

UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD

MAGNADYNE CORPORATION

Opposer,

v.

Opposition No. 91175280

Serial No. 76/655,958

Mark: MOVIEVISION

MOVIEVISION, INC.

Applicant.

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,

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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:

OPPOSER'S NOTICE OF FILING TRANSCRIPT

on **January 12, 2009** by:

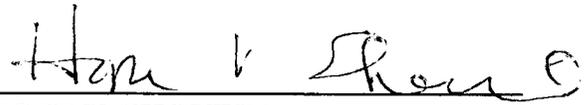
_____ delivering

mailing (via First-Class mail)

a copy to:

Indiana Retana
9435 Charleville Blvd.
Beverly Hills, CA 90212

Applicant


HOPE V. SHOVEIN

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10 PAT REARDON, Executive Vice President

11 BARRY CAREN

12

13

14

I N D E X

15 WITNESS: INDIANA RETANA

16

EXAMINATION BY:

PAGE

17

Mr. Heinl

5

18

19

E X H I B I T S

20

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

21

22

NUMBER

DESCRIPTION

IDENTIFIED

MARKED

23

1

U.S. Patent and Trademark --
Office document identified
as trademark registration
Movie Vision
[EXH-1]

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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
2	U.S. Patent and Trademark Office document identified as trademark registration of Movie Vision logo [EXH-2]	--	--
3	Document identified as page from Magnadyne website under Movie Vision section [EXH-3]	--	--
4	Document identified as page from Magnadyne website under Movie Vision section [EXH-4]	--	--
5	Document identified as current Movie Vision catalogue [EXH-5]	--	--
6	Movie Vision entitled "Owner's Manual Mobile DVD/CD Player" [EXH-6]	--	--
7	Document identified as application by Indiana Retana to the U.S. Patent and Trademark Office [EXH-7]	9	--
8	Document entitled "Movie-vision, Ovation in Media," identified as sample filed with trademark office [EXH-8]	10	10

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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
9	Document identified as Movievision business card produced by witness [EXH-9]	11	11
10	Letter on Media West letterhead to Ms. Retana dated February 12, 2008 [EXH-10]	12	12
11	U.S. Patent and Trademark Office document entitled "Examiner's Amendment" [EXH-11]	16	16
12	Document identified as Santa Barbara Media Partners web page [EXH-12]	25	25
13	Multipage document, first of which is U.S. Patent and Trademark Office "Notice Of Publication Under 12(a)," dated 10/25/06 [EXH-13]	29	29
14	"Notice Of Opposition" from Magnadyne Corporation [EXH-14]	34	34
15	Document identified as Answer to Notice Of Opposition [EXH-15]	35	35

(Exhibits 1 through 7 were previously marked in the Deposition of Barry Lawrence Caren.)

10:16 1 MR. HEINL: This is the discovery deposition to be
2 taken in the opposition to trademark application
3 76/655,958 of Indiana Retana-Movievision, Inc., and it's
4 their registration for the mark Movievision. And this
10:16 5 is the deposition of Ms. Indiana Retana, taken as a
6 result of the order extending the time to take the
7 deposition made by the United States Patent and
8 Trademark Office.

9 Please swear in the witness.

10:16 10
11 INDIANA RETANA,
12 a witness herein, having been sworn, testifies as
13 follows:

10:16 15 -EXAMINATION-

16
17 BY MR. HEINL:

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

10:17 20 A. Indiana Retana.

21 Q. And can you tell me the name -- Do you have a
22 company that you own?

23 A. Yes.

24 Q. And what is the name of the company?

10:17 25 A. Movievision.

10:17 1 Q. Movievision, Inc.?
2 A. Yes.
3 Q. Is that a California corporation?
4 A. Yes.
10:17 5 Q. And was that corporation formed on
6 February 15th of 2006?
7 A. I think so.
8 Q. Okay.
9 Are you an officer of the company?
10:17 10 A. Yes, sir.
11 Q. What is your position?
12 A. President.
13 Q. What is the primary business of Movievision,
14 Inc.?
10:18 15 A. It is to distribute recently-released movies in
16 various languages for pay per view.
17 Q. So the products that you distribute are movies?
18 A. Recently-released movies.
19 Q. Yes. And are they -- how are they -- have you
10:18 20 actually distributed any movies with the translations?
21 A. Not yet.
22 Q. Okay.
23 Have you offered any services that you've
24 identified as the Movievision -- under the Movievision
10:18 25 trademark?

