

Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	85315751
LAW OFFICE ASSIGNED	LAW OFFICE 104
MARK SECTION (no change)	
ARGUMENT(S)	
<p>Descriptiveness Refusal</p> <p>The Examining Attorney has continued his refusal of the subject application under Trademark Act Section 2(e)(1) because, in his opinion, the mark is merely descriptive of the nature, purpose and qualities of the goods. Applicant continues to respectfully disagree with the Examining Attorney's analysis of the mark at issue.</p> <p>The word "merely" in Section 2(e)(1) means that if the mark clearly does not tell the potential customer only what the goods are, their function, characteristics, use or ingredients, then the mark is not "merely descriptive." <i>See Application of Colonial Stores, Inc.</i>, 157 USPQ 382 (1968); <i>In re Application of Quik-Print Copy Shops, Inc.</i>, 205 USPQ 505, n.7 (CCPA 1980) ("merely" means "only"). Of course, if a mark is not merely descriptive under Section 2(e)(1), then it is inherently distinctive and, therefore, entitled to registration on the Principal Register.</p> <p>In his own evidence submitted with the office action dated January 11, 2012, the Examining Attorney submitted two prior registrations on the Principal Register for marks with a similar format to that of the subject mark, which were not deemed merely descriptive. The marks are FORTUNE PAI GOW POKER, Reg. No. 2190512 and PAI GOW PLUS, Reg. No. 3265955.</p> <p>Furthermore, there are many examples of registrations for goods in Class 28 on the Principal Register that use EZ which were not deemed descriptive. Representative examples of these marks, copies of certificates of registrations for which are attached, are:</p> <ul style="list-style-type: none"> EZ SWIMMER, Reg. No. 3303834 for goods including a swim float, swim boards and swimming aids EZ WALK, Reg. No. 2962313 for "exercise treadmills" EZ KNEES, Reg. No. 2840350 for knee pads EZ TOSS, Reg. No. 3939547 for hand grips used with a ring toss game EZ PUCK, Reg. No. 3813646 for a device for improving hockey stick handling and puck control 	

EZ CAST KIT, Reg. No. 3762702, for a craft kit including casting powder to create castings of body parts

EZ SQUASH & Design, Reg. No. 3700190, for “squash balls”

EZ SKI, Reg. No. 3743168, for boards used for water sports

EZ LOADER, Reg. No. 3491278 for “a device for assisting in the cocking of a crossbow”

EZ CATCH, Reg. No. 3381032 for “baseball and softball gloves”

EZ SHOT and EZ SHOT & Design, Reg. Nos. 2859792 and 3460422 for goods including “basketball shot return equipment”

EZ SPA EZ POOL, Reg. No. 2897733 for “plastic play swimming pools”

EZ JUMPER, Reg. No. 3786533 for jump ropes

EZ LINE PUTTERS & Design, Reg. No. 2475225 for golf putters

EZ BALLOON KIT, Reg. No. 1910243 for a balloon kit

If all the above marks, and quite a few more, are able to be registered on the Principal Register, then so too should the mark at issue be registered on the Principal Register.

In another example, the Board reversed a Section 2(e)(1) refusal to register the mark SAFETY JOGGER, finding it not merely descriptive of “clothing, namely, work shoes and boots, and headwear.” *In re Cortina N.V.*, Serial No. 79019306 (July 1, 2008) (not precedential). The Board found that Applicant’s mark suggests that its footwear “feature the comfort and agility of athletic shoes.” Noting that any doubt regarding the application of 2(e)(1) are to be resolved in favor of the applicant, the Board reversed the refusal. *See also, In re Universal Water Systems, Inc.*, 209 USPQ 165 (TTAB 1980) (PURITY is suggestive of the desired result of the use of water filtering units, water filter cartridges and water softening units); *In re Nalco Chemical Co.*, 228 USPQ 973 (TTAB 1986) (VERI-CLEAN for chemical anti-fouling additives for use in refineries is suggestive of desired end resulting from product’s use); *In re Frank J. Curran Co.*, 189 USPQ 560 (TTAB 1975) (CLOTHES FRESH is merely suggestive of desirable result); *In re C. J. Webb, Inc.*, 182 USPQ 63 (TTAB 1974) (BRAKLEEN suggestive of a desired end result of a brake cleaner); and *In re The Realistic Co.*, 169 USPQ 610 (CCPA 1971) (CURV suggests possible result of intended use of permanent wave curling solutions). Similarly here, the nebulous term EZ could easily be view as advertising puffery and suggesting a desired result of using the goods and is thus merely suggestive and not descriptive.

