

UNITED STATES PATENT AND TRADEMARK OFFICE  
TRADEMARK TRIAL AND APPEAL BOARD

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MAGNADYNE CORPORATION

Opposer,

v.

Opposition No. 91175280

Serial No. 76/655,958

Mark: MOVIEVISION

MOVIEVISION, INC.

Applicant.

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United States Patent and Trademark Office  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451

**OPPOSER'S NOTICE OF FILING TRANSCRIPT**

Pursuant to 37 CFR § 2.123(h) and 2.125, Magnadyne Corporation ("Opposer") hereby gives notice that the Testimony Depositions of Barry Lawrence Caren and Indiana Retana, taken July 15, 2008, are being filed with the Trademark Trial and Appeal Board herewith.

Respectfully submitted,

**BROOKS KUSHMAN P.C.**

By: Hope V. Shovein

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Date: **January 12, 2009**



**01-14-2009**

Opposition No. 91175280  
Serial No. 76/655,958  
Mark: MOVIEVISION

Atty. Docket No.:MGDN 0187 OC

**CERTIFICATE OF SERVICE**

I certify that I served:

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on **January 12, 2009** by:

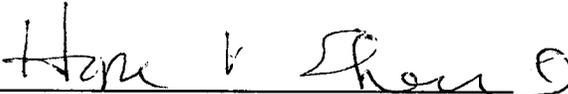
\_\_\_\_\_ delivering

mailing (via First-Class mail)

a copy to:

Indiana Retana  
9435 Charleville Blvd.  
Beverly Hills, CA 90212

*Applicant*

  
**HOPE V. SHOVEIN**

CERTIFIED COPY

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE  
THE TRADEMARK TRIAL AND APPEAL BOARD

In Re Trademark Application Serial No. 76/655,958

Filed: March 2, 2006

Trademark: Movievision

Published in the Official Gazette

at TM 728 on November 14, 2006

MAGNADYNE CORPORATION,

Opposer,

vs.

MOVIEVISION, INC.,

Applicant.

DEPOSITION OF BARRY LAWRENCE CAREN, a witness  
herein, noticed by BROOKS KUSHMAN P.C., at  
1111 West Victoria Street, Compton, California, at  
9:34 a.m., on Tuesday, July 15, 2008, before  
Angel Anguiano, CSR 13103.

Hutchings Number 194301-NO



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8

9 Also Present:

10 PAT REARDON, Executive Vice President

11 INDIANA RETANA

12

13

14

15

16

I N D E X

17 WITNESS: BARRY LAWRENCE CAREN

18 EXAMINATION BY: PAGE

19 Mr. Heinl 4

20 Ms. Retana 21

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E X H I B I T S (Continued)

Exhibit identification within the transcript is flagged with "[EXH]" as an identifier.

NUMBER	DESCRIPTION	IDENTIFIED	MARKED
1	U.S. Patent and Trademark Office document identified as trademark registration Movie Vision [EXH-1]	6	6
2	U.S. Patent and Trademark Office document identified as trademark registration of Movie Vision logo [EXH-2]	6	6
3	Document identified as page from Magnadyne website under Movie Vision section [EXH-3]	9	9
4	Document identified as page from Magnadyne website under Movie Vision section [EXH-4]	9	9
5	Document identified as current Movie Vision catalogue [EXH-5]	9	9
6	Movie Vision entitled "Owner's Manual Mobile DVD/CD Player" [EXH-6]	9	9
7	Document identified as application by Indiana Retana to the U.S. Patent and Trademark Office [EXH-7]	16	16

09:33 1 MR. HEINL: This is the opposition for the  
2 trademark application of Indiana Retana for the  
3 Movievision trademark, serial number 76/655,958. It was  
4 published for opposition on November 14th, 2006 and the  
09:34 5 opposition has been filed against it. The opposition  
6 tracking number is ESTTA 121141.

7 And this will be the testimony of Barry Caren, the  
8 opposer. He is the president of Magnadyne Corporation.

9 And I would ask you to swear in the witness.

09:34 10

11 BARRY LAWRENCE CAREN,  
12 a witness herein, having been sworn, testifies as  
13 follows:

14

09:34 15

-EXAMINATION-

16

17 BY MR. HEINL:

18 Q. Would you please state your name for the  
19 record.

09:34 20

A. Barry Lawrence Caren.

21 Q. And can you spell that?

22 A. B-a-r-r-y.

23 Q. The last name.

24 A. Oh. Lawrence, you have; right?

09:35 25

L-a-w-r-e-n-c-e. Last name, C-a-r-e-n.

09:35 1 Q. Can you tell me what the name of your company  
2 is?  
3 A. Magnadyne Corporation.  
4 Q. Can you spell that?  
09:35 5 A. M- --  
6 Q. I guess you have that on the -- he has that on  
7 the heading. That's not necessary.  
8 What is your position with Magnadyne Corporation?  
9 A. I am the president and CEO.  
09:35 10 Q. And how long have you been with Magnadyne?  
11 A. Around 1960- -- Late '60s.  
12 Q. You formed the company --  
13 A. Yes.  
14 Q. -- in the late '60s?  
09:35 15 A. Yes.  
16 Q. And you've been with Magnadyne -- it's your  
17 company that you started and founded yourself --  
18 A. Correct.  
19 Q. -- and then built?  
09:35 20 What are your responsibilities with Magnadyne?  
21 A. I'm involved in the overall operations of the  
22 business.  
23 Q. Can you give me any idea what that would  
24 involve?  
09:36 25 A. It involves a little bit of the marketing,

09:36 1 mostly of the operational aspect of the business.  
2 Q. Are you familiar with the Magnadyne Movie  
3 Vision trademark that's at issue in this case?  
4 A. Yes, I am.

09:36 5 Q. Do you know when the mark was first used in  
6 commerce?  
7 A. I think it was 1999.  
8 Q. And --  
9 A. Thereabouts, within a year or so of that.

09:36 10 Q. Let me -- I put before you -- I'd like to mark  
11 this as Exhibits 1 and 2. [EXH-1] [EXH-2]  
12 (Whereupon the documents referred to are marked by  
13 the reporter as Exhibit Numbers 1 and 2 for  
14 identification.)

09:37 15 MR. HEINL:  
16 Q. Do you recognize those documents?  
17 A. Yes, I do.  
18 Q. Can you tell me what Exhibit 1 is?  
19 A. Exhibit 1 is our trademark registration.

09:37 20 Q. Trademark registration for what?  
21 A. For Movie Vision.  
22 Q. And what is Exhibit Number 2?  
23 A. Basically it's a trademark registration of our  
24 logo.

09:37 25 Q. Okay.

09:37 1 And the Movie Vision logo?  
2 A. Movie Vision logo, correct.  
3 Q. And the registrations -- I won't have you read  
4 them, but the registrations identify what goods are  
09:38 5 identified --  
6 A. Yes, they do.  
7 Q. -- by those trademarks?  
8 A. Yes, it does.  
9 MR. HEINL: Let me show them to Ms. Retana.  
09:38 10 MS. RETANA: (Indicating.)  
11 MR. HEINL: Thank you.  
12 Q. I ask you to read what the goods are and ask  
13 you to confirm if it's true that you sell all those  
14 products and identify those products when they're sold  
09:39 15 with the Movie Vision trademark.  
16 A. Okay. "Video entertainment systems for  
17 vehicles; namely, electronic audio, video and video game  
18 components in the nature of video cassette tape players,  
19 digital video disk players, video game players, and  
09:39 20 television receivers with video display devices."  
21 Q. And those are the products that are identified  
22 by your Movie Vision trademark?  
23 A. Yes, they are.  
24 Q. Thank you.  
09:39 25 Now, a document was filed in the trademark office

09:39 1 that is known to trademark attorneys as a Section 8 and  
2 15 renewal. And it requires the following declaration  
3 to obtain incontestable status under those sections of  
4 the trademark act. And I wanted to confirm with you  
09:40 5 that Magnadyne was using the Movie Vision marks in the  
6 two registrations in connection with the goods or  
7 services that were identified in those applications at  
8 the time that this affidavit was filed in December, I  
9 believe, of '06. So were you selling the products at  
09:40 10 that time --  
11 A. December of '06?  
12 Q. Yes.  
13 A. Yes. Yes. We currently -- We have been -- We  
14 have been selling the products since its inception  
09:40 15 through today.  
16 Q. So you've continuously used the mark in  
17 commerce in connection with the goods or services that  
18 were identified --  
19 A. Correct.  
09:40 20 Q. -- in the five years after that registration?  
21 And to your knowledge, have there been any adverse  
22 decisions regarding your claim of ownership of that mark  
23 prior to the date of the filing of the affidavit in '06?  
24 A. No.  
09:41 25 Q. So there were no final -- This is sort of a

09:41

1 negative question. There were no final determinations  
2 against your ownership of the mark; is that true?

3 A. None that I'm aware of.

09:41

4 Q. Right. And there was no proceeding involving  
5 these rights in the patent office at that time with the  
6 understanding that this opposition was filed in January  
7 of '07?

8 A. None that I'm aware of.

09:42

9 MR. HEINL: Can we have these marked as Exhibits 3  
10 through 6. [EXH-3] [EXH-4] [EXH-5] [EXH-6]

11 And Ms. Retana, feel free to look at them if you  
12 need to.

09:43

13 (Whereupon the documents referred to are marked by  
14 the reporter as Exhibit Numbers 3 through 6 for  
15 identification.)

16 MS. RETANA: Do you want them back?

17 MR. HEINL: Yes, I'm going to ask the witness to  
18 identify them.

09:44

19 Q. Mr. Caren, may I -- I put before you what's  
20 been marked as Exhibit 3, and can I ask you to identify  
21 that document?

22 A. This is a page from our website, the Magnadyne  
23 website under the Movie Vision section.

24 Q. Thank you.

09:44

25 I'd like you to identify Exhibit 4, please.

09:44

1 A. Basically the same as Exhibit 3.

2

Q. Now, I ask you to look at the features on the right-hand side of that page about the eighth or ninth entry down. Is there a reference to "Multi-language"?

09:44

5 A. Yes.

6

Q. What does it say?

7

A. "Multi-language on-screen display menu."

8

Q. And who would that be of interest to?

9

A. People speaking various languages that don't

09:44

10 understand English and the operation of the unit.

11

Q. I place before you what's identified as Exhibit 5.

12

13

A. This is a current Movie Vision catalogue that is distributed to dealers, car dealers, consumers, retail outlets, distributors --

09:45

15

16

Q. Thank you.

17

A. -- installation people.

18

Q. All right.

19

I place before you Exhibit 6 and ask you to identify that document.

09:45

20

21

A. Exhibit 6 is an operation manual for the Movie Vision for consumer use and how to use the unit.

22

23

Q. And it bears the Movie Vision mark?

24

A. Yes. I said it's a Movie Vision --

09:46

25

Q. The design --

09:46

1 A. -- and it does -- it bears our -- our  
2 trademark. That was one of your earlier exhibits.

3 Q. Thank you.

09:46

4 May I direct your attention to page 13 of the  
5 document. And there are two screen prints on the lower  
6 right-hand side of the document. Can you tell me what  
7 those screen prints are?

09:46

8 A. Again, since this unit is used with people  
9 speaking many different languages, it's operations under  
10 the various languages available in the software.

11 Q. And what languages are listed in the lower  
12 right-hand corner?

09:47

13 A. Okay. Well, I believe the first one is -- it's  
14 an Asian language. I believe it's Chinese. There's  
15 English. There's French. There's Spanish. There's  
16 German. And there's Italian.

17 Q. Okay.

18 And why is that important to include in your  
19 brochure -- in your manual?

09:47

20 A. To basically let them know in the instructions  
21 that they can go to setups and follow along in the  
22 various languages.

23 Q. Thank you.

09:47

24 Do you believe that consumers have come to  
25 associate Movie Vision with video display systems and

09:47 1 related video products or content?  
2 A. Yes. We were one of the pioneers in developing  
3 the -- the entertainment in the car with the video  
4 drop-down, and a lot of people do associate with it via  
09:48 5 car dealers or via different areas of distribution where  
6 the product is sold.  
7 Q. Can you describe generally -- I know it's shown  
8 in the brochures and everything -- but generally the  
9 features and functions of the products, the DVD player  
09:48 10 that you sell in conjunction with the Movie Vision  
11 trademark?  
12 A. Well, there's many different products. Which  
13 one are we referring to?  
14 Q. Well, what are the products?  
09:48 15 A. Well, I mean there's different variations of  
16 the screens, but in general the units are capable of  
17 playing a DVD, a disk which could be downloaded from the  
18 Internet with whatever content is out there.  
19 And the unit when it turns on, it basically -- the  
09:48 20 screen comes on and shows it's a Movie Vision product  
21 and it's -- I believe it says something to the effect  
22 that "You have now entered Movie Vision," to that  
23 effect. And it obviously puts out audio for the people.  
24 And I think I've covered it.  
09:49 25 Q. Thanks.

09:49

1 Can you describe the sales channels that Magnadyne  
2 uses to sell this product?

3 A. The product is sold through car dealers, retail  
4 outlets, the Internet, what we refer to as expeditors  
09:49 5 who in turn are distributors that sell car dealers or  
6 some other facility where they do installations.

7 Q. And what is the range of retail prices for the  
8 various Movie Vision products?

9 A. I would have to say anywhere from -- Are we  
09:50 10 talking about the screens? Are we talking about --

11 Q. Yeah, the screens and then the ancillary  
12 accessory products.

13 A. Well, if we're talking about accessories up to  
14 full screens, I'd say anywhere from probably 39.95 to  
09:50 15 \$1500.

16 Q. Okay.

17 Can you describe what the consumer base is, the  
18 characteristics of the consumer base of this product?

19 A. Yes. Anyone who would like to watch a movie.  
09:50 20 I mean, it's -- basically it's entertainment. It's --  
21 It's a means to see some type of media or -- on a screen  
22 and get video and audio.

23 Q. Would they be general consumers, just ordinary  
24 purchasers?

09:50 25 A. Anyone.

09:50 1 Q. People that buy minivans?  
2 A. Minivans --  
3 THE REPORTER: I'm sorry. You're speaking at the  
4 same time.  
09:50 5 MR. HEINL:  
6 Q. Would you agree that perhaps the typical  
7 profile of the purchaser would be a family that has  
8 children and they use them -- they set them up for their  
9 children to view in the back seat of the van?  
09:51 10 A. Children to view in the back seat. People who  
11 want to use it for business to demonstrate something.  
12 Any -- Any use you could think of that someone would  
13 want to watch video.  
14 Q. Okay.  
09:51 15 Do you do any marketing that's directed to people  
16 that have diverse lingual backgrounds, that speak  
17 different languages?  
18 A. Yes. Through our sales reps, that -- they  
19 could call on different --  
09:51 20 Q. Do you do any public relations types of --  
21 A. We have a public relations firm that also does  
22 the same.  
23 Q. And do they direct anything toward non-English  
24 speaking communities?  
09:51 25 A. Oh, I -- yes.

09:51 1 Q. Do you have a feel or understanding of what  
2 your total sales of the product have been since its  
3 inception, since you began to sell it under the Movie  
4 Vision mark?

09:52 5 A. In the Movie Vision category, I would have to  
6 say, without divulging exact numbers, it would be in  
7 excess of a million dollars a year.

8 Q. Okay.

9 Does Magnadyne market their product by trade shows?

09:52 10 A. Movie Vision product has been shown in the SEMA  
11 show, which is directed automotive.

12 It's been shown at the consumer electronics show  
13 every year which is all walks of consumer electronics or  
14 media.

09:52 15 It has been shown at the NADA show which is  
16 directed to car dealers.

17 And it has been shown at the CTIA show which is a  
18 phone show that deals with media and transmission of  
19 data.

09:53 20 Q. Do you have any idea how much money Magnadyne  
21 has spent on marketing products under the Movie Vision  
22 mark?

23 A. An estimate would probably be -- trying to  
24 allocate it to just the Movie Vision in relationship to  
09:53 25 everything else, I would have to say probably about

09:53 1 \$50,000 a year.  
2 Q. Okay.  
3 Now, your Movie Vision units, are they capable of  
4 receiving broadcast movies and other programming?  
09:53 5 A. They're able to receive air band.  
6 Q. Which would be through an antenna?  
7 A. Through an antenna.  
8 They're able to receive memory cards which would be  
9 downloads off the Internet.  
09:54 10 And obviously hard -- hard drives or CD or DVD  
11 drives, or whatever.  
12 MR. HEINL: Can we mark this as Exhibit 7. [EXH-7]  
13 (Whereupon the document referred to is marked by  
14 the reporter as Exhibit 7 for identification.)  
09:54 15 MR. HEINL: Thank you.  
16 Q. I place before you a document that's been --  
17 Let me let Ms. Retana look at it first.  
18 MS. RETANA: (Indicating.)  
19 MR. HEINL:  
09:54 20 Q. I place before you a document that's been  
21 marked as Exhibit 7. Can you identify that document?  
22 A. It's an application by Indiana Retana to the  
23 U.S. Patent and Trademark Office.  
24 Q. And it's an application to register a  
09:55 25 trademark?