10:18 1 A. What do you mean by offer?
2 Q. Have you made any sales of any services under
3 the Movievision mark?
4 A. Yes.
10:18 5 Q. And what was that? Can you tell me what the
6 services were and when?
7 A. The sales through the movie companies in order
8 to acquire them.
9 Q. Can you tell me more about that?
10:19 10 A. What else do you want to know?
11 Q. Sales to the movie companies --
12 A. No.
13 Q. I want to know sort of piece by piece what the
14 services are.
10:19 15 A. Services are acquiring the movies.
16 Q. You buy a movie --
17 A. The rights.
18 Q. -- or you buy the rights?
19 A. The rights to the movie to be contracted with
10:19 20 the cable companies.
21 Q. And what movies have you bought?
22 A. The movies isn't bought yet because it is not
23 established to where it's going to be running right now.
24 Q. Okay.
10:19 25 So you've offered the services, but no one has paid

10:19 1 you -- or you haven't paid for the rights yet?
2 A. Not -- I'm in the process of that, all of that,
3 yes.
4 Q. Okay.

10:19 5 Can you tell me the total volume of products that
6 were sold or services that were contracted for since the
7 inception of Movievision Corporation in 2006?
8 A. At the moment, none.
9 Q. It's zero. Thank you.

10:20 10 And the dollar value is again zero; is that true?
11 A. Yes, sir.
12 Q. Can you tell me how you came up with the
13 Movievision trademark?
14 A. It was 1994 when the earthquake, and I went to
10:20 15 live in a hotel for a long time. And I started thinking
16 about the idea and I thought about Movievision. And
17 that's how it came out to.
18 Q. And in the earthquake, you were living where?
19 A. In a hotel.

10:20 20 Q. In a hotel. Okay.
21 Did you ever conduct a trademark search to
22 determine whether or not that mark was available for you
23 to adopt?
24 A. I called the trademark company.

10:21 25 Q. Which trademark company?

10:21 1 A. The U.S. trademark company.
2 Q. The U.S. -- United States Patent and Trademark
3 Office?
4 A. Yes, I did.
10:21 5 Q. And did they conduct a search for you?
6 A. No.
7 Q. So did anyone conduct a search for you to
8 determine whether or not that mark was clear?
9 A. No.
10:21 10 Q. Okay.
11 For what reason did you file the trademark
12 application on March 2, 2006? I've already marked it in
13 the preceding deposition as Exhibit 7. [EXH-7]
14 Can you tell me why you filed that trademark
10:21 15 application?
16 A. I filed a trademark because I was going to
17 start a business in the cable company.
18 Q. Do you work for a cable company?
19 A. No, sir.
10:21 20 Q. Does the word "Movievision" have any meaning to
21 you? The words, do they mean anything?
22 A. It just says "Movievision," vision of the
23 movies.
24 Q. Can you describe -- there's a -- the elements
10:22 25 of the mark? And I have a sample here in your response

10:22 1 to document requests. There you have one too.
2 A. Stylized.
3 Q. Can you describe the elements of the mark?
4 A. It is a stylized vision for Movievision under a
10:22 5 curved, instead of straight. So it's --
6 Q. Okay.
7 A. And you can put that as an exhibit if you want
8 to.
9 MR. HEINL: Okay. Let's mark that as exhibit --
10:22 10 we'll mark it as Exhibit 8, please. [EXH-8]
11 (Whereupon the document referred to is marked by
12 the reporter as Exhibit 8 for identification.)
13 MR. HEINL:
14 Q. Now, is Exhibit 8 a sample as you filed with
10:23 15 the trademark office for the trademark registration?
16 A. Yes, it is.
17 Q. Now, was there any particular reason you chose
18 a circular sort of layout of the font --
19 A. That's because --
10:23 20 Q. -- for Movievision?
21 A. That was the concept that I thought that it
22 would be appealing to my trademark.
23 Q. When did you first use the Movievision
24 trademark to identify any products or services?
10:23 25 A. I started using Movievision since 1994.

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1 Q. How did you use it in 1994?
2 A. Because I -- I was in talks with many of the
3 companies in reference to what I wanted to do.
4 Q. Now, did you somehow -- did you have any
5 brochures, any advertisements, any literature, product
6 literature that you used the word "Movievision" on at
7 that time?
8 A. I used a business card that I --
9 MR. HEINL: Marked as Exhibit 9. [EXH-9]
10 THE WITNESS: 9.
11 -- that I used to identify myself.
12 MR. HEINL: Okay.
13 Q. And is that the only use of the Movievision
14 mark that you used at that time?
15 A. Yes.
16 MR. HEINL: Can we please mark that as Exhibit 9.
17 (Whereupon the document referred to is marked by
18 the reporter as Exhibit 9 for identification.)
19 MR. HEINL:
20 Q. Do you know who you provided copies of that
21 card to?
22 A. Many people. And trade shows, many, yes.
23 Q. And then what was the -- that was in 1994.
24 Then did you continuously use it or have there been
25 periods where you didn't use it?