In the alternative, and without making any admissions or waiving any rights at common law, Applicant claims that the mark has become distinctive under Trademark Act Section 2(f), 15 U.S.C. § 1052(f), through its exclusive and continuous use of the mark at issue for over three years in commerce and through its advertising expenditures and sales of the goods. Applicant notes that it is has spent a considerable amount in advertising and marketing the mark and has made substantial sales since its first use date recited in the subject application. Applicant also attaches examples of advertising and press reports touting the renown of the mark in support of its claim of acquired distinctiveness.

Identification of Goods

The Examining Attorney continues to object to the wording “casino card games” in the identification of goods. The stated rationale is that the wording could include electronic card games and that such goods

could be classified in International Class 9. However, this same objection would apply to “card games” and yet “card games” including presumably electronic card games are includes in International Class 28. Indeed, there is no entry in the ID Manual for any card games in International Class 9. Because there is assertion that the goods could be classified in other classes is incorrect, because the wording is narrower than wording accepted in the UD Manual, and because the wording has been repeatedly been accepted by the US PTO, Applicant avers that the objection should be withdrawn and that the wording should be accepted.

EVIDENCE SECTION

EVIDENCE FILE NAME(S)	
ORIGINAL PDF FILE	<u>evi 20120224690-231104501 . certs of reg 3rd party EZ marks.pdf</u>
CONVERTED PDF FILE(S) (18 pages)	<u>\\TICRS\EXPORT16\IMAGEOUT16\853\157\85315751\xml1\RFR0002.JPG</u>
	<u>\\TICRS\EXPORT16\IMAGEOUT16\853\157\85315751\xml1\RFR0003.JPG</u>
	<u>\\TICRS\EXPORT16\IMAGEOUT16\853\157\85315751\xml1\RFR0004.JPG</u>
	<u>\\TICRS\EXPORT16\IMAGEOUT16\853\157\85315751\xml1\RFR0005.JPG</u>
	<u>\\TICRS\EXPORT16\IMAGEOUT16\853\157\85315751\xml1\RFR0006.JPG</u>
	<u>\\TICRS\EXPORT16\IMAGEOUT16\853\157\85315751\xml1\RFR0007.JPG</u>
	<u>\\TICRS\EXPORT16\IMAGEOUT16\853\157\85315751\xml1\RFR0008.JPG</u>
	<u>\\TICRS\EXPORT16\IMAGEOUT16\853\157\85315751\xml1\RFR0009.JPG</u>
	<u>\\TICRS\EXPORT16\IMAGEOUT16\853\157\85315751\xml1\RFR0010.JPG</u>
	<u>\\TICRS\EXPORT16\IMAGEOUT16\853\157\85315751\xml1\RFR0011.JPG</u>
	<u>\\TICRS\EXPORT16\IMAGEOUT16\853\157\85315751\xml1\RFR0012.JPG</u>
	<u>\\TICRS\EXPORT16\IMAGEOUT16\853\157\85315751\xml1\RFR0013.JPG</u>
	<u>\\TICRS\EXPORT16\IMAGEOUT16\853\157\85315751\xml1\RFR0014.JPG</u>
	<u>\\TICRS\EXPORT16\IMAGEOUT16\853\157\85315751\xml1\RFR0015.JPG</u>
	<u>\\TICRS\EXPORT16\IMAGEOUT16\853\157\85315751\xml1\RFR0016.JPG</u>
	<u>\\TICRS\EXPORT16\IMAGEOUT16\853\157\85315751\xml1\RFR0017.JPG</u>
	<u>\\TICRS\EXPORT16\IMAGEOUT16\853\157\85315751\xml1\RFR0018.JPG</u>
	<u>\\TICRS\EXPORT16\IMAGEOUT16\853\157\85315751\xml1\RFR0019.JPG</u>
ORIGINAL PDF FILE	<u>evi 20120224690-231104501 . Commerce Casino goes live with EZ Pai Gow.pdf</u>
CONVERTED PDF FILE(S)	<u>\\TICRS\EXPORT16\IMAGEOUT16\853\157\85315751\xml1\RFR0020.JPG</u>

