

From: Sonneborn, Tricia

Sent: 1/5/2012 1:08:11 PM

To: TTAB EFiling

CC:

Subject: U.S. TRADEMARK APPLICATION NO. 85087050 - MIDAS MILLIONS -
N/A - Request for Reconsideration Denied - Return to TTAB - Message 1 of 4

Attachment Information:

Count: 7

Files: lotrycar-1.jpg, lotrycar-2.jpg, lotrycar-3.jpg, lotrycard2-1.jpg, lotrycard2-2.jpg,
75792591P001OF003.JPG, 85087050.doc

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

APPLICATION SERIAL NO. 85087050

MARK: MIDAS MILLIONS



CORRESPONDENT ADDRESS:

HAE PARK SUK
BARNES & THORNBURG LLP
225 SOUTH SIXTH STREET SUITE 2800
MINNEAPOLIS, MN 55402-4662

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

APPLICANT: Ash Gaming Limited

CORRESPONDENT'S REFERENCE/DOCKET NO:

N/A

CORRESPONDENT E-MAIL ADDRESS:

Trademarks-MI@btlaw.com

REQUEST FOR RECONSIDERATION DENIED

ISSUE/MAILING DATE: 1/5/2012

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. §2.64(b); TMEP §§715.03(a), 715.04(a). The requirement(s) and/or refusal(s) made final in the Office action dated June 14, 2011 are maintained and continue to be final. *See* TMEP §§715.03(a), 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.

Specifically, applicant again argues that, although the marks are identical, the goods and services are not related. The examining attorney disagrees. The trademark examining attorney has attached evidence from the USPTO's X-Search database consisting of a number of third-party marks registered for use in connection with the same or similar goods and/or services as those of both applicant and registrant in this case, including third-party registrations owned by the registrant.

This evidence shows that the goods and/or services listed therein, namely computer game programs and software, slot machines, gaming machines, online gaming, live blackjack

card game tournaments and gaming machines, are of a kind that may emanate from a single source under a single mark. *See In re Davey Prods. Pty Ltd.*, 92 USPQ2d 1198, 1203 (TTAB 2009); *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).

As additional information concerning the relatedness of applicant's Class 016 lottery scratch cards and its Class 009 goods and Class 041 services to those of the cited registrant, the examining attorney has also attached three current trademark applications that were filed under Section 1(b), but have not yet matured into registrations. These current applications are attached to illustrate that other businesses are applying for the identical goods and services of both applicant and registrant and shows that the lottery scratch cards are often associated under the same mark with gaming machines and online betting, tournament and gaming services.

Finally, the examining attorney attaches internet evidence showing that, beginning around 2010, on-line scratch cards are becoming increasingly popular and often used along with other games of chance, or gambling games and services such as those offered under applicant's mark.

Given that the marks are identical and the Likelihood of confusion of applicant's proposed mark and Registration No. 3369786 is extraordinarily high for Classes 009, 028 and 041.

Accordingly, the request is denied.

The filing of a request for reconsideration does not extend the time for filing a proper response to a final Office action or an appeal with the Trademark Trial and Appeal Board (Board), which runs from the date the final Office action was issued/mailed. *See* 37 C.F.R. §2.64(b); TMEP §§715.03, 715.03(a), (c).

If time remains in the six-month response period to the final Office action, applicant has the remainder of the response period to comply with and/or overcome any outstanding final requirement(s) and/or refusal(s) and/or to file an appeal with the Board. TMEP §715.03(a), (c). However, if applicant has already filed a timely notice of appeal with the Board, the Board will be notified to resume the appeal when the time for responding to the final Office action has expired. *See* TMEP §715.04(a).