09:55 1 A. Yes. It's to register a --  
2 Q. Yeah, what mark is that?  
3 A. -- a Movievision trademark.  
4 Q. Okay.

09:55 5 And that's the reason pretty much that we're here  
6 today, is your opposition to that registration?  
7 A. That is correct.  
8 Q. Now, do you believe that the registration of  
9 the Movievision trademark by Indiana Retana, or her use  
09:55 10 of the trademark would be confusingly similar to your  
11 use of the Movie Vision trademark to identify your  
12 products?  
13 A. Absolutely.  
14 Q. Is it similar in appearance?  
09:56 15 A. Very similar.  
16 Q. Is that identical?  
17 A. I wouldn't say it's identical. But I would say  
18 if one looked at this and looked at ours, they could be  
19 confused into thinking --

09:56 20 Q. It's a one-word mark?  
21 A. Right.  
22 Q. There's a space in between "Movie" and "Vision"  
23 as shown there; is that correct?  
24 A. There is no space.

09:56 25 Q. There's no space there --

09:56 1 A. There's no space there. Right. Right.  
2 Q. -- but in yours there is?  
3 A. It just sounds the same.  
4 Q. Now, it sounds the same?  
09:56 5 A. Yes.  
6 Q. And is the connotation or the meaning, as far  
7 as you understand it, or commercial impression the same?  
8 A. Yes.  
9 Q. Do you believe that the services offered by  
09:56 10 Ms. Retana are similar in nature to the goods sold by  
11 Magnadyne?  
12 A. Yes.  
13 Q. In what way?  
14 A. Well, apparently, from my understanding, she's  
09:56 15 offering content and the content is to be played on the  
16 same machines. It could be confused that they were  
17 associated with our hardware.  
18 Q. Do you believe that Indiana Retana -- or  
19 Movievision, Inc., is also identified as the corporate  
09:57 20 applicant and the individual name. Do you believe that  
21 the applicant's use of Movievision may cause consumers  
22 to believe that her services or affiliated sponsors are  
23 related to your products?  
24 A. Yes, I believe I just stated that.  
09:57 25 Q. Yes. I guess it's the nature of the law, we

09:57 1 are somewhat repetitive at times. I apologize for that.

2 Are you concerned that the applicant's use of the  
3 Movievision mark will dilute the strength of your famous  
4 Movie Vision trademark?

09:57 5 A. It has potential to do it, yes.

6 Q. And do you have a concern that it will dilute  
7 the strength of your mark?

8 A. Yes.

9 Q. "Yes," you are concerned. Thank you.

09:57 10 Do you believe that the sales and trade channels  
11 for the products are confusingly -- would lead to a  
12 confusing -- confusion in the marketplace?

13 A. Yes.

14 Q. What do you understand the sales and trade  
09:58 15 channels to be for the products identified on the  
16 applicant's --

17 A. Well, I understand her product is being offered  
18 via cable, and cable can be downloaded via the Internet  
19 where people also download products for our Movie Vision  
09:58 20 and they could get construed as the same.

21 Q. And it could create a situation where there  
22 would be some confusion in the marketplace?

23 A. And depends on what the content of hers is and  
24 feeling that we're offering that content, which  
09:58 25 obviously we're not.

09:58 1 Q. Now, are you aware of any other similar marks  
2 that are used on similar goods other than the mark and  
3 the identification on that --  
4 A. For Movie Vision?  
09:58 5 Q. Yes.  
6 A. No.  
7 Q. Do you have any plans to expand your use of the  
8 Movie Vision trademark into other fields at this time?  
9 A. As an extension of the existing product and how  
09:59 10 the product evolves.  
11 Q. Mm-hmm. So there is an awareness on your part  
12 that you would like to expand your use of the Movie  
13 Vision trademark into other fields --  
14 A. Correct.  
09:59 15 Q. -- if it becomes advantageous?  
16 A. Correct.  
17 Q. Are you comfortable with the answers to the  
18 questions that you've given to me today in this  
19 deposition, this testimony?  
10:00 20 A. Yes, I am.  
21 Q. Is there anything that you'd like to add?  
22 A. No.  
23 MR. HEINL: Okay.  
24 I have no further questions on direct.  
10:00 25 Would you like -- Ms. Retana, would you like to ask

10:00 1 some questions on cross?  
2 THE WITNESS: Can we go off the record?  
3 MR. HEINL: Yes. We can take a break.  
4 (Interruption in proceedings.)  
10:01 5 THE WITNESS: Back on the record.  
6 MR. HEINL: You can proceed.  
7  
8 -EXAMINATION-  
9  
10:01 10 BY MS. RETANA:  
11 Q. My name is Indiana Retana and I'd like to ask  
12 you your name again?  
13 A. Barry Caren.  
14 Q. And you're -- what position do you hold with  
10:02 15 Magnadyne?  
16 A. I've answered. I said the president and CEO.  
17 Q. Okay.  
18 I just wanted to ask that because when I'm asking  
19 the questions, I want to make sure that it goes on the  
10:02 20 record that I'm asking the person who I'm addressing to.  
21 MR. HEINL: Go ahead.  
22 MS. RETANA:  
23 Q. When did you apply for a trademark?  
24 A. I believe it was in 1999.  
10:02 25 Q. You believed or --

10:02 1 A. Well, we can look at the -- if you would like  
2 to show me the application, I can answer your question.  
3 Q. Well, that's -- I wanted to get a copy of your  
4 application.

10:02 5 MR. HEINL: There are two.  
6 MS. RETANA: And can I get a copy of this,  
7 please --  
8 MR. HEINL: Sure.  
9 MS. RETANA: -- thereafter?

10:02 10 MR. HEINL: We'll make copies when it's all over if  
11 you want to just use it.  
12 MS. RETANA:  
13 Q. And the application for the trademark, what was  
14 the purpose -- what was the trademark for that you were  
10:03 15 going to use?  
16 A. The trademark is as stated on the trademark.  
17 Q. Would you like to read one of them? Because I  
18 haven't -- I don't -- I don't know anything about your  
19 trademark, except that --

10:03 20 MR. HEINL: Let's take a break. Do you just want a  
21 copy of the trademark application?  
22 MS. RETANA: But I want to make sure that I know  
23 what that application was going to be used for.  
24 MR. HEINL: The goods identified, the products  
10:03 25 identified.

10:03 1 MS. RETANA: What was the trademark for? What did  
2 he apply for?  
3 MR. HEINL: Okay. I'll get -- I can make two  
4 copies of this. Let's take a break.  
10:03 5 (Interruption in proceedings.)  
6 THE WITNESS: We back on the record?  
7 MS. RETANA:  
8 Q. And what I was asking is that I wanted to find  
9 out if you could read it -- or I can read it for the  
10:05 10 application of your trademark. What was it for?  
11 A. I need both of them, please.  
12 MR. HEINL: Here. We can use this one  
13 (indicating).  
14 THE WITNESS: All right. "Video entertainment  
10:05 15 systems for vehicles; namely, electronic audio, video  
16 and video game components in the nature of video  
17 cassette tape players, digital video disk players, video  
18 game players and television receivers with video display  
19 devices, in Class 9."  
10:05 20 MS. RETANA: Okay.  
21 Q. And the other question is under Exhibit 4 --  
22 MR. HEINL: That's the -- That (indicating)?  
23 MS. RETANA: That one.  
24 Q. You said that you have it for -- because it  
10:06 25 was -- When was your Exhibit 4 done, your pamphlet? The

10:06 1 year -- When did you do that pamphlet?  
2 A. Are we talking about Exhibit 4?  
3 Q. Yes. Exhibit 4, which is the one for  
4 multilanguages. You said Exhibit 4 was --  
10:06 5 MR. HEINL: Yes.  
6 MS. RETANA:  
7 Q. -- multilanguages?  
8 A. I believe that Exhibit -- I would have to go  
9 back and check, but I believe the multilanguage feature  
10:06 10 existed since the conception. So my answer would be, to  
11 the best of my knowledge, it would be probably 1999.  
12 Q. Is there any way that I can see that it was  
13 done in 1999?  
14 MR. HEINL: He's testified that that's what he  
10:07 15 believes. It's been done since then.  
16 MS. RETANA: Yeah, but I don't know when that was  
17 published, when was it done. I don't. He knows it. He  
18 knows it. I don't. But I want to make sure --  
19 MR. HEINL: He's told you.  
10:07 20 Okay. Go ahead. Proceed.  
21 MS. RETANA:  
22 Q. And the other question that I wanted to ask  
23 you, sir, was that you said that by the application that  
24 I have for Movievision, that it would harm or damage  
10:07 25 your Movie Vision. In which way would it damage?

10:07 1 A. I already stated for the record. Can we just  
2 read it back from the record?

3 MR. HEINL: No. Just answer it again. It's  
4 easiest.

10:07 5 THE WITNESS: All right. Content and usage are  
6 more or less one in the same. People are going to be  
7 downloading product via the Internet, via whatever means  
8 they can. And that will be played on our units, and  
9 that's where I consider the confusion.

10:08 10 MS. RETANA: That's it.

11 MR. HEINL: No further questions?

12 MS. RETANA: No further questions.

13 MR. HEINL: Did you want to consent to waiving  
14 signature of the deposition transcript, or should we go  
10:08 15 ahead and have the deponent sign it?

16 MS. RETANA: I beg your pardon?

17 MR. HEINL: I'm asking if you would -- No. We will  
18 just go ahead and we will sign the deposition transcript  
19 and --

10:08 20 MS. RETANA: And send it to me, yes.

21 MR. HEINL: Well, it will be sent to the witness  
22 and then you can purchase the deposition transcript from  
23 the court reporter if you'd like a copy. That's the way  
24 it's normally done. Okay?

10:08 25 MS. RETANA: Okay.

10:08

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(The proceedings concluded at 10:08 a.m.)

\*\*\*

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed at \_\_\_\_\_, California,  
on \_\_\_\_\_.

\_\_\_\_\_  
BARRY LAWRENCE CAREN





**HUTCHINGS<sup>SM</sup>**  
**COURT REPORTERS, LLC**  
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# EXHIBIT

1

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36, and 38

Reg. No. 2,520,719

United States Patent and Trademark Office

Registered Dec. 18, 2001

TRADEMARK  
PRINCIPAL REGISTER



MAGNADYNE CORPORATION (CALIFORNIA CORPORATION)  
1111 WEST VICTORIA STREET  
COMPTON, CA 902205898

FIRST USE 7-9-1999; IN COMMERCE 7-9-1999.

FOR: VIDEO ENTERTAINMENT SYSTEMS FOR VEHICLES; NAMELY, ELECTRONIC AUDIO, VIDEO AND VIDEO GAME COMPONENTS IN THE NATURE OF VIDEO CASSETTE TAPE PLAYERS, DIGITAL VIDEO DISK PLAYERS, VIDEO GAME PLAYERS AND TELEVISION RECEIVERS WITH VIDEO DISPLAY DEVICES, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

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

SN 75-691,252, FILED 4-26-1999.

ANDREW BENZMILLER, EXAMINING ATTORNEY

PLF  DEF  \_\_\_\_\_  
EXHIBIT 1  
REPORTER A. ANGIANO  
WITNESS BARRY CAREN  
DATE 7-15-08

# EXHIBIT

2

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36, and 38

United States Patent and Trademark Office

Reg. No. 2,518,066

Registered Dec. 11, 2001

TRADEMARK  
PRINCIPAL REGISTER

MOVIE VISION

MAGNADYNE CORPORATION (CALIFORNIA CORPORATION)  
1111 WEST VICTORIA STREET  
COMPTON, CA 902205898

FOR: VIDEO ENTERTAINMENT SYSTEMS FOR VEHICLES; NAMELY, ELECTRONIC AUDIO, VIDEO AND VIDEO GAME COMPONENTS IN THE NATURE OF VIDEO CASSETTE TAPE PLAYERS, DIGITAL VIDEO DISK PLAYERS, VIDEO GAME PLAYERS AND TELEVISION RECEIVERS WITH VIDEO DISPLAY DEVICES, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 7-9-1999; IN COMMERCE 7-9-1999.

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

SN 75-684,324, FILED 4-15-1999.

ANDREW BENZMILLER, EXAMINING ATTORNEY

PLF  DEF  \_\_\_\_\_  
EXHIBIT 2  
REPORTER A. ANGLIANO  
WITNESS BARRY CAREN  
DATE 7-15-08

# EXHIBIT

3



Dealer Login

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OUR PRODUCTS:

< Home < Mobile Video

Automotive Sound

Automotive Security

Mobile Video

RV & Marine Sound

Truck OEM

### MovieVision

All-In-One Flip-Down DVD Systems | Accessories | Installation Kits |

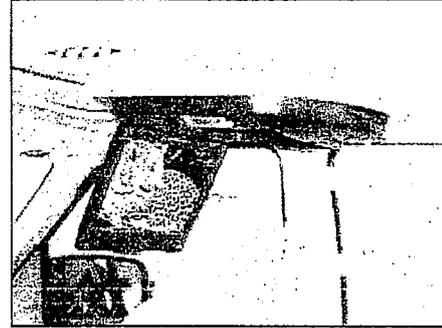


#### Mobile Entertainment Systems

Take the "Movie Theater" experience on the road with a MovieVision mobile entertainment system. MovieVision systems install quickly and easily, and any rear seat passengers will be thrilled with the outstanding sights and sounds.

*"Enjoy Miles of Smiles with MovieVision, the Perfect Traveling Companion for Your Entire Family"*

MovieVision offers 8.5" and 10.2" all-in-one flip-down DVD systems with a pair of wireless digital stereo headphones. The system works with your existing factory installed audio system, and may include extra inputs for use with your favorite video games or direct connection to your camcorder. Whether you're just going across town or across the country, MovieVision is the mobile entertainment system of choice.



#### Features:

- Wireless remote control
- Industry's smallest DVD chassis fits into virtually any vehicle
- Wireless digital headphones with built-in FM radio and individual volume control
- Flip-down overhead screen with adjustable brightness, contrast and color controls
- Custom vehicle specific installation kits

Download MovieVision Catalog

(PDF: 1, 14 KB)



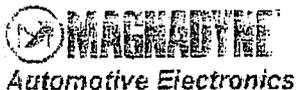
Browser Requirements | Copyright | Terms & Conditions

Network Support

PLF    DEF    \_\_\_\_\_  
 EXHIBIT 3  
 REPORTER A. ANGLIANO  
 WITNESS BARRY CAREN  
 DATE 7-15-08

# EXHIBIT

4



Dealer Login

Search

Go

OUR PRODUCTS:

< Home < Mobile Video < MovieVision < All-In-One Flip-Down DVD Systems

Automotive  
Sound

MV7000C

Automotive  
Security

Mobile  
Video

MV7000C

10" SLIM MV1020 WITH HP400

RV & Marine  
Sound

Truck OEM



FEATURES:

- 10.2" high resolution, 16:9 aspect ratio, wide-screen
- Ultra-slim DVD player compatible with over 14 different file formats including: DVD, CD, JPEG and KODAK Picture CD
- SD card slot. Compatible with JPEG, MP3, AVI and DIVX file formats (SD card not included)
- Full-function wireless remote control
- Multi-language on-screen display menu
- RCA audio/video input
- RCA audio/video output
- IR headphone audio output
- Built-in FM transmitter audio output
- Built-in dome light system
- Front panel controls
- MovieVision custom shroud and mounting system compatible
- 2 single-channel foldable IR headphones (HP-400)
- Headphones include storage pouches
- Headphone rotary volume control
- Headphone auto power off when IR signal is lost

