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Subject: U.S. TRADEMARK APPLICATION NO. 79153067 - ULTRA STACK POSEIDON - 680-610.093 - -
Request for Reconsideration Denied - Return to TTAB

Attachment Information:

Count: 50

Files: gamingmac-1.jpg, gamingmac-2.jpg, gamingmac-3.jpg, konami-1.jpg, 85676277P001OF003.JPG, 85676277P002OF003.JPG, 85676277P003OF003.JPG, 85687281P001OF003.JPG, 85687281P002OF003.JPG, 85687281P003OF003.JPG, 85760194P001OF003.JPG, 85760194P002OF003.JPG, 85760194P003OF003.JPG, 85803624P001OF003.JPG, 85803624P002OF003.JPG, 85803624P003OF003.JPG, 85815464P001OF003.JPG, 85815464P002OF003.JPG, 85815464P003OF003.JPG, 85829656P001OF003.JPG, 85829656P002OF003.JPG, 85829656P003OF003.JPG, 85887901P001OF003.JPG, 85887901P002OF003.JPG, 85887901P003OF003.JPG, 86053420P001OF003.JPG, 86053420P002OF003.JPG, 86053420P003OF003.JPG, 86112691P001OF003.JPG, 86112691P002OF003.JPG, 86112691P003OF003.JPG, 86327001P001OF003.JPG, 86327001P002OF003.JPG, 86327001P003OF003.JPG, 86370489P001OF003.JPG, 86370489P002OF003.JPG, 86370489P003OF003.JPG, 86382703P001OF002.JPG, 86382703P002OF002.JPG, 86460320P001OF002.JPG, 86460320P002OF002.JPG, konami-2.jpg, konami-3.jpg, konami-4.jpg, konami-5.jpg, konami-6.jpg, slot-1.jpg, slot-2.jpg, slot-3.jpg, 79153067.doc

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

U.S. APPLICATION SERIAL NO. 79153067

MARK: ULTRA STACK POSEIDON



CORRESPONDENT ADDRESS:

KEITH R OBERT

WARE FRESSOLA MAGUIRE & BARBER LLP

PO BOX 224755 MAIN STREET BLDG 5

MONROE, CT 06468

GENERAL TRADEMARK INFORMATION:

<http://www.uspto.gov/trademarks/index.jsp>

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APPLICANT: Universal Entertainment Corporation

CORRESPONDENT'S REFERENCE/DOCKET NO:

680-610.093-

CORRESPONDENT E-MAIL ADDRESS:

kro@warefressola.com

REQUEST FOR RECONSIDERATION DENIED

ISSUE/MAILING DATE: 8/27/2015

INTERNATIONAL REGISTRATION NO. 1218562

The trademark examining attorney has carefully reviewed applicant's request for reconsideration and is denying the request for the reasons stated below. See 37 C.F.R. §2.63(b)(3); TMEP §§715.03(a)(ii)(B), 715.04(a). The following requirement(s) and/or refusal(s) made final in the Office action dated February

19, 2015, are maintained and continue to be final: Trademark Act Section 2(d) refusal. See TMEP §§715.03(a)(ii)(B), 715.04(a).

In the present case, applicant's request has not resolved all the outstanding issue(s), nor does it raise a new issue or provide any new or compelling evidence with regard to the outstanding issue(s) in the final Office action. In addition, applicant's analysis and arguments are not persuasive nor do they shed new light on the issues. Accordingly, the request is denied.

Applicant argues that the addition of the wording ULTRA STACK distinguishes the marks and identifies applicant's prior ULTRA STACK registrations to support the assertion that consumers are familiar with applicant's ULTRA STACK line of products. However, the Trademark Act not only guards against the misimpression that the senior user is the source of the junior user's goods and/or services, but it also protects against "reverse confusion," that is, the junior user is the source of the senior user's goods and/or services. *In re Shell Oil Co.*, 992 F.2d 1204, 1208, 26 USPQ2d 1687, 1690 (Fed. Cir. 1993); *Fisons Horticulture, Inc. v. Vigoro Indust., Inc.*, 30 F.3d 466, 474-75, 31 USPQ2d 1592, 1597-98 (3d Cir. 1994); *Banff, Ltd. v. Federated Dep't Stores, Inc.*, 841 F.2d 486, 490-91, 6 USPQ2d 1187, 1190-91 (2d Cir. 1988).

