

UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 78/980002

MARK: MEDIACAST



CORRESPONDENT ADDRESS:
JEFFREY P. THENNISCH
DOBRUSIN & THENNISCH PC
29 W LAWRENCE ST STE 210
PONTIAC, MI 48342-2183

GENERAL TRADEMARK INFORMATION:
<http://www.uspto.gov/main/trademarks.htm>

APPLICANT: Kuvata, Inc.

CORRESPONDENT'S REFERENCE/DOCKET
NO:

1271-002

CORRESPONDENT E-MAIL ADDRESS:

REQUEST FOR RECONSIDERATION DENIED

ISSUE/MAILING DATE:

Applicant is requesting reconsideration of a final refusal issued/mailed April 2, 2008.

After careful consideration of the law and facts of the case, the examining attorney must deny the request for reconsideration and adhere to the final action as written since no new facts or reasons have been presented that are significant and compelling with regard to the point at issue.

The marks are identical in appearance, sound and meaning.

The applicant's goods are highly related to the registrant's services. Attached are additional copies of printouts from the USPTO X-Search database, which show third-party registrations of marks used in connection with the same or similar goods and services as those of applicant and registrant in this case. These printouts have probative value to the extent that they serve to suggest that the goods and services listed therein are of a kind that may emanate from a single source. *In re Infinity Broad. Corp.*, 60 USPQ2d 1214, 1217-18 (TTAB 2001); *In re Albert Trostel & Sons Co.*, 29 USPQ2d 1783, 1785-86 (TTAB 1993); *In re Mucky Duck Mustard Co.*, 6 USPQ2d 1467, 1470 n.6 (TTAB 1988); TMEP §1207.01(d)(iii). Applicant's programs assist in and provide for the electronic transmission of voice, data, images, signals, and messages. Please also see the attached website captions and definitions which illustrate the relatedness of the goods and services.

Again note, that if the marks of the respective parties are identical, the relationship between the goods and services of the respective parties need not be as close to support a finding of likelihood of confusion as might apply where differences exist between the marks. *In re Opus One Inc.*, 60 USPQ2d 1812, 1815 (TTAB 2001); *Amcor, Inc. v. Amcor Indus., Inc.*, 210 USPQ 70, 78 (TTAB 1981); TMEP §1207.01(a).

Prior decisions and actions of other trademark examining attorneys in registering different marks have little evidentiary value and are not binding upon the Office. TMEP §1207.01(d)(vi). Each case is decided on its own facts, and each mark stands on its own merits. See *AMF Inc. v. Am. Leisure Prods., Inc.*, 474 F.2d 1403, 1406, 177 USPQ 268, 269 (C.C.P.A. 1973); *In re Int'l Taste, Inc.*, 53 USPQ2d 1604, 1606 (TTAB 2000); *In re Sunmarks, Inc.*, 32 USPQ2d 1470, 1472 (TTAB 1994).

Accordingly, applicant's request for reconsideration is *denied*. The time for appeal runs from the date the final action was issued/mailed. 37 C.F.R. Section 2.64(b); TMEP Section 715.03(c). If applicant has already filed a timely notice of appeal, the application will be forwarded to the Trademark Trial and Appeal Board (TTAB).

Steven W. Jackson
/Steven W. Jackson/
Trademark Attorney
Law Office 107
Phone: 571-272-9409
Fax: 571-273-9107

STATUS CHECK: Check the status of the application at least once every six months from the initial filing date using the USPTO Trademark Applications and Registrations Retrieval (TARR) online system at <http://tarr.uspto.gov>. When conducting an online status check, print and maintain a copy of the complete TARR screen. If the status of your application has not changed for more than six months, please contact the assigned examining attorney.

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A B C D E F G H I J K L M N O P Q R S T U V W X Y Z

video-on-demand
System for transmission of video by cable where specific videos can be selected from a choice button on the remote control that brings up a menu on screen. Once a choice has been selected a set-top box sends a query to the video server where the video is stored in compressed format. The server sends the video back through the system where it is decompressed by the set-top box. By 2000, various VOD services were being readied for live operation, with transmission via ADSL or cable. They are now available in an increasing number of countries.