PK. 1 | WT. 9

Owners Manual

Headphones Manual



Browser Requirements

Copyright

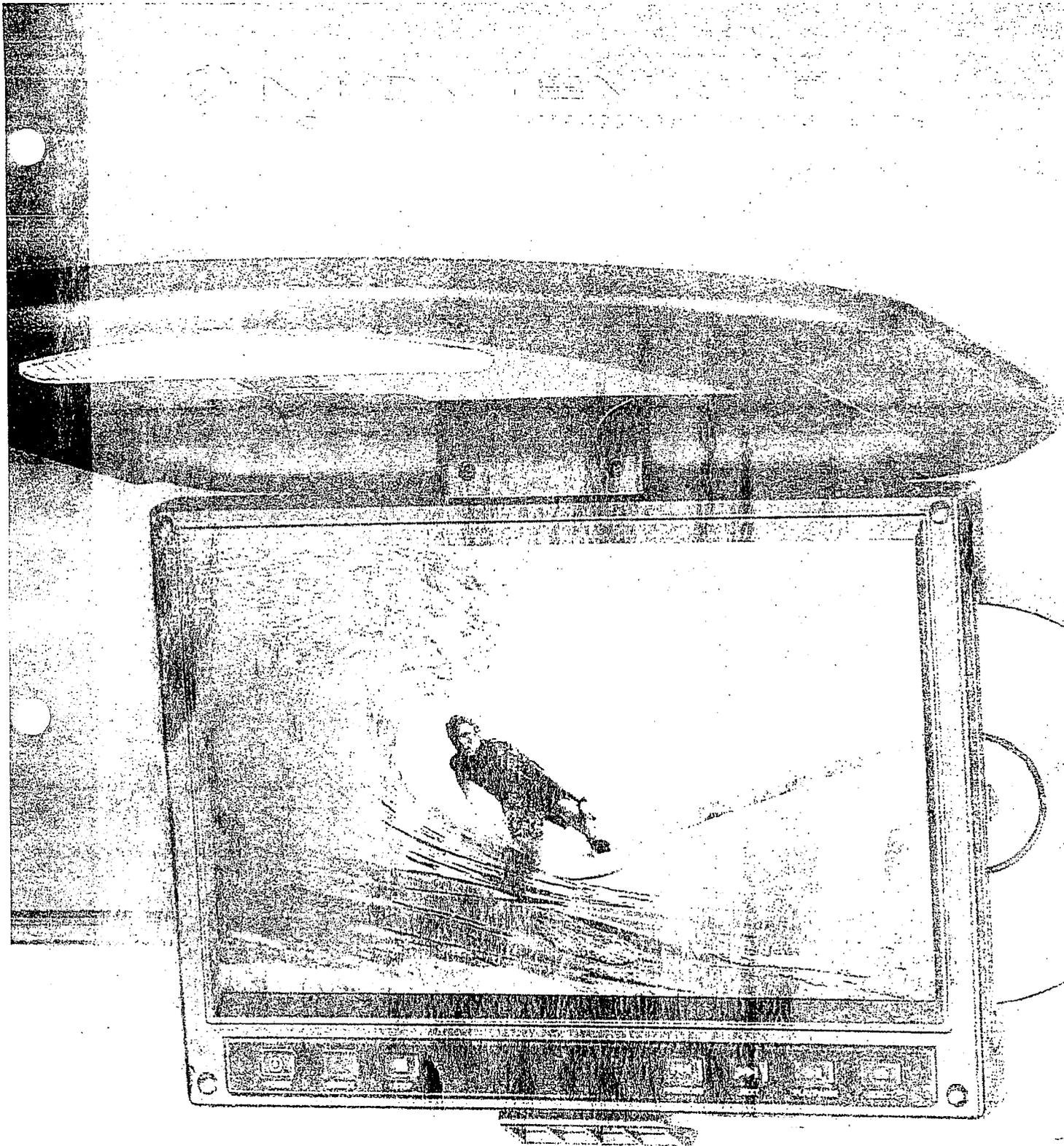
Terms & Conditions

Network Support

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 EXHIBIT 4  
 REPORTER A. ANGLIANO  
 WITNESS BARRY CAREN  
 DATE 7-15-08

# EXHIBIT

5



PLF  DEF  \_\_\_\_\_  
EXHIBIT 5  
REPORTER A. ANGLIANO  
WITNESS BARRY CALEN  
DATE 7-15-08



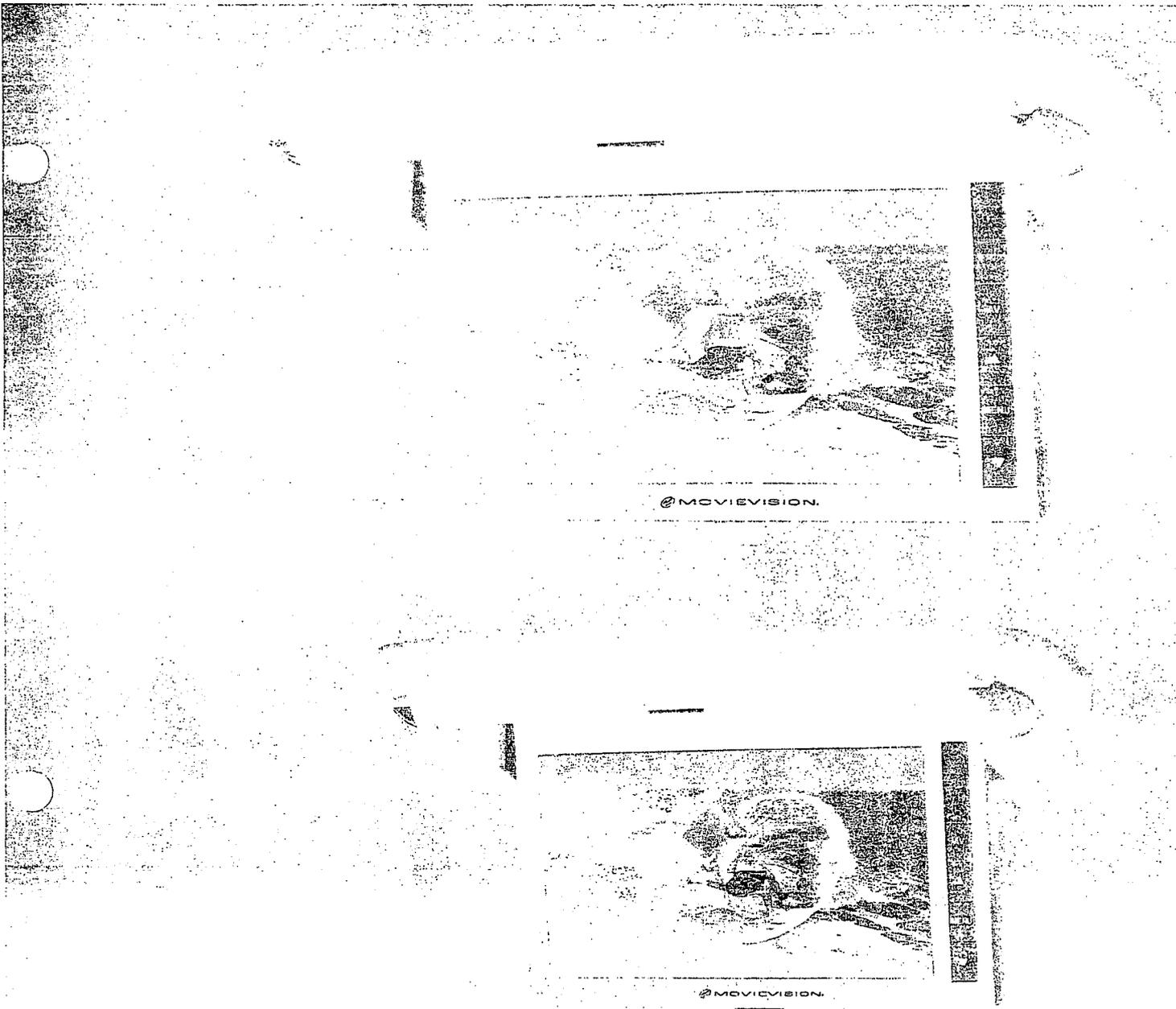
# 10.2" ALL-IN-ONE WIDE SCREEN

**MV7000** Charcoal Housing  
**MV7000C** Cream Housing PK. 1 WT. 9

**MV1020** (without Headphones) Charcoal Housing  
**MV1020C** (without Headphones) Cream Housing PK. 4 WT. 26

## 10.2" Flip-Down System with Built-in Screen-Load DVD Player

- 10.2" high resolution, 16:9 aspect ratio, flip-down screen.
- Ultra-slim DVD player compatible with over 14 different file formats including: DVD, CD, JPEG and KODAK Picture CD.
- SD card slot. Compatible with JPEG, MP3, AVI and DIVX file formats (SD card not included).
- Full-function wireless remote control.
- Multi-language on-screen display menu.
- RCA audio/video input.
- RCA audio/video output.
- IR headphone audio output.
- Built-in FM transmitter audio output.
- Built-in dome light system.
- Front panel controls.
- MovieVision custom shroud and mounting system compatible.
- 2 single-channel foldable IR headphones (HP-400).
- Headphones include storage pouches.
- Headphone rotary volume control.
- Headphone auto power off when IR signal is lost.



**7.0**<sup>BE</sup>  
WIDE SCREEN

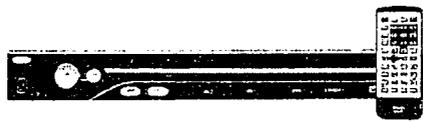
MV750G Gray Housing  
MV750T Tan Housing

### 7.0" Flip-Down Monitor

- 7.0" high resolution, 16:9 aspect ratio, flip-down screen
- Ultra-slim profile.
- Display adjustment menu.
- 2 audio/video inputs.
- IR headphone output.
- Built-in dome light system.
- Front panel controls.
- Built-in remote eye with output.
- Trim ring.

9/14/07 14

**DVD Remotes**



**Single-Disc Slot-Load DVD Player  
MV-DVD-PL8**

- 12 volt DC operation.
- Slim compact size: 7" x 7/8".
- DVD, DVD-R, CD, CD-R/RW compatible.
- Wireless remote control with external IR eye.
- Anti-shock buffer.
- Multi-lingual on-screen display menu.

PK. 5 WT. 20



**Remote Control for  
MV-DVD-PL8  
RC-PL8**

- Replacement remote for MovieVision DVD player MV-DVD-PL8.

PK. 1 WT. 1



**Slot-Load Single-Disc DVD Player  
MV-DVD-PL7**

- 12 volt DC operation.
- DVD, CD and MP3 file compatible.
- Wireless remote control.
- Multi-lingual on-screen display menu.
- 1 audio and 2 video outputs.
- Last position playback memory.
- Parental control.

PK. 10 WT. 31

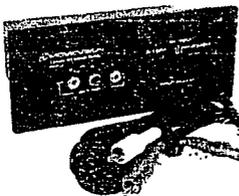


**Remote Control for  
MV-DVD-PL7  
RC-PL7**

- Replacement remote for MovieVision DVD player MV-DVD-PL7.

PK. 1 WT. 1

**Audio/Video Port Expanders**

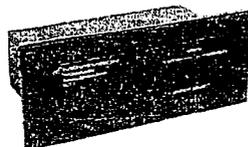


**Audio/Video Auxiliary Input  
Port Expander**

**MV-VS2**

- Mechanical video and audio switching device used to increase the number of inputs.
- 6 ft. RCA male patch cord included.
- S-video input.

PK. 12 WT. 10



**Antenna Selection Switcher  
VCS-3**

- Provides greater system flexibility by increasing the number of inputs to a television set.
- Antenna control: front panel 3-position selector switch used to select the signal source to the system: TV antenna, AUX/satellite or cable TV.
- 3 antenna inputs / 3 antenna outputs.
- Screw on "F" type connectors.
- RF shielded design.
- Wall, shelf or under-shelf mount.

PK. 12 WT. 8

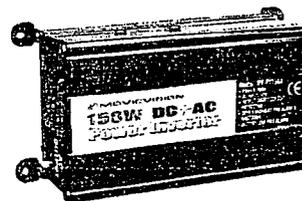
**Power Inverters**



**300 Watt Power Inverter  
MV-PI300A**

- Converts DC into AC power.
- For use with 12V negative ground electrical systems only.
- Hi/low input voltage protection.
- Short circuit protection.
- Rated power: 300W.
- 2 AC power sockets.
- Replaceable fuse: 30A.
- Thermal protection.

PK. 6 WT. 13



**150 Watt Power Inverter  
MV-PI150A**

- Converts DC into AC power.
- For use with 12V negative ground electrical systems only.
- Hi/low input voltage protection.
- Short circuit protection.
- Rated power: 150W.
- 1 AC power socket.
- Replaceable fuse: 20A.
- Thermal protection.

PK. 6 WT. 8

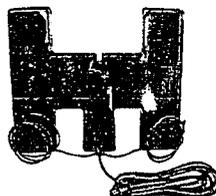
**Antennas**

**UHF / VHF / FM Antenna**

**RV74**

- Weather or salty air will not influence or damage the antenna.
- Frequency 50-900MHz.
- Gain: VHF 7-10db, UHF5-8db.
- For 12 volt negative ground systems only.
- Dimensions: 12" x 10".

PK. 12 WT. 10



**Audio Transmitter Antenna System  
for GM Vehicles**

**MVAD-GM1**

- Enhances audio transmitter performance.

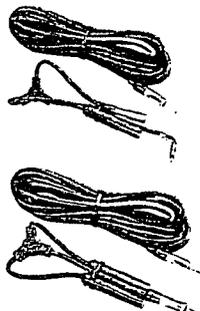
PK. 24 WT. 3

**Audio Transmitter Antenna System  
for Universal Vehicles**

**MVAD-UNV1**

- Vehicles must use a standard Motorola antenna-type connector.
- Enhances audio transmitter performance.

PK. 24 WT. 3



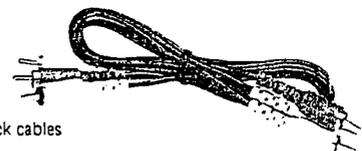
**Cables**

**Male-to-Male Audio/Video RCA Patch Cables**

- WC3-3 - 3 ft. Cable
- WC6-3 - 6 ft. Cable
- WC12-3 - 12 ft. Cable
- WC20-3 - 20 ft. Cable

- Color coded RCA plugs with black cables
- Gold plated connectors

PK. 12 WT. 10



**Display**

**Free Standing MovieVision Display**

**MV-DIS-FD1**

- Allows dealers to demonstrate the functions of MovieVision systems.
- Accommodates a 7", 8.5" or 10.2" flip-down system.
- MovieVision system not included.

PK. 1 WT. 75



### Single-Channel Foldable IR Headphones

#### HP-400

- Storage pouch.
- Folds for convenient storage.
- Rotary volume control.
- Auto power off when IR signal is lost.
- Uses 2 AAA batteries (supplied).

PK 1 WT 1

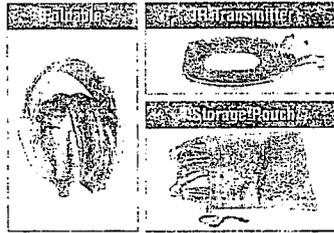


### Two 2-Channel Foldable Headphones and IR Transmitter

#### HP-800

- Storage pouch.
- Folds for convenient storage.
- Rotary volume control.
- Auto power off when IR signal is lost.
- CH 1/CH 2 selection switch.
- Requires 2 AAA batteries (supplied).

PK 1 WT 2

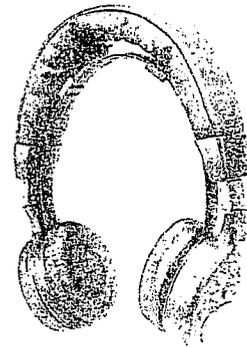


### Digital FM Radio Headphones

#### HP-200

- Separate volume, power and seek up/seek down station selection controls.
- Pre-programmed MovieVision station presets for easy selection.
- Digital LCD information panel.
- Fully adjustable (fits children and adults).
- Requires 2 AAA batteries (supplied).
- Port for extra headphone operation.

PK 1 WT 1

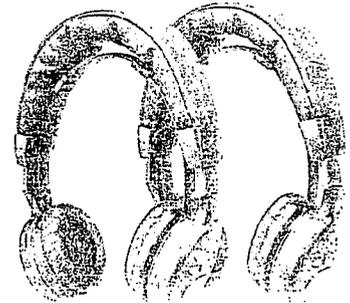
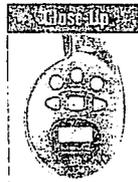


### Two Digital FM Radio Headphones with FM Transmitter

#### HP-200K

- Separate volume, power and seek up/seek down station selection controls.
- Pre-programmed MovieVision station presets for easy selection of MovieVision stations.
- Digital LCD information panel.
- Fully adjustable (fits children and adults).
- Requires 2 AAA batteries (supplied).
- Port for extra headphone operation.
- FM transmitter allows the audio signal from a source unit to be heard through MovieVision headphone or through vehicle radio.

PK 1 WT 2



## Headphone Accessories

### External Audio Transmitter with RCA Stereo Jack Inputs

#### MV-TX2

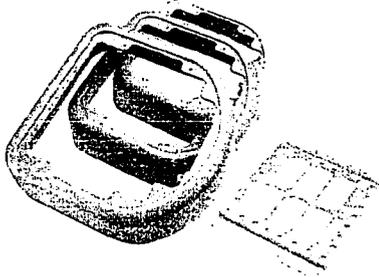
- Allows the audio signal from a source unit to be heard through MovieVision headphone or through the car radio.
- RCA inputs.
- 3 selectable frequencies.
- Wired station controller.

PK 6 WT 3



**10" Universal Installation Shrouds for MV7000 and MV1020**

**10" Universal Installation Bucket Kit**

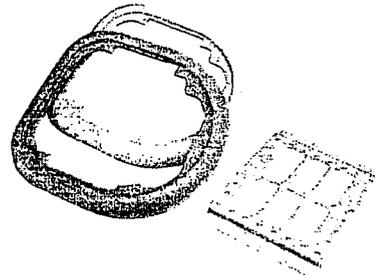


**MVS-00-4G-10 Gray**  
**MVS-00-4T-10 Tan**  
**MVS-00-4C-10 Cream**

- Deep universal shroud.
- Universal mounting bracket.
- Audio transmitter antenna system for vehicles with standard Motorola antenna type connectors.
- Complete with mounting hardware, bracket, adhesive tape and instructions.

