

TTAB

3012 16TH STREET #201 • SAN FRANCISCO, CA. • 94103-3459
PHONE: (415) 552-2882 • FAX: (415) 552-8444 • EMAIL: lou@d1music.com
www.d1musicnet.com

(PROOF OF SERVICE BY MAIL-CCP 1013a, 2015.5) Opposition Number: 91158707

I, Lou Gordon am over the age of 18 years old and I am employed in the county of San Francisco, and I am a party to this action; my business address is 3012 16th Street suite 201 San Francisco, CA. 94103-3459. I have served the enclosed response to BMG Songs, inc. opposition to the attorney of record: Mary L. Kelvin of the law firm of Cowan, Liebowitz & Latman, PC located at 1133 Avenue of the Americas New York, NY 10036-6799, by placing a true copy thereof enclosed in a sealed envelope, with postage thereon fully pre paid, by depositing same with US Postal Service Customer Service Agent at the San Francisco Airport Branch this day, July 27, 2004 sent via certified mail receipt number: 7003-3110-0001-4400-2260.

I DECLARE, UNDER PENTALTY OR PERJURY, THAT THE FOREGOING IS TRUE AND CORRECT.

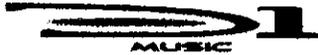
EXECUTED THIS 27TH DAY OF JULY 2004 AT San Francisco, CA. 94103-3459

A handwritten signature in cursive script that reads "Lou Gordon".

Lou Gordon C.O.O
Astro America, LLC
D/B/A: D1 Music Network and D1 Music



08-02-2004



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United States Patent and Trademark Office
Trademark Trial & Appeal Board
2900 Crystal Drive
Arlington, VA 22202-3513

Opposition Number: 91158707 BMG Songs, Inc. vs. Astro America, LLC

We have already disclaimed the words MUSIC & NETWORK and don't feel there is any conflict between our companies. There are many companies that use both those names together. We are not trying to infringe on any ones rights.

We object to BMG's opposition based on the fact there is no conflict because we made a disclaimer on both the words "music" & "network".

We submit our response in reply to the opposition and request a determination by the Trademark Trial and Appeal Board (TTAB) stating that the opposition is dismissed, and that our trademark D1 MUSIC NETWORK shall be processed.

Unfortunately we cannot afford an attorney to fight with BMG over their opposition and request that the TTAB consider our informal response in this matter.

Respectfully Submitted,

Lou Gordon C.O.O

A handwritten signature in cursive script that reads "Lou Gordon".

Astro America, LLC
D/B/A: D1 Music Network; D1 Music