveness.

The only example of use of the term "object style," or a variation thereof, in the examining attorney's evidence occurs in an Internet web page instructing a user in a method to "Save a drawing object style as the default." However, it is not clear from this evidence whether the term "object style" is used as a term of art, or merely in syntax. In any event, this single example of use of "object style" in instructions for working with drawing objects and graphics fails to demonstrate that OBJECTSTYLE merely describes a function, feature or characteristic of the recited services.

Id. at *8-10. A single unclear use is not enough to show descriptiveness.

Furthermore, not only is a single occurrence of the use of "video opinions" insufficient, but also, that particular and indefinite use identified by the Examiner (by an unknown source) clearly does not describe anything related to the Applicant's services—it clearly has nothing to do with consumer information provided via a global computer network. In the case of *In re L.Vad Technology, Inc.*, Ser. No. 78/285,714, 2006 TTAB LEXIS 160 (TTAB Apr. 28, 2006), the examiner refused to register PATCH BOOSTER under Section 2(e)(1) for class 10 goods identified as, *inter alia*, "permanent and temporary heart assist devices utilizing intra arterial air pressure to assist the circulating assist machinery and controls therefor. . . ." ⁹ The examiner in that case proffered "excerpts of articles obtained from the NEXIS database which refer to a medical procedure involving a patch of tissue (from human and/or animal cells) used to patch a hole in the heart or to mend damaged heart tissue." *Id.* at *6-7. On appeal, the Board reversed the examiner's refusal, and rejected the examiner's evidence stating:

These articles do not support a finding that "patch" is merely descriptive of applicant's goods. There is no evidence in the record from which we might conclude that applicant's goods, as identified in the application, are, or involve, tissue patches of the type mentioned in these articles.

⁹ Because this disposition is not citable as precedent, the Applicant only cites the case (and other non-precedential opinions mentioned in this paper) as an instructive example.

Id. at *8 (emphasis added). Again, even if the “Private Eyes” article constituted one of the only instances wherein the term “video opinions” was ever used by anyone in the past, apart from the fact that it is not a use of the coined VIDEOPINIONS mark claimed by the Applicant, there is further no evidence in the record from which one might conclude that the Applicant’s class 35 services—“[p]roviding information on consumer products and services by way of a global computer network”—are, or involve, the unidentified object of the “Private Eyes” article. In other words, the person quoted in the “Private Articles” article was clearly not talking about “[p]roviding information on consumer products and services by way of a global computer network.”

**b. The Combination of “Video” and “Opinions”
Evokes a New and Unique Commercial Impression**

The individual terms “video” and “opinion” do not individually describe the Applicant’s class 35 service of “[p]roviding information on consumer products and services by way of a global computer network.” However, assuming *arguendo* that the word “video” was descriptive and the word “opinion” was separately descriptive of something in the abstract, the combination of the words still evokes a new and unique commercial impression.

“When two or more merely descriptive terms are combined, [the Board] must determine whether the combination of terms evokes a new and unique commercial impression.” *In re FineLine Lakeshore Servs., LLP*, Serial No. 76/428,109, 2006 TTAB LEXIS 339, at *9-12 (Trademark Trial & App. Bd. Aug. 24, 2006); *see also Colonial Stores*, 394 F.2d 549 (holding that combination of two descriptive elements may result in a non-descriptive composite). Without any supporting evidence, the Examiner simply concluded that VIDEOPINIONS does not create an impression differing from that created by the two words.

The telescoping of the terms "video" and "opinion" into one word does not create an impression differing from that created by the two words and still results in a descriptive mark.

Office Action, 8/17/06 at 2 (citations omitted). Nothing proffered by the Examiner—including the dictionary definitions—supports this conclusion.¹⁰

In an analogous case, an applicant sought registration of the mark POLYDECK and the examiner refused registration under Section 2(e)(1) as descriptive of, *inter alia*, "polyethylene dock sections." *FineLine*, 2006 TTAB LEXIS 339, at *9-12.

The Examining Attorney argues that POLYDECK is a compound term with two merely descriptive components: "deck" which is an alternative generic term for "dock" and "poly" which is an abbreviation for "polyethylene."

Id. In that case, the Board looked at the dictionary definitions proffered by the examiner, noting that "poly" had multiple definitions and could mean an abbreviation of "polyethylene" or suggest that the particular goods—dock sections—may be configured in many ways. The Court held that the fact that the terms had multiple meanings made the combined mark POLYDECK more suggestive than descriptive.

This indicates further that the combination of "poly" and "deck" may have a suggestive meaning which is more than the sum of its parts contrary to the Examining Attorney's position.

Accordingly, we conclude that POLYDECK is not merely descriptive of "polyethylene dock sections." In concluding so we acknowledge that there is some doubt and that, in such a case under Trademark Act Section 2(e)(1), we must resolve doubt in favor of applicant.

Id. at *9-12 (emphasis added and citations omitted). Like the case in *FineLine* and as explained above, the terms "video" and "opinion" have multiple definitions, and the term "video" may be

¹⁰ The Examiner cited the following cases: *In re BankAmerica Corp.*, 229 USPQ 852 (TTAB 1986) (PERSONALINE merely descriptive of consumer loan services in which a personal line of credit is provided); *In re U.S. Steel Corp.*, 225 USPQ 750 (TTAB 1985) (SUPEROPE merely descriptive of wire rope); *In re Gagliardo Bros., Ind.*, 218 USPQ 181 (TTAB 1983) (BEEKFLAKES is merely descriptive of thinly sliced beef).

used as a noun or an adjective. The mark VIDEOPINIONS may suggest in the mind of consumers an opinion poll in video format (as indicated in the Kansas City Star article presented by the Examiner), or may suggest video recordings of court proceeding or court "opinions," or may suggest a video of political or religious issues (as indicated in the other article presented by the Examiner), or may suggest written movie reviews. The coined term could suggest a lot of different things, none of which describe or are even related to the Applicant's claimed service of "[p]roviding information on consumer products and services by way of a global computer network." Because of the diverse possible consumer interpretations of the mark VIDEOPINIONS, the Applicant's mark should be deemed at most suggestive. The ambiguity raised by the various interpretations weighs in favor of the Applicant because any doubt "must resolve in favor of the applicant." *In re Rank Organisation Ltd.*, 222 USPQ 324, 326 (TTAB 1984).

c. The mark VIDEOPINIONS Is At Most Suggestive

Arranged in an ascending order of protectability, trademarks are categorized as (1) generic; (2) descriptive; (3) suggestive; or (4) arbitrary or fanciful. *Two Pesos, Inc. v. Taco Cabana, Inc.*, 505 U.S. 763, 23 USPQ2d (BNA) 1081, 1083 (1992). A mark that suggests, rather than merely describes, a particular good or service is protectable without evidence of secondary meaning. Even if the definitions of the individual terms "video" and "opinions" could be contorted to mean something like a "global computer network" devoted to, *inter alia*, information on consumer products and services, such a conclusion is not immediately evoked by the mark VIDEOPINIONS. While a descriptive term will directly and clearly convey information about the qualities or characteristics of the associated service, a "suggestive" term only indirectly suggests certain qualities or characteristics of the service. It has often been said

that if the consumer must exercise mature thought or follow a multi-stage reasoning process in order to determine attributes of the services from the mark, the mark is suggestive and not descriptive. *In re Tennis in the Round, Inc.*, 199 USPQ (BNA) 496, 498 (TTAB 1978).

There is no evidence that the Examiner's own interpretation of the mark —“offer[ing] opinions about products and services on videotape”—will immediately come to mind when prospective consumers encounter the term VIDEOPINIONS used in association with the Applicant's services. *In re Telechat Networks, Inc.*, 2006 TTAB LEXIS 178, at *8 (TTAB May 11, 2006) (citing *Rank*, 222 USPQ at 326 (The “fact that the term LASER is cable of being analyzed does not render the term merely descriptive.”)); *see also In re Remacle*, 66 USPQ2d 1222, 1224 n.5 (TTAB 2002) (“It is well-established that the determination of mere descriptiveness must be made not in the abstract or on the basis of guesswork.”) and *In re Grand Forest Holdings Inc.*, 78 USPQ2d 1152 (TTAB 2006) (“What we lack in this case is significant evidence that, when prospective purchasers encounter term FREEDOM FRIES used on frozen French fried potatoes, they will immediately understand that it identifies a feature, quality, or characteristic of the applicant's goods”).

The Applicant contends that upon hearing VIDEOPINIONS, a consumer must engage in highly mature thought processes and multiple steps to arrive at anything remotely resembling any aspect of the Applicant's specific recited class 35 services. As marks go, VIDEOPINIONS is certainly much less descriptive than numerous marks which have been deemed to be suggestive by the Trademark Trial and Appeal Board. *See, e.g., In re Grand Forest Holdings Inc.*, 78 USPQ2d 1152 (TTAB 2006) (FREEDOM FRIES not descriptive of frozen french fries); *In re Intelligent Medical Sys.*, 5 USPQ2d (BNA) 1674 (INTELLIGENT MEDICAL SYSTEMS not descriptive of “electronic thermometers for measuring human body temperature.”); *In re*

Sundown Technology Inc., 1 USPQ2d 1927, 1928 (TTAB 1986) (GOVERNOR not descriptive for controls used to limit sound from musical amplifier); *In re WSI Corp.*, 1986 TTAB LEXIS 60, 1 USPQ2d (BNA) 1570 (TTAB 1986) (SUPERSAT not descriptive of collecting meteorological information via satellite); *In re Southern Nat'l Bank*, 219 USPQ (BNA) 1231 (TTAB 1983) (MONEY 24 not descriptive of automatic teller machines); *Harrington*, 219 USPQ 854 (COLLEGE ACADEMY not descriptive for education services for gifted children).¹¹

Moreover, the Applicant's specific mark is not needed by competitors to identify their own services. The purpose of Section 2(e)(1) is to protect the competitive needs of others, and thus, if the message conveyed by the mark about the services is so direct and clear that competing sellers would be likely to need to use the term in describing or advertising their own services, then this indicates that the mark is descriptive. *In re TMS*, 200 USPQ at 59; *Rodeo Collection, Ltd. v. West Seventh*, 812 F.2d 1215, 1218 (9th Cir. 1987). In the present case, the Applicant's business is novel. There is no evidence that any television network or consumer information service uses or needs to use "videopinions" or "video opinions" to describe similar services. *In re Dollar-A-Day Rent-A-Car Systems, Inc.*, 173 USPQ (BNA) 435, 437 (TTAB 1972) ("If the term is as highly descriptive as asserted by the examiner, one would suppose that there would be at least one descriptive use thereof by a competitor but none has been shown.").

¹¹ There are numerous non-precedential decisions as well. See, e.g., *L.Vad Technology, Inc.*, 2006 TTAB LEXIS 160 (PATCH BOOSTER for heart devices); *In re Telechat Networks, Inc.*, 2006 TTAB LEXIS 178, at *8 (TTAB May 11, 2006) (TELECHAT NETWORK for telephone and online dating service); *In re Orincon Indus.*, 2004 TTAB LEXIS 560 (TTAB Sept. 14, 2004) (TRAC SYSTEM for computer and software designed to track traffic patterns); *In re Sierra Design Group*, 2004 TTAB LEXIS 279 (TTAB May 6, 2004) (CASINO MERCHANDISING TECHNOLOGY as a trademark for goods described as "networked gaming system comprising gaming machines and accounting and gaming software."); *In re Thomas J. Manski*, 2005 TTAB LEXIS 250 (TTAB Apr. 28, 2004) (FLAT VU not descriptive for flat video display devices, including televisions); *In re IdaTech, LLC*, 2004 TTAB LEXIS 259 (TTAB Apr. 19, 2004) (ADVANCED FUEL CELL SOLUTIONS not descriptive of, *inter alia*, "electrical power generation equipment, namely, fuel cells"); *In re Intermedia Advertising Group, Inc.*, 2004 TTAB LEXIS 152 (TTAB Mar. 19, 2004) (REWARDTV not descriptive for a website providing information on television programs); *In re BrainLAB AG*, 2003 TTAB LEXIS 543 (TTAB Nov. 14, 2003) (iPLAN not descriptive for Internet planning software); *In re Gast Mfg. Corp.*, Ser. No. 74/541,668, 1997 TTAB LEXIS 182 (TTAB June 18, 1997) (SMART AIR not descriptive for "air compressors and vacuum pumps").

But also, there is no indication that anyone in the general field of information services would need to use this term. *Minnesota Mining & Mfg. Co. v. Johnson & Johnson*, 454 F.2d 1179, 1180 (C.C.P.A. 1972) (SKINVISIBLE not necessary to describe transparent medical adhesive tape). For this reason too, the Applicant's mark should be deemed suggestive and not "merely descriptive."

B. The Coined Mark VIDEOPINIONS Does Not Describe Applicants' Recited Class 35 Services, Namely, "Providing Information On Consumer Products And Services By Way Of A Global Computer Network"

The Applicant contends that VIDEOPINIONS—a meaningless coined term—does not describe with a degree of particularity any aspect of the Applicant's recited class 35 services, namely, "[p]roviding information on consumer products and services by way of a global computer network." Rather than looking that the recited services of class 35 in the Applicant's application, the Examiner appears to have rewritten the Applicant's services as "services wherein consumers offer opinions about products and services on videotape."

Applicant seeks registration of VIDEOPINIONS for services wherein consumers offer opinions about products and services on videotape.

Office Action, 8/17/07 at 2.¹² Again, the Applicant's service recited in class 35 is for the following:

Providing information on consumer products and services by way of a global computer network.

The Applicant's recited class 35 service never mentions opinions and never mentions videotape. It appears that the Examiner has attempted to bend and twist the Applicant's services such that it conforms to the Examiner's chosen definitions of the words "opinions" and "video."

¹² Even though an analysis descriptiveness of a mark for services must be applied on a class-by-class basis, the Examiner appears to conflate the various classes claimed by Applicant and simple attributes to the Applicant a single service.

In so far as the VIDEOPINIONS mark has nothing to do with the actual services claimed by the Applicant, the present case resembles the situation in *In re Major League Baseball Properties, Inc.*, Ser. Nos. 78/183,355 and 78/183,381, 2005 TTAB LEXIS 94 (TTAB Mar. 2, 2005). There, the applicant, Major League Baseball Properties, Inc., filed an application to register, *inter alia*, THE BASEBALL CHANNEL for “entertainment services, namely baseball games. . . through broadcast media including television” and “providing, producing and distributing programming for others in the nature of baseball games.” *Id.* at *1. The examiner refused to register the mark as descriptive under Section 2(e)(1) after citing the American Heritage Dictionary definitions of “baseball” and “channel” and concluding that the “the combined term THE BASEBALL CHANNEL may be used to describe a television channel about the game of baseball or featuring baseball games.” *Id.* at *3. On appeal, the Board held that even though each individual term described something, and even though the combination of terms may even describe something, the mark does not describe the actual and specific services recited in the applicant’s trademark application.

There is no dispute that the word BASEBALL is descriptive of applicant’s services. Indeed, it is clear from the recitation of services that the programming applicant intends to produce and distribute is in the nature of baseball games. Therefore a significant characteristic of such programming is that it will feature baseball games.

Further, we recognize that the word CHANNEL is descriptive of television broadcasting services. However, the services at issue in this case are not television broadcasting services, but rather the production and distribution of programming. It is not at all clear from the definition of “channel” of record that the term has descriptive significance as applied to such services. Moreover, the record is devoid of any descriptive uses of “channel” for the production and distribution of programming. Thus, we are not persuaded that the phrase THE BASEBALL CHANNEL as used in connection with such services conveys an immediate idea about the services with any degree of particularity. Specifically what THE BASEBALL CHANNEL

describes about the services of producing and distributing programming is ambiguous and unclear.

In sum, based on the limited record before us, we conclude that THE BASEBALL CHANNEL when considered as a whole in connection with “producing and distributing programming for others in the nature of baseball games . . . through broadcast media including television” is not merely descriptive. To the extent that there is any doubt in this case, we have resolved that doubt in applicant’s favor.

Id. at *7-8 (emphasis). Like that case, the Applicant here contends that regardless of whether the words “video” and “opinions” could be deemed to describe something in the abstract, the combination simply does not describe any aspect of the Applicant’s services with any degree of particularity. See also *In re TMS*, 200 USPQ at 59 (finding THE MONEY SERVICE non-descriptive for financial services wherein funds are transferred to and from a savings account because it “falls short of describing applicant’s services in any one degree of particularity”); *In re On Technology*, 41 USPQ2d (BNA) 1475 (finding AUDITTRACK non-descriptive for computer software for monitoring activity); *In re Cerner*, 2001 TTAB LEXIS 87.

1. **Respectfully, the Applicant Believes the Examiner Posits an Incorrect Proposition of Law When the Examiner States that the “Descriptive Feature of the Services” Does Not Have To Exist “in the Recitation of Services”**

The Examiner argues that VIDEOPINIONS does not have describe any aspect of the Applicant’s recited class 35 services to be descriptive. The Applicant respectfully believes that this is an incorrect statement of the law. Although the Examiner acknowledges that whether a “mark is merely descriptive is determined in relation to the identified goods or services, not in the abstract” (Office Action, 8/17/07 at 2 (emphasis added)), the Examiner goes on to proffer a new proposition of law. The Examiner writes:

Applicant is correct that whether a mark is merely descriptive is determined in relation to the identified goods or services, not in the abstract. . . . However, this does not mean that the descriptive

feature of the services has to exist in the recitation of services in order for a mark to be merely descriptive. If this were the case, applicants could easily avoid descriptiveness refusals simply by being careful not to include in the recitation the feature of the goods or services described by the mark.

Office Action, 8/17/07 at 2 (citations omitted).

First, the Applicant respectfully contends that this proposition is incorrect. The Examiner does not cite any legal authority or precedent for this proposition. In fact, binding courts have consistently held that whether a particular term is “merely descriptive” must be determined in relation to the goods or services for which registration is sought. *In re Cerner*, 2001 TTAB LEXIS 87, at *3; *TMS*, 200 USPQ at 59; *In re The Stroh Brewery*, 34 USPQ2d (BNA) 1796, at *4-5 (TTAB 1995); *In re Majestic Distilling Co.*, 420 F.2d 1086 (C.C.P.A. 1970). And there are good reasons for this law. For example, imagine the situation where a computer manufacturer (who also sells apples) seeks the registration of the mark APPLE for only “computer manufacturing.” The applicant should not be denied a registration of the mark for the claimed services simply because it also sells apples on the side. However, on the Examiner’s reasoning, the Examiner need not consider the applicant’s recited services for “computer manufacturing.”

Second, the proper battlefield for disputing the recitation of services is, namely, a determination of whether the recitation of services was proper. If an examiner believes that the Applicant’s recited services do not clearly, definitively, and/or accurately describe the Applicant’s services, the Examiner may refuse registration on that basis. 37 C.F.R. § 2.32(a)(6); TMEP § 1402.01. However, in the present case, the Examiner has accepted the Applicants’ recited services (but has simply chosen to ignore them). And third, the Applicant respectfully disagrees that a hypothetical “clever applicant” could easily avoid descriptiveness refusals by being careful not to include in the recitation of services the feature of the goods or services

described by the mark. Applicants choose descriptions for its services to accurately and definitively describe the services for which the mark will be used. It would be counterproductive for an applicant to remove from the applicant's recitation of services the very services it wishes to protect. An applicant's rights under the Lanham Act are restricted to the claimed services (and perhaps natural zones of expansion). If an applicant left out a feature for his description of services, the applicant would be surrendering rights for that particular use or service.

The Applicant, Expo Communications, Inc., provides and/or intends to provide various services. The only way to determine whether VIDEOPINIONS is descriptive for the purpose of Section 2(e)(1) is to look at the recited services claimed by the Applicant on a class-by-class basis.

2. Respectfully, the Applicant Believes the Examiner Has Used Extrinsic Evidence In an Effort to Rewrite the Applicant's Recited Services

Rather than simply looking at the Applicant's recited services in class 35, the Applicant respectfully believes that the Examiner has attempted to rewrite the Applicant's claimed services based on extrinsic evidence. The Examiner first looked to the webpages of two third party websites. The Examiner wrote:

Attached are two web page articles or listings apparently indicating what is done through applicant's services. Consumers apparently review and rate different products or services, giving their opinions thereof. Note that in the first attachment, the person reviewing applicant's service regarded it as a place 'devoted to online video opinions.' The second attachment apparently shows the result of a cooperative effort between the applicant and another party called "GamePro" where consumers offer reviews of games. Note how the term "videopinion" itself is used in lower case letters.

Office Action, 8/17/07 at 2. This passage indicates that the Examiner may be improperly using third party representations about Expo Communications, Inc. to rewrite the Applicant's services class 35 services.

The person referenced in the first attachment, Walter Koschnitzke, is an unrelated third party who apparently wrote the following on his blog: “. . . Expo Television, devoted to online video opinions, reviews and product demonstrations and buying tips.” Clearly, the person is either not using the Applicant’s mark, VIDEOPINIONS, at all or is misusing the Applicant’s service mark. Nonetheless, Mr. Koschnitzke certainly has no authority to alter the Applicant’s recited class 35 services for use of its VIDEOPINIONS mark. The Applicant cannot fathom a reasonable justification for giving greater weight to Mr. Koschnitzke’s statement about an aspect of Expo Communications, Inc.’s business than the Applicant’s own recited services in class 35. The second attachment refers to a webpage from a site called GamePro.com. The Examiner suggests that the Applicant condoned an improper and descriptive use of the mark “videopinion” when the Examiner points to GamePro’s webpage and observes: “Note how the term ‘videopinion’ itself is used in lower case letters.” The Applicant has taken steps to correct GamePro.com’s inadvertent misuse of the Applicant’s service mark. The Applicant has written to the third party and asked GamePro.com to modify its usage of VIDEOPINIONS. See Ex. 10. However and regardless, an example of a third party’s inadvertent misuse of the Applicant’s mark does constitute evidence that the Applicant’s mark is descriptive.