/Tricia Sonneborn/
United States Patent & Trademark Office
Trademark Examining Attorney
Law Office 110
phone (571) 272-9225
tricia.sonneborn@uspto.gov



WIKIPEDIA
The Free Encyclopedia

- Main page
- Contents
- Featured content
- Current events
- Random article
- Donate to Wikipedia
- Interaction
 - Help
 - About Wikipedia
 - Community portal
 - Recent changes
 - Contact Wikipedia
- Toolbox
- Print/export
- Languages
 - Dansk
 - Deutsch
 - Italiano
 - Nederlands
 - Polski
 - Русский

Article Discussion Read Edit View history Search

Scratchcard

From Wikipedia, the free encyclopedia

This article **needs additional citations for verification**. Please help improve this article by adding citations to reliable sources. Unsourced material may be challenged and removed. *(June 2008)*

A **scratchcard** (called a **scratch off**, **scratch ticket**, **scratcher**, **scratchie**, **scratch-it**, **scratch game**, **scratch-and-win**, **instant game** or **instant lottery** in different places) is a small card, often made of thin paper-based card for competitions and plastic to conceal PINs, where one or more areas contain concealed information which can be revealed by scratching off an opaque covering.

Applications include cards sold for gambling (especially lottery games and quizzes), free-of-charge cards for quizzes, fraudulent free cards encouraging calls to premium rate phone services, and to conceal confidential information such as PINs for telephone calling cards and other prepaid services.

In some cases the entire scratchable area needs to be scratched to see whether a prize has been won—the card is printed either to be a winner or not—or to reveal the secret code; the result does not depend upon what portions are scratched off. In other cases, some but not all areas have to be scratched; this may apply in a quiz, where the area corresponding to the right answer is scratched, or in some gambling applications where, depending on which areas are scratched, the card wins or loses. In these cases the card becomes invalid if too many areas are scratched. After losing one can scratch all areas to see if, how, and what one could have won with this card.

Contents [hide]

- 1 Technology
 - 1.1 Security
- 2 Gambling and quizzes
 - 2.1 Origins
 - 2.2 Popularity
 - 2.3 Predictability
 - 2.4 Second chance sweepstakes
 - 2.5 Break opens
 - 2.6 Online gambling scratchcards
 - 2.7 Fraudulent practices
- 3 Cards hiding confidential information
- 4 See also
- 5 References
- 6 External links



To win an amount of money in this scratch game the player has to find it three times under the scratch area.



Two scratchcards as sold in Berlin, Germany.

Technology

This section requires expansion.

The scratchcard itself is simple: a card made of paper-based card, or plastic, with hidden information printed on it, covered by an opaque substance (usually latex^[1]) that can be scratched off relatively easily, while resistant to normal abrasion.

Security

This section requires expansion.

Gambling and quizzes [edit]

Origins [edit]

The original game tickets were produced using manual randomization techniques. In 1974 the American company [Scientific Games Corporation](#) led by scientist [John Koza](#) and retail promotions specialist [Daniel Bower](#) produced the first computer-generated instant lottery game.^[2] In 1987, [Astro-Med, Inc.](#) of West Warwick, Rhode Island, received the U.S. [Patent](#) for the instant scratch-off lottery ticket.^[3]

Simple prize scratch cards require the player, for example, to scratch off three (or more) areas hiding numbers, symbols, etc. If all the items revealed are the same, a prize has been won. More complicated scratchcards have several different ways to win on one card. Other scratchcards involve matching symbols, pictures or words, or are adaptations of popular (card-)games such as [blackjack](#), [poker](#) or [Monopoly](#). Games are also tied to popular themes such as [Harley Davidson](#), [Major League Baseball](#), [NASCAR](#), the [National Hockey League](#), [Marvel Comics](#) and [FIFA World Cup](#).

There are currently two major manufacturers of game tickets: [Scientific Games Corporation](#), with production facilities in the USA, Chile, UK, Germany, Canada, Brazil and Australia, and [Pollard Banknote](#), with production facilities in the USA and Canada. There are several other smaller manufacturers in North America, Europe and Asia.

Popularity [edit]

Scratchcards are a very popular form of gambling due to their low cost and the opportunity to win instantly, as opposed to waiting for a drawing like many lotteries. There is a trend towards more expensive scratchcards (20-30USD) that have prizes in the millions of dollars. However, many such "instant" tickets sold in the US, especially in Massachusetts and New York, do not pay top prizes "instantly," but rather over many years, with no cash option.