10:25 1 A. I have always used it and I have here a letter
2 where it confirms the usage from Media West, which
3 should be Exhibit Number 10.

4 MR. HEINL: This is a letter dated February 25th.
10:25 5 Let's mark it as Exhibit 10. [EXH-10]
6 (Whereupon the document referred to is marked by
7 the reporter as Exhibit 10 for identification.)
8 MR. HEINL:
9 Q. Do you have any other evidence of your use of
10:25 10 the mark?
11 A. Only the notice of publication under 12A that I
12 was -- applied for it and they accepted for the
13 application.
14 Q. But is that --
10:25 15 A. Which I applied for it and used that --
16 I stylized Movievision.
17 Q. Okay.
18 This is a notice of publication under section 12A
19 of the Trademark Act. Okay. I'm -- That's part of the
10:26 20 official record.
21 Do you have any other letters that show your use of
22 the word "Movievision" between 1994 and 2008?
23 A. I used it in letterhead. I used it in
24 letterheads too.
10:26 25 Q. Do you have any copies of those letters?

10:26 1 A. No.

2 Q. This letter is addressed to Media West in
3 Santa Barbara, California and Denny Cooper is the
4 president. Do you know Mr. Cooper?

10:26 5 A. I know Ms. Cooper.

6 Q. Ms. Cooper?

7 A. Yes.

8 Q. Do you know her as a personal friend or --

9 A. No. As a business.

10:27 10 Q. Has she ever contracted with you to provide
11 foreign language movie translation services or products
12 that are translated?

13 A. They have -- I have contracted with them in
14 order for them to help me to put the project into other
15 cable companies.

10:27 16 Q. So what does Media West do?

17 A. Media West is a company that usually sell the
18 products to a content provider.

19 Q. Are they sort of -- Is that -- Do they act like
10:27 20 an agent for you?

21 A. I would have to say they act as an agency, a
22 mediator between myself and the --

23 Q. So you're using them to contact cable companies
24 to propose your concept?

10:27 25 A. I did use them, yes.

10:27 1 Q. Are you using them now?
2 A. At the present time, no.
3 Q. Okay.
4 But they weren't really a customer of yours,
10:28 5 Media West?
6 A. How do you define customer?
7 Q. Someone who would buy products from you or
8 purchase services from you.
9 A. They were a company like an intermediary that
10:28 10 would -- that would supply me with the information for
11 the needs that I wanted to --
12 Q. Mm-hmm. But they weren't your consumer?
13 A. No.
14 Q. Did you pay them for representation?
10:28 15 A. No. I do not pay them for that.
16 Q. And they didn't pay you for your services in
17 any way?
18 A. No.
19 Q. So they were more or less a contact or someone
10:29 20 that you used to try to interest the people that owned
21 the rights to the movies?
22 A. No.
23 Q. Please let me know what their role is.
24 A. Media West is a company that will provide space
10:29 25 available so that content can be put on it for a

10:29 1 cable -- on a cable company.

2 Q. Can you tell me anything -- Do they provide

3 services to you, essentially?

4 A. Yes, in a way they do.

10:30 5 Q. And you don't really provide services to them?

6 A. No.

7 Q. Okay.

8 Do you have any other evidence showing your use of

9 the Movievision mark in conjunction with your products

10:30 10 or services?

11 A. No.

12 Q. Now, on your trademark application, you

13 indicated that -- Let me see. Looking at the original

14 application, you indicated that your date of first use

10:31 15 was January 15, 2002. You prepared your application?

16 Is it correct you prepared your original application in

17 a handwritten version?

18 A. I did prepare my application and I here have an

19 examiner's amendment to the application. It should be

10:31 20 Exhibit Number 11. And it is in reference to the

21 amendment to goods and services to be identified under

22 37 CFR.

23 "The filing and the declaration of services are as

24 follows," and it says, "Pay per view television

10:31 25 transmission services featuring recently released movies

10:31 1 in English, Spanish, Cantonese and Russian via cable in
2 International Class 38."

3 And I'm here to provide you a copy so you could see
4 it. I guess you have it because all --

10:32 5 MR. HEINL: We can mark that as the next exhibit.
6 It will be Exhibit 11. [EXH-11]

7 (Whereupon the document referred to is marked by
8 the reporter as Exhibit 11 for identification.)

9 MR. HEINL:

10:32 10 Q. Now, in your trademark application, you
11 indicated that you had use -- first use of January 15,
12 2002 and first use in commerce of January 15, 2002. Is
13 that accurate?