The Examiner also apparently suggests that the Applicant indirectly limited its recited services when it answered the Examiner’s questions posed in his January 10, 2006 office action.

The Examiner writes:

Applicant indicates that its services include soliciting, collecting, and sharing audiovisual demonstrations and information about consumer products and services, and admits that ‘such audiovisual works may or may not include or involve a consumer’s opinion about a particular product or service.

Office Action, 8/17/07 at 2. Applicant respectfully disagrees. The Applicant believes the Applicant's answers to the Examiner's questions from its January 10, 2006 office action is not an admission of descriptiveness—if that is what the Examiner is suggesting. The Examiner never asked about the Applicant's intended class 35 services and did not ask whether the Applicant intended to use VIDEOPINIONS in connection with any particular service. The Applicant said:

The Applicant's services include soliciting, collecting, and sharing audiovisual demonstrations and information about consumer products and services. Such audiovisual works may or may not include or involve a consumer's opinion about a particular product or service, and may instead involve the demonstration of a particular product or service and useful information on it.

Applicant's statement that Expo Communications, Inc.'s overall services (at that time) included product demonstrations was not intended to limit its claimed class 35 services, which again, recites: “[p]roviding information on consumer products and services by way of a global computer network.” Applicant contends that the best indication of an applicant's claimed services—especially for an intent-to-use application—is simply the applicant's recited services, not third party representations about the applicant's business or even the applicant's statements about some unspecified existing services—which may differ from the intended services defined exclusively by the recitation of services in the application.

3. The VIDEOPINIONS Mark Does Not Even Describe the Examiner's Revised Version of the Applicant's Services

The literal application of the definitions posited by the Examiner for “video” and “opinion” is not an accurate description of the Applicant's services. According to the Examiner, “video” is “being used for its normal meaning.” Office Action, 8/17/06 at 2. Although it is unclear what that the normal meaning of “video” is, the Applicant presumes that the Examiner means the first of five definitions occurring from Microsoft® Encarta®'s dictionary, which is

the only dictionary source relied upon by the Examiner for the word "video." Encarta® states that "video" means: "visual part of television: the visual part of a television broadcast."

According to the Examiner, "opinion" means "a view, judgment, or appraisal formed in the mind about a particular matter." Office Action, 8/17/06 at 2. Combining the terms, one obtains:

Examiner's Definition of VIDEOPINIONS: "visual part of television: the visual part of a television broadcast; a view, judgment, or appraisal formed in the mind about a particular matter."

Moreover, the Examiner has apparently defined the Applicant's class 35 services thus:

Examiner's Statement of Applicant's Services: "offer[ing] opinions about products and services on videotape"

Although Applicant disagrees with the Examiner's definition of VIDEOPINIONS and his depiction of Applicant's services, nevertheless, Applicant contends that there is no logical or rational way to get from the Examiner's definition of VIDEOPINIONS to the Examiner's rendition of the Applicant's services.

In the Examiner's first office action, the Examiner stated that "[i]t appears that the applicant's services will involve the provision of opinions by means of video." Office Action, 1/10/06 at 2. In the Applicant's response to that office action, the Applicant explained that the Applicant itself does not provide opinions in the form of videos, but rather, provides a means by which people can submit, share, and obtain product (and service) information. Now, the Examiner acknowledges that VIDEOPINIONS does not describe the services he originally attributed to the Applicant in the January 10, 2006 office action.

Even though the applicant itself may not be expressing its own opinions about the goods and services of others, its services nonetheless feature opinions on video.

Office Action, 8/17/07 at 2. To circumvent the Applicant's response, the Examiner has simply changed his version of what he takes to be the Applicant's class 35 services. Instead of stating that the Applicant's services involve "the provision of opinions by means of video," the Examiner now states that the Applicant's service involves "consumers offer[ing] opinions about products and services on videotape." The Examiner now writes:

Applicant seeks registration of VIDEOPINIONS for services wherein consumers offer opinions about products and services on videotape.

Office Action, 8/17/07 at 2. Although the this characterizes the Applicants' class 35 services as "offer[ing] opinions about products and services on videotape," the Examiner has conspicuously left out from his rendition of the Applicant's services anything involving the Applicant.

According to the Examiner "consumers offer opinions about products and services on videotape." Applicant is not a consumer offering opinion about products and services on videotape. The Applicant does not create videos. The Applicant does not create opinions. The Applicant provides information by means of a global computer network. This is not the same as consumers offering opinions about products and services on videotape.¹³

The situation resembles that of the case of *In re TBG Inc.*, 229 USPQ 759 (TTAB 1986), where the applicant applied for the mark SHOWROOM ONLINE for "leasing computer databases and video disks in the field of interior furnishings and related products of others."

Reversing the examining attorney's refusal to register the mark under Section 2(e)(1), the Board

¹³ The Examiner seems to recognize the awkwardness of his depiction of the Applicant's services when he writes: "the fact that the mark does not describe how the services are offered does not foreclose the finding of descriptiveness." Office Action, 8/17/06 at 2. However, when the services of the applicant are defined to include "how the services are offered" (as in this case), one cannot simply ignore this aspect of the Applicant's services. The Applicant's services in this case are "[p]roviding information on consumer products and services by way of a global computer network." One cannot ignore the fact that these services related to information distributed "by way of a global computer network."

noted that even though the mark could be viewed as describing some service in the abstract, it did not accurately describe the applicant's particular service.

The theory on which the refusal of registration rests depends almost entirely on the definitions of the terms "showroom" and "online" and a literal application of those definitions to appellant's services. Thus, since a "showroom" is a room where merchandise is exposed for sale or where samples are displayed, and "online" indicates information that may be requested by and transmitted to a user through a computer terminal, the combination in relation to appellant's services, in the view of the Examining Attorney, conveys the immediate idea of providing an interior furnishings showroom by means of a computer terminal.

While the definitions are accurate, the literal application of them to appellant's services is not. The product information which is provided in appellant's disks relates to the products of others. Appellant does not represent the manufacturers of these products, does not sell or lease interior furnishings, and is not otherwise in the interior furnishing business. Moreover, appellant does not take a pictorial representation of a showroom, or even data relating to a showroom, and place such online. Rather, it leases the means by which a user may obtain interior furnishings product information. Such information is typically found in catalogues. Although catalogues, as well as the products themselves, may be found in some furniture showrooms, showrooms have no direct significance in relation to appellant's leasing or information service. Accordingly, we disagree that the mark SHOWROOM ONLINE merely describes either the appellant's leasing service or its function or characteristics.

Id. at 759 (emphasis added). Like the applicant in *TBG*, the Applicant does not represent the manufacturers of the products demonstrated in videos, and does not sell each and every of the particular products demonstrated through its service. Moreover, Applicant's services here do not include offering opinions in the form of videotapes and do not include making videos containing opinions. The services include providing information via a global computer network. No matter how one unpacks and reinterprets "video opinion," it still does not describe any aspect of this service.

The Examiner also argues that if a proposed mark describes any small aspect of an applicant's services, the mark should be deemed descriptive of all of the applicant's services. Thus, the Examiner propounds that he need not prove that VIDEOPINIONS describes the recited class 35 services, but rather, the Examiner propounds that he only needs to show that it touches upon any single attribute of the services.

It is not necessary that a term describe all of the purposes, functions, characteristics or features of the goods/services to be merely descriptive. It is enough if the term describes one attribute of the goods/services. . . .

Office Action, 8/17/06 at 2 (citations omitted). This proposition is more applicable where an applicant recites twenty different services in a single class, in which case, the mark could be deemed descriptive if it described with a degree of particularity any one of the twenty different services. This proposition may also be more applicable where the applicant recites a particular product—not a service—comprising multiple features, characteristics, and attributes.¹⁴ Such the proposition clearly does not mean that a mark could be descriptive of a particular service without telling consumers anything about the service. Moreover, the Examiner still fails to point to a single attribute of the Applicant's recited class 35 services which is described by its mark.

IV. SECTION 2(e)(1) REFUSAL OF CLASS 38

The Examiner has also refused registration of the Applicant's mark in class 38 under Section 2(e)(1). The Applicant respectfully traverses and requests reconsideration of the Examiner's refusal to register the VIDEOPINIONS mark in class 38. The Applicant contends that VIDEOPINIONS does not describe anything whatsoever, let alone "[t]elevision broadcasting, cable television broadcasting, satellite television broadcasting, and interactive

¹⁴ The cases relied by the Examiner are distinguishable because they both deal with products, not services. See, e.g., *In re H.U.D.D.L.E.*, 216 USPQ 358 (TTAB 1982) (bathroom toiletry); *In re MBS Associates*, 180 USPQ 338 (TTAB 1973) (non-lethal weapon which fires a deformable projectile, tear gas cannisters).

video-on-demand transmission services, all in the field of information on consumer products and services.” An analysis under Section 2(e)(1) requires, *inter alia*, an objective analysis of the mark to determine what it means, if anything, to consumers; and a determination of whether the mark describes with a degree of particularity the recited class 38 services claimed by the Applicant. As many of the Applicant’s arguments for registration of the mark in class 35 overlap with class 38, for the convenience the Examiner, the Applicant incorporates those arguments by reference and does not repeat all arguments in full, but provides a brief summary instead.

A. The Coined Mark VIDEOPINIONS Has No Known Meaning

As discussed in detail above, whereas the words “video” and “opinion” have many known meanings, the combination “video opinions” has no recognized meaning.¹⁵ The Applicant’s VIDEOPINIONS mark is a unique expression, coined by the Applicant for use in connection with its service (and/or intended service) of “[t]elevision broadcasting, cable television broadcasting, satellite television broadcasting, and interactive video-on-demand transmission services, all in the field of information on consumer products and services.” The mark VIDEOPINIONS has no dictionary definition, and there is no such thing as a “videopinions” or a “video opinions.” *See, e.g., Harrington*, 219 USPQ 854, 856 (“the composite of the two words is not a term in general use to describe educational services (or anything else, for that matter) and has no dictionary meaning”).

Given the various meanings of the terms “opinion” and “video,” one cannot come to any clear understanding as to what “videopinions” or “video opinions” could possibly mean. There are hundreds of permutations of the various definitions, many of which make no sense. Moreover, there is no evidence of common usage of VIDEOPINIONS or “video opinions” in

¹⁵ Neither “video” nor “opinion” is descriptive for class 38. *See* Ex. 6 (video-related registrations) and Ex. 12 (opinion-related registrations).

“[t]elelevision broadcasting, cable television broadcasting, satellite television broadcasting, and interactive video-on-demand transmission services, all in the field of information on consumer products and services.” The two attachments proffered by the Examiner purporting to show instances of use of “video opinions” are not relevant. Apart from other deficiencies described above, neither attachment shows a use of “video opinions” to mean “[t]elelevision broadcasting, cable television broadcasting, satellite television broadcasting, and interactive video-on-demand transmission services, all in the field of information on consumer products and services,” which is the Applicant’s class 38 services at issue. *L.Vad Technology*, 2006 TTAB LEXIS 160 at *8. For example, the person quoted in the “Private Articles” article was clearly not talking about “interactive video-on-demand transmission services, all in the field of information on consumer products and services.” Regardless, finding a single use of the phrase “video opinions” itself would not be sufficient to demonstrate descriptiveness of the Applicant’s mark. *Adamchik*, 2006 TTAB LEXIS 345, *8-10.

Although the Examiner concluded (without supporting evidence) that VIDEOPINIONS does not create an impression differing from that created by the two words, it has been found that when a new mark is subject to multiple meanings, the mark is suggestive—not descriptive. *See, e.g., FineLine*, 2006 TTAB LEXIS 339, at *9-12. The Applicant contends that upon hearing VIDEOPINIONS, a consumer must engage in highly mature thought processes and multiple steps to arrive at anything remotely resembling any aspect of the Applicant’s specific recited class 38 services. *Tennis in the Round*, 199 USPQ at 498. Moreover, the Applicant’s specific mark is not needed by competitors to identify their own services. *TMS*, 200 USPQ at 59; *Dollar-A-Day Rent-A-Car Systems*, 173 USPQ at 437.

B. The Coined Mark VIDEOPINIONS Does Not Describe Applicants' Recited Class 38 Services, Namely, "Television Broadcasting, Cable Television Broadcasting, Satellite Television Broadcasting, And Interactive Video-On-Demand Transmission Services, All In The Field Of Information On Consumer Products And Services."

The Applicant also contends that VIDEOPINIONS does not describe with a degree of particularity any aspect of the Applicant's recited class 38 services, namely, "[t]elevision broadcasting, cable television broadcasting, satellite television broadcasting, and interactive video-on-demand transmission services, all in the field of information on consumer products and services." Rather than looking that the recited services of class 38, the Examiner appears to have rewritten the Applicant's services to be the following:

Applicant seeks registration of VIDEOPINIONS for services wherein consumers offer opinions about products and services on videotape.

Office Action, 8/17/07 at 2. But the services recited in class 38 is for the following:

Television broadcasting, cable television broadcasting, satellite television broadcasting, and interactive video-on-demand transmission services, all in the field of information on consumer products and services.

The Applicant's recited class 38 services never mentions opinions and never mentions videotape. It appears that the Examiner has attempted to rewrite the Applicant's services such that it conforms to the Examiner's chosen definitions of the words "opinions" and "video." Regardless of whether the words "video" and "opinions" could be deemed to describe something in the abstract, the combination simply does not describe any aspect of the Applicant's services with any degree of particularity. *See Major League Baseball Properties*, 2005 TTAB LEXIS 94; *TMS*, 200 USPQ at 59; *On Technology*, 41 USPQ2d 1475; *In re Cerner*, 2001 TTAB LEXIS 87.

V. **SECTION 2(e)(1) REFUSAL OF CLASS 41**

The Examiner has also refused registration of the Applicant's mark in class 41 under Section 2(e)(1). The Applicant respectfully traverses and requests reconsideration of the Examiner's refusal to register the VIDEOPINIONS mark in class 41. The Applicant contends that VIDEOPINIONS does not describe anything whatsoever, let alone "[e]ntertainment services in the nature of on-going television programs in the field of information about consumer products and services." As many of the Applicant's arguments for registration of the mark in class 35 and 38 overlap with class 41, for the convenience the Examiner, the Applicant incorporates those arguments by reference and does not repeat all arguments in full, but provides a summary instead.

A. **The Coined Mark VIDEOPINIONS Has No Known Meaning**

As discussed in detail above, whereas the words "video" and "opinion" have many known meanings, the combination "video opinions" has no recognized meaning.¹⁶ The Applicant's VIDEOPINIONS mark is a unique expression, coined by the Applicant for use in connection with its service (or intended service) of "[e]ntertainment services in the nature of on-going television programs in the field of information about consumer products and services." The mark VIDEOPINIONS has no dictionary definition. *Harrington*, 219 USPQ 854, 856.

Given the various meanings of the terms "opinion" and "video," one cannot come to any clear understanding as to what "videopinions" or "video opinions" could possibly mean. Moreover, there is no evidence of common usage of VIDEOPINIONS or "video opinions" in "[e]ntertainment services in the nature of on-going television programs in the field of information about consumer products and services." The two attachments proffered by the

¹⁶ Neither "video" nor "opinion" is descriptive for class 41. See Ex. 6 (video-related registrations) and Ex. 12 (opinion-related registrations).

Examiner purporting to show instances of use of “video opinions” are not relevant as neither attachment shows a use of “video opinions” to mean “[e]ntertainment services in the nature of on-going television programs in the field of information about consumer products and services,” which is the Applicant’s class 41 services at issue. *L.Vad Technology*, 2006 TTAB LEXIS 160 at *8.¹⁷ Although the Examiner summarily concluded that VIDEOPINIONS does not create an impression differing from that created by the two words, when a new mark is subject to multiple meanings, the mark is suggestive—not descriptive. *See, e.g., FineLine*, 2006 TTAB LEXIS 339, at *9-12. The Applicant also contends that the Applicant’s specific mark is not needed by competitors to identify their own services. *TMS*, 200 USPQ at 59. There is no evidence that any television network or consumer information service uses “videopinions” or “video opinions” to describe similar services. *Dollar-A-Day Rent-A-Car Systems*, 173 USPQ at 437.

B. The Coined Mark VIDEOPINIONS Does Not Describe Applicants’ Recited Class 41 Services, Namely, “[E]ntertainment Services In The Nature Of On-Going Television Programs In The Field Of Information About Consumer Products And Services.”

The Applicant contends that VIDEOPINIONS does not describe with any degree of particularity any aspect of the Applicant’s recited class 41 services, namely, “[e]ntertainment services in the nature of on-going television programs in the field of information about consumer products and services.” Rather than looking at the Applicant’s recited services for class 41, the Examiner appears to have rewritten the Applicant’s services to be the following:

Applicant seeks registration of VIDEOPINIONS for services wherein consumers offer opinions about products and services on videotape.

Office Action, 8/17/07 at 2. Again, the service recited in class 41 is for the following:

¹⁷ Moreover, finding a single use of the phrase “video opinions” itself would not be sufficient to demonstrate descriptiveness of the Applicant’s mark. *Adamchik*, 2006 TTAB LEXIS 345, *8-10.

Entertainment services in the nature of on-going television programs in the field of information about consumer products and services.

The Applicant's recited class 41 services never mentions opinions and never mentions videotape. It appears that the Examiner attempted to rewrite the Applicant's services such that it conforms to the Examiner's chosen definitions of the words "opinions" and "video." Regardless of whether the words "video" and "opinions" could be deemed to describe something in the abstract, the combination simply does not describe any aspect of the Applicant's services with any degree of particularity. *See Major League Baseball Properties*, 2005 TTAB LEXIS 94; *TMS*, 200 USPQ at 59; *On Technology*, 41 USPQ2d 1475; *In re Cerner*, 2001 TTAB LEXIS 87.

* * * *

On the issue of whether a particular mark is merely descriptive, the examiner bears the burden of showing that the mark only describes the identified goods or services. *See In re Merrill, Lynch, Pierce, Fenner, and Smith, Inc.*, 828 F.2d 1567 (Fed. Cir. 1987); *Grand Forest Holdings*, 78 USPQ2d 1152. The Board has indicated time-and-again that if there are any doubts on the issue of descriptiveness after considering the evidence, such doubt must be resolved in favor of the applicant, allowing the mark to be published so that if competitors have a need to use the term, they may oppose registration of it to applicant. *In re Gourmet Bakers, Inc.*, 173 USPQ (BNA) 565, at *1 (TTAB 1972), *accord*, *On Technology*, 41 USPQ2d (BNA) 1475, at *8; *In re Telechat Networks, Inc.*, 2006 TTAB LEXIS 178, at *8 (TTAB May 11, 2006) ("Because we have doubts as to whether applicant's mark is merely descriptive, we resolve those doubts, as we are required to do, in applicant's favor."). In this case, the Applicant contends that it has raised several doubts as to the Examiner's initial identification of the Applicant's mark as "merely descriptive."

VI. NOTICE OF APPEAL

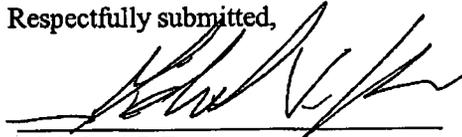
As the Examiner August 17, 2006 refusal to register was made final, Applicant is also filing, concurrently herewith, a Notice of Appeal to preserve the application. A copy of that filing is attached herewith at Ex. 11.

CONCLUSION

For the foregoing reasons, the Applicant respectfully requests that the Examiner: (i) reconsider the decision to make the August 17, 2006 action final; and (ii) reconsider the refusal to register the mark in classes 35, 38, and 41 under Section 2(e)(1). For the foregoing reasons, the Applicant respectfully requests the Examiner to pass the mark on for publication in the *Official Gazette*. If the Examiner should have any questions regarding this application, the undersigned attorney would be happy to speak with him and answer any questions.

Dated: February 20, 2007

Respectfully submitted,

By: 

Michael J. Freno
KENYON & KENYON LLP
One Broadway
New York, New York 10004
(212) 425-7200

Attorney for Applicant

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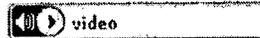
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▶ video

video adapter

video arcade

video blog

video camera

video card

video display terminal

video frequency

video game



vid·e·o [viddee ò]

noun (plural vid·e·os)

Definition:

1. **visual part of television:** the visual part of a television broadcast

2. **something recorded onto videotape:** something that has been recorded on videotape, especially a movie or music performance

- a video of my brother's wedding

3. **videocassette:** videotape, or a videocassette (informal)

- now available to rent or buy on video

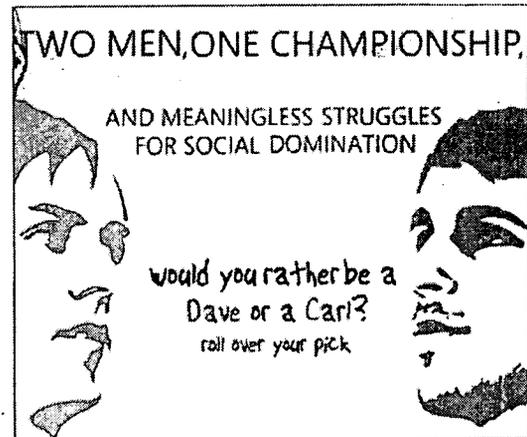
4. **COMPUT images on computer screen:** the text and graphics images that appear on a computer screen

5. **image reproduction industry:** the industry of recording and broadcasting visual information and entertainment, especially that which can be viewed on a television

- a star of stage, screen, and video

adjective

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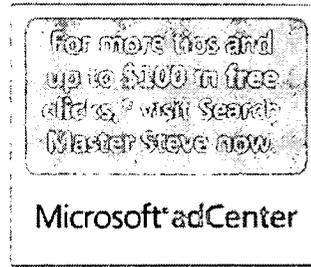
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Definition:

1. relating to visual image reproduction: relating to the recording or broadcasting of visual information or entertainment by means of videotape or television

2. relating to video frequencies: relating to or using video frequencies

[Mid-20th century. < Latin *videre* "to see," after audio]



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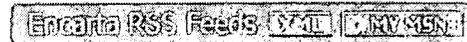
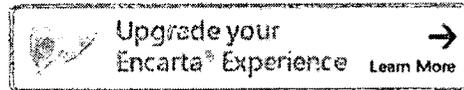


EXHIBIT 2

Dictionary

Find definitions for: 

vid•e•o

Pronunciation: (vid'ē-ō"), [key]

—n.