The popularity of lottery scratchcards has been increasing at a greater rate than any other form of lottery.^[4]

Predictability [edit]

In the twentyfirst century there have been attempts to increase the odds on finding a prize-winning card based on [statistics](#), by tracking the amount of prize money won and cards sold to calculate accurate current odds. There have been a number of instances where a series of cards are still available although all major prizes have been won. Some lotteries make this information available to all free of charge to help promote their games.^[5] This reduces the [mathematical expectation](#) of a win for the remaining cards; the return on investment becomes much worse. Hypothetically, large early payouts may exceed ultimate sales before expiration of the game card series. However, the low odds of winning - typically from less than 1 in 5 to about 1 in 2.5 - and players who buy cards unaware of the low return, offset these losses, so the lottery still makes a profit.

Second chance sweepstakes [edit]

Many state lotteries also run a second chance [sweepstakes](#) in conjunction with the retail sale of state lottery scratch cards in an effort to increase consumer demand for scratch cards and to help control the [litter](#) problems associated with the improper disposal of non-winning lottery tickets.^[6] As lottery tickets and scratch cards are considered in the United States to be [bearer instruments](#) under the [Uniform Commercial Code](#), these scratch card promotions can be entered with non-winning tickets that are picked-up as litter.

Break opens [edit]

Break Opens, also known as *breakopens*, *break open cards*, *strip tickets*, *nevada tickets* or in some Bingo Halls as "pickles" are lottery or [bingo cards](#) on which there are concealed letters, numbers, or symbols that have been predetermined as winners. The cards are often made of cardboard and contain perforated cover window tabs, behind which the combinations are printed. The purchaser must "break open" the card, or pull up the [pull-tabs](#), to see the information printed within, and then must confirm with winning combinations printed on the back of the card, various cards may have come from the printer highlighted as winning under the tabs. The winning combination will be highlighted, making the identification of winning tickets easier.

Online gambling scratchcards [edit]

By around 2010 [online versions](#) of virtual "scratchcard" (not physical cards) gambling games which utilized [Macromedia Flash](#) and [Java](#) to simulate scratching a card on a [computer](#) were available. Virtual cards could be bought, and prizes collected, over an [Internet](#) connection.^[7]

Fraudulent practices [edit]

Fraudulent practices [edit]

A widespread misuse of scratchcards is the free-of-charge distribution of cards offering a range of prizes, ranging from extremely low-value to very desirable, for example from time-limited discount vouchers redeemable only through a specified agent to cars. Cards always reveal that a prize has been won, but the nature and value of the prize can only be determined by phoning a [premium rate telephone claim line](#) costing a significant sum per minute. Calls to this number are designed by the promoter always to take several minutes, and the prize won is, in reality, always of far less value than the cost of the call, and usually not worth claiming. [Regulatory authorities](#) for telephone services have been taking action against such schemes, issuing warnings and large [fines](#).^[?]

Cards hiding confidential information [edit]

Scratchcards are a method of distributing confidential information, with no element of chance or skill. A common example is the [phone card](#) sold for a price which provides specified phone call usage. The card itself, unlike, say, a [credit card](#), has no function in itself; it is simply a vehicle to inform the purchaser confidentially of the PIN required to make the phone calls paid for.

See also [edit]

- Coin board
- Lottery
- Gambling

References [edit]

- ↑ "Consumer Alert: Bonus Word Crossword Scratchers" (Press release). California State Lottery. 11 December 2006. Retrieved 11 December 2006.
- ↑ Interview with John Koza about creating scratch cards.
- ↑ United States Patent 4,643,454
- ↑ http://lotteryscratchcardswin.com
- ↑ Washington Lottery - Lottery Games
- ↑ Tennessee Lottery. Play It Again Program - FAQ.
- ↑ www.play-scratchcards.co.uk describing different Internet scratchcards. Encourages play, but not associated with any one provider.
- ↑ Guardian newspaper: Scratchcard prizes may be misleading, OFT warns, 2004
- ↑ premiumphoneservices.com: Scratchcard Fined €100,000 For Misleading Promotions, 2009 , on website promoting premium-rate telephone service with information on setting up competitions (for website members only)

External links [edit]



Categories: [Lotteries](#) | [Gaming devices](#) | [Bingo](#)

This page was last modified on 19 October 2011 at 20:45.