(2 pages)

	<u>\\TICRS\EXPORT16\IMAGEOUT16\853\157\85315751\xml\1\RFR0021.JPG</u>
DESCRIPTION OF EVIDENCE FILE	third party registrations, advertising and press reports
SIGNATURE SECTION	
RESPONSE SIGNATURE	/jmenker/
SIGNATORY'S NAME	James R Menker
SIGNATORY'S POSITION	Attorney of record, Virginia bar member
SIGNATORY'S PHONE NUMBER	904-247-2620
DATE SIGNED	07/11/2012
AUTHORIZED SIGNATORY	YES
CONCURRENT APPEAL NOTICE FILED	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Wed Jul 11 23:21:44 EDT 2012
TEAS STAMP	USPTO/RFR-201.202.246.90- 20120711232144678217-8531 5751-4909690f8b2fe9de9833 5f6fc622a60-N/A-N/A-20120 711231104501221

PTO Form 1539 (Rev. 9/2007)
OMB No. 0551-0569 (Exp. 4/30/2009)

**Request for Reconsideration after Final Action
To the Commissioner for Trademarks:**

Application serial no. **85315751** has been amended as follows:

ARGUMENT(S)

In response to the substantive refusal(s), please note the following:

Descriptiveness Refusal

The Examining Attorney has continued his refusal of the subject application under Trademark Act Section 2(e)(1) because, in his opinion, the mark is merely descriptive of the nature, purpose and qualities of the

goods. Applicant continues to respectfully disagree with the Examining Attorney's analysis of the mark at issue.

The word "merely" in Section 2(e)(1) means that if the mark clearly does not tell the potential customer only what the goods are, their function, characteristics, use or ingredients, then the mark is not "merely descriptive." See *Application of Colonial Stores, Inc.*, 157 USPQ 382 (1968); *In re Application of Quik-Print Copy Shops, Inc.*, 205 USPQ 505, n.7 (CCPA 1980) ("merely" means "only"). Of course, if a mark is not merely descriptive under Section 2(e)(1), then it is inherently distinctive and, therefore, entitled to registration on the Principal Register.

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EZ KNEES, Reg. No. 2840350 for knee pads

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EZ CAST KIT, Reg. No. 3762702, for a craft kit including casting powder to create castings of body parts

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EZ SKI, Reg. No. 3743168, for boards used for water sports

EZ LOADER, Reg. No. 3491278 for "a device for assisting in the cocking of a crossbow"

EZ CATCH, Reg. No. 3381032 for "baseball and softball gloves"

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EZ SPA EZ POOL, Reg. No. 2897733 for "plastic play swimming pools"

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EVIDENCE

Evidence in the nature of third party registrations, advertising and press reports has been attached.

Original PDF file:

[evi_20120224690-231104501 . certs of reg 3rd party EZ marks.pdf](#)

Converted PDF file(s) (18 pages)

[Evidence-1](#)

[Evidence-2](#)

[Evidence-3](#)

[Evidence-4](#)

[Evidence-5](#)

[Evidence-6](#)

[Evidence-7](#)

Evidence-8
Evidence-9
Evidence-10
Evidence-11
Evidence-12
Evidence-13
Evidence-14
Evidence-15
Evidence-16
Evidence-17
Evidence-18

Original PDF file:

evi_20120224690-231104501 . Commerce Casino goes live with EZ Pai Gow.pdf

Converted PDF file(s) (2 pages)

Evidence-1
Evidence-2

SIGNATURE(S)

Request for Reconsideration Signature

Signature: /jmenker/ Date: 07/11/2012

Signatory's Name: James R Menker

Signatory's Position: Attorney of record, Virginia bar member

Signatory's Phone Number: 904-247-2620

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the applicant's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the applicant in this matter: (1) the applicant has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the applicant has filed a power of attorney appointing him/her in this matter; or (4) the applicant's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

The applicant is filing a Notice of Appeal in conjunction with this Request for Reconsideration.