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Morocco Flag



The ?Solomon's Seal? pentagram was added to distinguish the flag

of homes
looking
for new
owners

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www.DapTV.com

On-demand WMS Software
Web-based Warehouse Mgt Software. For 3PLs Only. Starting at \$295/mo.
www.3plCentral.com

to distinguish the flag from other plain red Arab banners. Effective date: 17 November 1915. >>



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Music-On-Demand

From Wikipedia, the free encyclopedia
(Redirected from Music on Demand)

Music-On-Demand is a music distribution model conceived with the growth of two-way computing, telecommunications and the Internet in the early 1990s. Primarily, high-quality music is made available to purchase, access and play back using software on the Apple Macintosh, Microsoft Windows, set-top boxes and mobile devices from an available distribution point, such as a computer host or server located at a telephone, cable TV or wireless data center facility.

In 1992, computer modem speeds were limited to less than 28 thousand bits per second (28 kbit/s), compared with uncompressed music on compact disc (CD) that required 150 thousand bytes per second. As a result, additional bandwidth is required to accommodate delivering audio at CD quality standards: 16-bit frame, 44.1 kHz sampling rate, stereophonic (two channel audio). This prompted telephony, CATV, cellular and satellite providers to consider changing standards, assisting in creating the information superhighway, in terms of building higher capacity for existing telecommunications infrastructures.

Early attempts at designing and developing music-on-demand technology, in accordance with the laws of the United States such as the Home Recording Act of 1992, include Access Media Network (AMN) by inventor Dale Schalow. Schalow, born in Virginia, was an independent audio engineer and programmer in Los Angeles, California, who helped record albums and music scores for David Bowie, Tin Machine, Cypress Hill, House of Pain, Beastie Boys, Interscope, and Warner Brothers. A multiplexed music-on-demand model was deployed using PCM audio sampling devices, Apple IIci, the KERMIT computer file transfer protocol, and SCSI storage systems by Schalow to validate processing 16-bit multi-channel audio from point-to-point in a professional recording studio environment, including his own independently-operated Dascha company and 38 Fresh Recordings. The model conceived was introduced by Schalow to Apple Computer in 1992 after he submitted an entry into the "I Changed the World" contest, essentially describing how an Apple computer helped shape and change the world forever based upon its usage. Apple acknowledged the "Accessible Music Network" (AMN) by awarding Schalow Honorable Mention and sending him a simple gray T-Shirt with the Apple logo on it. Stand-alone software created by AMN for consumer-based access was then developed for the Microsoft Windows computer operating system, as well as set-top box design prototypes conceptualized with 3D prototype imaging that required a telephone connector located next to a coaxial cable TV connector to converge low speed data uplinking with high speed download interactive communications.

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high speed downloading interactive communications.

Presently, music-on-demand is still the center of controversy with a focus on illegal music downloading, peer-to-peer file swapping and the lag of legislation for rapidly changing technology on the Internet. Record labels represented by the RIAA, as well as publishers and song writers, have vigorously defended copyrighted materials and have been successful in enforcing current laws for protecting their intellectual property. As of 2006, the new music industry has seen a rapid growth in overall revenues for legal digital music sales that has resulted in hitting and surpassing one billion dollars annually.

Bibliography

[edit]

TIME Magazine, 12 April 1993, Coming to Your TV Screen: The Info Highway

"I Changed the World" Apple Computer Contest, Spring, 1992, Cupertino, CA

Eisenmann, Thomas R., Spring, 2000, The U.S. Cable Television Industry, 1948-1995: Managerial Capitalism in Eclipse; *The Business History Review*, Vol. 74, No. 1 pp. 1-40 (article consists of 40 pages)

Stem, Christopher, Bell Atlantic first with video dialtone. *Broadcasting & Cable*, July, 1994

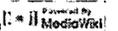
"AccessMusicNetwork.com Announces Internet Radio Toolkit for Professionals", 30 Nov 2007, PRNewswire via Reuters and James Madison University (Harrisonburg, Virginia), Alumni Newsroom (Public Relations)

Categories: Music | Digital audio | Music technology



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Merriam-Webster's Online Dictionary

e-mail

One entry found.