1. Television.

a. the elements of television, as in a program or script, pertaining to the transmission or reception of the image (distinguished from audio).

b. the video part of a television broadcast.

2. Informal.videotape.

3. Informal.television: She is a star of stage and video.

4. a program, movie, or the like, that is available commercially on videocassette.

5. See **music video**.

—adj.

1. of or pertaining to the electronic apparatus for producing the television picture: video amplifier.

2. of or pertaining to television, esp. the visual elements.

3. of or pertaining to videocassettes, videocassette recorders, music video, etc.: a video shop.

4. pertaining to or employed in the transmission or reception of television pictures.

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- digital video disc
- home video
- video camera
- video card

Main Entry: **1** **vid-ee-oh**

Pronunciation: 'vi-dE-'O

Function: *noun*

Etymology: Latin *vidEre* to see + *-o* (as in *audio*)

- 1** : TELEVISION; *also* : the visual portion of television
- 2** : VIDEOTAPE: as **a** : a recording of a motion picture or television program for playing through a television set **b** : a videotaped performance of a song often featuring an interpretation of the lyrics through visual images
- 3** : a recording similar to a videotape but stored in digital form (as on an optical disk or a computer's hard drive)

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| video[2,adjective] | |
| digital video disc | |
| home video | |
| video camera | |
| video card | |

Main Entry: ²**video**
Function: *adjective*

- 1** : being, relating to, or used in the transmission or reception of the television image <a *video* channel> -- compare **AUDIO**
- 2** : being, relating to, or involving images on a television screen or computer display <a *video* terminal>

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b. the video part of a television broadcast.

2. *Informal.* VIDEOTAPE.3. *Informal.* television: *She is a star of stage and video.*

4. a program, movie, or the like, that is available commercially on videocassette.

5. MUSIC VIDEO.

*-adjective*6. of or pertaining to the electronic apparatus for producing the television picture: *video amplifier.*

7. of or pertaining to television, esp. the visual elements.

8. of or pertaining to videocassettes, videocassette recorders, music video, etc.: *a video shop.*

9. pertaining to or employed in the transmission or reception of television pictures.

[Origin: 1930-35; < L *vidē(re)* to see + *-o* as in [AUDIO](#)]*Dictionary.com Unabridged (v 1.1)*Based on the *Random House Unabridged Dictionary*. © Random House, Inc. 2006.

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music video

-noun

a commercial videotape featuring a performance of a popular song, often through a stylized dramatization by the performers with lip-synching and special effects.

Also called video, video record.

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vid·e·o  (vīd'ē-ō) Pronunciation Key

adj.

1. Of or relating to television, especially televised images.
2. Of or relating to videotaped productions or videotape equipment and technology.
3. *Computer Science* Of or relating to the production of images on video displays.

n. *pl.* vid·e·os

1. The visual portion of a televised broadcast.
2. Television: *a star of stage, screen, and video.*
3. A videocassette or videotape, especially one containing a recording of a movie, music performance, or television program.
4. A music video.
5. *Computer Science* The appearance of text and graphics on a video display.

[From Latin *videō*, first person sing. present tense of *vidēre*, *to see*; see *vide*.]

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video

noun

1. the visible part of a television transmission; "they could still receive the sound but the picture was gone"
2. a recording of both the video and audio components (especially one containing a recording of a movie or television program) [syn: video recording]
3. broadcasting visual images of stationary or moving objects; "she is a star of screen and video"; "Television is a medium because it is neither rare nor well done" - Ernie Kovacs [syn: television]

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video (adj., n., pref.)

1935, as visual equivalent of audio, from L. *video* "I see," first person singular present indicative of *videre* "to see" (see vision). *Videotape* (n.) is from 1953; the verb is 1959, from the noun; *videocassette* is from 1971; *video game* is from 1973. *Videocassette recorder* is from 1971, now usually *VCR* (also 1971).

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video¹ ['vidiəu] *noun* — plural *videos*

the recording or broadcasting (by means of a video recorder) of television pictures and sound

Arabic: فيديو

Chinese (Simplified): 录像

Chinese (Traditional): 錄影

Czech: videofonie

Danish: video

Dutch: het opnemen,
uitzenden op
video

Estonian: videosalvestis

Finnish: kuvanauhoitus

French: vidéophonie

German: das Video

Greek: μαγνητοσκόπηση

Hungarian: videó

Icelandic: sjónvarpsupptaka,
*-útsending

Indonesian: video

Italian: video

Japanese: ビデオ

Latvian: video

Lithuanian: video

Norwegian: videoopptak,
fjernsyn
(ssending)

Polish: nagranie,
*audycja
video

Portuguese (Brazil): vídeo

Portuguese (Portugal): video

Romanian: videofonie

Russian: видеозапись

Slovak: video

Slovenian: video

Spanish: vídeo

Swedish: video

Turkish: video kaydı

video² ['vidiəu] *noun*

a videotape

Arabic: شريط تسجيل فيديو

Chinese (Simplified): 录像带

Chinese (Traditional): 錄影帶

Czech: videokazeta

Danish: videomaskine

Dutch: videoband

Estonian: videolint

Finnish: videonauha

French: bande
magnétoscopique

German: das Video

Greek: βιντεοταινία

Hungarian: videoszalag

Icelandic: myndband

Japanese: ビデオテープ

Latvian: videolente;
videokasete

Lithuanian: vaizdajuostė

Norwegian: videokassett

Polish: taśma video

Portuguese (Brazil): videoteipe

Portuguese (Portugal): filme video

Romanian: bandă video

Russian: видеоплёнка

Slovak: videokazeta

Slovenian: magnetni
trak

Spanish: cinta de

Italian: video,
videocassetta

Swedish: videoband
Turkish: teyp

video³ ['vidiəu] *noun*

(also video cassette recorder; ~VCR) a machine used for watching or recording television films and programmes on videotape

Arabic: جهاز فيديو

Chinese (Simplified): 录像机

Chinese (Traditional): 录像機

Czech: video(rekordér)

Danish: videomaskine

Dutch: videorecorder

Estonian: videomagnetofon

Finnish: videonauhuri

French: magnétoscope

German: der Video(rekorder)

Greek: συσκευή
μαγνητοσκόπησης,
βίντεο

Hungarian: videomagnó

Icelandic: myndbandstæki

Indonesian: mesin perekam,
*pemutar pita video

Italian: video,
videoregistratore

Japanese: ビデオレコーダー

Latvian: videomagnetofons

Lithuanian: kasetinis vaizdo
magnetofonas

Norwegian: videospiller,
videooptaker

Polish: magnetowid

Portuguese (Portugal): gravador video

Romanian: videocasetofon

Russian: видеоманитофон

Slovak: videorekordér

Slovenian: videorekorder

Spanish: vídeo, grabador de
vídeo

Swedish: videobandspelare

Turkish: video kayıt cihazı

video ['vidiəu] *verb*

to record on a video recorder or videotape

Example: He videoed the television programme on volcanoes.

Arabic: يُسجّل على شريط تسجيل
فيديو

Chinese (Simplified): 录像

Chinese (Traditional): 录像

Czech: nahrát na video

Danish: optage på video

Dutch: op een
videoband
opnemen

Estonian: videosalvestama

Finnish: videoida

French: enregistrer au
magnétoscope

German: auf Video
aufzeichnen

Greek: μαγνητοσκοπώ

Icelandic: taka upp á
myndband

Indonesian: merekam
dengan video

Italian: registrare (su
videocassetta)*

Korean: ... 비디오

Latvian: ierakstīt
videolentē

Lithuanian: įrašyti į
vaizdajuostę

Norwegian: ta opp på
video

Polish: nagrać na
taśmie
video

Portuguese (Brazil): gravar em
vídeo

Portuguese (Portugal): passar em
video

Romanian: a înregistra
pe video

Russian: записывать
на видео

Slovak: zachytiť na
video

Slovenian: posneti na

Spanish: grabar en
vídeo

Swedish: spela in på
video

Turkish: videoya
çekmek,
*almak

See also: [video \(cassette\) recorder](#), [video arcade](#), [video camera](#), [video jockey](#), [videotape](#)

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EXHIBIT 5

video, *n.*

SECOND EDITION 1989

(ˈvɪdɪəʊ) [f. L. *vidē-re* to see + *-O-*, after AUDIO-.]

Absol. use of VIDEO-.

1. That which is displayed or to be displayed on a television screen or other cathode-ray tube; the signal corresponding to this.

1937 *Printers' Ink Monthly* May 45/2 *Video*, the sight channel in television, as opposed to audio, the sound channel. **1940** *Broadcasting* 1 June 32 *Video* seen 230 miles at sea. Clear steady images picked up during test. **1946** [see DISPLAY *n.* 1c]. **1949** *Hollywood Q.* Winter 157 And pipe the finished output of these segments, both video and audio, instantaneously and simultaneously to the kinescope recorders. **1951** *Proc. IRE* XXXIX. 8/1 One cycle of video during active horizontal scanning represents one dark and one light picture element on a particular scanning line. **1960** J. L. BERNSTEIN *Video Tape Recording* p. vii, Directors, editors, cameramen, and others..would benefit if they could learn the processes involved in recording video on tape. **1964** *Times* 7 Feb. p. iv/3 Except for its width..video tape looks exactly like sound recording tape. But it records not only sound but a continuous picture—video—as well! **1976** *Aviation Week* 10 May 131/1 An IBM scan converter transforms radar video into a format suitable for presentation on the TV monitors. **1977** *Gramophone* Aug. 361/2, I see it as the precursor of the all-purpose high quality cassette recorder that will record both video and audio. **1979** W. C. BRANDENBURG *Introd. Television Servicing* ii. 4/2 Both the audio and video can be broadcasted from the same antenna. **1982** G. WHITE *Video Techniques* vi. 134 Sound is as important as the video and often more difficult to edit.

2. Television as a broadcasting medium. *U.S. colloq.*

1941 *Amer. Mercury* Nov. 581/2 *Vidio*,..television. **1946** *Time* 25 Feb. 72 NBC published a 55-page booklet, listing words & phrases commonly used in video. **1954** *Billboard* 13 Nov. 21 Most of the big name spinners have taken a fling in video during the last five years, but their survival-average has been low. **1979** *Boston Globe* 10 Apr. 32 Their play was flashed by video to an adjoining room where experts commented on it before a throng.

3. A video recorder; also, a VDU.

1958 *Observer* 26 Jan. 14/6 The Video is like a combined tape-recorder and cinema camera. It records your television appearance complete with sound track and can be played back at the touch of a switch. **1979** *Television & Home Video* Mar. 7/2 There's not a lot of point in owning a home video and using it to record the rubbish you might otherwise have missed. **1982** *Times* 7 May 17/5 Last year over 900,000 videos were

rented or sold in Britain. **1983** *What's New in Computing* Jan. 5/1 The rest of the machine, the discs, the power supplies and the videos are all retained or upgraded and existing software can be run side by side with new software. **1984** S. TOWNSEND *Growing Pains A. Mole* 190 We are the only family in our street who haven't got a video.

4. A video recording; videotape as a recording medium.

1968 *Observer* 14 Jan. 28/4 The days of the disc, in the pop world at least, are numbered. For soon will come the video. We will have the top 20 videos which you plug into your home video-machine. **1978** *Radio Times* 4-10 Mar. 4/2 We've got some video of a man he has already made contact with... We'll just have to cut in with that if necessary. **1981** *Church Times* 7 Aug. 5/3 They..went down to BBC television... Later he popped round to the school and showed them a video of themselves. **1983** *New Scientist* 3 Mar. 569/1 The BBC recognised early on that there was money to be made from selling archive programmes on video. **1984** *Melody Maker* 6 Oct. 3/1 Spandau Ballet have just returned from Hong Kong where they filmed the video for 'Highly Strung'.

5. The production or use of video recordings.

1970 *It* 9-24 Apr. 7 There are also groups of people exploiting video in any way they can think of. **1977** *N.Y. Rev. Bks.* 23 June 25/4 Made images move (cinema) and achieved their simultaneous recording and transmission (video). **1980** *Times* 31 Mar. 24/6 There are enough able practitioners around to demonstrate how effectively video, like any other artistic tool, can be used. **1980** C. MACCABE *Godard* 26 You envisaged a different kind of distribution: film and video as a handcraft industry. **1982** *Listener* 11 Feb. 34/3 The good news is that things in video could be worse. The bad news is that things in video will get worse.

DRAFT ADDITIONS JUNE 2001

video, n.

► **video on demand** *Broadcasting*, a pay-per-view television service accessed via a telephone line, which allows a customer to select at any time from a list of programmes; abbreviated *VOD*.

1983 *Telephone Engineer & Managem.* (Nexis) 15 July 92 Customers..will demand not only voice service, but access to data, text display, remote telemetry, *video on demand, and broadband services. **1990** M. M. MIRABITO & B. MORGENSTEIN *New Communications Technol.* vii. 137/2 The new system, the so-called 'video on demand,' could offer the same collection of television shows in addition to self-help and exercise videotapes, movies, and a library of older television programs. **2000** *Atlanta Jrnl. & Constit.* (Electronic ed.) 26 Nov., Once it reaches the head end, the customer's order triggers a server that holds hundreds of digitized movies. The server signals the cable company's billing system, and the video-on-demand order is added to the customer's cable bill.

EXHIBIT 6



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Word Mark VIDEOFASHION
Goods and Services IC 041. US 100 101 107. G & S: Entertainment, namely a continuing fashion and lifestyle show distributed over Television, satellite, audio, and video media; production and distribution of motion pictures; production of television fashion and lifestyle programs; videotape production. FIRST USE: 19770100. FIRST USE IN COMMERCE: 19770100
Mark Drawing Code (1) TYPED DRAWING
Design Search Code
Serial Number 78025083
Filing Date September 8, 2000
Current Filing Basis 1A
Original Filing Basis 1A
Published for Opposition November 26, 2002
Registration Number 2688697
Registration Date February 18, 2003
Owner (REGISTRANT) Video Edition, Inc. CORPORATION NEW YORK 100 Avenue of the Americas, 12th Floor New York NEW YORK 10013
Type of Mark SERVICE MARK
Register PRINCIPAL-2(F)
Live/Dead Indicator LIVE

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Typed Drawing

Word Mark VIDEO/VISUALS, INC.
Goods and Services IC 040. US 106. G & S: VIDEOTAPE DUPLICATION SERVICES. FIRST USE: 19750000. FIRST USE IN COMMERCE: 19750000

IC 041. US 107. G & S: VIDEOTAPE PRODUCTION SERVICES AND VIDEO EQUIPMENT RENTAL SERVICES. FIRST USE: 19750000. FIRST USE IN COMMERCE: 19750000

Mark Drawing Code (1) TYPED DRAWING

Design Search Code

Serial Number 73672405
Filing Date July 16, 1987
Current Filing Basis 1A
Original Filing Basis 1A

Published for Opposition July 5, 1988

Registration Number 1506452

Registration Date September 27, 1988

Owner (REGISTRANT) VIDEO/VISUALS, INC. CORPORATION MASSACHUSETTS 63 CHAPPEL STREET NEWTON MASSACHUSETTS 02158

Attorney of Record MARGARET M. GEARY

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Type of Mark SERVICE MARK

Register PRINCIPAL

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Typed Drawing

Word Mark VIDEOSTORE1
Goods and Services IC 038. US 100 101 104. G & S: BROADCASTING SERVICES, NAMELY, FILE BROADCASTING OF VIDEO DATA VIA A GLOBAL INFORMATION NETWORK. FIRST USE: 19970201. FIRST USE IN COMMERCE: 20001001
Mark Drawing Code (1) TYPED DRAWING
Design Search Code
Serial Number 75598650
Filing Date December 3, 1998
Current Filing Basis 1A
Original Filing Basis 1B
Published for Opposition November 16, 1999
Registration Number 2470164
Registration Date July 17, 2001
Owner (REGISTRANT) TRANZ-SEND BROADCASTING NETWORK, INC. CORPORATION CALIFORNIA 601 Van Ness Avenue Suite E3613 San Francisco CALIFORNIA 94102
Attorney of Record Teresa C. Tucker
Type of Mark SERVICE MARK
Register PRINCIPAL
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Typed Drawing

Word Mark VIDEOSPACE
Goods and Services IC 035. US 100 101 102. G & S: online retail store services provided via a global computer network featuring DVDs, movies, music, compact discs, books, magazines, posters, clothing, toys, games and computer, video and electronic games. FIRST USE: 20030328. FIRST USE IN COMMERCE: 20030328

 IC 041. US 100 101 107. G & S: Providing a web site containing information and content on movies, videos, music, toys, games and electronic games. FIRST USE: 20030328. FIRST USE IN COMMERCE: 20030328
Mark Drawing Code (1) TYPED DRAWING
Design Search Code
Serial Number 78301725
Filing Date September 17, 2003
Current Filing Basis 1A
Original Filing Basis 1B
Published for Opposition June 8, 2004
Registration Number 2929837
Registration Date March 1, 2005
Owner (REGISTRANT) Razor & Tie Direct, L.L.C. LTD LIAB CO NEW YORK 214 Sullivan Street, Suite 4A New York NEW YORK 10012

Attorney of Record Todd Braverman
Type of Mark SERVICE MARK
Register PRINCIPAL
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Typed Drawing

Word Mark VIDEOSHOPPING
Goods and Services IC 035. US 100 101 102. G & S: Conducting market and consumer research and preparing advertisements for others; namely, developing new product ideas and store or section layouts. FIRST USE: 19900712. FIRST USE IN COMMERCE: 19900712
Mark Drawing Code (1) TYPED DRAWING
Design Search Code
Serial Number 75688239
Filing Date April 21, 1999
Current Filing Basis 1A
Original Filing Basis 1A
Published for Opposition December 7, 1999
Change in Registration CHANGE IN REGISTRATION HAS OCCURRED
Registration Number 2324504
Registration Date February 29, 2000
Owner (REGISTRANT) New Product Insights, Inc. CORPORATION MISSOURI 8700 Indian Creek Parkway Overland Park KANSAS 66210

 (LAST LISTED OWNER) NPI, INC. CORPORATION MISSOURI ONE WARD PARKWAY, SUITE 236 OVERLAND PARK KANSAS 64112
Assignment Recorded ASSIGNMENT RECORDED
Attorney of Record MARCIA J. RODGERS
Type of Mark SERVICE MARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR).
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Typed Drawing

Word Mark VIDEOSEEKER

Goods and Services IC 035. US 100 101 102. G & S: Preparing and placing advertising in an electronic magazine accessed through a global computer network; Promoting the goods and services of others by placing advertisements and promotional displays in an electronic site accessed through computer networks. FIRST USE: 19980420. FIRST USE IN COMMERCE: 19980420

IC 041. US 100 101 107. G & S: Providing information regarding television programming, entertainment, music and video, recreational activities and cultural and civic events via a global computer network; providing multi-user on-line computer games and contests; providing an online computer data base of links to other websites in the field of music and entertainment. FIRST USE: 19980420. FIRST USE IN COMMERCE: 19980420

IC 042. US 100 101. G & S: Computer services, namely, providing an on-line database of information, web sites and other resources in a wide variety of subjects; providing search engines for obtaining data on a global computer network. FIRST USE: 19980420. FIRST USE IN COMMERCE: 19980420

Mark Drawing Code (1) TYPED DRAWING

Design Search Code

Serial Number 75604593

Filing Date December 21, 1998

Current Filing Basis 1A

Original Filing Basis 1A

Published for Opposition November 2, 1999

Registration Number 2311563

Registration Date January 25, 2000

Owner (REGISTRANT) National Broadcasting Company, Inc. CORPORATION DELAWARE 30 Rockefeller Plaza New York NEW YORK 10112

(LAST LISTED OWNER) NBC UNIVERSAL, INC. CORPORATION DELAWARE 30 ROCKEFELLER PLAZA NEW YORK NEW YORK 10112

Assignment ASSIGNMENT RECORDED

Recorded

Attorney of Record Gillian M. Lusins

Type of Mark SERVICE MARK

Register PRINCIPAL

Affidavit Text SECT 8 (6-YR).