Serial Number: 85315751

Internet Transmission Date: Wed Jul 11 23:21:44 EDT 2012

TEAS Stamp: USPTO/RFR-201.202.246.90-201207112321446

78217-85315751-4909690f8b2fe9de98335f6fc

622a60-N/A-N/A-20120711231104501221

Int. Cls.: 28 and 41

Prior U.S. Cls.: 22, 23, 38, 50, 100, 101 and 107

Reg. No. 2,190,512

United States Patent and Trademark Office

Registered Sep. 22, 1998

**TRADEMARK
SERVICE MARK
PRINCIPAL REGISTER**

FORTUNE PAI GOW POKER

BET TECHNOLOGY, INC. (NEVADA CORPORATION)
2300 ARROWHEAD DRIVE
CARSON CITY, NV 89706

FOR: CARD GAMES, IN CLASS 28 (U.S. CLS. 22, 23, 38 AND 50).

FIRST USE 8-0-1996; IN COMMERCE 8-0-1996.

FOR: CASINO SERVICES, NAMELY, THE OPERATION OF CASINO CARD GAMES, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 8-0-1996; IN COMMERCE 8-0-1996.

OWNER OF U.S. REG. NOS. 1,705,908, 1,757,015, AND 1,877,703.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "PAI GOW POKER", APART FROM THE MARK AS SHOWN.

SER. NO. 75-264,535, FILED 3-26-1997.

SALLY SHIN, EXAMINING ATTORNEY

Int. Cl.: 41

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

United States Patent and Trademark Office

Reg. No. 3,265,955

Registered July 17, 2007

SERVICE MARK
PRINCIPAL REGISTER

PAI GOW PLUS

AWADA, YEHA (UNITED STATES INDIVIDUAL)

3982 ROUND WOOD STREET

LAS VEGAS, NV 89147

FOR: CASINO SERVICES FEATURING A CARD GAME, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 1-11-2007; IN COMMERCE 1-11-2007.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

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

SN 78-619,311, FILED 4-28-2005.

DAVID TAYLOR, EXAMINING ATTORNEY

Int. Cl.: 28

Prior U.S. Cls.: 2, 13 and 22

United States Patent and Trademark Office

Reg. No. 1,910,243
Registered Aug. 8, 1995

**TRADEMARK
PRINCIPAL REGISTER**

EZ BALLOON KIT

CREATIVE BALLOONS MANUFACTURING,
INC. (CALIFORNIA CORPORATION)
P.O. BOX 421
PEBBLE BEACH, CA 93953

FOR: BALLOON KIT COMPRISING OF A
COLLECTION OF INFLATABLE BALLOONS,
A TANK OF PRESSURIZED HELIUM FOR IN-
FLATING THE BALLOONS, AND SEALS FOR
USE IN SEALING THE HELIUM INFLATED

BALLOONS, IN CLASS 28 (U.S. C.I.S. 2, 13 AND
22).

FIRST USE 5-1-1994; IN COMMERCE
5-1-1994.

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

SER. NO. 74-555,108, FILED 7-29-1994.

ERNESTO CLARKE, EXAMINING ATTORNEY

United States of America

United States Patent and Trademark Office

EZ CAST KIT

Reg. No. 3,762,702 MCCORMICK JR., EDMUND J. (UNITED STATES INDIVIDUAL)
Registered Mar. 23, 2010 18 BANK STREET
SUMMIT, NJ 07901

Int. Cl.: 28 FOR: HOBBY CRAFT KIT COMPRISING CONSISTING OF MOLDING AND CASTING
POWDER TO CREATE CASTINGS OF BODY PARTS - HANDS, FACES, TORSOS, FEET
AND ENTIRE BODIES, IN CLASS 28 (U.S. CLS. 22, 23, 38 AND 50).