PK 1 WT 2

**10" Universal Installation Kit**



**MVS-00-1G-10 Tan**  
**MVS-00-1C-10 Cream**

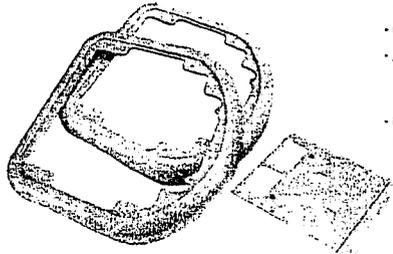
- Shroud.
- Universal mounting bracket
- Audio transmitter antenna system for vehicles with standard Motorola antenna type connectors.
- Complete with mounting hardware, bracket, adhesive tape and instructions.

PK 1 WT 4

**Custom Installation Shrouds for MV7000 and MV1020**

**Chevrolet / GMC**

**Chevrolet:** 2003-2006 Tahoe, Suburban with sunroof and without rear overhead air controls  
**GMC:** 2003-2005 Yukon, Yukon XL, Denali with sunroof and without rear overhead air controls



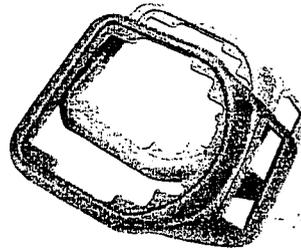
**MVS-06-3-10G Gray**  
**MVS-06-3-10C Cream**

- 10.0" screens require minor shroud modifications for proper fit.
- Custom mounting bracket.
- Audio transmitter antenna system for vehicles with GM antenna type connectors.
- Complete with mounting hardware and instructions.

PK 1 WT 4

**Ford**

**Ford:** 2000-2002 "Eddie Bauer" Expedition with rear air controls on the ceiling  
**Lincoln:** 2000-2002 Navigator with rear air controls on the ceiling



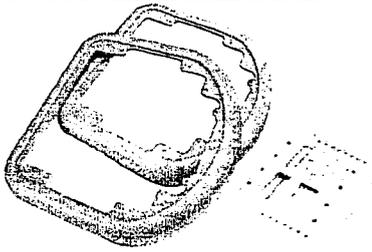
**MVS-08-1-10G Gray**  
**MVS-08-1-10C Cream**

- Custom shroud (see model number for color).
- Custom mounting bracket.
- Audio transmitter antenna system for vehicles with standard Motorola antenna type connectors.
- Complete with mounting hardware and instructions.

PK 1 WT 4

**Chevrolet / GMC**

**Chevrolet:** 2003-2006 Tahoe, Suburban without sunroof and without rear overhead air controls  
**GMC:** 2003-2005 Yukon, Yukon XL, Denali without sunroof and without rear overhead air controls



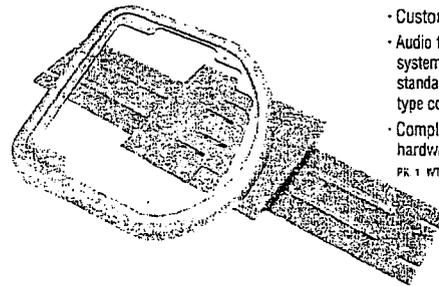
**MVS-06-4B-10G Gray**  
**MVS-06-4B-10C Cream**

- 10.0" screens require minor shroud modifications for proper fit.
- Custom mounting bracket.
- Audio transmitter antenna system for vehicles with GM antenna type connectors.
- Complete with mounting hardware and instructions.

PK 1 WT 4

**Ford**

**Ford:** 2003-2006 Expedition without sunroof  
**Lincoln:** 2003-2006 Navigator without sunroof



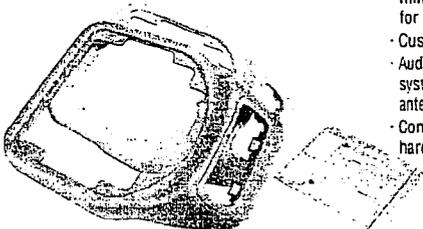
**MVS-08-5-10T Tan**

- Custom shroud.
- Custom mounting bracket.
- Audio transmitter antenna system for vehicles with standard Motorola antenna type connectors.
- Complete with mounting hardware and instructions.

PK 1 WT 4

**Chevrolet / GMC**

**Chevrolet:** 2003-2006 Tahoe, Suburban without sunroof and with rear overhead air controls  
**GMC:** 2003-2005 Yukon, Yukon XL, Denali without sunroof and with rear overhead air controls



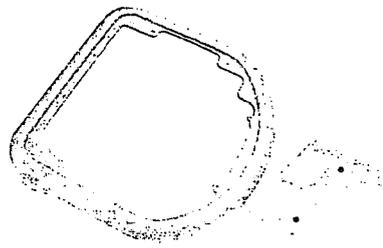
**MVS-06-4-10G Gray**  
**MVS-06-4-10C Cream**

- 10.0" screens require minor shroud modifications for proper fit.
- Custom mounting bracket.
- Audio transmitter antenna system for vehicles with GM antenna type connectors.
- Complete with mounting hardware and instructions.

PK 1 WT 4

**Ford**

**Ford:** 2003-2006 Expedition with sunroof  
**Lincoln:** 2003-2006 Navigator with sunroof

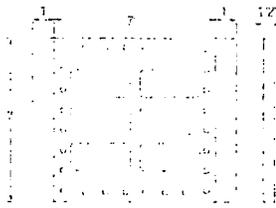


**MVS-08-6-10T Tan**

- Custom shroud.
- Custom mounting bracket.
- Audio transmitter antenna system for vehicles with standard Motorola antenna type connectors.
- Complete with mounting hardware and instructions.

PK 1 WT 4

**MVSBK-06-1**  
Specialty Mounting Bracket



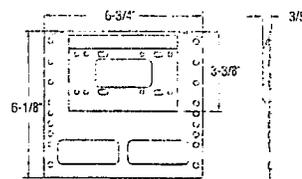
**MVSBK-01-2**  
Specialty Mounting Bracket

Fits:  
Acura: 2001-  
Present MDX



**MVSBK-03-1**  
Specialty Mounting Bracket

Fits:  
Toyota: 4Runner, Sienna Van



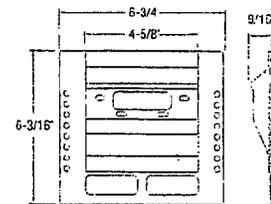
**MVSBK-06-1**  
Specialty Mounting Bracket

Fits:  
Chevrolet: Up to 1999 Suburban and Tahoe  
GMC: Up to 1999 Suburban, Yukon, Denali  
Cadillac: Up to 2000 Escalade



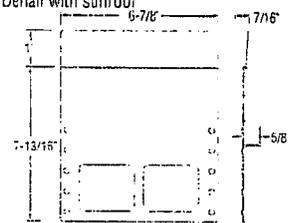
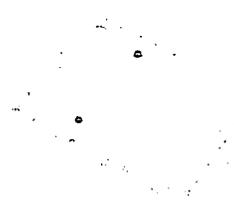
**MVSBK-06-4**  
Specialty Mounting Bracket

Fits:  
Chevrolet: 2001-2002 Suburban and  
Tahoe without sunroofs  
GMC: 2001-2002 Suburban, Yukon,  
Yukon SL and Denali without sunroofs



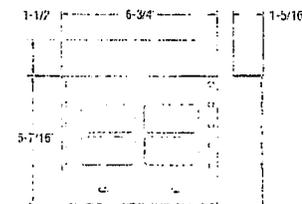
**MVSBK-06-5**  
Specialty Mounting Bracket

Fits:  
Chevrolet: 2000-2006 Suburban and  
Tahoe  
GMC: 2000-2006 Yukon, Yukon XL and  
Denali with sunroof



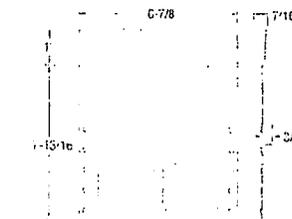
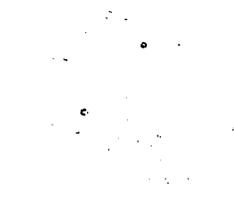
**MVSBK-08-2**  
Specialty Mounting Bracket

Fits:  
Ford: 2000-2002 Explorer without  
sunroofs  
Mercury: 2000-2002 Mountaineer  
without sunroofs



**MVSBK-08-3**  
Specialty Mounting Bracket

Fits:  
Ford: 2000-2002 Explorer with sunroofs  
Mercury: 2000-2002 Mountaineer with  
sunroofs



Los Angeles

Richard

Taipei

Hong Kong

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E-mail: [sales@magnadyne.com](mailto:sales@magnadyne.com)  
Web: [www.magnadyne.com](http://www.magnadyne.com)



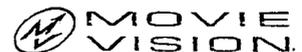
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# EXHIBIT

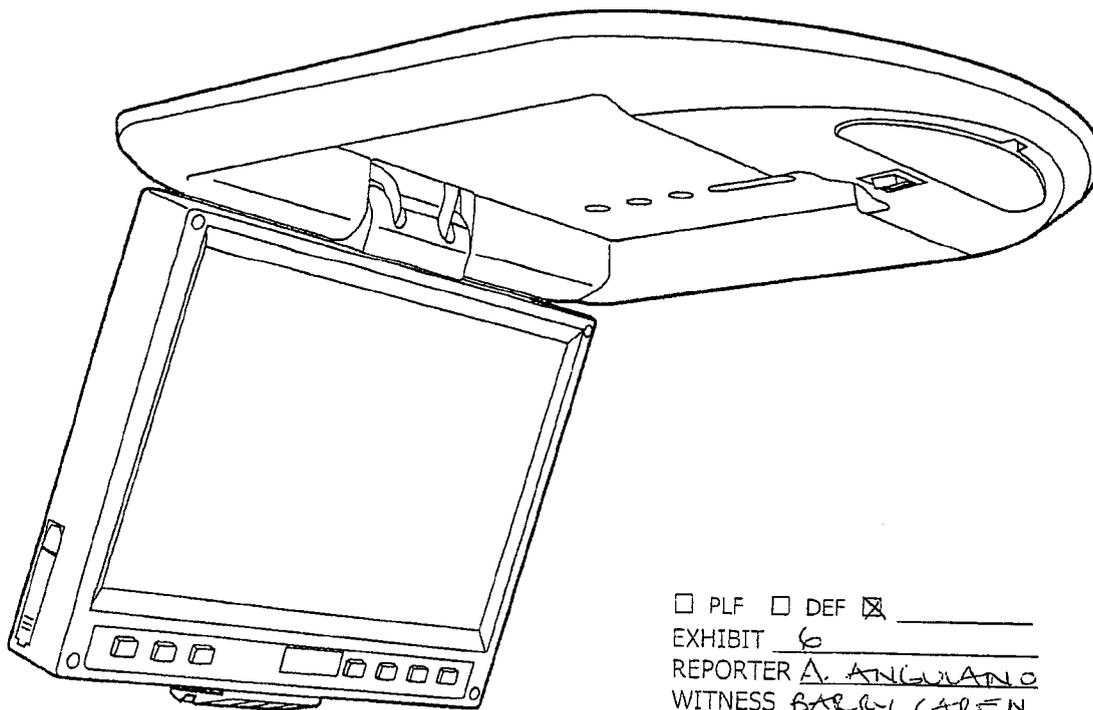
6



# Owner's Manual

## Mobile DVD/CD Player

with 10.2" TFT Monitor



PLF  DEF  \_\_\_\_\_  
EXHIBIT 6  
REPORTER A. ANGLIANO  
WITNESS BARRY CAREN  
DATE 7-15-08

Model: MV1020 / MV1020C

For operational or technical assistance, after reading this manual,  
please call us toll free at (800) 638-3600 or visit [www.magnadyne.com](http://www.magnadyne.com)

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## Safety Information

### CAUTION:

THIS MOBILE DVD PLAYER IS A CLASS I LASER PRODUCT. HOWEVER, THIS MOBILE DVD PLAYER USES A VISIBLE/INVISIBLE LASER BEAM WHICH COULD CAUSE HAZARDOUS RADIATION EXPOSURE IF DIRECTED. BE SURE TO OPERATE THE MOBILE DVD PLAYER CORRECTLY AS INSTRUCTED. USE OF CONTROLS OR ADJUSTMENTS OR PERFORMANCE OF PROCEDURES OTHER THAN THOSE SPECIFIED HEREIN MAY RESULT IN HAZARDOUS RADIATION EXPOSURE. DO NOT OPEN COVERS AND DO NOT REPAIR YOURSELF. REFER SERVICING TO QUALIFIED PERSONNEL.

### CAUTION:

FCC REGULATIONS STATE THAT ANY UNAUTHORIZED CHANGES OR MODIFICATIONS TO THIS EQUIPMENT MAY VOID THE USER'S AUTHORITY TO OPERATE IT.

### WARNING:

- TO REDUCE THE RISK OF FIRE OR ELECTRIC SHOCK, DO NOT EXPOSE THIS EQUIPMENT TO RAIN OR MOISTURE.
- THIS DEVICE IS INTENDED FOR CONTINUOUS OPERATION.
- TO REDUCE THE RISK OF FIRE OR ELECTRIC SHOCK AND ANNOYING INTERFERENCE, USE ONLY THE RECOMMENDED ACCESSORIES.

This product incorporates copyright protection technology that is protected by method claims of certain U.S. patents and other intellectual property rights owned by Magnadyne Corporation and other rights owners. Use of this copyright protection technology must be authorized by Magnadyne Corporation and is intended for home and other limited viewing uses only unless otherwise authorized by Magnadyne Corporation. Reverse engineering or disassembly is prohibited.

### Region Management Information:

This Mobile DVD Player is designed and manufactured to respond to the Region Management Information that is recorded on a DVD disc. If the Region number described on the DVD disc does not correspond to the Region number of this Mobile DVD Player, this Mobile DVD Player cannot play this disc.

## Use this Product Safely

### Driving

Be aware of road and traffic conditions. Keep the volume at a low level.

### Moisture

Do not expose the product to water or excessive moisture. This could cause electrical shorts, fire or other damage.

### Parking

Parking in direct sunlight can produce very high temperatures inside your vehicle. Give the car interior a chance to cool down before starting disc playback.

### Proper Power Supply

This product is designed to operate with a 12 Volt DC, negative ground battery system.

### Protecting the Disc Mechanism

Avoid inserting any foreign objects into the disc slot of this player. Failure to observe this precaution may cause malfunction of this unit.

### Repairs

Do not attempt to disassemble or repair this product yourself. Contact our customer service representatives.

### Installation

The unit should be installed in a horizontal position (see pages 15-17).

### Cleaning

Use a soft dry cloth to clean the screen. The cloth can be dampened with purified water, but do not use any cleaners or chemicals.

### Warning

Be careful not to drop or apply undue pressure to the front panel of monitor. If the screen cracks due to misuse, the warranty will be voided!

## Features

- This unit can play compatible discs recorded in either PAL or NTSC format.
- CD, DVD, CD-R, CD-RW and MP3 Compatible.
- SD Card Support.
- Full-Function Wireless Remote Controller.
- Multi-Language On-Screen Display Menu.
- Built-In Dome Light System.
- Front Panel Controls.
- Wireless IR Transmitter Module so audio can be heard through IR headphones.
- Wireless FM Stereo Transmitter Module so audio can be heard through the vehicle's radio.
- L/R stereo analog audio outputs for connection to existing head unit auxiliary inputs. Output is composite video.

## Disc and SD Card Notes

### Disc Formats Supported by this Player:



**DVD** 12 cm disc  
(Single-sided disc only)



**CD** 12 cm disc  
8 cm disc

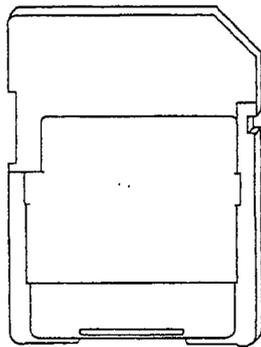
**MP3** 12 cm disc  
8 cm disc

### Discs which cannot be played with this player:

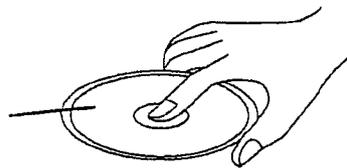
- DVD-ROM
- DVD-R/DVD-RAM
- CDV
- CD-G

### SD Card File Format Compatibility:

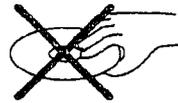
- AVI (Video)
- MP3 (Audio)
- JPEG (Pictures)



Label side up



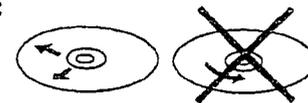
Do not touch  
the underside  
of the disc



Do not bend



Wipe the disc  
from center  
toward the  
outside edge.