Furthermore, adding a house mark to an otherwise confusingly similar mark will not obviate a likelihood of confusion under Section 2(d). See *In re Fiesta Palms LLC*, 85 USPQ2d 1360, 1366-67 (TTAB 2007) (finding CLUB PALMS MVP and MVP confusingly similar); *In re Christian Dior, S.A.*, 225 USPQ 533, 534 (TTAB 1985) (finding LE CACHET DE DIOR and CACHET confusingly similar); TMEP §1207.01(b)(iii). It is likely that goods and/or services sold under these marks would be attributed to the same source. See *In re Chica, Inc.*, 84 USPQ2d 1845, 1848-49 (TTAB 2007). Accordingly, in the present case, the marks are confusingly similar.

Please see the following additional printouts of third-party registrations: See U.S. Reg. Nos. 4801040, 4791285, 4760933, 4756057, 4714110, 4708335, 4397523, 4593687, 4503382, 4383782, 4486205, 4350200, and 4305150.

Please also see the attached, cumulative internet evidence.

If applicant has already filed a timely notice of appeal with the Trademark Trial and Appeal Board, the Board will be notified to resume the appeal. See TMEP §715.04(a).

If no appeal has been filed and time remains in the six-month response period to the final Office action, applicant has the remainder of the response period to (1) comply with and/or overcome any outstanding final requirement(s) and/or refusal(s), and/or (2) file a notice of appeal to the Board. TMEP §715.03(a)(ii)(B); *see* 37 C.F.R. §2.63(b)(1)-(3). The filing of a request for reconsideration does not stay or extend the time for filing an appeal. 37 C.F.R. §2.63(b)(3); *see* TMEP §§715.03, 715.03(a)(ii)(B), (c).

/Christine Martin/

Examining Attorney

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gaming machine (ˈɡeɪmɪŋ məʃiːn)

Definitions

noun

a machine which individuals can use to gamble or to play games of chance to win money, often by inserting coins into a slot on the machine

Wills, Estates and Trusts

35 years of legal experience

Word Frequency

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5+ years of legal experience
Power of Attorney



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Wuthering



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Gaming & Systems Business

Casino gaming has been legalized in more than 130 countries and regions, and this number increases every year.

KONAMI's Gaming & Systems business was initiated in 1996, and has expanded across the globe while securing gaming licenses in the world's major markets, including North America and Australia.

[History of KONAMI Gaming & Systems Business](#)

Gaming businesses are subject to strict licensing conditions, which include requirements of honesty and integrity at the highest level of standards. KONAMI's dedication to stringent corporate compliance has contributed to securing gaming licenses in 373(*) locations worldwide, including North America. KONAMI develops, produces, and sells a range of gaming machines and casino management systems around the globe.

(*) As of the end of April 2015

Ever-expanding Gaming Markets

*The size of each circle on the map roughly shows the market size of each region



Gaming Licenses Secured in 373 Locations Worldwide Expanding our Gaming & Systems Business Across the Globe

KONAMI has obtained gaming licenses in the world's major gaming markets, including North America, Australia and Asia, and established itself as Japan's top company in the gaming and systems industry.

Current gaming licenses held by KONAMI as of the end of April 2015 are as follows:





-  Approved in Singapore
-  Approved by Some States in South Africa

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Gaming Devices

With recent technological advancements, demand is growing for gaming machines that offer superior entertainment value. The ability for devices to withstand long operating hours at casinos, meaning high durability and reliability, has also become a key requirement.

KONAMI strives to respond to such market needs, by drawing on a wealth of technological capabilities and knowledge amassed over years of developing products with excellent entertainment value.



The world's first super-large size multi-station cabinet, "Titan 360," developed through a combination of casino and arcade technology (Licensed in the U.S.)



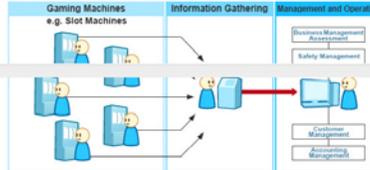


The new multi-game-series cabinet
"SeleXion"

The new "Rapid Revolver" cabinet,
boasting innovative design

Management System for Casino Operators "SYNKROS"

"SYNKROS" is a casino management system which is capable of managing slot machine data, customer information, and accounting, all in real time. Analysis of this collected data provides the casino management company with a diverse array of management tools, such as accounting management, safety management and business management assessment, enabling them to offer enhanced customer services.