TRADEMARK
PRINCIPAL REGISTER FIRST USE 8-28-2004; IN COMMERCE 8-28-2004.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

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

SER. NO. 77-783,365, FILED 7-17-2009.

KHANH LE, EXAMINING ATTORNEY



David J. Kybas

Director of the United States Patent and Trademark Office

Int. Cl.: 28

Prior U.S. Cls.: 22, 23, 38 and 50

United States Patent and Trademark Office

Reg. No. 3,381,032

Registered Feb. 12, 2008

TRADEMARK
PRINCIPAL REGISTER

EZ CATCH

WILSON SPORTING GOODS CO. (DELAWARE
CORPORATION)
8750 W. BYRN MAWR AVE.
CHICAGO, IL 60631

THE MARK CONSISTS OF STANDARD CHAR-
ACTERS WITHOUT CLAIM TO ANY PARTICULAR
FONT, STYLE, SIZE, OR COLOR.

FOR: BASEBALL AND SOFTBALL GLOVES, IN
CLASS 28 (U.S. CLS. 22, 23, 38 AND 50).

SER. NO. 77-204,086, FILED 6-12-2007.

FIRST USE 6-1-1999; IN COMMERCE 6-1-1999.

MICHAEL ENGEL, EXAMINING ATTORNEY

United States of America
United States Patent and Trademark Office

EZ JUMPER

Reg. No. 3,786,533

GHASSAN MARJI (UNITED STATES INDIVIDUAL)
68 MARSHALL ROAD
YONKERS, NY 10705

Registered May 11, 2010

Int. Cl.: 28

FOR: EXERCISE EQUIPMENT, NAMELY, JUMP ROPES, IN CLASS 28 (U.S. CLS. 22, 23, 38 AND 50).

TRADEMARK

FIRST USE 8-6-2009; IN COMMERCE 8-6-2009.

PRINCIPAL REGISTER

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

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

SER. NO. 76-699,423, FILED 9-11-2009.

JULIE GUTTADAURO, EXAMINING ATTORNEY



David S. Kappas

Director of the United States Patent and Trademark Office

Int. Cl.: 28

Prior U.S. Cls.: 22, 23, 38 and 50

Reg. No. 2,840,350

United States Patent and Trademark Office

Registered May 11, 2004

TRADEMARK
PRINCIPAL REGISTER

EZ KNEES

PRONINE SPORTS (CALIFORNIA CORPORATION)
P.O. BOX 1765
LOS ALAMITOS, CA 90720

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

FOR: KNEE PADS FOR ATHLETIC USE, NAME-
LY, FOR USE BY BASEBALL AND SOFTBALL
CATCHERS. IN CLASS 28 (U.S. CLS. 22, 23, 38 AND
50).

SER. NO. 78-255,251, FILED 5-28-2003.

FIRST USE 7-1-2003; IN COMMERCE 7-1-2003.

MARC LEIPZIG, EXAMINING ATTORNEY

Int. Cl.: 28

Prior U.S. Cls.: 22, 23, 38 and 50

Reg. No. 3,491,278

United States Patent and Trademark Office

Registered Aug. 26, 2008

TRADEMARK
PRINCIPAL REGISTER

EZ LOADER

HORTON MANUFACTURING COMPANY LLC
(MICHIGAN LTD LIAB CO)
484 TACOMA AVE.
TALLMADGE, OH 44278

FOR: CROSSBOW ACCESSORIES, NAMELY, A
DEVICE FOR ASSISTING IN THE COCKING OF A
CROSSBOW, IN CLASS 28 (U.S. CLS. 22, 23, 38 AND
50).

FIRST USE 4-0-2007; IN COMMERCE 4-0-2007.

THE MARK CONSISTS OF STANDARD CHAR-
ACTERS WITHOUT CLAIM TO ANY PARTICULAR
FONT, STYLE, SIZE, OR COLOR.