14 A. It depends upon how it varies about using the
10:32 15 name cable -- I mean Movievision. I've been using
16 Movievision since it started in the concept, but in the
17 complexity of it, it went on and it wasn't formally like
18 done.

19 Q. Well, why did you pick the date January 15,
10:32 20 2002 as the date of first use or use in commerce?

21 A. Because that's when I -- that, I believe, was
22 the date that I started doing the -- some other
23 confidential information.

24 Q. Can you tell me what that is?

10:33 25 A. That's proprietary, sir.

10:33 1 Q. Now, we sent some interrogatories to you. We
2 asked in interrogatory number 3 -- that asks "For each
3 product and service identified in response to
4 interrogatory number 2, identify where applicable the
10:34 5 period of time during which applicant's use of the mark
6 on or in connection with this" -- "connection therewith
7 has occurred, if any." And you responded, "At the
8 period of time since 1998." Yet your trademark
9 application identifies 2002.

10:34 10 So when was the first time you used the trademark
11 in commerce to identify your goods or services?

12 A. Let me -- You're talking about the trademark as
13 a trademark or as a name? I used the name way, way long
14 time ago.

10:35 15 Q. We're only concerned here with use as a
16 trademark, use on brochures, use on labels of products
17 to identify your goods and services.

18 A. I've been using Movievision for a long time.

19 Q. As a company name?

10:35 20 A. As a company name.

21 Q. But when was the first time you used it, you
22 put it on a label for your products or put it on a
23 brochure or other advertising material for your
24 services?

10:35 25 A. I don't remember, to be honest with you.

10:35 1 Q. Have you ever used it in those ways, as a
2 label? Have you ever put a label on a product that
3 bears the name Movievision?
4 A. On the business cards.

10:35 5 Q. My question is --
6 A. Oh.
7 Q. -- have you ever put the mark Movievision as a
8 trademark on a product?
9 A. What do you mean by a product?

10:35 10 Q. On a movie or on a DVD disk.
11 A. I'm not -- I'm not using DVD disk. I'm going
12 to be getting the rights from the DVDs. I don't use
13 videos. I'm going to have the rights from the movie
14 companies so that they could be uplinked into the cable
10:36 15 company and the cable to be downlinking into the homes.
16 Q. But the short answer is "no," you have not put
17 the mark Movievision on any movie or other product to
18 date?
19 A. On a movie, no.

10:36 20 Q. Or other product?
21 A. But products, I just say on my letterheads,
22 business like a --
23 Q. Is your product letterhead?
24 A. No. I do movies.

10:36 25 Q. Okay.

10:36 1 Is your product business cards?
2 A. No. The business card is only an agent for
3 identification.
4 Q. And you haven't advertised your services in a
10:36 5 brochure or on the Internet --
6 A. No.
7 Q. -- using the name Movievision to date --
8 A. I have --
9 Q. -- is that correct?
10:37 10 A. -- a domain name.
11 Q. You have the domain name?
12 A. Yes. But I have that in the Internet.
13 Q. And do you have a web page that is identified
14 by that domain name?
10:37 15 A. No.
16 Q. You just reserved the domain name?
17 A. Yes.
18 Q. Okay.
19 Have you ever marketed or produced any content
10:37 20 under the Movievision trademark in connection with
21 pay-per-view television transmission services featuring
22 recently-released movies in English, Spanish, Cantonese
23 and Russia via cable --
24 A. No.
10:37 25 Q. -- Russian via cable?

10:38

1 A. No.

2 Q. How do you intend to use the mark in commerce
3 in the future?

4 A. Advertising the company.

10:38

5 Q. And can you tell me what markets you intend to
6 sell or you intend to sell the products and services
7 into? Who is your market?

8 A. The cable users.

9 Q. So consumers who subscribe to cable television
10 services?

10:38

11 A. Correct.

12 Q. And that would include both Internet and cable
13 transmissions?

14 A. I believe -- It's cable. Cable providers.

10:38

15 Q. Okay.

16 And cable providers frequently provide Internet
17 also?

18 A. This is on a pay-per-view basis, sir, so I
19 don't think it's going to go into the Internet.

10:38

20 Q. Okay.

21 How do you intend to market your products and
22 services?

23 A. The cable companies are going to do that.

24 Q. The cable companies are going to do your
25 marketing?

10:39

10:39

1 A. Yes.

2 Q. Would you expect any other trademarks besides
3 the Movievision trademark to appear on the packaging or
4 on your products?

10:39

5 A. For Movievision, no.

6 Q. The name of the movie won't be there or -- I
7 mean, don't movies typically have trademarks or service
8 marks?

9 A. No, sir.

10:40

10 Q. Would you expect your Movievision trademark to
11 be put on the credits for the movie or the cable
12 transmission of the movies?