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Typed Drawing

Word Mark VIDEOSECRETS
Goods and Services (CANCELLED) IC 035. US 100 101 102. G & S: [Dissemination of advertisements for others via a global on-line computer communications network]. FIRST USE: 19961230. FIRST USE IN COMMERCE: 19961230

IC 038. US 100 101 104. G & S: Broadcast of live adult entertainment via a global on-line computer communications network. FIRST USE: 19961230. FIRST USE IN COMMERCE: 19961230

IC 041. US 100 101 107. G & S: Production of live adult entertainment for distribution by web sites of others via a global on-line computer communications network. FIRST USE: 19961230. FIRST USE IN COMMERCE: 19961230

Mark Drawing Code (1) TYPED DRAWING

Design Search Code

Serial Number 75796295

Filing Date September 10, 1999

Current Filing Basis 1A

Original Filing Basis 1A

Published for Opposition February 29, 2000

Change In Registration CHANGE IN REGISTRATION HAS OCCURRED

Registration Number 2352104

Registration Date May 23, 2000

Owner (REGISTRANT) VS Media, Inc. CORPORATION CALIFORNIA 250 North Westlake Boulevard Westlake Village CALIFORNIA 91362

Attorney of Record BERNARD R. GANS

Type of Mark SERVICE MARK

Register PRINCIPAL

Affidavit Text SECT 15. PARTIAL SECT 8 (6-YR).

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Typed Drawing

Word Mark VIDEOSUMECREATOR
Goods and Services IC 035. US 100 101 102. G & S: providing an online computer database in the field of employment. FIRST USE: 20000801. FIRST USE IN COMMERCE: 20000801
Mark Drawing Code (1) TYPED DRAWING
Design Search Code
Serial Number 76119038
Filing Date August 25, 2000
Current Filing Basis 1A
Original Filing Basis 1A
Published for Opposition September 18, 2001
Registration Number 2516936
Registration Date December 11, 2001
Owner (REGISTRANT) QuikView, Inc. CORPORATION CALIFORNIA 4280 Brisbane Circle El Dorado Hills CALIFORNIA 95762
Attorney of Record Robert D. Fish
Type of Mark SERVICE MARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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Typed Drawing

Word Mark VIDEOPLAN
Goods and Services IC 041. US 107. G & S: RENTAL OF VIDEOCASSETTES THROUGH LIBRARIES. FIRST USE: 19831204. FIRST USE IN COMMERCE: 19831204
Mark Drawing Code (1) TYPED DRAWING
Design Search Code
Serial Number 73521479
Filing Date February 11, 1985
Current Filing Basis 1A
Original Filing Basis 1A
Published for Opposition July 22, 1986
Registration Number 1413686
Registration Date October 14, 1986
Owner (REGISTRANT) VIDEOPLAN, INC. CORPORATION CALIFORNIA 19122 SOUTH VERMONT AVENUE GARDENA CALIFORNIA 90248
Attorney of Record ALAN H. LEVINE
Type of Mark SERVICE MARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR).
Live/Dead Indicator LIVE

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Typed Drawing

Word Mark VIDEOMINING
Goods and Services IC 041. US 100 101 107. G & S: PROVIDING AN ONLINE COMPUTER DATABASE IN THE FIELD OF VIDEO CLIPS THAT ARE SEARCHABLE USING KEY WORDS AND OTHER FIELDS. FIRST USE: 19990900. FIRST USE IN COMMERCE: 19990900

IC 039. US 100 105. G & S: ELECTRONIC STORAGE AND ARCHIVING OF VIDEO CLIPS AND VIDEO MATERIALS OF OTHERS ON A COMPUTER SERVER ACCESSIBLE VIA GLOBAL COMPUTER NETWORK. FIRST USE: 19990900. FIRST USE IN COMMERCE: 19990900

Mark Drawing Code (1) TYPED DRAWING

Design Search Code

Serial Number 75732869

Filing Date June 21, 1999

Current Filing Basis 1A

Original Filing Basis 1B

Published for Opposition May 15, 2001

Registration Number 2571867

Registration Date May 21, 2002

Owner (REGISTRANT) Technology Education Network, Inc. CORPORATION DELAWARE 450 Saw Mill River Road Ardsley NEW YORK 105022605

Attorney of Record ANNA C. SILVA

Type of Mark SERVICE MARK

Register PRINCIPAL

Live/Dead Indicator LIVE

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Typed Drawing

Word Mark VIDEOMATE
Goods and Services IC 041. US 100 101 107. G & S: Casino gaming services
Mark Drawing Code (1) TYPED DRAWING
Design Search Code
Serial Number 76329471
Filing Date October 24, 2001
Current Filing Basis 44E
Original Filing Basis 1B;44D
Published for Opposition October 29, 2002
Registration Number 2677069
Registration Date January 21, 2003
Owner (REGISTRANT) Aristocrat Technologies Australia Pty Ltd CORPORATION AUSTRALIA 71 Longueville Road Lane Cove, New South Wales AUSTRALIA
Attorney of Record Michael D. Hobbs Jr
Priority Date April 30, 2001
Type of Mark SERVICE MARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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Typed Drawing

Word Mark VIDEOMASTERS
Goods and Services IC 035. US 100 101 102. G & S: Business marketing consulting services. FIRST USE: 20000401. FIRST USE IN COMMERCE: 20000401
Mark Drawing Code (1) TYPED DRAWING
Design Search Code
Serial Number 75710507
Filing Date June 17, 1999
Current Filing Basis 1A
Original Filing Basis 1B
Published for Opposition January 11, 2000
Registration Number 2672504
Registration Date January 7, 2003
Owner (REGISTRANT) VIDEOMASTERS, INC CORPORATION VIRGINIA 2200 Dunbarton Drive, Suite D Chesapeake VIRGINIA 23325
Type of Mark SERVICE MARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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Typed Drawing

Word Mark VIDEOMARATHON
 Goods and Services IC 035. US 100 101 102. G & S: ADVERTISING AGENCY SERVICES
 IC 041. US 100 101 107. G & S: MOTION PICTURE FILM PRODUCTION; ORGANIZING CULTURAL EVENTS, NAMELY AN AWARD SHOW FOR THE ASSIGNMENT AND PRESENTMENT OF PRIZES FOR FILMS; ENTERTAINMENT SERVICES, NAMELY PROVIDING A WEBSITE FEATURING FILM CLIPS AND OTHER MULTIMEDIA MATERIALS

Mark Drawing Code (1) TYPED DRAWING

Design Search Code

Serial Number 76348964
 Filing Date December 14, 2001
 Current Filing Basis 44E
 Original Filing Basis 1B;44D
 Published for Opposition December 17, 2002
 Registration Number 2695075
 Registration Date March 11, 2003
 Owner (REGISTRANT) True Stories w/ David Peter Fox SOLE PROPRIETORSHIP DENMARK Burmeistersgade 2, 3. tv. DK-1429 Copenhagen K. DENMARK
 Attorney of Record David Ehrlich
 Priority Date June 15, 2001
 Type of Mark SERVICE MARK
 Register PRINCIPAL
 Live/Dead Indicator LIVE

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TARR Status ASSIGN Status TDR TTAB Status (Use the "Back" button of the Internet Browser to return to TESS)

Typed Drawing

Word Mark VIDEOMAKER
 Goods and Services IC 041. US 100 101 107. G & S: providing on-line information on the subject of video production, video equipment and other video-related goods and services. FIRST USE: 19941201. FIRST USE IN COMMERCE: 19941201
 Mark Drawing Code (1) TYPED DRAWING
 Design Search Code
 Serial Number 74536472
 Filing Date June 13, 1994
 Current Filing Basis 1A
 Original Filing Basis 1B
 Published for Opposition October 15, 1996
 Registration Number 2028128
 Registration Date January 7, 1997
 Owner (REGISTRANT) VIDEOMAKER, INC. CORPORATION NEW HAMPSHIRE 1350 East 9th Street Chico CALIFORNIA 95928
 Attorney of Record GRACE M. ARUPO
 Prior Registrations 1442045
 Type of Mark SERVICE MARK
 Register PRINCIPAL
 Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20060922.
 Renewal 1ST RENEWAL 20060922
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VIDEOLOGO

Word Mark VIDEOLOGO

Goods and Services

IC 009. US 021 023 026 036 038. G & S: Photographic, cinematographic, optical, signaling apparatus and instruments namely projection apparatus, projection screens both for projecting pictures, movies and holographic films and projection apparatus for holographic images and films; apparatus for regulating and controlling electricity namely steel security boxes used in connection with installation of projection apparatus and players; apparatus for recording, transmission or reproduction of sound and images namely players and recorders including DVD players/recorders, CD players/recorders, tape players/recorders, hard disc players/recorders and steel; magnetic and digital data carriers namely magnetic discs, CDs, DVDs, and software for monitoring and operating projectors and projection screens; data processing equipment and computers

IC 011. US 013 021 023 031 034. G & S: Apparatus for lighting namely projector lamps

IC 035. US 100 101 102. G & S: Advertising; business management; business administration; office functions

IC 041. US 100 101 107. G & S: Entertainment namely development and production of motion pictures, movies and holographic films for entertaining and advertising purposes

Mark Drawing Code (5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM

Design Search Code

Serial Number 79004267

Filing Date March 15, 2004

Current Filing Basis 66A

Original Filing Basis 66A

Published for Opposition October 25, 2005

Registration Number 3046341

International Registration Number 0830246

Registration

Date January 17, 2006
Owner (REGISTRANT) Delfin Produktion v/Peter Allan Simonsen PRIVATE COMPANY DENMARK Jesper Brochmands Gade 15, 2th. DK-2200 Copenhagen N. DENMARK
Type of Mark TRADEMARK. SERVICE MARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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Typed Drawing

Word Mark VIDEOLAW
Goods and Services IC 041. US 107. G & S: Educational Services-Namely, Offering Videotaped Continuing Legal Education Seminars to Lawyers. FIRST USE: 19791024. FIRST USE IN COMMERCE: 19791024
Mark Drawing Code (1) TYPED DRAWING
Design Search Code
Serial Number 73462445
Filing Date January 25, 1984
Current Filing Basis 1A
Original Filing Basis 1A
Published for Opposition October 2, 1984
Registration Number 1309409
Registration Date December 11, 1984
Owner (REGISTRANT) American Bar Association CORPORATION ILLINOIS 321 NORTH CLARK STREET Chicago ILLINOIS 60610
Assignment Recorded ASSIGNMENT RECORDED
Attorney of Record ELISABETH A EVERT
Type of Mark SERVICE MARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20041207.
Renewal 1ST RENEWAL 20041207
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VIDEOGRAPHY

Word Mark VIDEOGRAPHY
Goods and Services IC 041. US 100 101 107. G & S: Online publication of a magazine dealing with the television broadcast field. FIRST USE: 19960800. FIRST USE IN COMMERCE: 19960800
Standard Characters Claimed
Mark Drawing Code (4) STANDARD CHARACTER MARK
Design Search Code
Serial Number 78643653
Filing Date June 3, 2005
Current Filing Basis 1A
Original Filing Basis 1A
Published for Opposition February 14, 2006
Registration Number 3090350
Registration Date May 9, 2006
Owner (REGISTRANT) CMP ENTERTAINMENT MEDIA, INC. CORPORATION DELAWARE 460 PARK AVENUE SOUTH 9TH FLOOR NEW YORK NEW YORK 10016
Assignment Recorded ASSIGNMENT RECORDED
Attorney of Record Susan L. Heller and Amanda Laura Nye
Prior Registrations 1043865
Type of Mark SERVICE MARK
Register PRINCIPAL-2(F)
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Typed Drawing

Word Mark VIDEOFORUM
Goods and Services IC 016. US 002 005 022 023 029 037 038 050. G & S: printed journals providing information on independent films and film resources on various topics. FIRST USE: 19921130. FIRST USE IN COMMERCE: 19921130
 IC 041. US 100 101 107. G & S: providing on-line information on independent films and film resources on various topics. FIRST USE: 19980100. FIRST USE IN COMMERCE: 19980100
Mark Drawing Code (1) TYPED DRAWING
Design Search Code
Serial Number 75871518
Filing Date December 15, 1999
Current Filing Basis 1A
Original Filing Basis 1A
Published for Opposition September 12, 2000
Registration Number 2410593
Registration Date December 5, 2000
Owner (REGISTRANT) National Video Resources, Inc. NOT-FOR-PROFIT DELAWARE 73 Spring Street New York NEW YORK 10012
Attorney of Record Gloria C. Phares
Type of Mark TRADEMARK. SERVICE MARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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Typed Drawing

Word Mark VIDEOFINISH
Goods and Services IC 009. US 021 023 026 036 038. G & S: Computer software, namely, software for the processing of images, in particular of movement, including television applications of any kind; data processing equipment, namely, computers and computer peripherals for use in the processing of images, in particular of movement, intended for television applications
 IC 038. US 100 101 104. G & S: Television broadcasting; cable television transmission and satellite transmission
 IC 041. US 100 101 107. G & S: Video editing, namely, providing video signal containing virtual images in view of the broadcasting of television programs
 IC 040. US 100 103 106. G & S: Services of digital image processing in view of the editing and performance on television

Mark Drawing Code (1) TYPED DRAWING
Design Search Code
Serial Number 75518443
Filing Date July 14, 1998
Current Filing Basis 44E
Original Filing Basis 44D
Published for Opposition February 22, 2000
Registration Number 2349420
Registration Date May 16, 2000
Owner (REGISTRANT) Ayer, Serge INDIVIDUAL SWITZERLAND 9, chemin des Perrettes 1024 Ecublens SWITZERLAND
Attorney of Record CLIFFORD W BROWNING
Priority Date January 15, 1998
Type of Mark TRADEMARK. SERVICE MARK
Register PRINCIPAL

Live/Dead
Indicator

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Typed Drawing

Word Mark VIDEOFINDER
Goods and Services IC 016. US 038. G & S: promotional kit comprising catalogs, brochures, pamphlets and printed informational sheets pertaining to videos and merchandising, printed order forms, decals, printed advertisements, display cards, paper signs, and ornamental novelty buttons, all sold as a unit. FIRST USE: 19910215. FIRST USE IN COMMERCE: 19910215

 IC 042. US 100. G & S: mail and phone special order and locating services for video titles; phone ordering services permitting video stores and other retailers to place orders and receive confirmation by phone; database and information storage and retrieval services in the field of videos. FIRST USE: 19880707. FIRST USE IN COMMERCE: 19880707

 IC 035. US 101. G & S: information storage, database and retrieval services in the field of videotapes. FIRST USE: 19880707. FIRST USE IN COMMERCE: 19880707

Mark Drawing Code (1) TYPED DRAWING
Design Search Code
Serial Number 74160747
Filing Date April 25, 1991
Current Filing Basis 1A
Original Filing Basis 1A
Published for Opposition March 21, 1995
Registration Number 1898856
Registration Date June 13, 1995
Owner (REGISTRANT) BAKER & TAYLOR INC. CORPORATION DELAWARE 2550 West Tyvola Road Suite 300 Charlotte NORTH CAROLINA 28217

Assignment Recorded ASSIGNMENT RECORDED
Prior Registrations 1134490;1185534
Type of Mark TRADEMARK. SERVICE MARK

Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20060523.
Renewal 1ST RENEWAL 20060523.
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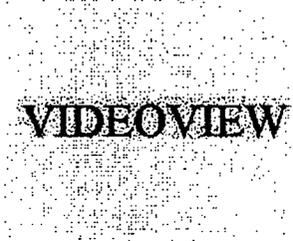
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Word Mark VIDEOVIEW

Goods and Services IC 035. US 100 101 102. G & S: Employment recruiting services. FIRST USE: 19891215. FIRST USE IN COMMERCE: 19891215

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Design Search Code

Serial Number 78349228

Filing Date January 8, 2004

Current Filing Basis 1A

Original Filing Basis 1A

Published for Opposition September 28, 2004

Registration Number 2913389

Registration Date December 21, 2004

Owner (REGISTRANT) Nutter, Roger W. INDIVIDUAL UNITED STATES 11427 Reed Hartman Highway, No. 205 Cincinnati OHIO 45241

Attorney of Record J. Michael Hurst

Prior Registrations 1816694

Type of Mark SERVICE MARK

Register PRINCIPAL

Live/Dead Indicator LIVE

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Typed Drawing

Word Mark VIDEOTRONIC
Goods and Services IC 037. US 100 103 106. G & S: Installation, maintenance and/or repair of point of purchase and point of sale video equipment, namely units for recording, transmitting and replay of picture and sound, specially magnetic recording and replay units, optical recording and replay units, digital recording and replay units, transmitting and transceiver units for wireless transmitting, units of multimedia technic for picture, sound and scent, namely, multimedia computer terminals, video monitor flat screens, video monitors and computer touch screens. FIRST USE: 19880400. FIRST USE IN COMMERCE: 19990300

IC 009. US 021 023 026 036 038. G & S: Point of purchase and point of sale video equipment, namely, television sets with built in video cassette recorders, multimedia computer terminals, video monitor flat screens, video monitors, computer touch screens. FIRST USE: 19880400. FIRST USE IN COMMERCE: 19990300

IC 035. US 100 101 102. G & S: Business merchandising point of purchase and point of sale display services in the field of video equipment, namely units for recording, transmitting and replay of picture and sound, specially magnetic recording and replay units, optical recording and replay units, digital recording and replay units, transmitting and transceiver units for wireless transmitting, units of multimedia technic for picture, sound and scent, namely, multimedia computer terminals, video monitor flat screens, video monitors and computer touch screens. FIRST USE: 19880400. FIRST USE IN COMMERCE: 19990300

IC 041. US 100 101 107. G & S: Rental of point of purchase and point of sale video equipment, namely units for recording, transmitting and replay of picture and sound, specially magnetic recording and replay units, optical recording and replay units, digital recording and replay units, transmitting and transceiver units for wireless transmitting, units of multimedia technic for picture, sound and scent, namely, multimedia computer terminals, video monitor flat screens, video monitors and computer touch screens. FIRST USE: 19880400. FIRST USE IN COMMERCE: 19990300

Mark Drawing Code (1) TYPED DRAWING
Design Search Code
Serial Number 75832434
Filing Date October 26, 1999
Current Filing Basis 1A;44E
Original Filing Basis 1A;44E
Published for Opposition Registration November 6, 2001

Number 2533371
Registration Date January 29, 2002
Owner (REGISTRANT) Videotronic International GmbH LTD LIAB CO FED REP GERMANY Im Steingerust 27 D-76437 Rastatt FED REP GERMANY
Attorney of Record CHARLES T. CALIENDO
Type of Mark TRADEMARK. SERVICE MARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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VideoStitial

Word Mark VIDEOSTITIAL
Goods and Services IC 035. US 100 101 102. G & S: Online advertising on computer communication networks in a format that plays an audio and/or video file on an Internet browser between the origin and destination page of a click. FIRST USE: 20040501. FIRST USE IN COMMERCE: 20040511
Standard Characters Claimed
Mark Drawing Code (4) STANDARD CHARACTER MARK
Design Search Code
Serial Number 76612012
Filing Date September 13, 2004
Current Filing Basis 1A
Original Filing Basis 1A
Published for Opposition August 9, 2005
Registration Number 3010428
Registration Date November 1, 2005
Owner (REGISTRANT) EyeWonder, Inc. CORPORATION DELAWARE 1447 Peachtree Street Suite 900 Atlanta GEORGIA 30309
Attorney of Record Jerome F. Connell, Jr.
Type of Mark SERVICE MARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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Typed Drawing

Word Mark VIDEOSEAT
Goods and Services IC 041. US 100 101 107. G & S: entertainment services; namely, special cable programming services by which subscribers pay only for the programs watched. FIRST USE: 19890908. FIRST USE IN COMMERCE: 19890908
Mark Drawing Code (1) TYPED DRAWING
Design Search Code
Serial Number 74127111
Filing Date December 31, 1990
Current Filing Basis 1A
Original Filing Basis 1A
Published for Opposition July 16, 1991
Registration Number 1660161
Registration Date October 8, 1991
Owner (REGISTRANT) HOST COMMUNICATIONS, INC. CORPORATION KENTUCKY 546 East Main Street Lexington KENTUCKY 40596
Attorney of Record J. Ralph King
Type of Mark SERVICE MARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20010901.
Renewal 1ST RENEWAL 20010901
Live/Dead Indicator LIVE

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Typed Drawing

Word Mark VIDEO-SCRIPT
Goods and Services IC 042. US 100 101. G & S: videotaping of legal proceedings, legal documents and other evidence. FIRST USE: 19830801. FIRST USE IN COMMERCE: 19830801

 IC 035. US 100 101 102. G & S: transcription of legal proceedings. FIRST USE: 19830801. FIRST USE IN COMMERCE: 19830801
Mark Drawing Code (1) TYPED DRAWING
Design Search Code
Serial Number 75104066
Filing Date May 14, 1996
Current Filing Basis 1A
Original Filing Basis 1A
Published for Opposition September 9, 1997
Registration Number 2117448
Registration Date December 2, 1997
Owner (REGISTRANT) Video-Script Enterprises, Inc. CORPORATION NEW YORK 1565 Franklin Avenue Mineola NEW YORK 11501
Attorney of Record Shelley J. Safer
Type of Mark SERVICE MARK
Register PRINCIPAL-2(F)
Affidavit Text SECT 15. SECT 8 (6-YR).
Live/Dead Indicator LIVE

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Typed Drawing

Word Mark VIDEOSCAPE
Goods and Services IC 038. US 100 101 104. G & S: ON DEMAND VIDEO TO BE USED IN CONNECTION WITH CUSTOMIZED TRAINING CURRICULA VIA VIDEO CONFERENCING AND A GLOBAL COMPUTER NETWORK AND RELATED PRODUCTS AND SERVICES. FIRST USE: 19980430. FIRST USE IN COMMERCE: 19980430
Mark Drawing Code (1) TYPED DRAWING
Design Search Code
Serial Number 75670138
Filing Date March 29, 1999
Current Filing Basis 1A
Original Filing Basis 1A
Published for Opposition March 27, 2001
Registration Number 2460846
Registration Date June 19, 2001
Owner (REGISTRANT) VideoScape Corporation CORPORATION DELAWARE 27 Spectrum Point, Suite 302 Irvine CALIFORNIA 92630
Attorney of Record Nancy O. Dix
Type of Mark SERVICE MARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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Typed Drawing