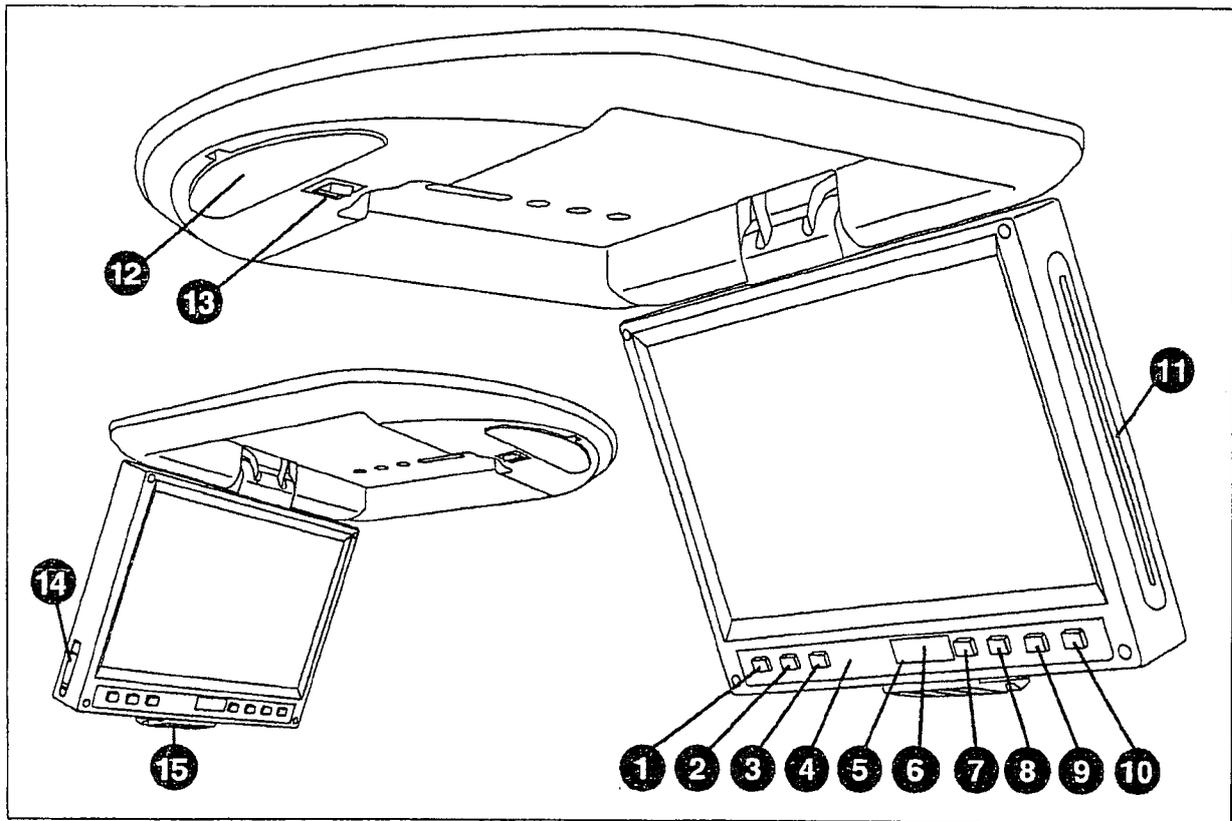
### Disc Handling

- Dirt, dust, scratches on disc may cause malfunctions.
- Do not place labels on disc.
- Do not warp discs.
- A disc should always be kept in its case when not in use to prevent damage.
- Do not place discs in the following places:
  1. Direct sunlight.
  2. Dirty, dusty and damp areas.
  3. Near car heaters.
  4. Car seats or dashboard.

### Disc Cleaning

Use a dry soft cloth to wipe the surface. If the disc is quite dirty, use a cloth slightly dampened with isopropyl (rubbing) alcohol. Never use solvents such as benzine, thinner or conventional record cleaners as they may mar the surface of the disc.

## Screen and DVD/CD Functions



1. **POWER Button:** Press this button to turn the unit On/Off.
2. **SOURCE Button:** Press this button to change the play source between DVD/CD player and an auxiliary input source.
3. **STOP Button:** Stops play of picture or audio.
4. **Power On LED Indicator**
5. **Infrared Remote Sensor:** Receives the signals from the remote control.
6. **Wireless Transmitter Module:** The audio signal is converted to an infrared light or FM frequency and transmitted to the headphones or vehicle's FM stereo receiver.
7. **PREVIOUS Button:** In DVD/CD mode, pressing this button searches for the beginning of the previous track or chapter.
8. **NEXT Button:** In DVD/CD mode, pressing this button searches for the beginning of the next track or chapter.
9. **PLAY/PAUSE Button:** Press this button to play or pause a disc.
10. **EJECT Button:** Press to eject the disc.
11. **Disc Slot:** To play a DVD/CD disc, insert into slot with label facing forward.
12. **Dome Lights**
13. **Dome Light Switch:** Switch to the ON position to activate the dome lights.
14. **SD Card Slot:** To play a SD Card, insert into slot with label facing forward.
15. **Viewing Screen Release:** To release the screen, push the tab then gently pull down the screen. Place the screen to the desired viewing position.

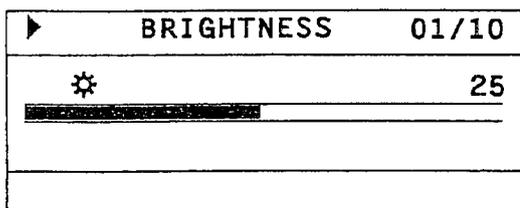
## Screen and DVD/CD Functions

### Turning the Unit On:

Press the **POWER** on either the remote or the screen housing.

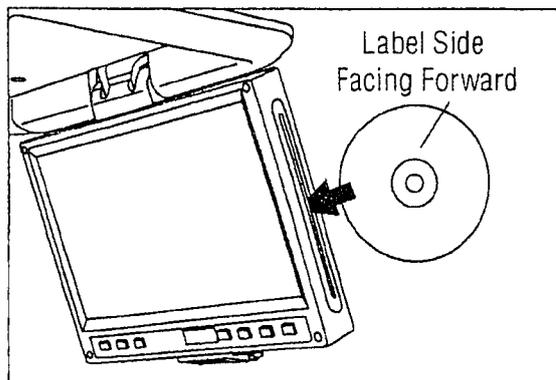
### Adjusting the Monitor:

1. Press the **MODE** button on the remote to activate the monitor adjustment menu. The following will be displayed on the screen:



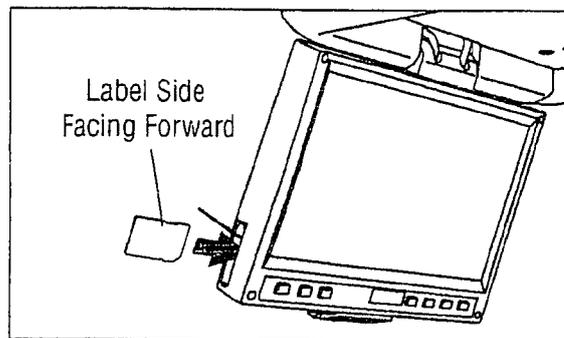
2. Press the **MODE** button again to select the adjustment bar.
3. Use the **UP** and **DOWN** buttons on the remote to adjust the screen's brightness.
4. Press the **MODE** button again then the **DOWN** button to select the next desired monitor adjustment item:
  - Saturation
  - Contrast
  - Hue
  - FM (Wireless Transmitter Frequency)
  - Rotate
  - Source (DVD or AVIN)
  - SD Card
  - Reset (Reset to factory settings)
5. Press the **MODE** button again until the **EXIT** item appears or wait 10 seconds and the menu will automatically disappear.

### Inserting a DVD/CD



To play a DVD/CD, insert a disc into slot with label side facing forward.

### Inserting a SD Card



To play a SD card, insert a card into slot with label side facing forward.

### Selecting the SD Card Format

Once the SD card is inserted push the **SD** button on the remote. The screen will prompt you to select the format for the inserted SD card. Use the **▲** or **▼** button on the remote to select the desired format. Once you have selected the desired format press the **ENTER** button.

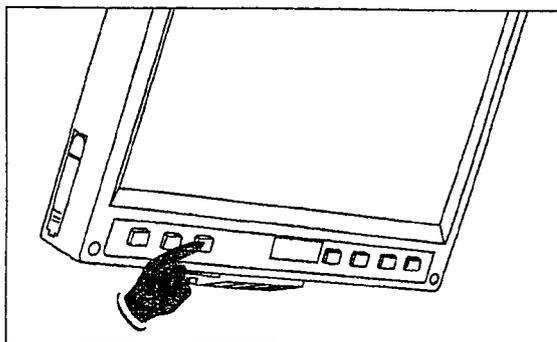
### Format Selection

1: Audio/Picture  
2: Video File

**Note:** To go back to this selection screen, press the **STOP** button twice and then press the **TITLE** button.

**Note:** Large video files will take extra time to Load/Buffer before video playback begins.

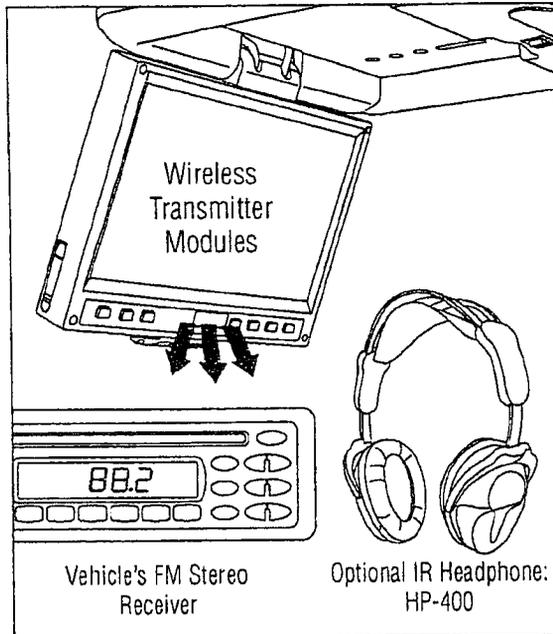
### Changing to an Auxiliary Input Source



Press the **SOURCE** button to change the play source between DVD/CD player and a Auxiliary Input Source.

## Screen and DVD/CD Functions

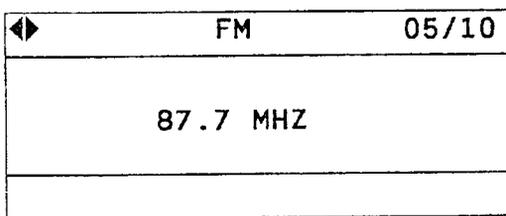
### Wireless Transmitter Modules:



The audio signal is converted to an infrared light and FM frequency that is transmitted to the IR headphones or the vehicle's FM stereo receiver.

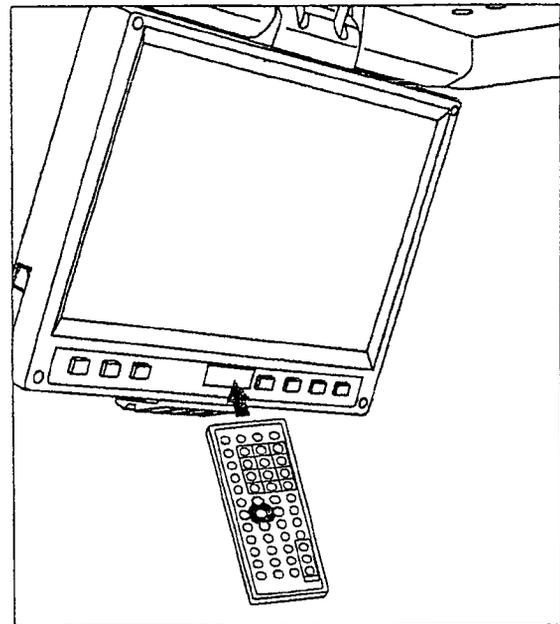
### Selecting the Wireless Transmitter Frequency:

1. Press the **MODE** button on the remote to activate the monitor adjustment menu.
2. Use the **UP** and **DOWN** buttons on the remote to select the FM screen.



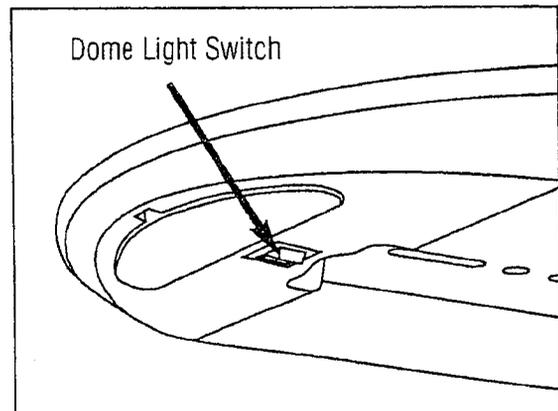
3. Press the **MODE** button again to select the frequency selection menu.
4. Use the **UP** and **DOWN** buttons on the remote to select the desired frequency to match the frequency on the wireless headphones or FM stereo receiver.
5. Press the **MODE** button again until the **EXIT** item appears or wait 10 seconds and the menu will automatically disappear.

### Infrared Remote Control Sensor:



The infrared remote control sensor receives the signals from the remote control.

### Dome Light:



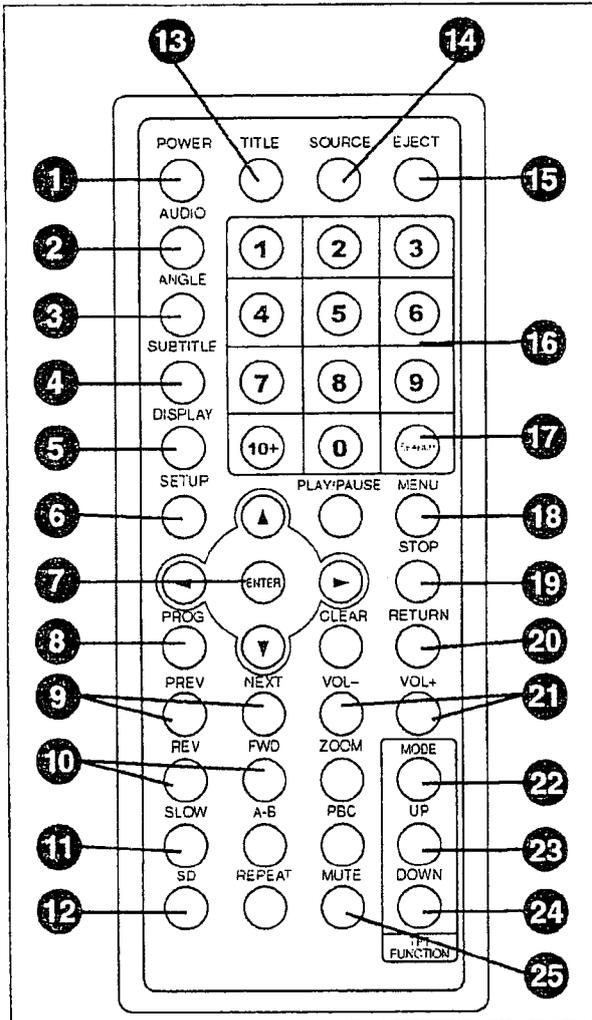
To turn "On" the dome lights, press the dome light switch. Press the dome light switch again to turn them "Off".

**Note:** The dome lights will automatically illuminate whenever the vehicle doors are open.

### Last Play Function:

See page 14.

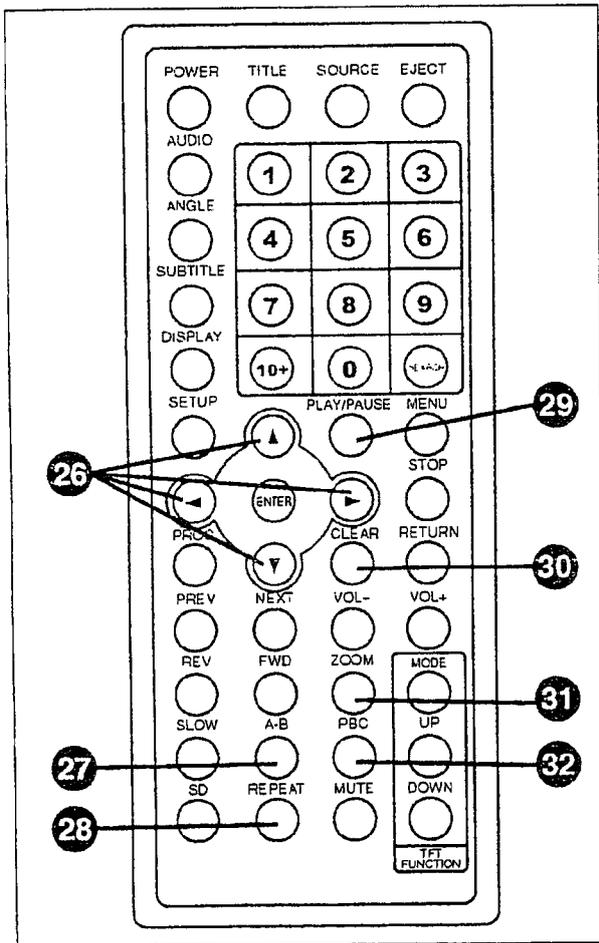
## Remote Control Locations and Operation



1. **POWER:** Turns the unit On/Off.
2. **AUDIO:** Press the button to change audio languages.
3. **ANGLE:** Press the button to change DVD's picture angle.
4. **SUBTITLE:** Press the button to change DVD's subtitle languages.
5. **DISPLAY:** Press the button to display disc information.
6. **SETUP:** Press the button to enter or cancel SETUP MENU.
7. **ENTER:** Press the button to enter a setting.
8. **PROG:** Press the button to program the play order of CD tracks.
9. **PRE/NEXT:** Press these buttons to search for the beginning of track or chapter.