Main Entry: **e-mail** 

Pronunciation: \ˈē-,mā\l

Function: *noun*

Etymology: electronic

Date: 1982

1 : a means or system for transmitting messages electronically (as between computers on a network) <communicating by *e-mail*>

2 a : messages sent and received electronically through an e-mail system <receives a lot of *e-mail*> **b** : an e-mail message <sent him an *e-mail*>

— **e-mail** *verb*

— **e-mail-er**  \-mā-lar\ *noun*

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SEARCH

HOT

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 Roll over and find out!



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5 Tips to Get a Flat Stomach

Email Marketing

200,000+ small businesses choose us for email marketing. Free trial.
www.ConstantContact.com

Email

ClipArt - Pictures Email
www.live.com

Shamrock Domains

Cheap Domains and Hosting 24/7 Tech Support
www.shamrock-domains.com

Pronunciation Symbols

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Merriam-Webster Online. 22 October 2008
<<http://www.merriam-webster.com/dictionary/e-mail>>

APA Style

e-mail. (2008). In *Merriam-Webster Online Dictionary*.
Retrieved October 22, 2008, from <http://www.merriam-webster.com/dictionary/e-mail>

***Did you know that crunches & situps actually do NOT flatten your abs effectively?**

***Did you know that there is a specific type of exercise that burns belly fat faster than cardio?**

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DESIGN MARK

Serial Number

76423990

Status

REGISTERED

Word Mark

VOXIVA

Standard Character Mark

No

Registration Number

2702467

Date Registered

2003/04/01

Type of Mark

TRADEMARK; SERVICE MARK

Register

PRINCIPAL

Mark Drawing Code

(1) TYPED DRAWING

Owner

Voxiva Inc. CORPORATION DELAWARE 1250 24th Street, N.W. Suite 350
Washington D.C. 20037

Goods/Services

Class Status -- ACTIVE. IC 009. US 021 023 026 036 038. G & S:
Computer software for enabling electronic data exchange, electronic
messaging, electronic voice messaging, and electronic transactions
between others via telephones, wireless communications devices, and
the internet. First Use: 2001/03/15. First Use In Commerce:
2001/03/15.

Goods/Services

Class Status -- ACTIVE. IC 038. US 100 101 104. G & S:
Communications and telecommunications services, namely, providing
electronic data exchange, electronic messaging, electronic voice
messaging, and electronic transactions between others via telephones,
wireless communications devices, and the internet; electronic
transmission of messages and data; electronic, electric, and digital
transmission of voice, data, images, signals, and messages. First
Use: 2001/03/15. First Use In Commerce: 2001/03/15.

Print: Oct 22, 2008

76423990

Goods/Services

Class Status -- ACTIVE. IC 042. US 100 101. G & S: Computer software development, maintenance, and updating; hosting computer software applications of others. First Use: 2001/03/15. First Use In Commerce: 2001/03/15.

Filing Date

2002/06/19

Examining Attorney

LAMOTHE, LESLEY

Attorney of Record

Andrew N. Spivak

VOXIVA

Print: Oct 22, 2008

78045722

TYPED DRAWING

Serial Number

78045722

Status

REGISTERED

Word Mark

METCALF

Standard Character Mark

No

Registration Number

2621402

Date Registered

2002/09/17

Type of Mark

TRADEMARK; SERVICE MARK

Register

PRINCIPAL

Mark Drawing Code

(1) TYPED DRAWING

Owner

MobileSpring, Inc. CORPORATION DELAWARE 120 West 44th Street New York
NEW YORK 10036

Goods/Services

Class Status -- ACTIVE. IC 009. US 021 023 026 036 038. G & S:
SOFTWARE FOR TEXT MESSAGE INTEROPERABILITY, NETWORKING, NETWORK
COMMUNICATIONS, AND NETWORK INTERFACES. First Use: 2000/11/00. First
Use In Commerce: 2000/11/00.