Word Mark VIDEOSAIC
Goods and Services IC 041. US 100 101 107. G & S: VIDEOTAPE PRODUCTION. FIRST USE: 20000911. FIRST USE IN COMMERCE: 20001009
Mark Drawing Code (1) TYPED DRAWING
Design Search Code
Serial Number 78029247
Filing Date October 5, 2000
Current Filing Basis 1A
Original Filing Basis 1A;1B
Published for Opposition July 17, 2001
Registration Number 2496428
Registration Date October 9, 2001
Owner (REGISTRANT) Steranko, Robert Scott INDIVIDUAL UNITED STATES 1845 Clayton Avenue Suite 302 Pittsburgh PENNSYLVANIA 15214
Type of Mark SERVICE MARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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Typed Drawing

Word Mark VIDEOLOCITY
Goods and Services IC 038. US 100 101 104. G & S: electronic transmission of entertainment programming via telephone lines, cables, and global computer networks. FIRST USE: 20001100. FIRST USE IN COMMERCE: 20001100
Mark Drawing Code (1) TYPED DRAWING
Design Search Code
Serial Number 76171237
Filing Date November 27, 2000
Current Filing Basis 1A
Original Filing Basis 1B
Published for Opposition August 21, 2001
Registration Number 2636758
Registration Date October 15, 2002
Owner (REGISTRANT) VIDEOLOCITY INTERNATIONAL, INC. CORPORATION NEVADA 358 SOUTH 700 EAST SUITE B604 SALT LAKE CITY UTAH 84102
Assignment Recorded ASSIGNMENT RECORDED
Attorney of Record Eric M Barzee
Type of Mark SERVICE MARK
Register PRINCIPAL
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Typed Drawing

Word Mark VIDEOLINK
Goods and Services IC 035. US 100 101 102. G & S: ON-LINE RETAIL STORE SERVICES FEATURING VIDEOCONFERENCING EQUIPMENT. FIRST USE: 19990701. FIRST USE IN COMMERCE: 19990806
Mark Drawing Code (1) TYPED DRAWING
Design Search Code
Serial Number 75920370
Filing Date February 5, 2000
Current Filing Basis 1A
Original Filing Basis 1A;1B
Published for Opposition March 19, 2002
Registration Number 2577222
Registration Date June 11, 2002
Owner (REGISTRANT) VideoLink, LLC LLC COLORADO 4101 E. Louisiana Ave Suite 301 Denver COLORADO 80246
Type of Mark SERVICE MARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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Word Mark VIDEOJET

Goods and Services IC 041. US 100 101 107. G & S: Technical training in the use of ink jet printers and imagers, laser printers and imagers, thermal transfer overprinters and imagers and controllers for controlling production and bindery lines. FIRST USE: 20020300. FIRST USE IN COMMERCE: 20020300

IC 002. US 006 011 016. G & S: Inks, make-up fluids and cleaning solutions for ink jet printers and imagers. FIRST USE: 20020300. FIRST USE IN COMMERCE: 20020300

IC 009. US 021 023 026 036 038. G & S: Contact and non-contact equipment and apparatus for coding, imaging, marking, printing or labeling, namely, ink jet printers and imagers, laser printers and imagers, thermal transfer overprinters and imagers, ink jet and laser coders and markers; computer programs and operating systems for the ink jet printers and imagers, laser printers and imagers, thermal transfer overprinters and imagers; printer controllers, printheads, nozzles, and filters for ink jet printers and imagers, laser printers and imagers, thermal transfer overprinters and imagers; electronic controllers for production and bindery lines. FIRST USE: 20020300. FIRST USE IN COMMERCE: 20020300

IC 037. US 100 103 106. G & S: Installation, maintenance, and repair services in the fields of ink jet printers and imagers, laser printers and imagers, thermal transfer overprinters and imagers and controllers for controlling production and bindery lines. FIRST USE: 20020300. FIRST USE IN COMMERCE: 20020300

IC 042. US 100 101. G & S: Technical support services, namely, troubleshooting to identify problems with and provide solutions for ink jet printers and imagers, laser printers and imagers, thermal transfer overprinters and imagers and controllers for controlling production and bindery lines. FIRST USE: 20020300. FIRST USE IN COMMERCE: 20020300

Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search Code 26.05.21 - Triangles that are completely or partially shaded
26.05.25 - Triangles with one or more curved sides

Serial Number 78243165

Filing Date April 29, 2003

Current Filing 1A

Basis

Original Filing Basis 1A

Published for Opposition August 31, 2004

Registration Number 2904765

Registration Date November 23, 2004

Owner (REGISTRANT) Videojet Technologies Inc. CORPORATION DELAWARE 1500 Mittel Boulevard Wood Dale ILLINOIS 60191

Attorney of Record Kirk Vander Leest

Prior Registrations 0873692;1011903;1345617;1391366;1442859;2695961;2719508;2791277;AND OTHERS

Type of Mark TRADEMARK. SERVICE MARK

Register PRINCIPAL

Live/Dead Indicator LIVE

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Typed Drawing

Word Mark VIDEOFLOW
Goods and Services IC 041. US 100 101 107. G & S: entertainment in the nature of on-going television programs, or programming segments, featuring music videos. FIRST USE: 19880905. FIRST USE IN COMMERCE: 19880905
Mark Drawing Code (1) TYPED DRAWING
Design Search Code
Serial Number 75396849
Filing Date November 26, 1997
Current Filing Basis 1A;44E
Original Filing Basis 1A;44D
Published for Opposition March 16, 1999
Registration Number 2251096
Registration Date June 8, 1999
Owner (REGISTRANT) CHUM Limited CORPORATION CANADA 299 QUEEN STREET WEST Toronto, Ontario, M5V 2Z5 CANADA
Attorney of Record LINDA M BYRNE
Priority Date May 27, 1997
Type of Mark SERVICE MARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR).
Live/Dead Indicator LIVE

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Typed Drawing

Word Mark VIDEOFARM.COM

Goods and Services IC 038. US 100 101 104. G & S: Providing on-line chat rooms for transmission of messages among computer users concerning video production, editing and distribution as well as other topics of general interest; providing on-line electronic bulletin boards for transmission of messages among computer users concerning video production, editing and distribution as well as other topics of general interest. FIRST USE: 19981201. FIRST USE IN COMMERCE: 19981201

IC 041. US 100 101 107. G & S: Producing, editing and distributing videos over a global communications network. FIRST USE: 19981201. FIRST USE IN COMMERCE: 19981201

IC 042. US 100 101. G & S: Hosting the web sites of others on a computer server for a global computer network. FIRST USE: 19981201. FIRST USE IN COMMERCE: 19981201

IC 035. US 100 101 102. G & S: Computerized database management. FIRST USE: 19981201. FIRST USE IN COMMERCE: 19981201

Mark Drawing Code (1) TYPED DRAWING

Design Search Code

Serial Number 75707501

Filing Date May 17, 1999

Current Filing Basis 1A

Original Filing Basis 1A

Published for Opposition May 1, 2001

Registration Number 2470935

Registration Date July 24, 2001

Owner (REGISTRANT) JAVU TECHNOLOGIES, INC. CORPORATION DELAWARE Chelsea Piers - Pier 62 New York NEW YORK 10011

Attorney of Record Karin Segall

Type of Mark SERVICE MARK

Register PRINCIPAL
Live/Dead Indicator LIVE

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Typed Drawing

Word Mark VIDEOEM
Goods and Services IC 041. US 100 101 107. G & S: PRODUCTION OF CDS AND DVDS FROM INFORMATION OBTAINED FROM SCIENTIFIC INSTRUMENTATION TO BE BROADCASTED OVER THE WEB, INTERNET, OR A TELEVISION MEDIUM. FIRST USE: 20021215. FIRST USE IN COMMERCE: 20021215
Mark Drawing Code (1) TYPED DRAWING
Design Search Code
Serial Number 78212007
Filing Date February 7, 2003
Current Filing Basis 1A
Original Filing Basis 1A
Published for Opposition December 30, 2003
Registration Number 2825146
Registration Date March 23, 2004
Owner (REGISTRANT) Hood, Darden INDIVIDUAL UNITED STATES 12785 SW 64 Court Miami FLORIDA 33156
Type of Mark SERVICE MARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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VIDEODE

Word Mark VIDEODE
Goods and Services IC 041. US 100 101 107. G & S: Video production services, namely production of videos for a range of video projects including producing personal video tributes and videos for events such as weddings, bar mitzvahs, retirements and anniversary parties. FIRST USE: 20050706. FIRST USE IN COMMERCE: 20050706
Standard Characters Claimed
Mark Drawing Code (4) STANDARD CHARACTER MARK
Design Search Code
Serial Number 78670049
Filing Date July 13, 2005
Current Filing Basis 1A
Original Filing Basis 1A
Published for Opposition July 25, 2006
Registration Number 3157192
Registration Date October 17, 2006
Owner (REGISTRANT) MILLIGRACE PRODUCTIONS, LLC. LTD LIAB CO NEW YORK Suite 29D 60 West 66th Street New York NEW YORK 10023
Attorney of Record Jennifer Finn
Type of Mark SERVICE MARK
Register PRINCIPAL
Live/Dead Indicator LIVE



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Typed Drawing

Word Mark VIDEOCOM
Goods and Services IC 038. US 100 101 104. G & S: television broadcasting; satellite transmission services, namely, distribution of television broadcast programs, news, sporting events, commercial, and data, namely, weather and radio network information in digitized form. FIRST USE: 19701123. FIRST USE IN COMMERCE: 19701222

IC 041. US 100 101 107. G & S: distribution of television programs for others, television show production, videotape production. FIRST USE: 19701123. FIRST USE IN COMMERCE: 19701222

Mark Drawing Code (1) TYPED DRAWING

Design Search Code

Serial Number 75484460

Filing Date May 13, 1998

Current Filing Basis 1A

Original Filing Basis 1A

Published for Opposition January 7, 2003

Registration Number 2701605

Registration Date April 1, 2003

Owner (REGISTRANT) Videocom, Inc. CORPORATION DELAWARE 502 Sprague Street Dedham MASSACHUSETTS 02026

Attorney of Record DAVID WOLF

Type of Mark SERVICE MARK

Register .PRINCIPAL-2(F)

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Typed Drawing

Word Mark VIDEO-CENTREX
Goods and Services IC 038. US 100 101 104. G & S: multipoint video conferencing services. FIRST USE: 20021029. FIRST USE IN COMMERCE: 20021029
Mark Drawing Code (1) TYPED DRAWING
Design Search Code
Serial Number 75906723
Filing Date January 31, 2000
Current Filing Basis 1A
Original Filing Basis 1B
Published for Opposition July 2, 2002
Registration Number 2976415
Registration Date July 26, 2005
Owner (REGISTRANT) Compunetix, Inc. CORPORATION PENNSYLVANIA Compunetix Building 2420 Mosside Boulevard Monroeville PENNSYLVANIA 15146
Assignment Recorded ASSIGNMENT RECORDED
Attorney of Record Ansel M. Schwartz
Type of Mark SERVICE MARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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Typed Drawing

Word Mark VIDEOBOB
Goods and Services IC 041. US 100 101 107. G & S: Video production services. FIRST USE: 19930102. FIRST USE IN COMMERCE: 19950802
Mark Drawing Code (1) TYPED DRAWING
Design Search Code
Serial Number 76463799
Filing Date November 4, 2002
Current Filing Basis 1A
Original Filing Basis 1B
Published for Opposition September 2, 2003
Registration Number 3013569
Registration Date November 8, 2005
Owner (REGISTRANT) Johnson, Robert Brian INDIVIDUAL UNITED STATES 519 Camino Bailen Escondido CALIFORNIA 92029
Attorney of Record Charles E. Baxley
Type of Mark SERVICE MARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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List At: OR to record: Record 177 out of 722

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Typed Drawing

Word Mark VIDEO SYSTEMS
Goods and Services IC 041. US 100 101 107. G & S: PROVIDING INFORMATION ABOUT VIDEO PRODUCTION AND PRESENTATION VIA A GLOBAL COMMUNICATIONS NETWORK. FIRST USE: 19980500. FIRST USE IN COMMERCE: 19980500

IC 016. US 002 005 022 023 029 037 038 050. G & S: MAGAZINE ABOUT VIDEO PRODUCTION AND PRESENTATION. FIRST USE: 19750000. FIRST USE IN COMMERCE: 19750000

IC 042. US 100 101. G & S: PROVIDING AN ON-LINE MAGAZINE ABOUT VIDEO PRODUCTION AND PRESENTATION VIA A GLOBAL COMMUNICATIONS NETWORK. FIRST USE: 19980500. FIRST USE IN COMMERCE: 19980500

Mark Drawing Code (1) TYPED DRAWING

Design Search Code

Serial Number 75653936
Filing Date March 4, 1999

Current Filing Basis 1A

Original Filing Basis 1A

Supplemental Register Date July 15, 1999

Registration Number 2305009

Registration Date December 28, 1999

Owner (REGISTRANT) INTERTEC PUBLISHING CORPORATION CORPORATION DELAWARE 9800 METCALF OVERLAND PARK KANSAS 662122216

(LAST LISTED OWNER) PRISM BUSINESS MEDIA INC. CORPORATION DELAWARE 249 W. 17TH STREET, 4TH FLOOR NEW YORK NEW YORK 10011

Assignment Recorded ASSIGNMENT RECORDED

Attorney of Record Jordan A. LaVine

Type of Mark TRADEMARK. SERVICE MARK

Register SUPPLEMENTAL

Live/Dead Indicator LIVE

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Typed Drawing

Word Mark VIDEO MATCH
Goods and Services IC 038. US 100 101 104. G & S: television broadcasting of programs consisting of sketches, comic acts, and interviews
 IC 041. US 100 101 107. G & S: entertainment in the nature of on-going television programs in the field of sketches, comic acts, and interviews
Mark Drawing Code (1) TYPED DRAWING
Design Search Code
Serial Number 75417944
Filing Date January 14, 1998
Current Filing Basis 44E
Original Filing Basis 1B;44E
Published for Opposition April 18, 2000
Registration Number 2538765
Registration Date February 19, 2002
Owner (REGISTRANT) TELEVISION FEDERAL S.A. TELEFE CORPORATION ARGENTINA Pavon 2444 BUENOS AIRES ARGENTINA
Attorney of Record JOHN CLARKE HOLMAN
Type of Mark SERVICE MARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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Typed Drawing

Word Mark STUPIDVIDEOS
Goods and Services IC 038, US 100 101 104. G & S: Streaming of video material on the Internet. FIRST USE: 20010620. FIRST USE IN COMMERCE: 20021020
Mark Drawing Code (1) TYPED DRAWING
Design Search Code
Serial Number 78218643
Filing Date February 25, 2003
Current Filing Basis 1A
Original Filing Basis 1A
Published for Opposition May 24, 2005
Registration Number 2984918
Registration Date August 16, 2005
Owner (REGISTRANT) AKLUVIS LTD LIAB JT ST CO CALIFORNIA 1571 Mission Meadows Drive Oceanside CALIFORNIA 92057

 (LAST LISTED OWNER) APOLLO 11, LLC LTD LIAB CO CALIFORNIA 880 APOLLO STREET SUITE 222 EL SEGUNDO CALIFORNIA 90245
Assignment Recorded ASSIGNMENT RECORDED
Attorney of Record John M. Kim
Type of Mark SERVICE MARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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PRIMEVIDEO

Word Mark PRIMEVIDEO
Goods and Services IC 038. US 100 101 104. G & S: SATELLITE, CABLE, NETWORK TRANSMISSION OF SOUNDS, IMAGES, SIGNALS AND DATA. FIRST USE: 20041215. FIRST USE IN COMMERCE: 20041215
Standard Characters Claimed
Mark Drawing Code (4) STANDARD CHARACTER MARK
Design Search Code
Serial Number 78639217
Filing Date May 23, 2005
Current Filing Basis 1A
Original Filing Basis 1A
Published for Opposition February 14, 2006
Registration Number 3089300
Registration Date May 9, 2006
Owner (REGISTRANT) PRIMEVISION COMMUNICATIONS LLC. LTD LIAB CO FLORIDA 1485 North Park Drive Weston FLORIDA 33326
Attorney of Record WILLIAM J. UTERMOHLEN
Type of Mark SERVICE MARK
Register PRINCIPAL
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MuzeVideo

Word Mark MUZEVIDEO
Goods and Services IC 041. US 100 101 107. G & S: Providing an online database of entertainment-related information available for licensing by others. FIRST USE: 20020131. FIRST USE IN COMMERCE: 20020131
Standard Characters Claimed
Mark Drawing Code (4) STANDARD CHARACTER MARK
Design Search Code
Serial Number 78786490
Filing Date January 6, 2006
Current Filing Basis 1A
Original Filing Basis 1A
Published for Opposition September 5, 2006
Registration Number 3174034
Registration Date November 21, 2006
Owner (REGISTRANT) Muze Inc. CORPORATION NEW YORK 8th Floor 304 Hudson Street New York NEW YORK 10013
Attorney of Record J. David Mayberry
Type of Mark SERVICE MARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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Typed Drawing

Word Mark ENGAGEVIDEO
Goods and Services IC 038. US 100 101 104. G & S: Telecommunication conference services, namely, end-user, video teleconference launching services in which the services are provided by means of a telecommunication network or global computer network; end-user, video teleconference launching services for video teleconferences that are conducted over a telecommunication network or global computer network. FIRST USE: 20030131. FIRST USE IN COMMERCE: 20030131
Mark Drawing Code (1) TYPED DRAWING
Design Search Code
Serial Number 75930735
Filing Date February 28, 2000
Current Filing Basis 1A
Original Filing Basis 1B
Published for Opposition July 23, 2002
Registration Number 2940301
Registration Date April 12, 2005
Owner (REGISTRANT) V-Span 1, Inc. CORPORATION DELAWARE 1100 First Avenue King of Prussia PENNSYLVANIA 19406
Assignment Recorded ASSIGNMENT RECORDED
Attorney of Record Christopher J. Kulish
Type of Mark SERVICE MARK
Register PRINCIPAL
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AIRVIDEO

Word Mark AIRVIDEO
Goods and Services IC 038. US 100 101 104. G & S: COMMUNICATION SERVICES NAMELY, BROADCASTING LIVE AND PRE-RECORDED INFORMATION SERVICES IN THE FORM OF MOVIES, PICTURE, SOUND, VOICE AND DATA VIA A GLOBAL COMPUTER OR WIRELESS NETWORK. FIRST USE: 20041026. FIRST USE IN COMMERCE: 20041026
Standard Characters Claimed
Mark Drawing Code (4) STANDARD CHARACTER MARK
Design Search Code
Serial Number 76620005
Filing Date November 10, 2004
Current Filing Basis 1A
Original Filing Basis 1A
Published for Opposition October 4, 2005
Registration Number 3034009
Registration Date December 27, 2005
Owner (REGISTRANT) Securityland, Inc. CORPORATION DELAWARE 11208 Waples Mill Road, Suite 109 Fairfax VIRGINIA 22030
Attorney of Record Eugene Berman
Type of Mark Register SERVICE MARK PRINCIPAL
Live/Dead

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Typed Drawing

Word Mark	VIDEOWAY
Goods and Services	IC 037. US 103. G & S: REPAIR AND MAINTENANCE OF TV CONVERTERS TELECOMMUNICATIONS SYSTEMS
	IC 038. US 104. G & S: TELECOMMUNICATIONS SERVICES
	IC 009. US 021 026. G & S: TELECOMMUNICATIONS APPARATUS, NAMELY CONVERTERS AND DECODERS FOR TELEVISION SIGNALS; INTERFACES; CONCENTRATORS; MULTIPLEXORS AND TELECOMMUNICATIONS CONTROLLERS
Mark Drawing Code	(1) TYPED DRAWING
Design Search Code	
Serial Number	73528175
Filing Date	March 22, 1985
Current Filing Basis	44E
Original Filing Basis	44E
Published for Opposition	April 29, 1986
Registration Number	1401875
Registration Date	July 22, 1986
Owner	(REGISTRANT) LE GROUPE VIDEOTRON LTEE CORPORATION CANADA 4TH FLOOR 2000 BERRI STREET MONTREAL, QUEBEC CANADA
Attorney of Record	LAWRENCE E. ABELMAN
Type of Mark	TRADEMARK. SERVICE MARK
Register	PRINCIPAL
Affidavit Text	SECT 15. SECT 8 (6-YR).
Live/Dead Indicator	LIVE

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- opinionated
- opinionative
- opioid
- opiod peptide
- opisthobranch
- opisthognathous

opinion

opinion

o-pin-ion [ə pɪnɪən] (plural o-pin-ions)

noun

Definition:

1. **personal view:** the view somebody takes about an issue, especially when it is based solely on personal judgment
 - *In my opinion it's all a waste of time.*
2. **estimation:** a view regarding the worth of somebody or something
 - *They had a pretty low opinion of me.*
3. **expert view:** an expert assessment of something
 - *I told the doctor I wanted a second opinion.*

4. **body of generally held views:** the view or views held by most people or by a large number of people

- *pundits and other opinion formers*

5. **LAW conclusion of fact:** a conclusion drawn from observation of the facts

[14th century. Via French < Latin *opinion-* < *opinari* "suppose"]

be a matter of opinion to be open to dispute or debate

be of the opinion that to think that

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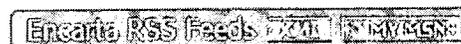
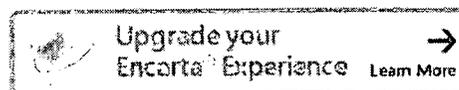


EXHIBIT 8

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-noun

1. a belief or judgment that rests on grounds insufficient to produce complete certainty.
2. a personal view, attitude, or appraisal.
3. the formal expression of a professional judgment: *to ask for a second medical opinion.*
4. *Law.* the formal statement by a judge or court of the reasoning and the principles of law used in reaching a decision of a case.
5. a judgment or estimate of a person or thing with respect to character, merit, etc.: *to forfeit someone's good opinion.*
6. a favorable estimate; esteem: *I haven't much of an opinion of him.*

[Origin: 1250-1300; ME < OF < L *opīniōn-* (s. of *opīniō*), deriv. of *opīnārī* to OPINE]

—*Synonyms* 1. persuasion, notion, idea, impression. OPINION, SENTIMENT, VIEW are terms for one's conclusion about something. An OPINION is a belief or judgment that falls short of absolute conviction, certainty, or positive knowledge; it is a conclusion that certain facts, ideas, etc., are probably true or likely to prove so: *political opinions; an opinion about art; In my opinion this is true.* SENTIMENT (usually *pl.*) refers to a rather fixed conviction, usually based on feeling or emotion rather than reasoning: *These are my sentiments.* VIEW is an estimate of something, an intellectual judgment, a critical survey based on a mental examination, particularly of a public matter: *views on governmental planning.*

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o·pin·ion  (ə-pīn'yən) [Pronunciation Key](#)
n.