13 A. No, sir.

14 Q. So where is your expectation that the

10:40

15 Movievision trademark will appear?

16 A. The Movievision is the name of the company.
17 Okay.

18 Q. So it's not -- you don't expect it -- to ever
19 put it on the products or the movies themselves?

10:40

20 A. Well, it have to be advertised and the cable
21 company is going to do the advertising. They're going
22 to probably use Movievision.

23 Q. Do you know --

24 A. No.

10:40

25 Q. Are you going to require that they use

10:40 1 Movievision on the actual movies or --
2 A. The rights of the movies is totally different.
3 Do you understand?
4 Q. No.
10:40 5 A. My -- The company is Movievision. The films
6 is -- is a totally different thing. They're not going
7 to say the company -- the film and Movievision. It
8 doesn't go that way.
9 Q. So how do you plan to actually put the word --
10:41 10 use the word "Movievision" in conjunction with your
11 movies?
12 A. It's going to be a cable network channel.
13 Q. And are they going to actually use the word
14 "Movievision," to your knowledge?
10:41 15 A. In the cable -- The cable network channel is
16 going to be Movievision.
17 Q. You want it to be a channel?
18 A. Yes.
19 Q. You want to have a channel dedicated to --
10:41 20 A. That is correct.
21 Q. So you'll be like an MTV or a -- that's your
22 dream is to have your own channel that would be
23 identified as Movievision like Turner Classic Movies?
24 A. It's not a dream. It is a -- Movievision, it
10:42 25 is going to be a cable network channel.

10:42 1 Q. Okay.
2 And what steps have you taken to that end to date?
3 A. What do you mean by that?
4 Q. Do you have any contracts signed?
10:42 5 A. They're in the process of doing that.
6 Q. With who?
7 A. With movie companies.
8 Q. Which movie companies?
9 A. All of them.
10:42 10 Q. Can you give me the name of a couple of them?
11 A. They're confidential and proprietary. I
12 wouldn't be able to give you any of that.
13 Q. Do you have any contracts that you've signed
14 with any movie companies to date?
10:42 15 A. They're -- No.
16 Q. When you adopted your Movievision trademark,
17 did you have any knowledge of Magnadyne's Movie Vision
18 trademarks, registrations or trademarks?
19 A. The U.S. Patent and Trademark said that there
10:43 20 was a Movie Vision, but that it had something to do with
21 automobiles and videos. And I said, "Is there any way
22 that I can send my application?"
23 He said, "Send the application and if it is
24 different than whatever the other company's doing, we'll
10:43 25 review it and we'll approve it."

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Q. They said this before you filed your application?

A. That's when I called, because I said I wanted to file the trademark.

Q. So before you filed your trademark application, you were aware of Magnadyne's use of their mark for the goods and services that they identify in their registration; is that true?

A. No. Only when I called.

Q. But did you call before you filed your trademark application?

A. Yes, I did.

Q. And when you called, they told you that there was Magnadyne's registrations for Movie Vision for the vehicle oriented --

A. There was a equipment and videos for autos trademark. And this is why -- I don't know whether you put this under exhibit or notice of publication, but they went with the publication of the trademark for Movievision where they approved it. Well, it's not approved, but they sent it out --

Q. For opposition?

A. -- for oppositions.

Q. Which is why we're here. I understand.

Now, did you receive an office action from the

10:44

10:45

10:45

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10:45

10:51

1 examiner?
2 A. I beg your pardon?
3 Q. Did you receive a document in response to
4 filing your trademark application? Did you receive --
5 First you received a filing receipt; is that correct?
6 A. I sent in the filing.
7 Q. Right. You filed it.
8 And then they sent back a filing receipt; is that
9 true?
10 A. I don't remember. But if they did, I'm not
11 going to say "no."
12 Q. Okay.
13 And did you get a document from the trademark
14 office that referred to the Movie Vision registrations
15 of Magnadyne?
16 A. No.
17 MR. HEINL: Let me make a -- Let me take a short
18 break to make a copy of the exhibit.
19 (Interruption in proceedings.)
20 MR. HEINL: But I want to go back and put before
21 you some pages that have been printed from the Internet
22 for Santa Barbara Media Partners. And can we identify
23 that as Exhibit 12. [EXH-12]
24 (Whereupon the document referred to is marked by
25 the reporter as Exhibit 12 for identification.)