Goods/Services

Class Status -- ACTIVE. IC 038. US 100 101 104. G & S: TEXT
MESSAGING SERVICES; ELECTRONIC, ELECTRIC, AND DIGITAL TRANSMISSION OF
VOICE, DATA, INFORMATION, IMAGES, SIGNALS, AND MESSAGES; TEXT AND
NUMERIC WIRELESS DIGITAL MESSAGING SERVICES; WIRELESS DIGITAL
MESSAGING SERVICES; TELECOMMUNICATIONS GATEWAY SERVICES; ELECTRONIC
TRANSMISSION OF MESSAGES AND DATA. First Use: 2000/11/00. First Use
In Commerce: 2000/11/00.

Filing Date

2001/01/30

Print: Oct 22, 2008

78045722

Examining Attorney

SUAREZ, MARIA-VICTORIA

Attorney of Record

Cynthia K. Nicholson

DESIGN MARK

Serial Number

78732692

Status

REGISTERED

Word Mark

COUNTERPATH

Standard Character Mark

Yes

Registration Number

3219626

Date Registered

2007/03/20

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

CounterPath Solutions, Inc. CORPORATION NEVADA Suite 320, 5201 Great America Parkway Santa Clara CALIFORNIA 940541122

Goods/Services

Class Status -- ACTIVE. IC 009. US 021 023 026 036 038. G & S:
Downloadable telecommunications software, namely, Internet telephone communications software in the nature of telephony software; downloadable software for the electronic, electric, and digital transmission of voice, sound, video, images, signals, data, and messages over a global communications network in the field of telecommunications; downloadable software for the electronic, electric, and digital transmission of voice, sound, video, images, signals, data, and messages, namely presence and multi-media content over a global communications network in the field of telecommunications; downloadable software for the broadcast of video and audio over internet protocol, namely, downloadable software for streaming audio and video over the Internet; voice over Internet protocol telephony software; video over Internet protocol software; instant messaging software; downloadable software for the electronic transmission of messages among computer users in the field of telecommunications; audio and video teleconferencing software. First

Print: Oct 22, 2008

78732692

Use: 2005/09/16. First Use In Commerce: 2005/09/16.

Filing Date

2005/10/13

Examining Attorney

WILLISTON, JENNIFER

Attorney of Record

Ruth L. Walters

COUNTERPATH

Print: Oct 22, 2008

78746730

DESIGN MARK

Serial Number

78746730

Status

REGISTERED

Word Mark

BROADSIGN

Standard Character Mark

Yes

Registration Number

3343851

Date Registered

2007/11/27

Type of Mark

TRADEMARK; SERVICE MARK

Register

PRINCIPAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

Broadsign Inc. CORPORATION CANADA 1055 Beaver Hall, Suite 200
Montreal, Province of Quebec CANADA H2Z 1S5

Goods/Services

Class Status -- ACTIVE. IC 009. US 021 023 026 036 038. G & S:
Computer software namely scalable software application for operating
digital signage networks of any size for the management of all
advertising business activities, including network operations,
advertising sales, booking, scheduling, monitoring ad campaigns as
well as providing proof of play reports; computerized networks
comprised of electronic signs; digital sign boards; electronic
billboards, light emitting diode displays, panels, namely, electronic
displays; signs, namely, digital signs, digital displays, namely,
plasma screens, Liquid Crystal Displays and Cathode Ray Tube displays;
circuit boards, namely, electrical circuit boards; computer hardware;
video monitors; computer peripherals. First Use: 2004/12/30. First
Use In Commerce: 2004/12/30.

Goods/Services

Class Status -- ACTIVE. IC 042. US 100 101. G & S: Computer
programming, computer services, namely providing online computer

databases featuring technological information relating to digital signage; computer web site design, computer consultation, leasing computer facilities, monitoring of computer systems and providing back-up computer programs and facilities, remote and on-site monitoring of computer systems, computer services, namely, providing retrieval engines for obtaining digital signage asset management data on computer networks. First Use: 2004/12/30. First Use In Commerce: 2004/12/30.