10. **REV/FWD:** Scan backward and forward.
11. **SLOW:** Press the button to slow play DVD to 1/2, 1/4, 1/8, 1/16, or 1/32 speed.
12. **SD:** To play a SD card, press this button. The screen will prompt you to select the format for the inserted SD card. Use the ▲ or ▼ buttons on the remote to select the desired format. Then press ENTER button.
13. **TITLE:** Displays the DVD's title.
14. **SOURCE:** Select DVD/CD, TV Tuner or Auxiliary inputs functions.
15. **EJECT:** Ejects the disc.
16. **0 - 10+:** Press these buttons to input numbers.
17. **SEARCH:** Locate title, chapter, time and play.
18. **MENU:** Display DVD's menu screen.
19. **STOP:** Stop play of picture or audio.
20. **RETURN:** Press to return to previous item.
21. **VOL-/VOL+:** Press these buttons to decrease or increase volume level.
22. **MODE:** Activate the monitor adjustment menu.
23. **UP:** Press to adjust the monitor menus.
24. **DOWN:** Press to adjust the monitor menus.
25. **MUTE:** Press during play to stop audio.

## Remote Control Locations and Operation



26. ◀ ▶ ▲ ▼ Use **CURSOR** buttons when selecting items or to move cursor up, down, left or right.
27. **A-B**: Press the button during play to set point A and point B, then program A and B will be played repeatedly. Press the button again to cancel.
28. **REPEAT**: Press to select Chapter Repeat, Title Repeat or Repeat Cancelled.
29. **PLAY/PAUSE**: Press the button to play or stop temporarily.
30. **CLEAR**: Clear numbers which have been input.
31. **ZOOM**: Press the button during playback of DVD to enlarge an area on the screen.
32. **PBC**: Video disc playback control. DVD's subtitle languages.

## BASIC OPERATION

### Turn the Unit On

1. Turn the car ignition on to the accessory position.
2. Press the **POWER** button.

### Loading a Disc

Insert the disc with printed side facing forward into the disc slot. The player will automatically search the disc.

### Volume Level Adjustment

Press the **VOL-** or **VOL+** buttons on the remote to increase or decrease volume level.

### Muting the Sound Level

Press the **MUTE** button during play to stop audio. Press the **MUTE** button again to restore sound to the previous level.

### Ejecting a Disc

Press the **EJECT** button to eject disc.

## PLAY FUNCTION

### Stopping Play

Press the **STOP** button to stop the disc playback. Press the **PLAY/PAUSE** button on the remote to continue with normal playback at the position it was stopped. When the disc is removed or **STOP** is pressed again, the resume function is cancelled.

### Pausing Play

Press the **PLAY/PAUSE** button to pause disc during playback. Press the button again to resume play.

### Scan Forward and Backward

Press the **REV** or **FWD** button to scan backward or forward.

### Return to Previous Chapter or Track

Press the **PREVIOUS** or **PREV** button during playback and the play returns to the beginning of the previous chapter or track.

## Basic Operation and Special Functions

### PLAY FUNCTION (Continued)

#### Advance to Next Chapter or Track

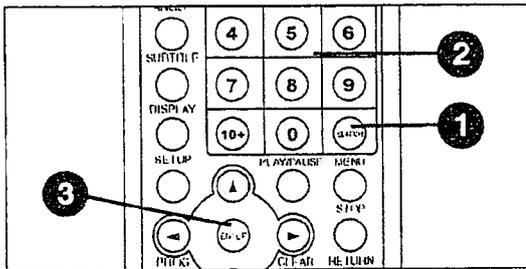
Press the **NEXT** button during playback and the play advances to the beginning of the next chapter or track.

#### Removing Disc

Press the **STOP** button, then press the **EJECT** button to eject the disc.

#### Searching for a Specific Chapter or Track

1. Press the **SEARCH** button on the remote.
2. Press numerical key to select track, chapter or time.
3. Press **ENTER** or **PLAY** to play the selection.



#### Repeat Play

For DVD's, press the **REPEAT** button to repeat title or chapter.

For CD's, press the **REPEAT** button to repeat a track or the entire disc.

For MP3's, press the **REPEAT** button to repeat file, directory or all.

#### A-B Repeat

Press the **A-B** button during play to set point A then press again to set point B. The system will repeatedly play the programmed section until the **A-B** button is pressed again which cancels the function.

### DVD SPECIAL FUNCTIONS

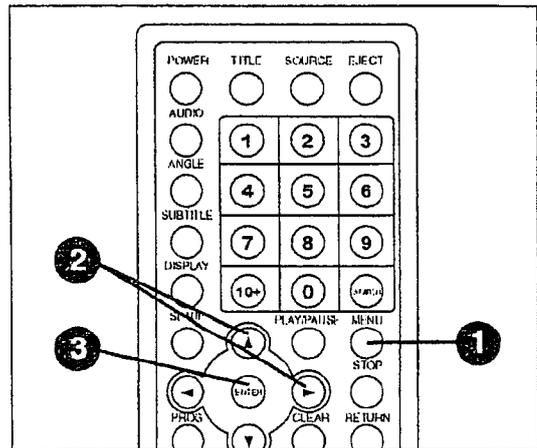
#### Slow Play

Each time the **SLOW** button is pressed during DVD play the speed is reduced as follows:

Normal Playback ▶ Pause ▶ 1/2 ▶ 1/4 ▶ 1/8 ▶ 1/16 ▶ 1/32

#### Display DVD Menu Screen

1. Press the **MENU** button to display the DVD menu screen.
2. Use the cursor button to select item.
3. Press **ENTER** or **PLAY** to play the selected.



#### View Angles of DVD

Press the **ANGLE** button to select the different angles to view.

Note: If the DVD doesn't have multi-angle function, this function isn't applicable.

#### DVD Zoom

Press the **ZOOM** button during playback of DVD to enlarge an image area on the screen.

Note: In zoom mode, press the **CURSOR** buttons to move image areas up, down, left or right.

## Special Functions and Setup Menu

### DVD SPECIAL FUNCTIONS (Continued)

#### Multi-Subtitle Language Function

Press the **SUBTITLE** button during playback. Each time the button is pressed the subtitle language on the screen changes.

#### Multi-Audio Language Function

Press the **AUDIO** button during playback. Each time the button is pressed the audio sound-track language on the screen changes.

### CD SPECIAL FUNCTIONS

#### Program CD Play

1. While the CD is playing push the **STOP** button twice (2x).
2. Use the **CURSOR** buttons to select the first desired track. Then press **ENTER** button to confirm. For additional tracks repeat Step 2.
3. Press **PLAY** button to start Program Play.

#### Random CD Play

1. While the CD is playing push the **STOP** button twice (2x).
2. Push the **PROG** buttons twice (2x) to bypass the programming screen.
3. "CD Random" will be displayed, then push **PLAY** button to start Random CD Play.

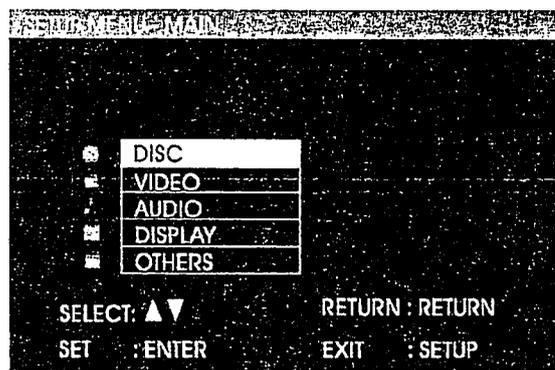
### MP3 FUNCTION

This unit supports MP3 discs. Use the **CURSOR** buttons to move the cursor through the MP3 directory. Then push **ENTER** to play desired file.

Note: While a disc is playing, push the **PREVIOUS (PREV)** or **NEXT** button to play the previous or next file on the disc.

### SETUP MENU

1. Press the **SETUP** button on the remote control, and the setup menu will be displayed. Pressing **SETUP** during disc play will pause play. Play will resume when the setup screen is cancelled.
2. Use the **CURSOR** buttons ◀ ▶ ▲ ▼ to select desired function.
3. Press the **ENTER** button to confirm the selection.



#### Descriptions of the Setup Menu Functions:

- DISC - Disc Setting
- VIDEO - Video Setting
- AUDIO - Audio Setting
- DISPLAY - OSD Language Setting
- OTHERS - Other Functions Setting

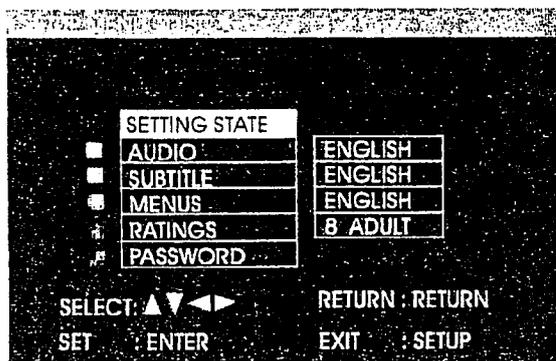
#### Note:

- If there is no disc in the player while in the "DISC" setting menu, this function is not applicable.
- Press the **RETURN** button to go back to the last setting. For example, if you input the wrong password in the "PARENTAL LOCK" function, press the **RETURN** button to return to the last setting so the password can be input again.

# Setup Menu

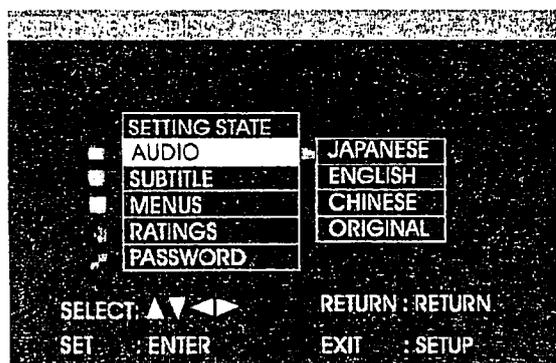
## DISC SETTINGS

Use the **CURSOR** buttons ◀ ▶ ▲ ▼ to make **DISC** setting selections. Press the **ENTER** button to confirm the setting.



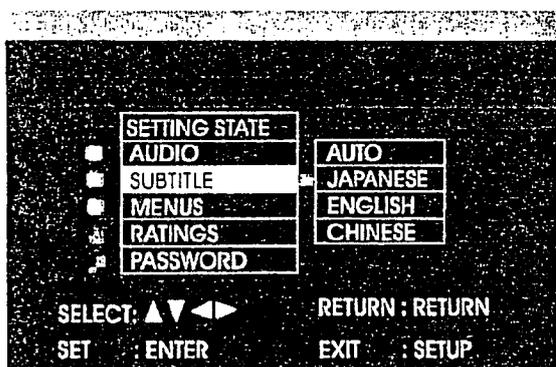
### Audio Setting

Use this screen to setup the audio language on multi-language discs.



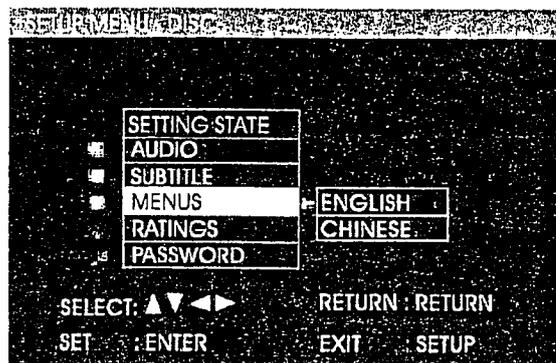
### Subtitle Language Setting

Use this screen to setup the subtitle language on multi-subtitle language discs.



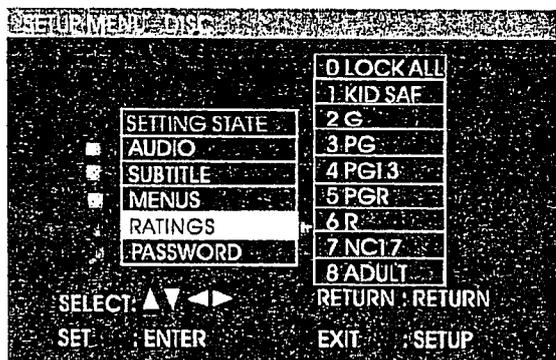
### Menu Language Setting

Use this screen to setup the disc menu language.



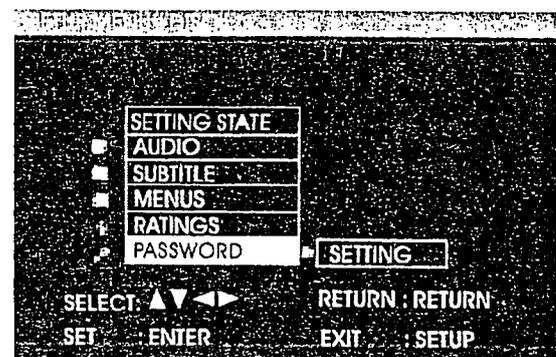
### Parental Lock Rating

Use this screen to setup the Parental Lock Rating. This function helps restrict viewing movies with certain ratings (e.g., PG-13, R, etc.) as supported by each DVD.



### Parental Lock Password Setting

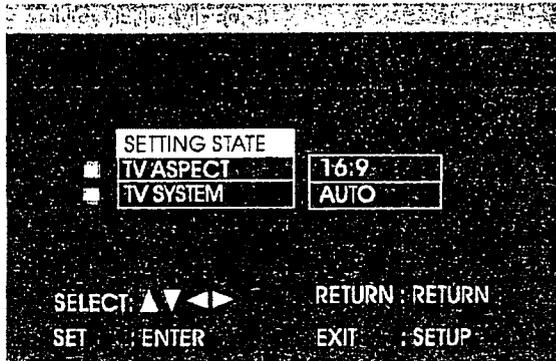
Use this screen to setup a four-digit parental lock password. On the remote control, use this **NUMERIC** keys to enter the password. Press the **ENTER** button to confirm the password.



# Setup Menu

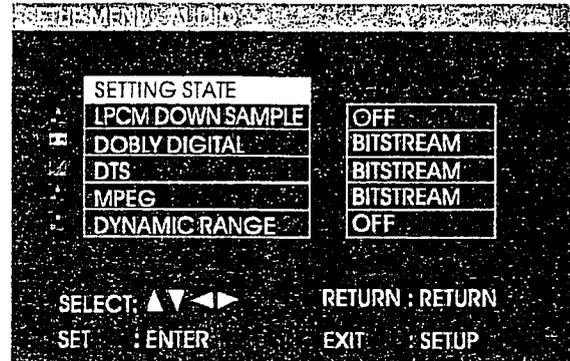
## VIDEO SETTINGS

Use the **CURSOR** buttons ◀ ▶ ▲ ▼ to make **VIDEO** setting selections. Press the **ENTER** button to confirm the setting.



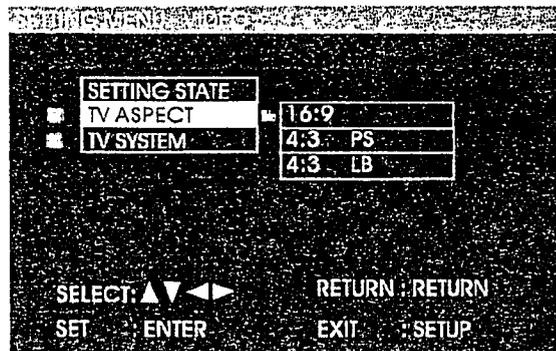
## AUDIO SETTINGS

Use the **CURSOR** buttons ◀ ▶ ▲ ▼ to make **AUDIO** setting selections. Press the **ENTER** button to confirm the setting.