10:51 1 MR. HEINL: I'd like to place that before the
2 witness.
3 Q. Do you recognize that document?
4 A. What is this?
10:52 5 Q. Do you understand what that document is?
6 A. No.
7 Q. Do you see the name of the company that's
8 identified on the web page?
9 A. You say "Eureka" caption?
10:52 10 Q. Pardon me? No. That's an advertisement.
11 A. "Santa Barbara Media Partners."
12 Q. Yes. Do you recognize the name of that
13 company?
14 A. No.
10:52 15 Q. What is the address shown for Santa Barbara
16 Media Partners?
17 A. It was 105 West Gutierrez Street, Suite C.
18 Q. Now, is that the same as the address for
19 Media West?
10:53 20 A. Yes, it is.
21 Q. And do you know if that company is related in
22 any way to Media West?
23 A. I don't know.
24 Q. But they're in the same offices?
10:53 25 A. They seem to be.

10:53 1 Q. And what business is Santa Barbara Media
2 Partners in?
3 A. What does it say here?
4 Q. Do they appear to be an advertising agency?
10:54 5 A. I -- I don't know. I only deal with Media
6 West, a person there.
7 Q. Now, do you see the website identification?
8 I'm pointing to the item (indicating). Do you see that
9 website?
10:54 10 A. Okay.
11 Q. Can you tell me what that says?
12 A. "Advertising Agency Radio placement, Television
13 placement, Internet placement, Cinema placement, Print
14 placement, Media placement and fulfillment, Aerial
10:54 15 advertising, Broadcast advertising, Print advertising,
16 Advertising agency services."
17 Q. Can you read what's indicated there next to the
18 word "Website"? "Website"'s in bold characters, a
19 colon, and then there's a www address.
10:55 20 A. Where is that here?
21 Q. Up on the top. Let me point to it for you.
22 There (indicating).
23 A. Oh, the website.
24 It's www.mediawestmarketing.com.
10:55 25 Q. Now, is that the same name -- does that appear

10:55 1 to be the same name of the company that sent you the
2 letter?
3 A. I know Media West and -- it's under Media West,
4 yes.
10:55 5 Q. Do you have any reason to believe that that is
6 not the website for the company you know as Media West?
7 A. I beg your pardon?
8 Q. Do you have any reason to believe that that is
9 not the website for the company that you know of as
10:55 10 Media West?
11 A. I don't know -- I don't know -- I don't know
12 what you're --
13 Q. Do you have any reason to believe that this is
14 not their website?
10:55 15 A. I don't know. I -- I don't go to the website.
16 I just know them from a long time ago. And I had the
17 contact.
18 Q. And they have the same address, street address
19 as the company that you received the letter from; is
10:56 20 that true?
21 A. Yes.
22 Q. And the name and the -- the name embedded on
23 the website of Media West is the same of that on your
24 letterhead?
10:56 25 A. That's what -- according to what you said on

10:56

1 the website page that you showed me.

2 Q. And they are an advertising agency, the one
3 identified on the website?

4 A. Yes.

10:56

5 Q. Now, the Media West that you dealt with, is
6 that an advertising agency? Did you understand Media
7 West that sent you the letter to be an advertising
8 agency?

10:56

9 A. Well, I -- I know -- I know the principals and
10 they were the ones that said that they would help me in
11 trying to get contracts with the cable companies.
12 That's all I know.

13 Q. Okay.

14 But Media West is not your customer in any way?

10:57

15 A. No.

16 Q. Okay. I think we've gone over that.

17 Let's get back to the -- We can mark this as
18 Exhibit 13. I would guess this is the -- I'll identify
19 it as the prosecution -- documents in the prosecution
20 history of the trademark file. [EXH-13]

10:57

21 (Whereupon the document referred to is marked by
22 the reporter as Exhibit 13 for identification.)

23 MR. HEINL:

24 Q. Do you recognize what we've marked as

10:57

25 Exhibit -- let me get some of these exhibits out of your

10:58 1 way -- as Exhibit 13? Do you recognize this document?
2 A. No.
3 Q. Do you recognize any of the documents in that
4 group of documents?
10:58 5 A. Well, I identify that "Movievision" stylized.
6 This is the first time I see this.
7 Q. Okay.
8 The pages on the bottom, are those in your
9 handwriting?
10:58 10 A. Yes. That's my signature on page number 2, the
11 letter, September 13th, 2006.
12 Q. And it was a letter to the trademark attorney?
13 A. Yes.
14 Q. Okay.
10:58 15 A. On September 19th, 2006, my signature is that.
16 Q. Let's cut to the chase here a little bit. I'm
17 turning to a page -- I've turned it open to a document
18 that's headed "Office Action." It's a six-page document
19 within the group. Did you ever receive that document
10:59 20 from the Trademark Office?
21 A. No. I don't remember.
22 Q. Please take your time and review the pages.
23 A. I'm looking for a date here.
24 Q. It's at the end, the sixth page down.
11:00 25 Oh, here (indicating). May I help you? I don't

11:01 1 seem to see the date on it either. I'm not sure why
2 it's not there. But do you recall that your trademark
3 application was initially rejected by the Trademark
4 Office on the basis of the existence of a likelihood of
11:01 5 confusion between your proposed mark and that of
6 Magnadyne Corporation's Movie Vision?