Goods/Services

Class Status -- ACTIVE. IC 040. US 100 103 106. G & S: Electronic imaging, scanning, digitizing, alteration and/or retouching of electronic media files; media duplication of data and digital information. First Use: 2004/12/30. First Use In Commerce: 2004/12/30.

Goods/Services

Class Status -- ACTIVE. IC 038. US 100 101 104. G & S: Electronic transmission of data and documents via computer terminals, delivery of messages by electronic transmission, electronic store-and-forward messaging, delivery of messages by electronic transmission, electronic transmission of messages and data, electronic transmission of data and documents via computer terminals. First Use: 2004/12/30. First Use In Commerce: 2004/12/30.

Goods/Services

Class Status -- ACTIVE. IC 035. US 100 101 102. G & S: Providing business information in the field of advertising specifically regarding advertising by digital signage and managing digital advertisement assets; providing a database of consumer product information regarding the field of digital signage. First Use: 2004/12/30. First Use In Commerce: 2004/12/30.

Filing Date

2005/11/03

Examining Attorney

KEAN, AMY

Attorney of Record

Lee J. Eulgen

BROADSIGN

Print: Oct 22, 2008

78827628

DESIGN MARK

Serial Number
78827628

Status
REGISTERED

Word Mark
SDFI

Standard Character Mark
Yes

Registration Number
3193711

Date Registered
2007/01/02

Type of Mark
TRADEMARK; SERVICE MARK

Register
PRINCIPAL

Mark Drawing Code
(4) STANDARD CHARACTER MARK

Owner
Allen, Ward R. INDIVIDUAL CANADA 9507 Santa Monica Blvd. Suite 210
Beverly Hills CALIFORNIA 90210

Goods/Services
Class Status -- ACTIVE. IC 009. US 021 023 026 036 038. G & S:
Computer software for organizing and viewing digital images and
photographs. First Use: 2005/06/20. First Use In Commerce:
2005/06/20.

Goods/Services
Class Status -- ACTIVE. IC 038. US 100 101 104. G & S: Electronic,
electric, and digital transmission of voice, data, images, signals,
and messages. First Use: 2005/07/31. First Use In Commerce:
2005/07/31.

Filing Date
2006/03/02

Examining Attorney
LEVINE, HOWARD B.

SDFI

DESIGN MARK

Serial Number
78978289

Status
REGISTERED

Word Mark
DICOM GRID

Standard Character Mark
Yes

Registration Number
3254335

Date Registered
2007/06/19

Type of Mark
TRADEMARK; SERVICE MARK

Register
PRINCIPAL

Mark Drawing Code
(4) STANDARD CHARACTER MARK

Owner
DICOM GRID, INC. CORPORATION ARIZONA 2702 North 3rd Street, Suite 3030
Phoenix ARIZONA 85004

Goods/Services
Class Status -- ACTIVE. IC 009. US 021 023 026 036 038. G & S:
Apparatus for acquisition, digital storage, transmission or
reproduction of still images, moving images, sound or text related to
medical imaging of humans or animals, namely, computer networks
comprised of computer hardware, software and firmware. First Use:
2006/10/27. First Use In Commerce: 2006/10/27.

Goods/Services
Class Status -- ACTIVE. IC 038. US 100 101 104. G & S: Electronic
services allowing at least one person to communicate with another by
means of voice, still images, moving images or text, namely computer
aided transmission of information, images and videos; electronic
delivery of images, video and photographs via a global computer
network; electronic, electric and digital transmission of voice, data,
images, video signals and messages; transmission of information,
images and video relating to pharmaceuticals, medicine and hygiene;
wireless electronic transmission of voice signals, data, facsimiles,

Print: Oct 22, 2008

78978289

images, video and information; online document delivery via a global computer network. First Use: 2006/10/27. First Use In Commerce: 2006/10/27.

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Filing Date

2004/08/21

Examining Attorney

RINGLE, JIM

Attorney of Record

Frank X. Curci

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