1. A belief or conclusion held with confidence but not substantiated by positive knowledge or proof: *"The world is not run by thought, nor by imagination, but by opinion"* (Elizabeth Drew).
2. A judgment based on special knowledge and given by an expert: *a medical opinion*.
3. A judgment or estimation of the merit of a person or thing: *has a low opinion of braggarts*.
4. The prevailing view: *public opinion*.
5. *Law* A formal statement by a court or other adjudicative body of the legal reasons and principles for the conclusions of the court.

[Middle English, from Old French, from Latin *opiniō*, *opiniōn-*, from *opināri*, to think.]

Synonyms: These nouns signify something a person believes or accepts as being sound or true. *Opinion* is applicable to a judgment based on grounds insufficient to rule out the possibility of dispute: *"A little group of willful men, representing no opinion but their own, have rendered the great Government of the United States helpless and contemptible"* (Woodrow Wilson). *View* stresses individuality of outlook: *"My view is . . . that freedom of speech means that you shall not do something to people either for the views they have or the views they express"* (Hugo L. Black). *Sentiment* and especially *feeling* stress the role of emotion as a determinant: *"If men are to be precluded from offering their sentiments on a matter which may involve the most serious and alarming consequences . . . reason is of no use to us"* (George Washington). *"There needs protection . . . against the tyranny of the prevailing opinion and feeling"* (John Stuart Mill). *A belief* is a conclusion to which one subscribes strongly: *"Our belief in any particular natural law cannot have a safer basis than our unsuccessful critical attempts to refute it"* (Karl Popper). *Conviction* is belief that excludes doubt: *"the editor's own conviction of what, whether interesting or only important, is in the public interest"* (Walter Lippmann). *Persuasion* applies to a confidently held opinion: *"He had a strong persuasion that Likeman was wrong"* (H.G. Wells).

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opinion

- ADVERTISEMENT
1. a personal belief or judgment that is not founded on proof or certainty; "my opinion differs from yours"; "what are your thoughts on Haiti?"
 2. a belief or sentiment shared by most people; the voice of the people; "he asked for a poll of public opinion" [syn: public opinion]
 3. a message expressing a belief about something; the expression of a belief that is held with confidence but not substantiated by positive knowledge or proof; "his opinions appeared frequently on the editorial page"
 4. the legal document stating the reasons for a judicial decision; "opinions are usually written by a single judge"
 5. the reason for a court's judgment (as opposed to the decision itself)
 6. a vague idea in which some confidence is placed; "his impression of her was favorable"; "what are your feelings about the crisis?"; "it strengthened my belief in his sincerity"; "I had a feeling that she was lying" [syn: impression]

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opinion

c.1300, from O.Fr. *opinion* (12c.), from L. *opinionem* (nom. *opinio*) "opinion, conjecture, what one thinks," from stem of *opinari* "think, judge, suppose, opine," from PIE **op-* "to choose." *Opinionated* "obstinate" is attested from 1601.

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opinion

see form an opinion; matter of opinion.

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Merriam-Webster's Medical Dictionary – Cite This Source

Main Entry: **opin·ion**

Pronunciation: &- 'pin-y&n

Function: *noun*

: a formal expression of judgment or advice by an expert <wanted a second *opinion* on the advisability of performing the operation>

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Merriam-Webster's Dictionary of Law – Cite This Source

Main Entry: **opin·ion**

Pronunciation: &- 'pin-y&n

Function: *noun*

1 a : a belief stronger than impression and less strong than positive knowledge b : a formal expression of a judgment or appraisal by an

given by an attorney to a client <an *opinion* of title> called also *legal opinion* —see also *opinion letter* at LETTER 1 b : an advisory opinion issued by an authorized public official (as an attorney general) or a recognized body (as the American Bar Association)
3 a : the formal written expression by a court or judge of the reasons and principles of law upon which the decision in a case is based —compare HOLDING, JUDGMENT, RULING

advisory opinion

: a nonbinding opinion or evaluation of a court or other judicial or quasi-judicial authority or body regarding the effect of the law on a situation that does not present an actual controversy between parties <to answer questions which were not brought before this Court would be to issue an *advisory opinion* —*JBC of Wyoming Corporation v. City of Cheyenne*, 843 Pacific Reporter, Second Series 1190 (1992)>

NOTE: Advisory opinions are issued esp. by administrative agencies and by some state courts. Federal courts are constrained by the U.S. Constitution to deciding only cases or controversies and cannot issue advisory opinions.

concurring opinion

: an opinion by a judge who agrees with the result in a case but not necessarily with the reasoning used to reach it

dissenting opinion

: an opinion by a judge who disagrees with the result in a case

majority opinion

: an opinion in a case that is written by one judge and in which a majority of the judges on the court join

memorandum opinion

1 : a brief opinion of a court that announces the result of a case without extensive discussion and that is usually unpublished and cannot be cited as precedent

2 : an opinion of the U.S. Tax Court that is ordered not to be published but that is authoritative as precedent

3 a : an opinion of a court that sets forth the court's views or intended decision in a case but does not constitute the judgment b : an opinion of a court or judge setting forth the conclusions and findings and containing or constituting the actual order, judgment, or decree in the case

per curiam opinion

: a usually very brief unanimous opinion attributed to the court as a whole and not to any particular judge

plurality opinion

: an opinion with which a majority of the judges on the court concur in result but not in reasoning

sep - a - rate opinion

: an opinion written separately by a judge who dissents or who concurs only in the result of the majority opinion

slip opinion

: an opinion published in temporary form soon after the decision is rendered b : a written explanation for a decision reached by an official (as

Wallstreet Words – Cite This Source

opinion

A Certified Public Accountant's written attestation as to the fairness of presentation of financial statements. Anything other than an opinion that the statements have been presented fairly is a matter of serious concern to investors. *Also called* **accountant's opinion**, **auditor opinion**. *See also* **adverse opinion**, **clean opinion**, **disclaimer of opinion**, **qualified opinion**, **subject to opinion**.

Wall Street Words: An A to Z Guide to Investment Terms for Today's Investor by David L. Scott.

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Kernerman English Multilingual Dictionary (Beta Version) – Cite This Source

opinion¹ [ə'pinjən] *noun*

what a person thinks or believes

Example: *My opinions about education have changed.*

Arabic: رأي

Chinese (Simplified): 意见

Chinese (Traditional): 意見

Czech: názor

Danish: mening;
holdning

Dutch: opinie

Estonian: arvamus

Finnish: mielipide

French: opinion

German: die
Meinung

Greek: γνώμη,
ἄποψη

Hungarian: vélemény

Icelandic: álit,
skoðun

Indonesian: pendapat

Italian: opinione

Japanese: 意見

Korean: 의견

Latvian: uzskats;
domas

Lithuanian: nuomonė,
pažiūra,
požiūris

Norwegian: mening,
oppfatning

Polish: pogląd,
zdanie

Portuguese (Brazil): opinião

Portuguese (Portugal): opinião

Romanian: opinie,
păreră

Russian: взгляд;
убеждение

Slovak: názor

Slovenian: mnenje

Spanish: opinión

Swedish: mening,
åsikt

Turkish: görüş,
düşünce,
fikir

opinion² [ə'pinjən] *noun*

a (professional) judgement, usually of a doctor, lawyer etc

Example: *He wanted a second opinion on his illness.*

Arabic: رأي

Japanese: 意見

<i>Chinese (Traditional):</i> 意見	<i>Latvian:</i> viedoklis
<i>Czech:</i> posudek	<i>Lithuanian:</i> patarimas, konsiliumas, išvada
<i>Danish:</i> vurdering	<i>Norwegian:</i> uttalelse, vurdering, bedømmelse
<i>Dutch:</i> advies	<i>Polish:</i> porada
<i>Estonian:</i> hinnang	<i>Portuguese (Brazil):</i> opinião
<i>Finnish:</i> lausunto	<i>Portuguese (Portugal):</i> opinião
<i>French:</i> avis	<i>Romanian:</i> opinie, părere
<i>German:</i> das Gutachten	<i>Russian:</i> заключение специалиста
<i>Greek:</i> επαγγελματική γνώμη	<i>Slovak:</i> posudok
<i>Hungarian:</i> szakvélemény	<i>Slovenian:</i> mnenje
<i>Icelandic:</i> álit	<i>Spanish:</i> opinión
<i>Indonesian:</i> penilaian	<i>Swedish:</i> utlåtande
<i>Italian:</i> parere	<i>Turkish:</i> profesyonel görüş ve tavsiye

opinion³ [ə'pinjən] *noun*

what one thinks of the worth or value of someone or something

Example: *I have a very high opinion of his work.*

<i>Arabic:</i> تقدير، فكرة حسنة ع	<i>Japanese:</i> 意見
<i>Chinese (Simplified):</i> 意见	<i>Korean:</i> 의견
<i>Chinese (Traditional):</i> 意見	<i>Latvian:</i> domas; vērtējums
<i>Czech:</i> mínění	<i>Lithuanian:</i> nuomonė, įvertinimas
<i>Danish:</i> tanke; opfattelse	<i>Norwegian:</i> stor tillit; oppfatning
<i>Dutch:</i> dunk	<i>Polish:</i> ocena
<i>Estonian:</i> arvamus	<i>Portuguese (Brazil):</i> opinião
<i>Finnish:</i> arvostus	<i>Portuguese (Portugal):</i> opinião
<i>French:</i> opinion	<i>Romanian:</i> părere
<i>German:</i> die Meinung	<i>Russian:</i> оценка; мнение
<i>Greek:</i> γνώμη για κτ. ή για κτ.	<i>Slovak:</i> mienka
<i>Hungarian:</i> vélemény	<i>Slovenian:</i> mnenje
<i>Icelandic:</i> álit	<i>Spanish:</i> opinión
<i>Indonesian:</i> penghargaan	<i>Swedish:</i> tanke, tankar
<i>Italian:</i> opinione	<i>Turkish:</i> düşünce

See also: a matter of opinion, be of the opinion (that), in my, your opinion

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EXHIBIT 9

opinion, *n.*

DRAFT REVISION June 2004

Brit. /ə'pɪnjən/, *U.S.* /ə'pɪnj(ə)n/ Forms: ME **openion, openyoun, opeynyoun, opinioun, opiniyon, opiniyoun, opinyoun, oppinyon, oppynioun, oppynyoun, oppynyown, opunioun, opynioun, opynioun, oppynnyoun, oppynyone, oppynyounn, vpynyoun**, ME-15 **oppinioun, oppynion, oppynyoun, opynion, opynyoun, opynyoun**, ME-16 **opinyon**, ME-17 **oppinion**, ME- **opinion**, 15 **apenyon, oponion, oppynyone**, 16 **openen, oppenion**; *Sc.* pre-17 **apenion, apinioun, apown, owne, openioun, openyon, openyoun, opin, oun, opinione, opinioun, opinioune, opiniounn, opiniyone, opon, oun, oppenyon, oppin, eoun, oppinioun, oppinioune, oppiniowne, oppinnion, oppinnioun, oppinyoun, oppon, eone, opponyon, oppun, eon, oppun, eoun, oppunyeon, oppynion, oppynnyown, oppynyoun, opun, eoun, opun, one, opun, oun, opunion, opunione, opunyone, opvnioune, opvnyone, opynione, opynioun, opynyoun**, pre-17 17- **opinion**, 18 **opingan, opingin, opingon, opinyon**, 18- **opeenion**, 19- **opinyan**. [*<* Anglo-Norman *opinion*, *oppinion*, *opiniun* and Middle French *opinion*, *oppinion* view, belief (c1200 in Old French), reputation (early 13th cent.), intention (late 14th cent.), judgement (early 15th cent.; c1590 in *opinion publique*; French *opinion*) and their etymon classical Latin *opiniōn-*, *opiniō* view, belief, what is thought of a person by others, reputation, report, rumour, what or how one thinks about something, what one thinks of a person, estimation, favourable estimate, expectation *<* *opīnari* *OPINE* *v.* + *-iō* *-ION*¹. Cf. Italian *opinione* (c1250), Spanish *opinión* (c1250), Portuguese *opinião* (1370).

Cf. also the following isolated attestation of the aphetic formation *punȝoun* in Older Scots:

1488 HARY *Actis & Deidis Schir William Wallace* X. 419 ȝeid nayne away was contrar our punȝoun [1570 *Lekprevik* ed. *opinioun*.]

I. Simple uses.

1. As a count noun: a view held about a particular issue; a judgement formed or a conclusion reached; a belief; a religious or political conviction. Formerly (also): †a plan, an intention (*obs.*).

1340 *Ayenbite* 69 Ofte hi ualleȝ ine error and ine ualse opinions and ine eresye. c1385 CHAUCER *Knight's Tale* 1269, I. wende and hadde a greet opinioun That if I myghte scapen..Than hadde I been in ioye. c1385 CHAUCER *Knight's Tale* 1480 This was his opynyoun, That in that groue he wolde him hyde al day. a1425 WYCLIF *Sel. Eng. Wks.* (1871) II. 287 Alle þes newe sectis..have newe opynyouns. c1450 (c1405) *Mum & Sothsegger* (BL Add.) 1167 Thenne fareth he [sc. Lucifer] forth felaship to gete, To holde his opinion ouer alle þingz. ?1503-5 H. WATSON tr. *Valentine & Orson* (1937) 88 To that thyng I am not consenting, by am of the oppynyoun that we shal kepe Valentine in prison, the whiche can not escape vs. 1579 E. K. in Spenser *Shepherd's Cal.* June 25 Gloss., The opinion of Faeries and elves is very old, and yet sticketh very religiously in the

myndes of some. **1600** SHAKESPEARE *Merch.* V. III. v. 80 Nay, but aske my opinion to of that? **1611** *Bible* (A.V.): *1 Kings* xviii. 21 How long halt ye between two opinions? **1665** R. BOYLE *Occas. Refl.* IV. xi. sig. Ee4^v, As for my Opinions, whether of Persons, or things, I cannot in most cases command them my self, but must suffer them to be such as the Nature of the things I judge of requires. **1705** G. STANHOPE *Paraphr.* III. 312 No Opinion truly good can promote any Moral Evil. **1789** W. BELSHAM *Ess.* II. xli. 526 It is not to controul opinions, but actions, that Government is instituted. **1844** B. DISRAELI *Coningsby* III. VIII. iii. 217 As for your opinions, you have no business to have any other than those I uphold. **1877** J. MORLEY *Crit. Misc.* 2nd Ser. 89 Our opinions are less important than the spirit and temper with which they possess us. **1906** J. GALSWORTHY *Man of Property* 56 She was getting to have opinions of her own. He didn't know what she wanted. **1940** J. BUCHAN *Memory Hold-the-door* iii. 48, I do not think that at that time he had any strong political opinions..except on the question of the Church. **1988** *Which?* July 321/2 Opinions on the usefulness of home banking varied widely. **2001** *Village Voice* (N.Y.) 27 Nov. 58/1 An articulate 36-year-old woman..who spoke fragrantly accented English and expressed feisty opinions.

†2. a. What is thought of a person by others; the (esp. good) estimation in which one stands; reputation (*of* being such, or *of* possessing some quality). *Obs.*

c1384 *Bible* (Wycliffite, E.V.): *Matt.* (Douce 369(2)) iv. 24 His opynyoun, or fame [**a1425** *L.V.* fame; *L. opinio*], wente in to al Syrie. **a1420** LYDGATE *Trouyes Bk.* (Augustus) II. 7909 He was most of oppinioun Amongis Grekis, and reputacioun. **c1450** tr. Aelred of Rievaulx *De Institutione Includarum* (Bodl.) 4 Chese the a confessour, the whiche is an auncyant man of gode fame and of gode oppinyon. **1532** *Test. Creseyde* in *Wks. G. Chaucer* sig. Qqvi, Of al women protectour and defence Thou were, and helped their opynioun. **1551** R. ROBINSON tr. T. More *Utopia* (1895) II. vi. 196 Which for the opinion of nobilitie reioyse muche in their owne conceite. **1598** SHAKESPEARE *1 Hen. IV* V. iv. 47 Thou hast redeemed thy lost opinion. **1605** W. CAMDEN *Remaines* I. 121 The change of names, hath most commonly proceeded from a desire to avoyd the opinion of basenes. **1637** J. SHIRLEY *Gamester* I. sig. B2^v, I meane you have the opinion Of a valiant gentleman. **1685** C. COTTON tr. Montaigne *Ess.* I. 222 These fellows to make parade and to get opinion..are perpetually perplexing and entangling themselves in their own nonsense. **1705** G. STANHOPE *Paraphr.* II. 65 Every Counterfeit supposes something, not only of Reality but of Excellence too, which it hopes to gain the Opinion of, by such artful Dissimulation.

b. Report, rumour. *Obs.*

c1384 *Bible* (Wycliffite, E.V.): *Matt.* (Douce 369(2)) xxiv. 6 3e ben to heere bateyls, and opynyouns of bateyls. [*L. Audituri enim estis praelia, et opiniones praeliorum.*]. **a1425** WYCLIF *Sel. Eng. Wks.* (1871) II. 23 And opynyoun of Crist wente þourȝ al þe lond of Siry. [*Vulgate* (Matthew 4:24) *Et abiit opinio eius in totam Syriam.*].