7 A. Not that I remember.

8 Q. Referring to the third page of the "Office
9 Action."

11:01 10 A. I'm still waiting for the date on that letter.

11 Q. It's on or about August 21 when they printed
12 the -- Magnadyne's registrations in the Trademark
13 Office. So it was about August 21 of 2006.

14 And let me read from the bottom of the second page
11:02 15 of the "Office Action" where it says, "The goods or
16 services of the respective parties are closely related,
17 the degree of similarity between the marks required to
18 support a finding of likelihood of confusion is not as
19 great as would apply with diverse goods or services."

11:02 20 And there's some citations to some cases and it
21 continues, "In this instance the goods/services are
22 closely related both involve movie entertainment."

23 And then it indicates that "Although the examining
24 attorney has refused registration, the applicant may
11:02 25 respond to the refusal to register by submitting

11:03 1 evidence and arguments in support of registration."
2 Do you see that on the bottom of that page and
3 following on the next page?
4 A. Sir, under Exhibit 13, this was dated in 2006.
11:03 5 And it was mailed to -- Okay. And under which paragraph
6 is this?
7 Q. That's a document -- It's an accumulation of
8 documents from when you filed the application, when you
9 got an office action and the amendments that you filed,
11:03 10 your letters to the trademark attorneys, and then the
11 final or the top page is --
12 A. Yeah. But the thing is that I got the
13 publication.
14 Q. I understand that.
11:03 15 A. So I don't know -- I'm not -- I'm not in that
16 Trademark Office or anything about that. I just know
17 that they said that I should go ahead and send the
18 application, and that they'll go ahead and review it.
19 Q. And they reviewed it and they gave you an
11:04 20 office action; is that correct? They rejected it
21 initially and then you called the examiner after that.
22 Is that accurate?
23 A. And what happened?
24 Q. And you had a discussion with the examiner and
11:04 25 you sent the examiner a letter; is that correct?

11:04 1 A. They wanted me to define about the company.
2 Q. Right.
3 A. Yes.
4 Q. And -- But initially, the examiner rejected
11:04 5 your application based upon Magnadyne's Movie Vision
6 marks; is that correct?
7 A. I don't remember it, but if they did --
8 Q. Okay.
9 Now, did the examiner ever discuss with you whether
11:04 10 or not there was a likelihood of confusion between your
11 mark, your proposed mark and the Magnadyne
12 registrations?
13 A. No.
14 Q. It never came up at all?
11:04 15 A. When I -- I was on the phone with them, they
16 wanted me to send in exactly what I was going to do and
17 that's when the amendment was approved.
18 Q. And did you file an amendment or just have a
19 telephone call with the examiner?
11:04 20 A. I did the phone call and the amendment was
21 done.
22 Q. Did you ever explain to the examiner why there
23 is no likelihood of confusion between your proposed mark
24 and those of Magnadyne?
11:05 25 A. Well, I've been saying all along that's it's a

11:05 1 cable --

2 Q. Did you ever tell the examiner that?

3 A. I may have. I don't remember.

4 Q. You don't remember. Did the examiner ever give

11:05 5 any reason as to why he changed his position? Did the

6 examiner ever give you any reasoning as to why he

7 changed his position as to likelihood of confusion?

8 A. I don't remember.

9 Q. Okay. I guess the record will speak for

11:05 10 itself.

11 Okay. Now, after -- your mark was -- passed

12 publication, as you just testified. And then do you

13 recall receiving a notice of opposition from Magnadyne

14 Corporation? And I'll hand you what will be marked as

11:06 15 Exhibit 14. [EXH-14]

16 A. Yes, I remember that. Yes.

17 Q. Okay.

18 And then did you prepare a response to that?

19 Please mark this as Exhibit 14. We'll have to stop

11:06 20 talking.

21 (Whereupon the document referred to is marked by

22 the reporter as Exhibit 14 for identification.)

23 MR. HEINL:

24 Q. Do you recognize the Exhibit 14 as a document

11:06 25 that you received as a notice of opposition?