Text is available under the [Creative Commons Attribution-ShareAlike License](#); additional terms may apply. See [Terms of use](#) for details. Wikipedia® is a registered trademark of the Wikimedia Foundation, Inc., a non-profit organization.

Contact us

[Privacy policy](#) [About Wikipedia](#) [Disclaimers](#) [Mobile view](#)





Get £5 FREE
Win Big with online scratchcards!
SCRATCH AND WIN
Click Here
Ezypt.com



Online scratch cards

- Scratch cards
- Fair play
- Beginners guide
- Compare providers
- Buy scratch cards
- Scratch2Cash →
- Hopa →
- GoScratch →
- MegaMoneyGames →
- Karamba →
- TopScratch →
- ScratchMania →
- More scratch cards... >
- Recent winners
- Scratch cards FAQ
- Scratch card bonuses
- Free scratch cards

+1 0

Add to favorites

Internet scratch cards

It's fun to play scratch cards, it can be very exciting and the prizes that can be won are also high. Nowadays there are a lot of online scratch cards available on the internet, they are also called internet scratch cards or online scratch cards. An advantage of these internet scratch cards is the very large choice of games and scratch cards. The jackpot prizes are also much bigger than that of traditional scratch card providers. With the internet scratch card providers Scratch2cash, Hopa, Karamba you can win prizes up to one million pound! When you create an account with these providers you will also get 5 pound for free without any obligation. You can try all the internet scratch cards and games immediately for free.

Which scratch card provider to choose?

The choice of internet scratch card providers has grown a lot since 2008 as written in the scratch cards history. Because of this tremendous growth in recent years, it's hard to choose the right scratch card provider. Below we give a short description of each internet scratch card provider, so you can choose much easier:



Scratch2cash

Her biggest offer of scratch cards and games, **5 pound free** bonus, 100% bonus on your first deposit. The odds are 1 to 3, there are great jackpots and excellent support by e-mail or live-chat. We've tested Scratch2Cash as the best provider of internet scratch cards.

[Review](#) | [Start playing](#)



Hopa

+ 80 scratch cards and games, including video slots and a combination of scratch and play games. Every new player receives a bonus of 5 pound at Prime Scratch Cards. There is also a welcome bonus available for first depositors of 100%.

[Review](#) | [Start playing](#)



Free scratch cards

Games

More articles...

News

About us

Related games

Online casino

Maria Birigu

Foreign lotteries



Karamba

A big offer of a lot of different games and internet scratch card, the bonuses of Karamba are the same as the above providers. The odds of Karamba are 1 in 3. They offer excellent support by e-mail or live-chat and fax [Review](#) | [Start playing](#)

Slots and Games

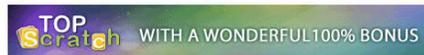
Slots and Games focuses on female customers. This is clearly visible on their website with glittering diamonds and a pink design. The scratch cards, games and slot machines are fun and very colorful. The odds are 1 in 3, you also get to 5 pound for free on your registration. You will also receive a **100% bonus** on your first deposit. [Review](#) | [Start playing](#)

Betsson Scratch

40 + different games and internet scratch cards. Some of the different scratch cards and games from Betsson Scratch are exclusive and not playable on other brands. You can play for free or you can purchase credits to win real money with Neteller, Moneybookers, Visa, PaySafe and money more. Every new depositor will receive a first deposit bonus of 30%. [Review](#) | [Start playing](#)

Unibet

Unibet only has 4 internet scratch cards available, but they give out a great bonus with 100 pound for free. Unibet scratch cards have progressive jackpots which keep growing. [Review](#) | [Start playing](#)



Welcome to the website with the largest offer of [online scratch cards](#) in the UK.
Copyright 2011 - 2012 Play-scratchcards.co.uk provides all information about online scratch cards.

Play these internet **scratch cards** for free or for real money.
of course there is a great bonus waiting for every player.
Buying game credits can be done using Neteller, credit card and more.
Maybe you will become the next millionaire by winning a huge jackpot.
online scratch cards should only be played at an of 18 years or older.
[Contact webmaster](#) | [Sitemap](#) | [Responsible gaming](#) | [Subscribe to newsletter](#) | [Affiliates](#)