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Assistance in Education and Human Resources Development for Further Growth in the Gaming Industry

KONAMI has established an academic-industrial alliance with the University of Nevada, Las Vegas (UNLV), in the hope of supporting further development of the gaming industry.

UNLV is a state-run university established in 1957, and its International Gaming Institute (IGI) conducts research and provides education on the various aspects of

gaming in an advanced way ranging from casino business to pathological

Most recently, KONAMI donated \$2.5 million to UNLV in February, 2014. The donation is being used for the construction of Hospitality Hall (provisional name), a new building to be used by the William F. Harrah College of Hotel Administration, an institution with a strong track record of educating notable persons in the field of hospitality, including gaming, tourism, and hotels.

KONAMI Gaming Laboratory, the University of Nevada, Las Vegas



KONAMI Gaming Laboratory, the University of Nevada, Las Vegas

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History of KONAMI Gaming & Systems Business

November 1996	Konami Australia Pty Ltd was established in Australia.
January 1997	Konami Gaming, Inc. was established in the U.S.
October 1997	KONAMI obtained licenses in the Australian States of New South Wales and South Australia to manufacture and sell gaming machines.
January 2000	KONAMI obtained a license from Nevada, U.S.A. to manufacture and sell gaming machines.
August 2001	Konami Gaming, Inc. acquired 100% shares of Paradigm Gaming Systems, Inc., with Konami Gaming, Inc. being the surviving company.
June 2005	Construction was completed on new offices and production facility in Las Vegas, Nevada.
October 2005	KONAMI was selected as a supplier of casino management systems in Quebec, Canada, securing a sales contract in the process.
November	Launched progressive jackpot products "Mystical Temple" and

November 2006 Launched progressive jackpot products *MySonic Empire* and *Quick Strike* in the North American market.

November 2007 Launched "Advantage5" five-reel mechanical slot machines in the North American market.

July 2009 Launched next-generation video slot machines in the "Podium" series in the North American market.

March 2010 Launched innovative slot machines in the "Advantage Revolution" series in the North American market.

January 2011 Launched "Rock around the Clock" for the Advantage Revolution and Advantage5 product lines in the North American market.

October 2013 The groundbreaking ceremony for the second Gaming & Systems Business Factory was held in Las Vegas, Nevada, the U.S.



The second factory, scheduled to be completed in July, 2015 (conceptual rendering)

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slot machine

▸ Definitions

- a machine worked or started by inserting a coin or token in a slot (/spɜːʃ/)
- a vending machine
- a gambling device having a lever that is pulled to spin disks and turn up symbols, various combinations of which determine the results

▸ Translations for 'slot machine'

Word Frequency ●●●●●

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'Corbynmania' and 'Operation Slack'

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American English: **slot machine**  A slot machine is a machine from which you can get food or cigarettes or on which you can gamble. You make it work by putting coins into a slot. slot machines

Arabic: **آلة القمار** 

Brazilian Portuguese: **máquina caça-níqueis** 

Chinese: **水果點陣机** 

Croatian: **automat za kockanje** 

Czech: **hrací automat** 

Danish: **spilleautomat** 

Dutch: **fruitautomat** 

European Spanish: **tragaperras** 

Finnish: **peliautomaatti** 

French: **machine à sous** 

German: **Spieleautomat** 

Greek: **κουλοχερω** 

Italian: **slot machine** 

Japanese: **スロットマシン** 

Korean: **슬롯이신** 

Norwegian: **spilleautomat** 

Polish: **automat do gry** 

Portuguese: **máquina de sumos** 

Romanian: **aparăt de joc în care se introduc monede** 

Russian: **игральный автомат** 

Swedish: **spelaautomat** 

Spanish: **tragamonedas** 

Thai: **เครื่องเล่นเหรียญ** 

Turkish: **slot makinesi** 

Ukrainian: **гравальний автомат** 

Vietnamese: **máy đánh bạc dĩa** 

► Example Sentences Including 'slot machine'



I wouldn't mind a little slot machine right here, by this rock, with a big dollar lunch and free Pepsi.
Erich, Louise THE BINGO PALACE (1994)

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2000	12
2002	18
2004	15
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2008	20

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