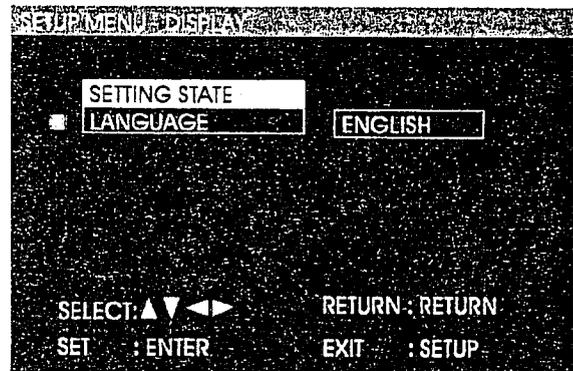
## TV Aspect Setting

Use this screen to setup the desired TV Aspect Ratio.



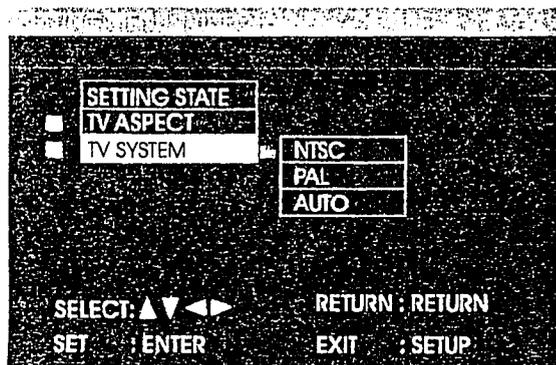
## DISPLAY SETTINGS

Use the **CURSOR** buttons ◀ ▶ ▲ ▼ to make **OSD Language** setting selections. Press the **ENTER** button to confirm the setting.



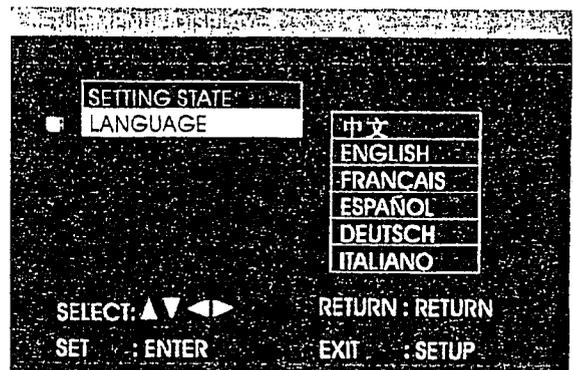
## TV System Setting

Use this screen to select the TV system. Choose between three modes: NTSC, PAL and Auto.



## OSD Language Setting

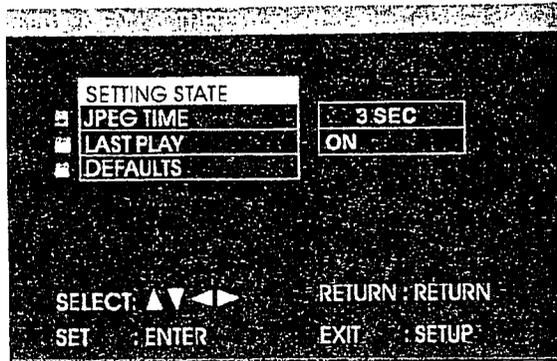
Use this screen to setup the desired OSD Language.



## Setup Menu

### OTHER FUNCTION SETTINGS

Use the **CURSOR** buttons ◀ ▶ ▲ ▼ to make **OTHERS** setting selections. Press the **ENTER** button to confirm the setting.



#### Last Play Function

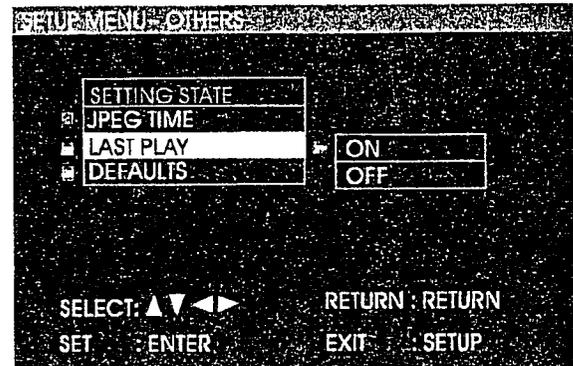
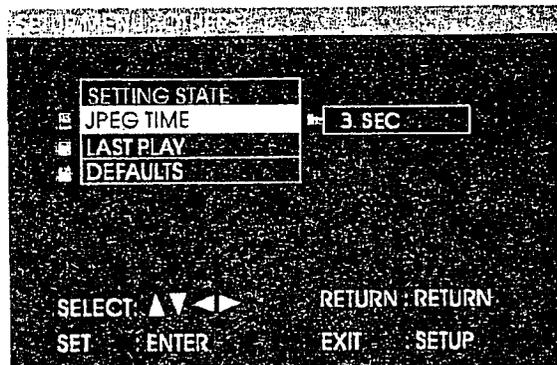
The Last Play function automatically bookmarks the position on a DVD/CD disc and remembers the playback settings. Playback will resume at the position which the player was turned off, the disc was ejected, or the power was cut off.

#### Turning Off Last Play Function

Press the **SETUP** button to display the main menu. Then use the **CURSOR** buttons to select the **OTHERS** menu, then **LAST PLAY** and **ON**. Press the **ENTER** button to confirm the setting.

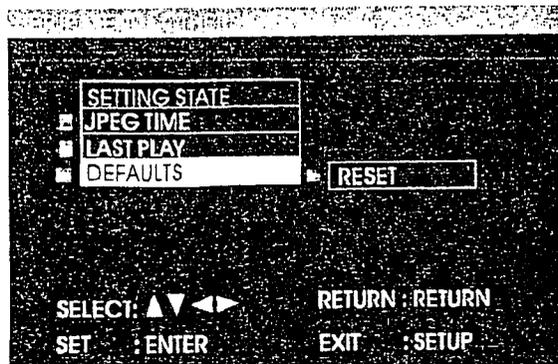
#### JPEG Time Setting

Use this screen to setup the JPEG image display time from 1 to 180 seconds.



#### Default Settings

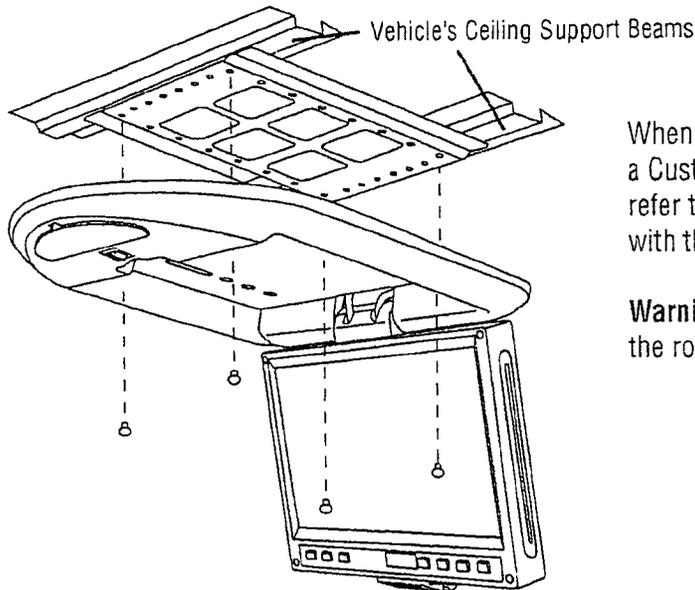
Use this screen to reset all menus to the factory default setting.



## Installation

The MV1020 can be mounted using either a Custom Bracket System or a Custom Shroud/ Bracket System (purchased separately). Visit [www.magnadyne.com](http://www.magnadyne.com) to find a custom mounting system for your vehicle.

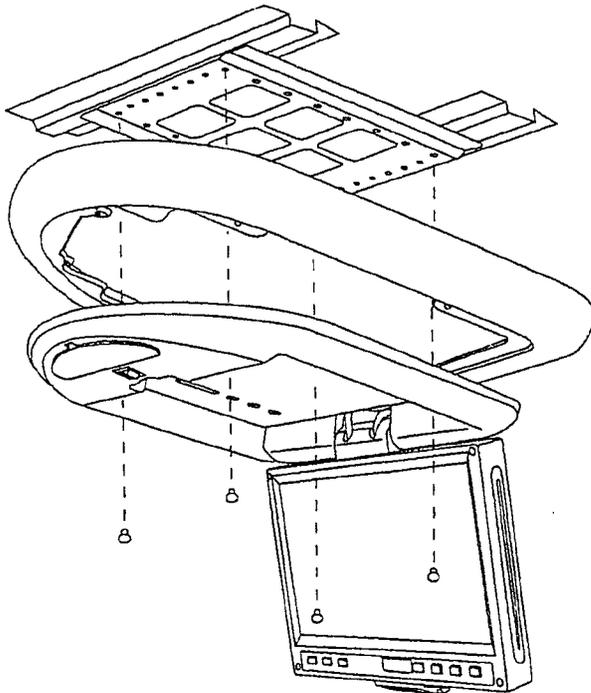
### Custom Bracket Mounting System (Optional)



When installing the MV1020 using a Custom Bracket Mounting System refer to the instructions included with the bracket.

**Warning:** Take extra care not to penetrate the roof of your vehicle during installation.

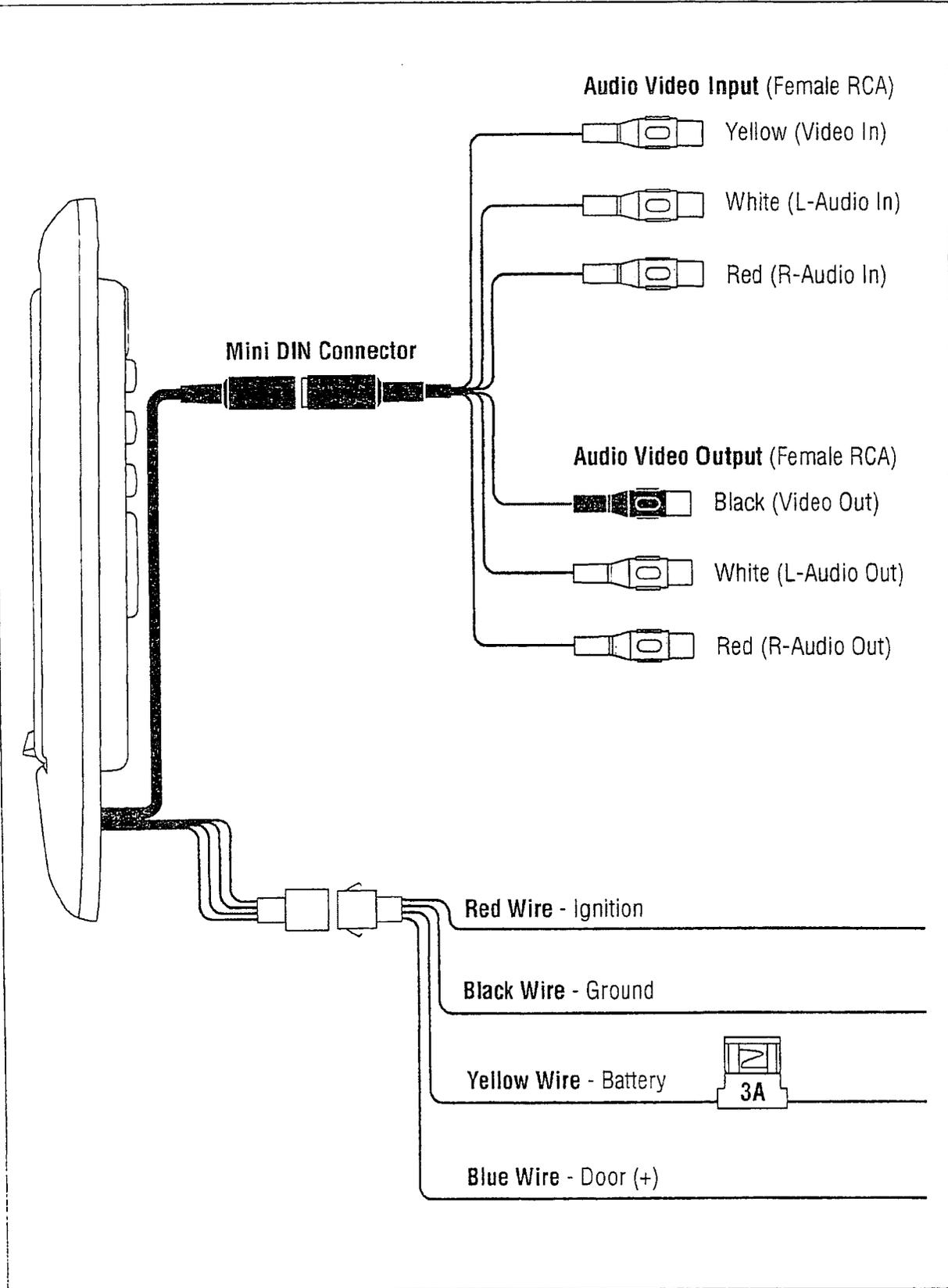
### Custom Shroud/Bracket Mounting System (Optional)



When installing the MV1020 using a Custom Shroud/Bracket Mounting System refer to the instructions included with the shroud/bracket.

**Warning:** Take extra care not to penetrate the roof of your vehicle during installation.

# Wiring Diagram



## Wiring Instructions

### Power Harness Wiring:

The 4-wire harness provides battery and ignition 12 volts as well as a chassis ground. Route the power harness to the point in the vehicle that you will make the connections.

**Red Wire:** The red wire in the harness should be connected to a +12 volt power wire that is turned on and off by the position of the ignition key.

**Yellow Wire:** The yellow wire in the harness should be connected to a constant +12 volt wire that is NOT turned on and off by the position of the ignition key.

**Black Wire:** The black wire in the harness should be connected to the chassis of the vehicle using a ring terminal and self tapping screw or bolt and nut.

**Blue Wire:** Connect to the common trigger wire coming from all door pin switches (+).

## Specifications

Supply Voltage: 12V DC, Negative Ground  
Current Consumption: 24 Watts Maximum  
Fluorescent Dome Light: 3 Watts  
Screen Format: 16:9  
Resolution: 800 x 600 Pixels  
A/V Input: 1  
A/V Output: 1  
IR Transmitter: Yes  
FM Transmitter: Yes  
Dimensions (mm): 310 (w) x 310 (d) x 48 (h)

## Troubleshooting

**Only qualified service personnel can remove the cover or service this player. Otherwise the warranty will become invalid.**

### **No Power:**

- Check to see if the player is set to "On".
- Check to see that the power plug of the main unit is properly connected.
- Check to see if that power to the outlet is properly working.

### **No Picture:**

- Check to see that the monitor is switched to "On".
- Check that the correct SOURCE is selected (DVD or AV) by pushing the SOURCE button.
- Check the video connection.

### **Distorted Picture:**

- Check the disc for fingerprints and clean with soft dry cloth, wiping from center to edge.
- A small amount of picture distortion may appear. This may not be a malfunction.

### **Completely Distorted Picture:**

The disc format is not according to the monitor used (PAL/NTSC).

### **No Color in Picture:**

The disc format is not according to the monitor used (PAL/NTSC).

### **No Sound:**

- Check audio connections.
- If using a Hi-Fi amplifier, try another sound source.

### **Disc Does Not Play:**

- Ensure the disc label is facing forward.
- Clean the disc.
- Check to see if the disc is defective by trying another disc.

### **The Player Does Not Respond to the Remote Control:**

- Aim the remote control directly at the sensor on the front of the housing.
- Avoid all obstacles which may interfere with the signal path.
- Inspect or replace the remote control batteries.

### **Buttons Do Not Work:**

- Press **POWER** to turn "Off" the unit, then press it again to turn "On" the unit.

### **Volume different for DVD and CD:**

- This is due to different recording methods

## Replacement Parts Order Form

**Send Orders To:** Magnadyne Corporation  
 ATTN: Consumer Parts Sales  
 P.O. Box 5365  
 Carson, CA 90749-5365

**We Accept Checks, Money Orders, Visa and Master Card  
 Make Checks Payable to: Magnadyne Corporation**

**SHIP TO: (No P.O. Boxes)**

\_\_\_\_\_  
**LAST NAME**

\_\_\_\_\_  
**FIRST NAME**

\_\_\_\_\_  
**INITIALS**

\_\_\_\_\_  
**STREET ADDRESS (IF PAYING WITH A CREDIT CARD, YOUR BILLING ADDRESS IS REQUIRED)**

\_\_\_\_\_  
**CITY**

\_\_\_\_\_  
**STATE**

\_\_\_\_\_  
**ZIP CODE**

\_\_\_\_\_  
**DAYTIME PHONE NUMBER**

**CREDIT CARD INFORMATION:**

**CARD TYPE:**  VISA  MASTER CARD

\_\_\_\_\_  
**CARD NUMBER**

\_\_\_\_\_  
**EXP. MONTH**

\_\_\_\_\_  
**YEAR**

\_\_\_\_\_  
**NAME - EXACTLY AS IT APPEARS ON YOUR CREDIT CARD**

Part #	Description	Qty.	Price Each	TOTAL
MV1020RM	Remote Control		\$39.95	

Shipping and Handling	
Subtotal + Tax	Add
Up to \$20.00	\$5.00
20.01 to 30.00	5.95
30.01 to 45.00	6.50
45.01 to 70.00	6.95
Over 70.01	7.95

Subtotal = \_\_\_\_\_

California Residents Add Sales Tax = \_\_\_\_\_

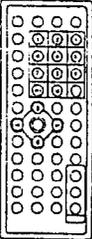
Shipping and Handling (See Chart) = \_\_\_\_\_

**TOTAL = \_\_\_\_\_**

**No C.O.D.'s**

On regular orders please allow 4-5 weeks for delivery. Please give a shipping address where this order may be delivered between the hours of 9 a.m. and 5 p.m. weekdays. If UPS is unable to deliver, your order will be returned and additional shipping charges will be required.