3. a. With specifying adjective, as *common*, *general*, *public*, *vulgar*, etc. A judgement, belief, or conviction held by the majority of or many people; what is generally thought about something. See also *opinion poll*, *opinion survey*, sense 7.

c1390 CHAUCER *Pardoner's Tale* 601 If that a prynce vseth hasardrye..He is as by commune opynyoun Yholde the lasse. ?**c1450** *Life St. Cuthbert* 743 be comoun opynyoun and tellyng..scottys men..say pat many myracles..God schewed be him. **1494** *Loutfut MS* f. 33^v, Eftir the opinion wlgair he [sc. the tench] hantez. **c1500** (?**a1475**) *Assembly of Gods* 1739 From Adam to Moyses, was idolatry Thorow the world vsyd in comon opynyoun. **a1538** A. ABELL *Roit or Quheill of Tyme* f. 6, And..he..slew hir eftir the common opun3one. **1601** E. JONSON *Every Man in his Humor* v. i. sig. M, You see, How abiectly your Poetry is ranckt, in generall opinion. **1658** SIR T. BROWNE *Hydriotaphia* iv. 57 Mourning without hope, they had an happy fraud against excessive lamentation, by a common opinion that deep sorrows disturbed their ghosts. **1689-90** W. TEMPLE *Ess. Pop. Discontents in Wks.* (1731) I. 258 Nothing is so easily cheated, nor so commonly mistaken, as vulgar Opinion. **1735** VISCT. BOLINGBROKE *Diss. upon Parties* (ed. 2) Ded. p. xxxi, Let them stand, or fall in the publick Opinion, according to their Merit. **1763** LD. CHESTERFIELD *Let. to Duke of Newcastle in Lett.* (1845) II. 463 The public opinion put him below his level: for though he had no..eminent talents, he had a most indefatigable industry, a perseverance. **1792** T. PAINE *Rights of Man* II. v. 170 When such a time, from the general opinion of the nation, shall arrive. **1801** T. JEFFERSON in G. Tucker *Life* (1837) II. 101 The mighty wave of public opinion which has rolled over our republic. **1871** *Daily News* 20 Apr. 5 That is a question..in which 'general opinion must assume the ultimate arbitrement'. **1892** *Pall Mall Gaz.* 29 Nov. 5/1 When the court has pronounced its decision, then let it be freely commented upon; but until then parties must not attempt to influence public opinion. **1915** W. S. MAUGHAM *Of Human Bondage* xcvi. 513 Someone suggested that, if the war went on,..they would be glad to take anyone who was qualified; but the general opinion was that it would be over in a month. **1939** G. GALLUP (title) *Public opinion in a democracy.* **1983** J. BARZUN *Stroll with W. James* 2 Professional opinion was divided about what he really meant. **2002** *Times* 2 Jan. I. 4/3 Experts say that public opinion in all three countries will inevitably be influenced.

b. More generally: what or how one thinks about something; judgement or belief. Esp. in *in my opinion*: according to my thinking; as it seems to me. *a matter of opinion*: a matter about which each may have his or her own opinion; a disputable point.

a1393 GOWER *Confessio Amantis* (Fairf.) VIII. 2782 Of hem that walken up and down Ther was diverse opinioun. **a1420** LYDGATE *Troyyes Bk.* (Augustus) I. 74 For wisdam & prudent aduertence..in myn opinioun..this fable of amptis was contrevded. **1447** O. BOKENHAM *Lives of Saints* 156 They shul sone han helthe & bote..Thys is fully myn opynyounn. **1483** in H. Ellis *Orig. Lett. Eng. Hist.* (1827) 2nd Ser. I. 157 In myn openion it shuld be gretly for the wele of that toune. **1532** (c1385) *Usk's Test. Love* in W. W. Skeat *Chaucerian & Other Pieces* (1897) 103 Opinion is whyl a thing is in non-certayn, and hid from mens very knowleging. **a1538** T. STARKEY *Dial. Pole & Lupset* (1989) 8 Saying ther ys no dyfference betwyx vyce & vertue but strong opynyoun. **a1628** J. PRESTON *Breast-plate of Faith* (1630) 118 The object of opinion is something in its own nature uncertain. **1644** MILTON *Areopagitica* 31 Opinion in good men is but knowledge in the making. **1704** J. NORRIS *Ess. Ideal World* II. ii. 130 What we call opinion, which is an imperfect assent or judgment. **1814** J. AUSTEN *Mansfield Park* I. xviii. 346 To see such an undersized, little, mean-looking man, set up for a fine actor, is very ridiculous in my opinion. **1852** H. B. STOWE *Uncle Tom's Cabin* xv. 141 Well, the position may be a matter of opinion. **1875** B. JOWETT tr. Plato *Dialogues* (ed. 2) IV. 23 Opinion is based on

perception, which may be correct or mistaken. **1902** S. BUTLER *Way of All Flesh* (1903) xxxvii. 160, I never believed in the project, and have seen no reason to alter my original opinion. **1949** 'G. ORWELL' 1984 II. vi. 159 That is not only my own opinion. **1988** *Jrnl. Theol. Stud.* 39 560 This is, of course, a matter where there is legitimate difference of opinion. **2000** J. GOODWIN *Danny Boy* iv. 95 He turned aside to help the kid, who was, in my opinion, not playing with a full team.

c. to be of (the) opinion (that): to hold the belief or view; to think (that). Also with further syntactic variation.

1420 LYDGATE *Troyes Bk.* (Augustus) II. 817 Iacobus de Vitriaco Is contrarie of oppynioun. **1485** CAXTON tr. *Charles the Grete* 103 Thyery and the other were of thoppynyon of Rolland. **1548** *Hall's Vnion: Richard III* f. l, Noble men..which emongest them selves were not of one opinion. **1589** G. PUTTENHAM *Arte Eng. Poesie* I. xviii. 30 Some be of opinion..that the pastorall Poesie..should be the first of any other. **1623** J. BINGHAM tr. *Xenophon Hist.* 49 All, that are of the same opinion, let them hold vp their hands. **1714** J. PURCELL *Treat. Cholick* 93, I am of Opinion..that the hitherto unknown use of the Spleen, is to interrupt the Fermentation of the Blood. **1735** B. FRANKLIN *Man of Sense* 11 Feb. in *Papers* (1960) II. 16, I am really of that Opinion. **1785** T. JEFFERSON *Let.* 25 Sept. in *Papers* (1953) VIII. 549 If you are of the same opinion I would trouble you to send me two sets of table cloths and napkins. **1818** W. CRUISE *Digest Laws Eng. Property* (ed. 2) VI. 455 He was clearly of opinion they were both liable. **1856** R. W. EMERSON *Eng. Traits* vi. 106 They require you to dare to be of your own opinion. **1886** H. JAMES *Bostonians* (1966) xii. 79, I am of the opinion..there was a lady behind everything. **1904** L. F. BAUM *Marvelous Land of Oz* 129 These females are..of the opinion that men have ruled the land long enough. **1947** G. VIDAL *In Yellow Wood* I. iii. 37, I am of the opinion that this is a rising market. **1991** *Washington Post* 14 July F4/2, I am firmly of the opinion that ecocide is our certain future. **2000** *Canoeist* Apr. 21/1 We were both of the opinion that this was a force 9 gale.

d. Public or general opinion.

1598 J. MARSTON *To Detraction* 17 in *Scourge* sig. A3^v, True iudgement, slight regards Opinion. **1603** J. FLORIO tr. *Montaigne Ess.* I. xl. 133 Opinion is a power-full, bold, and vnmeasurable party. **1638** R. BAKER tr. *J. L. G. de Balzac New Epist.* II. 96 It is not now onely that opinion governe the world; there hath beene disputing against Reason in all ages. **1753** J. HANWAY *Hist. Acct. Brit. Trade Caspian Sea* (1762) II. I. i. 4 Those..who offer incense to this..stupid idol, opinion. **1837** H. MARTINEAU *Society in Amer.* III. 7 The worship of Opinion is, at this day, the established religion of the United States. **1841** I. D'ISRAELI *Amenities Lit.* (1867) Pref. 3 Authors are the creators or the creatures of opinion. **1872** 'G. ELIOT' *Middlemarch* I. vi. 88 There is no part of the county where opinion is narrower than it is here. **1910** *Encycl. Brit.* I. 429/2 Opinion is divided between Darius Hystaspes and Xerxes. **1946** W. IVINS *Art & Geometry* iv. 74 Opinion about such a matter could in the most literal, faggot, sense become a burning question. **1996** *SFX* May 63/1 Opinion is divided straight down the gender lines over whether Frank is right to indulge in a spot of extra-marital. **2002** *Evening Standard* (Palmerston North, N.Z.) (Nexis) 11 Nov. 3 Opinion is divided on what caused an increase in unemployment during the last economic quarter.

4. A formal statement by a judge or other competent authority of what he or she judges or advises on a matter; professional advice; as a **legal** (also **medical**) **opinion, to get an opinion of counsel**, etc. In a **second** (also **another**) **opinion**: the opinion of a second (esp. medical) expert or adviser. Also in transferred and extended uses.

a1393 GOWER *Confessio Amantis* (Fairf.) II. 3214 Therto thei [sc. doctors] acorden alle As for final conclusioun, And tolden here opinioun To themperour. **c1485** (1456) G. HAY *Bk. Knychthede* (1914) 148 Quhen thou askis at thy counsailouris thair opyniounis. **1488** HARY *Actis & Deidis Schir William Wallace* III. 332, 'I gif consell, or this gud knycht be slayne, Tak pes a quhill, suppos it do ws payne.' So said Adam the ayr of Rycardtoun; And Kneland als grantyt to thar opynyoun. **a1533** LD. BERNERS tr. *Huon* lxxxii. 254, I desyre you all..to shew me your opynyons. **1563** N. WINBET *Certain Tractates* (1888) I. 66 To ansuer till ws in writt 3our opinioun and auctoritie thairfor concerning the artiiclis subsequent. **1598** *Let. to Stowe* (Ashm. MSS.), Your oppinioun in wrytinge or otherwise is expected. **1627** *Rep. Parishes Scotl.* (1835) 43 Oure judgement and oppinioun concerneing the articles proponit wnto ws. **1696** E. PHILLIPS *New World of Words* (ed. 5), *Opinion*, the Thought of him who gives his Advice upon any thing that is debated or consulted upon. **1742** H. FIELDING *Joseph Andrews* I. I. xiii. 87 He would be obliged to him, if he would let him know his opinion of his Patient's Case above stairs. **1779** T. JEFFERSON *Let.* 27 Mar. in *Papers* (1950) II. 239 Perhaps the magnitude of this question..may render it worth while to await the opinion of the national council. **1817** J. MILL *Hist. Brit. India* II. v. v. 496 The Supreme Council..came to an opinion..that [etc.]. **1861** H. S. MAINE *Anc. Law* ii. 33 Collections of opinions interpretative of the Twelve Tables. **1885** C. M. YONGE *Nuttie's Father* II. xvii. 201 Dr. Brownlow..said it was a surgical case, and he should like to have another opinion. **1888** *Chambers's Encycl.* s.v. *Barrister*, Barristers in England advise on the law by giving an opinion on a case stated. **1899** *Westm. Gaz.* 9 Nov. 1/2 The three clergymen..who have refused obedience to the Archbishops' 'Opinion' on the legality of incense and processional lights. **1924** J. BUCHAN *Three Hostages* xvi. 237 There's no cause to worry about Peter John... But if you want another opinion, why not get it? **1954** M. SHARP *Gipsy in Parlour* xxiv. 228 So my father and Miss Jones agreed... I didn't think my father would be quite so pleased to know of this second opinion, so to speak. **1970** P. LOVESEY *Wobble to Death* v. 52 Perhaps—another opinion. Your colleague..may see the possibility of a faster recovery. **1976** A. CLARE *Psychiatry in Dissent* viii. 329 Two medical opinions..are required and the order is valid for twenty-eight days. **2000** *Internat. Jrnl. Advertising* 19 68 The editor may call for a 'second opinion' before accepting or rejecting [an article].

5. **†a.** Favourable estimate of oneself; conceit, arrogance; self-confidence. *Obs. rare.*

a1420 LYDGATE *Troyes Bk.* (Augustus) V. 67 Palladioun, Whiche Vlixes..vniustly doth possede, On hym vsurpinge by fals oppinioun. **1598** SHAKESPEARE *1 Hen. IV* III. i. 181 Pride, hautinesse, opinion, and disdaine. **1609** SHAKESPEARE *Tr. & Cr.* I. iii. 347 What heart receiues from hence a conquering part, To steele a strong opinion to them selues.

b. spec. A good or favourable estimate of someone or something; esteem. *Esp. in to have no (great) opinion of:* to regard as inferior or unworthy.

a1450 (?c1421) LYDGATE *Siege Thebes* (Arun.) 2463 Euery man hath swich opynyoun [n Tydeus for his gentyllesse..That he was holde the moste famous knyght. **c1451** J.

CAPGRAVE *Life St. Gilbert* 112 He led a solitary lif in þe mountes and was in gret opinion both to þe Pope & þe court. **1545** BP. S. GARDINER *Let.* 7 Nov. (1933) 179 If we leave nowe, we shal wyne this opinion, that we leave required and desired. **1597** T. MORLEY *Plaine & Easie Introd. Musicke* 115 Those who stande so much in opinion of their owne sufficiencie. **a1687** W. PETTY *Polit. Anat. Ireland* (1691) 94 They have a great Opinion of Holy-Wells, Rocks, and Caves, which have been the reputed Cells and Receptacles of..Saints. **1729** W. LAW *Serious Call* (1920) xix. 254 If a woman had no opinion of her own person and dress. **1749** H. FIELDING *Tom Jones* V. XV. vi. 239, I know you have no Opinion of my Parts; but I'll shew you on this Occasion who is a Fool. **1813** J. AUSTEN *Pride & Prejudice* I. ii. 9 She is a selfish, hypocritical woman, and I have no opinion of her. **1861** DICKENS *Great Expectations* I. xvii. 282, I must tell you I should have no opinion of you, Biddy, if he danced at you with your own consent. **1886** R. L. STEVENSON *Kidnapped* v. 38, I had a great opinion of my shrewdness. **1929** J. B. PRIESTLY *Good Companions* I. i. 10 Leonard might be the darling of his mother's heart, as indeed he was, but it was clear that his father had no great opinion of him. **1976** N. FREELING *Lake Isle* xx. 140 I've no opinion of the stuff the supermarket calls Scotch. **1986** P. O'BRIAN *Reverse of Medal* viii. 237 Stephen had no opinion of that vapouring quack.

c. What one thinks of a person or thing; an estimate of character, quality, or value.

c1480 *St. Blaise* (Cambr.) 9 in W. M. Metcalfe *Legends Saints Sc. Dial.* (1896) I. 361 Sume men gud opunyone Has..Quhat man he was. **c1510** T. MORE tr. G. F. Pico della Mirandola *Lyfe J. Picus* in *Wks.* 14/2 Ye haue not knowen the opinion, y^e philosophers haue of them self. **1551** in A. I. Cameron *Sc. Corr. Mary of Lorraine* (1927) 345 That the King..sulde have..the better oppenyon in him. **a1616** SHAKESPEARE *Macb.* (1623) I. vii. 33, I haue bought Golden Opinions from all sorts of people. **1638** R. BAKER tr. J. L. G. de Balzac *New Epist.* II. 203 It is impossible for mee to expresse the high opinion I conceive of you. **1675** W. WYCHERLEY *Country-wife* III. 43 His kindness only is not enough for me, without your favour; your good opinion, dear Madam, 'tis that must perfect my happiness. **1722** D. DEFOE *Moll Flanders* 16, I..had as good an Opinion of myself, as any body else could have of me. **1771** *Junius Lett.* xlviii. 253 Their constituents would have a better opinion of their candour, and..not a worse opinion of their integrity. **1811** J. AUSTEN *Sense & Sensibility* I. i. 1 For many generations, they had lived in so respectable a manner, as to engage the general good opinion of their surrounding acquaintance. **1847** C. BRONTË *Jane Eyre* III. i. 29 But, Jane, I see by your face you are not forming a very favourable opinion of me just now. **1897** M. KINGSLEY *Trav. W. Afr.* 12 The Coast..formed an even higher opinion of my folly than it had formed on our first acquaintance, which is saying a good deal. **1909** L. M. MONTGOMERY *Anne of Avonlea* vi. 57 'It's really a beautiful world.' 'You won't have such a high opinion of it when you've lived as long in it as I have,' retorted Miss Eliza sourly. **1965** E. J. HOWARD *After Julius* II. vii. 104 She didn't clear up much..and his opinion of her dropped further still. **2000** A. GHOSH *Glass Palace* (2001) xxx. 353 Their CO had taken no pains to disguise his low opinion of his Indian officers.

†6. Thought of what is likely to be the case, knowledge; expectation based on knowledge or belief. *Obs.*

a1420 LYDGATE *Troyyes Bk.* (Augustus) v. 3179 He..smot þe kyng..Having þo noon

oppinioun þat he was kyng, nor suspecioun. **1425** (c1385) CHAUCER *Troilus & Criseyde* IV. 1495 In me ther may nat synke A good oppynyoun, if that ye wende. **1450** J. CAPGRAVE *Life St. Katherine* (Arun. 396) l. 162 Whan þing is ferthest fro ovre oppynyoun, Than werketh he his wondrys ryght at his wille. **1548** *Hall's Vnion: Henry VI f. cvij*, [He] thought now, that al thynges succeeded, accordyng to his opinion and good hope. **1568** G. SKEYNE *Breue Descr. Pest* (1860) 27 Quhay..most remoue the opinione of dethe, but not the dredour of God. **1601** R. JOHNSON tr. G. Botero *Travellers Breviat* (1603) 197 The warre continuing beyonde opinion, the State was inforced to procure pay for the armie. **1605** J. DOVE *Confutation of Atheisme* 5 When their consciences are possessed with an opinion of hell fire. **1658** SIR T. BROWNE *Hydriotaphia* Ep. Ded. to T. Le Gros sig. A2, Having no old experience of the duration of their Reliques, [men] held no opinion of such after considerations.

II. Compounds.

7. General attrib., as *opinion-former, holder, leader, -maker, etc.; opinion-breeding, -making* n. and adj.; *opinion-forming, -tapping* adjs. **opinion column**, a column in a newspaper or periodical which contains an opinion piece; an article in such a column (quot. 1947 refers to a regular column entitled 'Opinion'). **opinion mill**, a person who or organization which speculates on or disseminates public opinions. **opinion piece**, an article in a newspaper or periodical expressing the opinion (freq. one which is controversial or biased) of the writer on a particular item of news. **opinion poll**, an assessment of public opinion taken by questioning a random or representative sample of the public, often as a basis for forecasting patterns of voting (cf. sense 3a). **opinion polling**, the compiling of opinion polls. **opinion pollster**, a person or organization engaged in compiling opinion polls. **opinion survey** = *opinion poll*. **opinion trade**, the business of polling or expressing opinions.

1875 W. CORY *Lett. & Jrnls.* (1897) 375 Morbid combination of piety with *opinion-breeding.

1947 R. B. MCCALLUM & A. READMAN *Brit. Gen. Election 1945* xi. 206 Its '*Opinion' column was available for the development of his own peculiar election policy. **1955** *Amer. Econ. Rev.* **45** 493 A regular refrain in the opinion columns of the several trade magazines read by exhibitors. **1997** *Esquire* Feb. 113/2 His old friend..asked him to contribute occasional opinion columns.

1906 G. W. E. RUSSELL *Social Silhouettes* xiii. 90, I should, I confess, resent any change which interfered with my position as chief *opinion-former. **1962** *Times Lit. Suppl.* 24 Aug. 633/4 To hear well over half the electors of Britain talk, or read or listen to their favourite opinion-formers, one would conclude that it would be best..if no profits were made by any business. **2001** *Times* 30 Nov. II. 21/3 The Government believes..newspapers..'often consider themselves to be opinion-formers as much as conveyors of news.'

1901 *Amer. Jrnl. Sociol.* **6** 551 They [sc. artists, speakers, preachers, etc.] constitute the other *opinion-forming sections of society. **1959** *Encounter* Nov. 66 Literary

parties..the opinion-forming fringe of the United States. **2002 Grocer** 9 Mar. 88 (*adv.*) Your brief will be to..continue to improve the brand status through key outlets and opinion forming consumers.

c1449 R. PECOCK *Repressor* 87 Summe..ben clepid Doctour-mongers, and summe ben clepid *Opinioun-holders. **a1500** tr. A. Chartier *Traité de l'Esperance* (Rawl.) 81 That hope..to opinion holders and obstinates is hope opynatyffe. **1996 Jrnl. Polit.** 58 664 The property among opinion-holders of being for or against the nomination. **2002 Afr. News** (Nexis) 7 Sept., We have all decided to form a consortium of like-minded opinion holders against the return of Alamieyeseigha in 2003.

1936 J. K. POLLOCK in E. B. Logan *Amer. Polit. Scene v.* 228 *Opinion leaders used every means available for making their propaganda perceived. **1968 Internat. Encycl. Soc. Sci.** III. 51 The hard-core noncommissioned officers constituted a cadre of 'opinion leaders' who supported the control structure. **2002 N.Y. Mag.** 6 May 18/3 There were 1,500 'decision-makers' at the top of the pyramid..then 15,000 opinion-leaders below them.

1858 Harper's Mag. Dec. 61/1 She knew every body's business, talked to every body, and acted as *opinion-maker to a large majority of ladies. **1952 Time** 27 Oct. 20/1 To intellectuals and other 'opinion makers', Eisenhower was infinitely preferable to the other two. **1975 S. RANGANATHAN** in H. M. Patel et al. *Say not Struggle Nought Avaieth* 297 There are limits to growth as world opinion-makers are trying to explain. **2001 Wall St. Jrnl.** 17 Sept. A18/1 Gen. Musharraf spent yesterday meeting with religious officials and opinion-makers to persuade them to back his policy.

1900 Internat. Jrnl. Ethics 10 173 (*heading*) The ethics of *opinion-making. **1956 C. W. HILLS** *Power Elite* xiii. 310 The means of opinion-making..have paralleled in range and efficiency the other institutions of greater scale. **2001 N.Y. Mag.** 10 Sept. 40/3 Venture outside the opinion-making precincts..and the view of [Mayor] Giuliani is far more mixed.

1867 J. G. WHITTIER *Tent on Beach* 85 One..Who..Had left the Muses' haunts to turn The crank of an *opinion-mill, Making his rustic reed of song A weapon in the war with wrong. **1994 M. BÉRUBÉ** *Public Access* 3 Since all the debates were taking place in the space of ten days, the opinion mill was working overtime. **2001 Slate Mag.** (Nexis) 26 Feb., Our occasional exasperation with the opinion mill is literally the fallout of an overly disparate social and political context.

1957 A. E. ROWSE *Slanted News* iii. 43 This *opinion piece, presenting the Hearst editorial line for the day, appeared in other papers in the chain. **2002 Guardian** 17 Dec. 14/2 There are now,..more than 120 people in the British media who write regular week-in-week-out opinion pieces about domestic politics.

[**1937 Sociometry** 1 I. II. 155 (*title*) Public opinion polls.] **1939 C. W. SMITH** *Public Opinion in Democracy* 414 To the social scientist, *opinion polls offer at least two other

possibilities of usefulness. **1965** *New Statesman* 30 Apr. 670/3 The substantial pro-Labour swing indicated by the opinion polls. **1976** *Times* 27 Feb. 14/4 It is clear from opinion polls that the very large majority of people in Scotland wish to remain part of Britain. **2001** *Financial Times* 27 Jan. 6/8 Opinion polls published yesterday confirmed Mr Sharon showed no sign of losing his 18 percentage point margin over Mr Barak.

1941 *Amer. J. Sociol.* 47 463 The organization known as 'War-Time Social Survey', which resembles American *opinion-polling organizations. **1982** A. BRINKLEY *Voices of Protest* Pref. p. x, Both movements existed in an era before modern opinion-polling. **2001** *Times* 12 Sept. (Terror in Amer. Suppl.) 14/3 Khalil Shikaki, an expert on Palestinian politics..runs an opinion polling centre.