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

SER. NO. 77-210,376, FILED 6-20-2007.

SETH A. RAPPAPORT, EXAMINING ATTORNEY

Int. Cl.: 28

Prior U.S. Cls.: 22, 23, 38 and 50

Reg. No. 2,475,225

United States Patent and Trademark Office

Registered Aug. 7, 2001

**TRADEMARK
PRINCIPAL REGISTER**

Ez Line Putters

COLUCCI, NICHOLAS (UNITED STATES CITI-
ZEN)
67 BACHE AVE.
STATEN ISLAND, NY 10306

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

FOR: IDENTIFY GOLF PUTTERS, IN CLASS 28
(U.S. CLS. 22, 23, 38 AND 50).

SER. NO. 75-869,506, FILED 12-13-1999.

FIRST USE 2-5-1999; IN COMMERCE 2-5-1999.

MARC LEIPZIG, EXAMINING ATTORNEY

United States of America
United States Patent and Trademark Office

EZ PUCK

Reg. No. 3,813,646

Registered July 6, 2010

Int. Cl.: 28

TRADEMARK

PRINCIPAL REGISTER

GIAUQUE, PAUL (UNITED STATES INDIVIDUAL)
4 BRIARWOOD PLACE
FARGO, ND 58104

FOR: HOCKEY TRAINING APPARATUS, NAMELY, A DEVICE FOR IMPROVING HOCKEY STICK HANDLING AND PUCK CONTROL., IN CLASS 28 (U.S. CLS. 22, 23, 38 AND 50).

FIRST USE 4-1-2009; IN COMMERCE 4-1-2009.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

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

SER. NO. 77-864,914, FILED 11-4-2009.

WON TEAK OII, EXAMINING ATTORNEY



David S. Kyppas

Director of the United States Patent and Trademark Office

Int. Cl.: 28

Prior U.S. Cls.: 22, 23, 38 and 50

Reg. No. 3,460,422

United States Patent and Trademark Office

Registered July 8, 2008

TRADEMARK
PRINCIPAL REGISTER



CRAIG JENKINS (UNITED STATES INDIVIDUAL)
SUITE 10-6
8789 WEST CORNELL AVENUE
LAKEWOOD, CO 80227

FIRST USE 7-31-2003; IN COMMERCE 7-31-2003.

OWNER OF U.S. REG. NO. 2,859,792.

FOR: BASKETBALLS; BASKETBALL SHOT RETURN EQUIPMENT, HAVING A STAND WITH NET THAT IS POSITIONABLE BENEATH A BASKETBALL GOAL AND USED AS A BALL RETURN FOR PLAYING BASKETBALL, IN CLASS 28 (U.S. CLS. 22, 23, 38 AND 50).

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

SER. NO. 77-168,994, FILED 4-30-2007.

CHRISTINE COOPER, EXAMINING ATTORNEY

Int. Cl.: 28

Prior U.S. Cls.: 22, 23, 38 and 50

Reg. No. 2,859,792

United States Patent and Trademark Office

Registered July 6, 2004

**TRADEMARK
PRINCIPAL REGISTER**

EZ SHOT

ATHLETIC EFFICIENCY, INC. (COLORADO
CORPORATION)
8789 WEST CORNELL AVE., #10-6
LAKEWOOD, CO 80227

FIRST USE 7-31-2003; IN COMMERCE 7-31-2003.

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

FOR: BASKETBALL SHOT RETURN EQUIP-
MENT CONSISTING OF A STAND WITH NET THAT
ATTACHES TO A BASKETBALL GOAL USED AS A
BALL RETURN FOR PLAYING BASKETBALL. IN
CLASS 28 (U.S. CLS. 22, 23, 38 AND 50).

SER. NO. 76-534,933, FILED 8-6-2003.

BRETT J. GOLDEN, EXAMINING ATTORNEY

United States of America
United States Patent and Trademark Office

EZ SKI

Reg. No. 3,743,168 CHURCHILL, ROBERT L. (UNITED STATES INDIVIDUAL)
Registered Jan. 26, 2010 1432 STERLING ROAD
REDLANDS, CA 92373

Int. Cl.: 28 FOR: BOARDS USED IN THE PRACTICE OF WATER SPORTS, IN CLASS 28 (U.S. CLS. 22, 23, 38 AND 50).