**Order By Mail  
Replacement Parts for MovieVision® Systems**

	DESCRIPTION	MODEL #	PRICE
	DVD Remote Control	MV-1020RM	\$39.95 Ea.

**Warranty**

**ONE (1) YEAR LIMITED WARRANTY**

Magnadyne Corporation or its authorized agents will within 1 year from the date of sale to you, repair, replace or refund the retail sales price of said product or any part thereof, at the option of the Magnadyne Corporation or its authorized agents, if said product or part is found defective in materials or workmanship, when properly connected and operating on the correct power requirements designated for the specific product. This warranty and Magnadyne Corporation or its authorized agents obligations hereunder do not apply where the product was; damaged while in the possession of the consumer, subjected to unreasonable or unintended use, not reasonably maintained, utilized in commercial or industrial operations, or serviced by anyone other than Magnadyne Corporation or its authorized agents, or where the warning seal on the product is broken or the power and/or plugs are detached from the unit. Magnadyne Corporation or any of its authorized agents will not assume any labor costs for the removal and re-installation of any product found to be defective, or the cost of transportation to Magnadyne Corporation or its authorized agents. Such cost are the sole responsibility of the purchaser.

This warranty does not cover the cabinet appearance items or accessories used in connection with this product, or any damage to recording or recording tape, or any damage to the products resulting from improper installation, alteration, accident, misuse, abuse or acts of nature.

**MAGNADYNE CORPORATION OR ITS AUTHORIZED AGENTS SHALL NOT BE LIABLE TO ANYONE FOR CONSEQUENTIAL OR INCIDENTAL DAMAGES OR CLAIMS EXCEPT THOSE ACCORDED BY LAW. NO EXPRESSED WARRANTY OR IMPLIED WARRANTY IS GIVEN EXCEPT THOSE SET FORTH HEREIN. NO IMPLIED WARRANTY SHALL EXTEND BEYOND 1 YEAR FROM THE DATE OF SALE.**

This warranty extends only to the original purchaser of the product and is not transferable.

Some states do not allow limitations on how long an implied warranty lasts and some states do not allow the exclusion or limitation of incidental or consequential damages, so the above limitations or exclusion may not apply to you. This warranty gives you specific legal rights and you may have other rights that vary from state to state.

Defective merchandise should be returned to the original point of purchase or secondly, to Magnadyne Corporation, 1111 W. Victoria Street, Compton CA 90220. Return Authorization must be obtained before sending, or merchandise may be refused.

# EXHIBIT

7

Document Description: **Office Action Outgoing** Mail / Create Date: **21-Aug-2006**

Previous Page

Next Page

You are currently on page 1 of 6**UNITED STATES PATENT AND TRADEMARK OFFICE**

SERIAL NO: 76/655958

APPLICANT: INDIANA RETANA-MOVIEVISION INC.

**\*76655958\*****CORRESPONDENT ADDRESS:**INDIANA RETANA  
9601 CHARLEVILLE BLVD APT 10  
BEVERLY HILLS, CA 90212-2346**RETURN ADDRESS:**Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451

MARK: MOVIEVISION

CORRESPONDENT'S REFERENCE/DOCKET NO: N/A

Please provide in all correspondence:

CORRESPONDENT EMAIL ADDRESS:

1. Filing date, serial number, mark and applicant's name.
2. Date of this Office Action.
3. Examining Attorney's name and Law Office number.
4. Your telephone number and e-mail address.

 PLF  DEF  \_\_\_\_\_EXHIBIT 7REPORTER A. ANGIANOWITNESS BARBY CARENDATE 7-15-08**OFFICE ACTION**

**RESPONSE TIME LIMIT:** TO AVOID ABANDONMENT, THE OFFICE MUST RECEIVE A PROPER RESPONSE TO THIS OFFICE ACTION WITHIN 6 MONTHS OF THE MAILING OR E-MAILING DATE.

**MAILING/E-MAILING DATE INFORMATION:** If the mailing or e-mailing date of this Office action does not appear above, this information can be obtained by visiting the USPTO website at <http://tarr.uspto.gov/>, inserting the application serial number, and viewing the prosecution history for the mailing date of the most recently issued Office communication.

Serial Number 76/655958

The assigned examining attorney has reviewed the referenced application and preliminary amendments dated March 20<sup>th</sup>, 27<sup>th</sup> and May 26<sup>th</sup> and determined the following.

**Section 2(d) – Likelihood of Confusion**

Registration of the proposed mark is refused because of a likelihood of confusion with the marks in U.S. Registration Nos. 2518066 and 2520719. Trademark Act Section 2(d), 15 U.S.C. §1052(d); TMEP §§1207.01 *et seq.* See the enclosed registrations.

Trademark Act Section 2(d) bars registration where an applied-for mark so resembles a registered mark that it is likely, when applied to the goods and/or services, to cause confusion, mistake or to

deceive the potential consumer as to the source of the goods and/or services. TMEP §1207.01. The Court in *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 177 USPQ 563 (C.C.P.A. 1973), listed the principal factors to consider in determining whether there is a likelihood of confusion. Among these factors are the similarity of the marks as to appearance, sound, meaning and commercial impression, and the relatedness of the goods and/or services. The overriding concern is to prevent buyer confusion as to the source of the goods and/or services. *In re Shell Oil Co.*, 992 F.2d 1204, 1208, 26 USPQ2d 1687, 1690 (Fed. Cir. 1993). Therefore, any doubt as to the existence of a likelihood of confusion must be resolved in favor of the registrant. *In re Hyper Shoppes (Ohio), Inc.*, 837 F.2d 463, 6 USPQ2d 1025 (Fed. Cir. 1988); *Lone Star Mfg. Co. v. Bill Beasley, Inc.*, 498 F.2d 906, 182 USPQ 368 (C.C.P.A. 1974).

The applicant applies to register the mark MOVIEVISION for use in connection with pay-per-view channel distributing recently released movies in English, Spanish, Cantonese and Russian via cable company. Registrants are: MV MOVIE VISION and MOVIE VISION for use in connection with video entertainment systems for vehicles, namely, electronic audio, video and video game components in the nature of video cassette tape players, digital video disk players, video game players and television receivers with video display devices.

Regarding the issue of likelihood of confusion, the question is not whether people will confuse the marks, but whether the marks will confuse people into believing that the goods they identify come from the same source. *In re West Point-Pepperell, Inc.*, 468 F.2d 200, 175 USPQ 558 (C.C.P.A. 1972). For that reason, the test of likelihood of confusion is not whether the marks can be distinguished when subjected to a side-by-side comparison. The question is whether the marks create the same overall impression. *Recot, Inc. v. M.C. Becton*, 214 F.2d 1322, 54 USPQ2d 1894, 1890 (Fed. Cir. 2000); *Visual Information Inst., Inc. v. Vicon Indus. Inc.*, 209 USPQ 179 (TTAB 1980). The focus is on the recollection of the average purchaser who normally retains a general rather than specific impression of trademarks. *Chemetron Corp. v. Morris Coupling & Clamp Co.*, 203 USPQ 537 (TTAB 1979); *Sealed Air Corp. v. Scott Paper Co.*, 190 USPQ 106 (TTAB 1975); TMEP §1207.01(b).

When the applicant's mark is compared to a registered mark, "the points of similarity are of greater importance than the points of difference." *Esso Standard Oil Co. v. Sun Oil Co.*, 229 F.2d 37, 108 USPQ 161 (D.C. Cir.), *cert. denied*, 351 U.S. 973, 109 USPQ 517 (1956).

The marks are compared in their entireties under a Section 2(d) analysis. Nevertheless, one feature of a mark may be recognized as more significant in creating a commercial impression. Greater weight is given to that dominant feature in determining whether there is a likelihood of confusion. *In re National Data Corp.*, 753 F.2d 1056, 224 USPQ 749 (Fed. Cir. 1985); *Tektronix, Inc. v. Duktronics, Inc.*, 534 F.2d 915, 189 USPQ 693 (C.C.P.A. 1976). *In re J.M. Originals Inc.*, 6 USPQ2d 1393 (TTAB 1987); TMEP §1207.01(b)(viii). In this instance the marks are either identical in sound or virtually identical in appearance.

Please note that the addition of the design element does not obviate the similarity between the marks in this case. *In re Shell Oil Company*, 992 F.2d 1204, 26 USPQ2d 1687 (Fed. Cir. 1993); *Coca-Cola Bottling Co. v. Joseph E. Seagram & Sons, Inc.*, 526 F.2d 556, 188 USPQ 105 (C.C.P.A. 1975); TMEP §1207.01(c)(ii).

If the goods or services of the respective parties are closely related, the degree of similarity between marks required to support a finding of likelihood of confusion is not as great as would apply with diverse goods or services. *Century 21 Real Estate Corp. v. Century Life of America*, 970 F.2d 874,

877, 23 USPQ2d 1698, 1701 (Fed. Cir. 1992), *cert. denied* 506 U.S. 1034 (1992); *In re J.M. Originals Inc.*, 6 USPQ2d 1393 (TTAB 1987); *ECI Division of E-Systems, Inc. v. Environmental Communications Inc.*, 207 USPQ 443 (TTAB 1980); TMEP §1207.01(b). In this instance the goods/services are closely related both involve movie entertainment.

Although the examining attorney has refused registration, the applicant may respond to the refusal to register by submitting evidence and arguments in support of registration.

If the applicant chooses to respond to the refusal to register, the applicant must also respond to the following informalities.

### **Entity Type Unclear**

The applicant has applied as Indiana Retana Movievision Inc., a corporation organized under the laws of California. The applicant must confirm whether this is in fact the name of the corporation. Applicant's entity type is specified inconsistently in the application, and clarification is required. The name of an *individual* person appears in the section of the application intended for the trademark owner's name, but the entity type is set forth as a *corporation*. TMEP §803.03.

If applicant is an individual and the owner of the mark, then applicant may simply request that the entity be amended to "individual" and indicate his/her country of citizenship for the record. 15 U.S.C. §1051(a)(2); 37 C.F.R. §2.32(a)(3)(i); TMEP §§803.02(a) and 1201.02(c). Alternatively, if applicant is in fact a corporation, the correct name of the corporation (and U.S. state or foreign country of incorporation or organization) should be set forth. TMEP §§803.02(c) and 803.03(c).

If, in response to the above request, applicant provides information indicating that it is not the owner of the mark, then the trademark examining attorney will refuse registration under Trademark Act Section 1, 15 U.S.C. §1051, because the application was void as filed. Only the owner of a mark may apply to register the mark. TMEP §§803.01, 803.06, and 1201.02(b).

### **Unclear If Standard Character Mark Intended**

Because of the degree of stylization of the font used to depict the mark on the drawing page, applicant must clarify whether a standard character drawing format or a special-form drawing format was intended. TMEP §§807.03 *et seq.* and 807.04 *et seq.* If a standard character drawing was intended, then applicant must submit the following statement: "*The mark consists of standard characters without claim to any particular font, style, size, or color.*" 37 C.F.R. §2.52(a). If a special-form drawing was intended, then applicant must state so for the record. 37 C.F.R. §2.52(b).

### **Recitation of Services**

The recitation of services is unacceptable. Furthermore, the applicant attempted to amend the recitation three times to add more items to the recitation. This is not acceptable, because the applicant must stay within the scope of the original recitation. Applicant may change this wording to the following if accurate. TMEP §1402.01.

Pay-per-view television transmission services featuring recently released movies in English, Spanish, Cantonese, and Russian via cable, in International Class 38.

For assistance with identifying and classifying goods and/or services in trademark applications, please see the online searchable *Manual of Acceptable Identifications of Goods and Services* at <http://tess2.uspto.gov/netahtml/tidm.html>.

Please note that, while the identification of services may be amended to clarify or limit the services, adding to the services or broadening the scope of the services is not permitted. 37 C.F.R. §2.71(a); TMEP §1402.06. Therefore, applicant may not amend the identification to include services that are not within the scope of the services set forth in the present identification.

### **Specimen Unacceptable for Services**

Applicant must submit (1) a substitute specimen showing the mark as it is used in commerce in the sale or advertising of the services, and (2) a statement that "the substitute specimen was in use in commerce at least as early as the filing date of the application," verified with a notarized affidavit or a signed declaration under 37 C.F.R. §2.20. 37 C.F.R. §§2.56 and 2.59(a); TMEP §904.09.

The current specimen of record comprises a logo and is unacceptable as evidence of actual service mark use because it does not identify the services. Examples of acceptable specimens for services are signs, photographs, brochures, website printouts or advertisements that show the mark used in the sale or advertising of the services. TMEP §§1301.04 *et seq.*

The following is a sample declaration under 37 C.F.R. §2.20 with a supporting statement for a substitute specimen:

The undersigned being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements and the like may jeopardize the validity of the application or document or any registration resulting therefrom, declares *that the substitute specimen was in use in commerce at least as early as the filing date of the application*; all statements made of his/her own knowledge are true; and all statements made on information and belief are believed to be true.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Print or Type Name and Position)

\_\_\_\_\_  
(Date)

Applicant may overcome this specimen refusal by amending the application to assert a different basis for filing the application and submitting the requirements for the new basis. TMEP §§806.03 *et seq.*

In this case, applicant may wish to amend the application to assert a Section 1(b) basis.

### **Date of First Use in Commerce Omitted**

Applicant must specify the date of first use of the mark in commerce and verify this date with a notarized affidavit or a signed declaration under 37 C.F.R. §2.20. 37 C.F.R. §2.71(c); TMEP §903.

Although the application specifies the date of first use anywhere, it omits the required date of first use in commerce. Trademark Act Section 1(a)(2), 15 U.S.C. §1051(a)(2); 37 C.F.R. §2.34(a)(1)(iii); TMEP §§903 and 903.02.

### Response Guidelines

Please note that there is no required format or form for responding to this Office action. However, applicant should include the following information on all correspondence with the Office: (1) the name and law office number of the examining attorney; (2) the serial number of this application; (3) the mailing date of this Office action; and, (4) applicant's telephone number.

When responding to this Office action, applicant must make sure to respond in writing to each refusal and requirement raised. If there is a refusal to register the proposed mark, then applicant may wish to argue against the refusal, i.e., explain why it should be withdrawn and why the mark should register. If there are other requirements, then applicant should simply set forth in writing the required changes or statements and request that the Office enter them into the application record. Applicant must also sign and date its response.

Applicant may wish to hire a specialist attorney to assist in prosecuting this application because of the technicalities involved. The Office cannot aid in the selection of a trademark attorney. 37 C.F.R. §2.11. Applicant may wish to consult the Yellow Pages for a listing of attorneys specializing in trademark or intellectual property law, or seek guidance from its local Bar Association attorney-referral service.

/Tarah Hardy Ludlow/  
Tarah Hardy Ludlow  
Trademark Attorney  
Law Office 110  
571-272-9361  
571-273-9110 fax

#### HOW TO RESPOND TO THIS OFFICE ACTION:

- **ONLINE RESPONSE:** You may respond using the Office's Trademark Electronic Application System (TEAS) Response to Office action form available on our website at <http://www.uspto.gov/tcas/index.html>. If the Office action issued via e-mail, you must wait 72 hours after receipt of the Office action to respond via TEAS. **NOTE: Do not respond by e-mail. THE USPTO WILL NOT ACCEPT AN E-MAILED RESPONSE.**
- **REGULAR MAIL RESPONSE:** To respond by regular mail, your response should be sent to the mailing return address above, and include the serial number, law office number, and examining attorney's name. **NOTE: The filing date of the response will be the date of receipt in the Office,** not the postmarked date. To ensure your response is timely, use a certificate of mailing. 37 C.F.R. §2.197.

**STATUS OF APPLICATION:** To check the status of your application, visit the Office's Trademark Applications and Registrations Retrieval (TARR) system at <http://tarr.uspto.gov>.

**VIEW APPLICATION DOCUMENTS ONLINE:** Documents in the electronic file for pending applications can be viewed and downloaded online at <http://portal.uspto.gov/external/portal/tow>.

**GENERAL TRADEMARK INFORMATION:** For general information about trademarks, please

visit the Office's website at <http://www.uspto.gov/main/trademarks.htm>

**FOR INQUIRIES OR QUESTIONS ABOUT THIS OFFICE ACTION, PLEASE CONTACT THE ASSIGNED EXAMINING ATTORNEY SPECIFIED ABOVE.**

TDR Home

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