1951 M. MCLUHAN *Mech. Bride* 47/1 The cabdriver tends to be the *opinion-pollster hero. **1977** *News of World* 17 Apr. 1/1 Its existence is unknown to two out of every three women in the country, according to opinion pollsters. **2002** *Times* (Nexis) 12 Nov. II. 14 Opinion-pollsters found his popularity running at 80 per cent.

1939 G. GALLUP *Public Opinion in Democracy* 12 If elections themselves do not impose clôture on debate, is it likely that *opinion surveys will? **1958** *New Statesman* 23 Aug. 213/3 The first would entail many interviews with people by the well-tried opinion-survey methods. **2000** *Amer. Heritage* Nov. 58/1 Those experimental days of 50 and 60 years ago were the dinosaur era of scientific opinion surveys.

1948 J. TOWSTER *Polit. Power in U.S.S.R.* vii. 153 The Party conference..is primarily..an *opinion-tapping and effort-mobilizing agency.

1787 J. BENTHAM *Corr.* 27 Aug. (1971) III. 560 The being seen to be ignorant..gives me not the least concern. I have no *opinion-trade to spoil. **1808** J. BENTHAM *Sc. Reform* 23 On the part of the non-lawyer, conscious ignorance, thence consultation and advice (opinion-trade). **2001** *Columbian* (Vancouver, WA.) (Nexis) 9 Nov. C11 The great failing of the opinion trade, we assured one another, was its practitioners' proclivity for pontificating on the distant mystery.

EXHIBIT 10

Freno, Michael

From: Daphne Kwon [dkwon@expotv.com]
Sent: Monday, February 19, 2007 7:00 PM
To: Freno, Michael
Cc: Bill Hildebolt; Thi Luu
Subject: RE: Please revise usage of VIDEOPINIONS

Please see below the notice to Dan Orum, CEO of IDG Entertainment, holding company of Gamepro.com.

From: Daphne Kwon
Sent: Monday, February 19, 2007 6:56 PM
To: 'dorum@idg-entertainment.com'
Cc: Bill Hildebolt; Thi Luu
Subject: Please revise usage of VIDEOPINIONS

Dan Orum,

Thank you again for all the help with the promotion of our website. We have discovered the incorrect usage of one of our service marks. We would like to request that you change the following:

- 1) Regarding your webpage: <http://www.gamepro.com/gamepro/domestic/games/features/79168.shtml>
- 2) Please revise the phrase "...vote at Expo TV's videopinion website" to "...vote at Expo TV's VIDEOPINIONS website."

Apart from using the proper plural usage, VIDEOPINIONS is a service mark for which Expo Communications, Inc. claims rights, and is currently seeking federal protection. Although we do not believe that you were using the mark descriptively, the proper use of the mark is "Videopinions" and preferably, "VIDEOPINIONS". Thank you in advance for your cooperation.

Many thanks,
Daphne Kwon
CEO, Expo Communications, Inc.

2/19/07

EXHIBIT 11

Freno, Michael

From: estta-server@uspto.gov
Posted At: Tuesday, February 20, 2007 1:41 PM
Conversation: ESTTA. Notice of Appeal. confirmation receipt ID: ESTTA125758
Posted To: Microsoft Office Outlook Embedded Message
Subject: ESTTA. Notice of Appeal. confirmation receipt ID: ESTTA125758

Notice of Appeal.

Tracking No: ESTTA125758

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We have received your Notice of Appeal. submitted through the Trademark Trial and Appeal Board's ESTTA electronic filing system. This is the only receipt which will be sent for this paper. If the Board later determines that your submission is inappropriate and should not have been accepted through ESTTA, you will receive notification and appropriate action will be taken.

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The Board will consider and take appropriate action on your filing in due course.

Printable version of your request is attached to this e-mail

ESTTA server at <http://estta.uspto.gov>

ESTTA Tracking number: ESTTA125758
Filing date: 02/20/2007

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

Application Serial No.:78654480

Applicant: Expo Communications, Inc.

Notice of Appeal

Notice is hereby given that appeal to the Trademark Trial and Appeal Board the refusal to register the mark depicted in Application Serial No. 78654480.

Applicant has filed a request for reconsideration of the refusal to register, and request suspension of the appeal pending consideration of the request by the Examining Attorney.

The refusal to register has been appealed as to the following classes of goods/services:

IC 035
IC 038
IC 041

Respectfully submitted,
JOSEPH F. NICHOLSON, ESQ.
/Joseph F. Nicholson/
02/20/2007
JOSEPH F. NICHOLSON, ESQ.
KENYON & KENYON,
1 BROADWAY
NEW YORK, NY 10004-1007
UNITED STATES
tmdocketny@kenyon.com Phone:212-425-7200

EXHIBIT 12



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IC 042. US 100 101. G & S: Providing online non-downloadable software for use in conducting public opinion polling and public opinion surveys. FIRST USE: 20000100. FIRST USE IN COMMERCE: 20000100

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List At: OR to record: Record 10 out of 47

TARR Status ASSIGN Status TDR TTAB Status (Use the "Back" button of the Internet Browser to return to TESS)

ValuedOpinion

Word Mark VALUEDOPINION

Goods and Services IC 035. US 100 101 102. G & S: BUSINESS, MARKETING AND CUSTOMER RESEARCH; MYSTERY SHOPPING, NAMELY, SHOPPING BY RESEARCHERS WHO POSE AS CUSTOMERS TO EVALUATE THE QUALITY OF SERVICE DELIVERED; AND BUSINESS EVALUATION SERVICES, NAMELY, COMPETITIVE GATHERING OF BUSINESS INTELLIGENCE FOR RETAIL AND HOSPITALITY INDUSTRIES. FIRST USE: 20020226. FIRST USE IN COMMERCE: 20020404

Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search Code 26.17.13 - Letters or words underlined and/or overlined by one or more strokes or lines; Overlined words or letters; Underlined words or letters

Serial Number 78120351

Filing Date April 8, 2002

Current Filing Basis 1A

Original Filing Basis 1A

Published for Opposition December 10, 2002

Registration Number 2693480

Registration Date March 4, 2003

Owner (REGISTRANT) Herbert, Anne R. INDIVIDUAL UNITED STATES 271 Tyler Street Pittsfield MASSACHUSETTS 01201

Type of Mark SERVICE MARK

Register PRINCIPAL

Live/Dead Indicator LIVE



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TARR Status ASSIGN Status TOR TTAB Status (Use the "Back" button of the Internet Browser to return to TESS)

Typed Drawing

Word Mark OPINIONSCOPE
Goods and Services IC 035. US 100 101 102. G & S: Market research in the nature of conducting on-line focus group interviews and testing to assess the performance and effectiveness of the web sites of others; marketing research; conducting business research and surveys. FIRST USE: 20001101. FIRST USE IN COMMERCE: 20010515
Mark Drawing Code (1) TYPED DRAWING
Design Search Code
Serial Number 78068609
Filing Date June 12, 2001
Current Filing Basis 1A
Original Filing Basis 1B
Published for Opposition December 11, 2001
Registration Number 2644621
Registration Date October 29, 2002
Owner (REGISTRANT) Netsch, Steven P. INDIVIDUAL UNITED STATES 11705 Shannon Court #214 Eden Prairie MINNESOTA 55344
Type of Mark SERVICE MARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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ECHOPINION

Word Mark ECHOPINION
Goods and Services IC 035. US 100 101 102. G & S: Marketing services, namely the promotion of goods and services of others through a membership based Internet portal designed to capture, measure and research the effects of social networks and the flow of information between members inside these networks; Creation, design, development and implementation of promotional print/interactive material as it directly relates to "word of mouth" marketing; Consulting services relating to the creation, design, development and implementation of promotional print/interactive material as used directly in connection with consumer-to-consumer or "word of mouth" marketing. FIRST USE: 20041101. FIRST USE IN COMMERCE: 20041101
Standard Characters Claimed
Mark Drawing Code (4) STANDARD CHARACTER MARK
Design Search Code
Serial Number 76618241
Filing Date October 28, 2004
Current Filing Basis 1A
Original Filing Basis 1B
Published for Opposition September 27, 2005
Registration Number 3101373
Registration Date June 6, 2006
Owner (REGISTRANT) Research Associates of Syracuse, Inc. CORPORATION NEW YORK 6780 Northern Boulevard, Suite 100 East Syracuse NEW YORK 13057
Attorney of Virginia A. Hoveman

Record

Type of Mark SERVICE MARK

Register PRINCIPAL

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Indicator** LIVE

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Typed Drawing

Word Mark OPINIONSPOT

Goods and Services IC 035. US 100 101 102. G & S: Providing organized quantitative and qualitative statistical information over a computer network community based upon survey and discussion data obtained through a computer network community. FIRST USE: 20000320. FIRST USE IN COMMERCE: 20000331

Mark Drawing Code (1) TYPED DRAWING

Design Search Code

Serial Number 76083412

Filing Date July 6, 2000

Current Filing Basis 1A

Original Filing Basis 1A

Published for Opposition March 26, 2002

Registration Number 2581024

Registration Date June 18, 2002

Owner (REGISTRANT) OpinionWare.com CORPORATION DELAWARE 8362 Tamarack Village Suite 119-207 Woodbury MINNESOTA 55125

(LAST LISTED OWNER) SILK ROAD TECHNOLOGY, INC. CORPORATION DELAWARE 111 N. CHESNUT ST. STE. 200 WINSTON-SALEM NORTH CAROLINA 27101

Assignment Recorded ASSIGNMENT RECORDED

Attorney of Record MATTHEW W. WALCH

Type of Mark Register SERVICE MARK
PRINCIPAL

Live/Dead Indicator LIVE

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OpinionQuest™

Word Mark OPINIONQUEST
Goods and Services IC 035. US 100 101 102. G & S: Business consulting services, namely, employee opinion surveys, interviews and assessments to determine employee attitudes, assess performance and the effectiveness of management communication in the workplace. FIRST USE: 19981221. FIRST USE IN COMMERCE: 19981221
Mark Drawing Code (5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM
Design Search Code
Serial Number 75633351
Filing Date February 4, 1999
Current Filing Basis 1A
Original Filing Basis 1A
Published for Opposition November 23, 1999
Registration Number 2319121
Registration Date February 15, 2000
Owner (REGISTRANT) Paragon, Inc. CORPORATION NEBRASKA 1320 P Street Lincoln NEBRASKA 68508
 (LAST LISTED OWNER) KENEXA CORPORATION CORPORATION PENNSYLVANIA 650 EAST SWEDES FORD ROAD WAYNE PENNSYLVANIA 19087
Assignment Recorded ASSIGNMENT RECORDED
Attorney of Record PAUL J. KENNEDY
Type of Mark SERVICE MARK

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Typed Drawing

Word Mark OPINIONLAB
Goods and Services IC 009. US 021 023 026 036 038. G & S: Computer software to monitor web sites for others. FIRST USE: 20000503. FIRST USE IN COMMERCE: 20000503
IC 035. US 100 101 102. G & S: Conducting advertising and marketing studies for web sites for others. FIRST USE: 20000503. FIRST USE IN COMMERCE: 20000503
IC 042. US 100 101. G & S: Computer services, namely, designing and implementing web site monitoring systems; and providing measurement evaluations of the use and design of web sites. FIRST USE: 20000503. FIRST USE IN COMMERCE: 20000503
Mark Drawing Code (1) TYPED DRAWING
Design Search Code
Serial Number 75933648
Filing Date March 3, 2000
Current Filing Basis 1A
Original Filing Basis 1B
Published for Opposition October 9, 2001
Registration Number 2636259
Registration Date October 15, 2002
Owner (REGISTRANT) OPINIONLAB, INC. CORPORATION DELAWARE 513 CENTRAL AVENUE, 3RD FLOOR HIGHLAND PARK ILLINOIS 60035
Assignment Recorded ASSIGNMENT RECORDED
Attorney of Record ANITA NESSER
Type of Mark TRADEMARK. SERVICE MARK
Register PRINCIPAL
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Typed Drawing

Word Mark QUALITYOPINIONS.COM
Goods and Services IC 035. US 100 101 102. G & S: business consulting services, namely providing customized information to others as to the best clinical approaches to care for ambulatory and hospital-based conditions and disease management for patients, physicians, health systems, managed care companies and pharmaceutical companies. FIRST USE: 19991015. FIRST USE IN COMMERCE: 19991015
Mark Drawing Code (1) TYPED DRAWING
Design Search Code
Serial Number 75877901
Filing Date December 22, 1999
Current Filing Basis 1A
Original Filing Basis 1A
Supplemental Register Date February 28, 2001
Registration Number 2463003
Registration Date June 19, 2001
Owner (REGISTRANT) DoctorQuality.com CORPORATION NEW JERSEY 195 Davis Road Lawnside NEW JERSEY 08045
Assignment Recorded ASSIGNMENT RECORDED
Attorney of Record Camille M. Miller
Type of Mark SERVICE MARK
Register SUPPLEMENTAL
Live/Dead Indicator LIVE

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Word Mark INTERNETOPINIONS.COM
Goods and Services IC 035. US 100 101-102. G & S: Opinion polling for business or advertising purposes. FIRST USE: 19990521. FIRST USE IN COMMERCE: 19991022
Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code 24.17.15 - Check marks
Serial Number 75867282
Filing Date December 9, 1999
Current Filing Basis 1A
Original Filing Basis 1A
Published for Opposition December 5, 2000
Registration Number 2431248
Registration Date February 27, 2001
Owner (REGISTRANT) BRUNO AND RIDGWAY RESEARCH ASSOCIATES, INC. CORPORATION NEW JERSEY 3131 Princeton Pike, Building 2A Lawrenceville NEW JERSEY 08648
Type of Mark SERVICE MARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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Typed Drawing

Word Mark OPINIONSITE
Goods and Services IC 035. US 100 101 102. G & S: MARKET RESEARCH SERVICES. FIRST USE: 19990400. FIRST USE IN COMMERCE: 19990400
Mark Drawing Code (1) TYPED DRAWING
Design Search Code
Serial Number 75741772
Filing Date June 30, 1999
Current Filing Basis 1A
Original Filing Basis 1A
Published for Opposition September 26, 2000
Registration Number 2413724
Registration Date December 19, 2000
Owner (REGISTRANT) Lieberman Research Group LLC LTD LIAB CO NEW YORK 98 Cutter Mill Road Great Neck NEW YORK 11021
Attorney of Record SETH NATTER
Type of Mark SERVICE MARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR).
Live/Dead Indicator LIVE

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Typed Drawing

Word Mark WORLDOPINION
Goods and Services IC 035. US 100 101 102. G & S: providing marketing research information, reports, lists and advertising via a home page on a global computer network. FIRST USE: 19960415. FIRST USE IN COMMERCE: 19960415
Mark Drawing Code (1) TYPED DRAWING
Design Search Code
Serial Number 75097454
Filing Date May 1, 1996
Current Filing Basis 1A
Original Filing Basis 1A
Published for Opposition January 7, 1997
Registration Number 2049085
Registration Date April 1, 1997
Owner (REGISTRANT) Survey Sampling, Inc. CORPORATION CONNECTICUT One Post Road Fairfield CONNECTICUT 06430

(LAST LISTED OWNER) SURVEY SAMPLING INTERNATIONAL, LLC LTD LIAB CO BY ASSIGNMENT DELAWARE ONE POST ROAD FAIRFIELD CONNECTICUT 06430

Assignment Recorded ASSIGNMENT RECORDED
Attorney of Record JANIK MARCOVICI
Type of Mark SERVICE MARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR).
Live/Dead Indicator LIVE

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OPINION 1

Word Mark OPINION 1
Goods and Services IC 035. US 101. G & S: market research services. FIRST USE: 19920110. FIRST USE IN COMMERCE: 19920110
Mark Drawing Code (5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM
Design Search Code
Serial Number 74253723
Filing Date March 9, 1992
Current Filing Basis 1A
Original Filing Basis 1A
Published for Opposition March 2, 1993
Registration Number 1773144
Registration Date May 25, 1993
Owner (REGISTRANT) BURKE MARKETING RESEARCH, INC. CORPORATION OHIO 800 Broadway Cincinnati OHIO 45202

 (LAST LISTED OWNER) CAVI ACQUISITION, INC. CORPORATION DELAWARE 1 WEST FOURTH STREET SUITE 601 CINCINNATI OHIO 45202

Assignment Recorded ASSIGNMENT RECORDED
Attorney of Record SCOTT C. WELLS
Type of Mark SERVICE MARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20040224.
Renewal 1ST RENEWAL 20040224
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Typed Drawing

Word Mark MYCASINOPINIONS
Goods and Services IC 038. US 100 101 104. G & S: Providing online forums for transmission of messages among computer users concerning all aspects of the gaming industry. FIRST USE: 20000628. FIRST USE IN COMMERCE: 20000628

 IC 041. US 100 101 107. G & S: Providing and on-line database in the field of gambling whereby users can submit their analysis and opinion of on-line and land-base casinos and review the opinions of others. FIRST USE: 20000628. FIRST USE IN COMMERCE: 20000628

Mark Drawing Code (1) TYPED DRAWING
Design Search Code
Serial Number 76156330
Filing Date October 30, 2000
Current Filing Basis 1A
Original Filing Basis 1A
Published for Opposition December 24, 2002
Registration Number 2697053
Registration Date March 18, 2003
Owner (REGISTRANT) iGlobal Media Group, Ltd. CORPORATION BR.VIRGIN ISLANDS Lake Building, 1st Floor Box 3152, Wickhams Cay 1 Road Town BR.VIRGIN ISLANDS

 (LAST LISTED OWNER) ELECTRAWORKS LIMITED CORPORATION GIBRALTAR 711 EUROPORT GIBRALTAR GIBRALTAR

Assignment Recorded ASSIGNMENT RECORDED
Attorney of Record Nathaly J Vermette
Type of Mark Register SERVICE MARK
 PRINCIPAL
Live/Dead

Indicator LIVE

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Typed Drawing

Word Mark OPINIONIST

Goods and Services IC 038. US 100 101 104. G & S: Online subscription services for others whereby subscribers can access and utilize chat rooms and discussion boards in the fields of opinion polls and opinions on various subjects; and providing on-line chat rooms and discussion boards for transmission of messages among computer users concerning opinion polls and opinions on various subjects. FIRST USE: 20030704. FIRST USE IN COMMERCE: 20030704

Mark Drawing Code (1) TYPED DRAWING

Design Search Code

Serial Number 76544125

Filing Date September 11, 2003

Current Filing Basis 1A

Original Filing Basis 1A

Published for Opposition July 6, 2004

Registration Number 2888654

Registration Date September 28, 2004

Owner (REGISTRANT) Opinion Exchange, LLC, The LIMITED LIABILITY CORPORATION DELAWARE 3540 N. Southport, No. 250 Chicago ILLINOIS 60657

Attorney of Record Richard L. Morris, Jr.

Type of Mark SERVICE MARK

Register PRINCIPAL

Live/Dead Indicator LIVE

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Typed Drawing

Word Mark SECONDOPINION.COM
Goods and Services IC 042. US 100 101. G & S: providing consumer related information in the areas of medicine and health via a website that includes online links to other websites. FIRST USE: 20000425. FIRST USE IN COMMERCE: 20050425

 IC 038. US 100 101 104. G & S: Providing online electronic bulletin boards for transmission of messages among computer users concerning the areas of medicine and health. FIRST USE: 20050425. FIRST USE IN COMMERCE: 20050425

Mark Drawing Code (1) TYPED DRAWING
Design Search Code
Serial Number 75639630
Filing Date February 11, 1999
Current Filing Basis 1A
Original Filing Basis 1B
Published for Opposition March 12, 2002
Registration Number 2976349
Registration Date July 26, 2005
Owner (REGISTRANT) FIRST OPINION CORPORATION CORPORATION CALIFORNIA 8258 PRESTWICK DRIVE LA JOLLA CALIFORNIA 92037

Assignment Recorded ASSIGNMENT RECORDED
Attorney of Record PETER H. KARLEN
Type of Mark SERVICE MARK
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Typed Drawing

Word Mark OPINIONGRAM
Goods and Services IC 038. US 104. G & S: telegraph transmission and communication services. FIRST USE: 19820000. FIRST USE IN COMMERCE: 19820000
Mark Drawing Code (1) TYPED DRAWING
Design Search Code
Serial Number 74398330
Filing Date June 3, 1993
Current Filing Basis 1A
Original Filing Basis 1A
Published for Opposition January 9, 2001
Registration Number 2439709
Registration Date April 3, 2001
Owner (REGISTRANT) WESTERN UNION HOLDINGS, INC. CORPORATION GEORGIA 6200 SOUTH QUEBEC STREET ENGLEWOOD COLORADO 80111
Assignment Recorded ASSIGNMENT RECORDED
Attorney of Record ELISABETH A LANGWORTHY
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OPINIONATION

Word Mark OPINIONATION
Goods and Services IC 041. US 100 101 107. G & S: Entertainment services, namely, providing on-line computer games. FIRST USE: 20021108. FIRST USE IN COMMERCE: 20021108
Standard Characters Claimed
Mark Drawing Code (4) STANDARD CHARACTER MARK
Design Search Code
Serial Number 78752259
Filing Date November 11, 2005
Current Filing Basis 1A
Original Filing Basis 1A
Published for Opposition July 18, 2006
Registration Number 3153984
Registration Date October 10, 2006
Owner (REGISTRANT) Game Show Network, LLC LTD LIAB CO DELAWARE 2150 Colorado Avenue Santa Monica CALIFORNIA 90404
Attorney of Record Francie R. Gorowitz
Type of Mark SERVICE MARK
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