TRADEMARK FIRST USE 2-16-2009; IN COMMERCE 2-16-2009.
PRINCIPAL REGISTER

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

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

SN 77-591,863, FILED 10-13-2008.

JANICE KIM, EXAMINING ATTORNEY



David J. Kappas

Director of the United States Patent and Trademark Office

Int. Cl.: 28

Prior U.S. Cls.: 22, 23, 38, and 50

Reg. No. 2,897,733

United States Patent and Trademark Office

Registered Oct. 26, 2004

**TRADEMARK
PRINCIPAL REGISTER**

EZ SPA EZ POOL

TEAM WORLDWIDE CORP. (TAIWAN COR-
PORATION)
12 F., NO. 440, SEC. 4
JEN AI RD.
TAIPEI, TAIWAN

FIRST USE 1-1-2004; IN COMMERCE 1-1-2004.

SN 76-430,484, FILED 7-15-2002.

FOR: PLASTIC PLAY SWIMMING POOLS. IN
CLASS 28 (U.S. CLS. 22, 23, 38 AND 50).

TRACY CROSS, EXAMINING ATTORNEY

United States of America
United States Patent and Trademark Office



Reg. No. 3,700,190 OLLIER, ROY (AUSTRALIA INDIVIDUAL)
Registered Oct. 20, 2009 #1133

5959 NTH 78TH STREET
SCOTTSDALE, AZ 85250

Int. Cl.: 28

FOR: SQUASH BALLS, IN CLASS 28 (U.S. CLS. 22, 23, 38 AND 50).

**TRADEMARK
PRINCIPAL REGISTER**

FIRST USE 11-14-2008; IN COMMERCE 1-5-2009.

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

THE STIPPLING IS FOR SHADING PURPOSES ONLY.

THE MARK CONSISTS OF THE STYLIZED LETTERS AND WORD "EZ SQUASH". IN THE BACKGROUND OF THE STYLIZED WORDS IS AN IMAGE OF A SPLASH OR SPLAT.

SN 77-616,356. FILED 11-18-2008.

GINA HAYES, EXAMINING ATTORNEY



David S. Kappas

Director of the United States Patent and Trademark Office

Int. Cl.: 28

Prior U.S. Cls.: 22, 23, 38, and 50

Reg. No. 3,303,834

United States Patent and Trademark Office

Registered Oct. 2, 2007

TRADEMARK
PRINCIPAL REGISTER

The logo features the letters 'EZ' in a large, elegant cursive font, followed by the word 'Swimmer' in a smaller, matching cursive script.

KLINE, KELLY ENGALDO (UNITED STATES
INDIVIDUAL)
106 GENEVA LANE
MCHENRY, IL 60051

FIRST USE 1-1-2006; IN COMMERCE 5-31-2007.

FOR: FLOATS FOR RECREATIONAL USE,
NAMELY, A SWIM FLOAT; SWIM BOARDS FOR
RECREATIONAL USE; SWIM FLOATS FOR RE-
CREATIONAL USE; SWIMMING AIDS, NAMELY A
HEAD FLOAT. IN CLASS 28 (U.S. CLS. 22, 23, 38 AND
50).

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

SN 78-687,323, FILED 8-7-2005.

TINA BROWN, EXAMINING ATTORNEY

Int. Cl.: 28

Prior U.S. Cls.: 22, 23, 38 and 50

United States Patent and Trademark Office

Reg. No. 2,962,313

Registered June 14, 2005

TRADEMARK
PRINCIPAL REGISTER

EZ WALK

ISOTEC, INC. (DELAWARE CORPORATION)
16541 GOTHARD STREET, STE 208
HUNTINGTON BEACH, CA 92647

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

FOR: EXERCISE TREADMILLS. IN CLASS 28
(U.S. CLS. 22, 23, 38 AND 50).

FIRST USE 12-0-2003; IN COMMERCE 12-0-2003.

SER. NO. 78-348,485, FILED 1-6-2004.

THE MARK CONSISTS OF STANDARD CHAR-
ACTERS WITHOUT CLAIM TO ANY PARTICULAR
FONT, STYLE, SIZE, OR COLOR.

RONALD AIKENS, EXAMINING ATTORNEY

United States of America
United States Patent and Trademark Office

EZ-TOSS

Reg. No. 3,939,547

Registered Apr. 5, 2011

Int. Cl.: 28

TRADEMARK

PRINCIPAL REGISTER

BEN-BASSAT, JACKY (ISRAEL INDIVIDUAL)
45 S BATTERY PL NE
ATLANTA, GA 30342

FOR: HAND GRIPS SOLD EXCLUSIVELY PACKAGED WITH LMN-TOSS RING TOSS GAMES, AND USED SOLELY IN THE TRADEMARK OWNER'S RING TOSS GAMES, IN CLASS 28 (U.S. CLS. 22, 23, 38 AND 50).

FIRST USE 9-1-2009; IN COMMERCE 9-1-2009.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SER. NO. 77-832,008, FILED 9-22-2009.

EVELYN BRADLEY, EXAMINING ATTORNEY



David S. Kappas

Director of the United States Patent and Trademark Office

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Commerce Casino goes live with EZ Pai Gow

28 September 2011

LEVIS, Quebec -- (PRESS RELEASE) -- DEQ Systems Corp. (TSXV: DEQ) ("DEQ" or the "Company"), a leading provider of table game bonusing, jackpot and loyalty solutions, announced today that Commerce Casino in California recently went live with DEQ's no commission Pai Gow game, EZ Pai Gow.

"The Commerce Casino is very happy to have spearheaded the approval of EZ Pai Gow in the California Card Rooms," stated Haig Papaian, Commerce Casino President. "EZ Pai Gow operates much the same way as EZ Baccarat™ with the push and side bet mechanism and we are very excited to see it perform. Our patrons love no commission and optional 50:1 side bet and the EZ Trak™ offers great functionality necessary to the efficient operation of the game."

DEQ also announces the release of the EZ Trak for EZ Pai Gow. The EZ Trak accomplishes two essential needs of EZ Pai Gow: it offers a LCD based virtual position selector to start the round while tracking the vital statistics surrounding the Queen's Dragon side bet with EZ TRAK. The statistics tracking has proven itself with the very popular EZ Baccarat™ version of EZ Trak. By adding the position selector, it brings all the necessary technological elements together to make the EZ Pai Gow offering complete", added Earle G. Hall, President and CEO of DEQ.

ABOUT EZ PAI GOW

EZ Pai Gow is a revolutionary method of accelerating the speed of Pai Gow poker by eliminating the 5% commission on winning hands. The commission is replaced by imposing a push when the dealer gets a Queen High Pai Gow (Queen high hand). Players can side bet on the occurrence of the dealer's Queen high Pai Gow and the side bet is trademarked as the "Queens' Dragon™". This side wager pays 50 to 1 and creates an additional way for the player to win and a new revenue source for the casino. The EZ Pai Gow methodology and the Queen's Dragon bet were created by Dan Lubin of Lubin-Jones, LLC. These methods are protected within the scope of Lubin-Jones no commission Pai Gow intellectual property portfolio.

ABOUT DEQ

DEQ Systems Corp. (TSXV: DEQ) is a global provider of gaming technology in over 30 countries. Protected by more than 20 patents in 50 countries, DEQ specializes in progressive and random bonusing systems for table games. DEQ's innovation and ingenuity has been to replace the single dollar coin slot and sensor with its internationally award winning G3™ technology. The G3 incorporates multiple credit betting, dealer hand betting and mystery bonusing. DEQ also commercializes technology and patents including the award winning baccarat revolution, EZ Baccarat™ and related auxiliary products such as EZ Trak™. DEQ is and will continue to lead innovation in the table game bonusing segment of the global gaming market.

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