11:06 1 A. Yes.
2 MR. HEINL: Can we please mark this
3 Exhibit 15. [EXH-15]
4 (Whereupon the document referred to is marked by
11:06 5 the reporter as Exhibit 15 for identification.)
6 MR. HEINL:
7 Q. Can you identify Exhibit 15 for me?
8 A. Yes, I do.
9 Q. Okay.
11:06 10 Now, Exhibit 15 has 16 numbered paragraphs or
11 words, essentially?
12 A. Yes.
13 Q. And do those 16 numbers followed by the word
14 "Denied" correlate to the paragraphs of the opposition?
11:07 15 A. Yes.
16 Q. Okay.
17 Let me direct your attention to paragraph 2 of the
18 opposition.
19 A. Of Exhibit Number 14?
11:07 20 Q. Yes.
21 A. Okay.
22 Q. It's numbered paragraph 2. Not in the -- Yes,
23 that paragraph. Do you have any basis for denying the
24 truth of that statement?
11:07 25 A. What do you mean by that?

11:07 1 Q. Do you have any basis for saying that what's
2 said in paragraph 2 is denied, is false?
3 A. Well, I denied it, yes. It says, "No."
4 Q. What is the basis for your denial?
11:08 5 A. Because this is -- the reason why I denied it
6 was because he -- under paragraph number 2, it goes
7 under vehicles and the videos and the games with
8 automobiles.
9 Q. Is that true that he uses his mark in
11:08 10 conjunction with video entertainment systems?
11 A. According to the trademark. I can read, and
12 it's here, "video entertainment systems for vehicles,
13 namely, electronic audio, video and video game
14 components."
11:08 15 Q. Do you deny that Magnadyne is the owner of the
16 mark -- is the owner of the two trademark registrations?
17 A. No.
18 Q. Do you deny that they use the trademark
19 registrations "in conjunction with video entertainment
11:08 20 systems," et cetera, as the quoted statement says? Do
21 you deny anything about that as to their use?
22 A. I denied it because mine was totally different
23 than --
24 Q. The question is, is this statement in
11:09 25 paragraph 2 true or false?

11:09 1 A. I don't know.
2 Q. You don't know.
3 Do you have any basis for saying that that
4 allegation is false or that you deny that allegation?
11:09 5 A. I just don't understand that question, sir.
6 Q. Okay.
7 Let's go to paragraph 3. It says, "Opposer has
8 used the Movie Vision marks from a date at least as
9 early as July 1999 in conjunction with the
11:09 10 above-identified goods and related services." You again
11 denied that in your paragraph 3; is that true?
12 A. But I don't know the basis when he started
13 using.
14 Q. You denied it?
11:10 15 A. Yes, I did.
16 Q. Do you have any basis for denying it, any
17 factual basis for denying that?
18 A. No.
19 Q. Let's move to paragraph 3. Do you have
11:10 20 any factual basis --
21 A. Number 4.
22 Q. Number 4.
23 -- for denying the allegations of paragraph 4? Do
24 you have any basis for denying that?
11:10 25 A. No, I have no basis as to know whether it's

11:10 1 true or not.

2 Q. But you said that it was -- you denied that

3 that's true in your answer to the opposition?

4 A. I denied it, yes.

11:10 5 Q. And you have no basis for denying it that you

6 can point to today?

7 A. I don't know the factuals about it.

8 Q. Either you do or you don't.

9 A. Oh.

11:11 10 Q. I mean, you may not know all of the facts

11 behind it --

12 A. That's right.

13 Q. -- but to deny it you have to know that

14 something is untrue. Do you know of anything that's

11:11 15 untrue about the statement in paragraph 4?

16 A. I don't think so.

17 Q. Now, do you have any basis for denying the

18 allegations of paragraph 5? Is there anything that you

19 can point to in there that's inaccurate?

11:11 20 A. Well, I have -- I have to do research in order

21 to find out.

22 Q. But you --

23 A. I denied it.

24 Q. -- you made an allegation. You responded --

11:11 25 A. Denied. All of them from 1 to 16 were denied

11:11 1 because I had no basis as to -- as to how I was going to
2 find out whether they were true or not.

3 Q. Okay.

4 A. I had no basis, no foundation.

11:12 5 Q. But you said you denied it. And you actually
6 indicated that you believe that to be untrue. Is that a
7 false allegation on your part?

8 A. Well, not false allegation. But I don't have
9 the information to sustain whether it's true or not.

11:12 10 Q. Now, we've gone through discovery and you've
11 now asked Barry Caren questions in this deposition
12 today. Is there anything that you can point out in
13 paragraphs 2 through 5 that we've gone through already
14 that would provide a basis for denying the truth of the
15 allegations?

16 A. Well, as I read them from 1 to 5, and then he
17 goes out -- and when you were asking some of the
18 questions, and then he goes that he has some of the
19 videos in different languages since 1999. So I don't
20 know anything about whether they were in different
21 languages either.

11:12 22 Q. I don't believe that he testified that he's
23 selling videos in different languages. There were
24 multilanguage capabilities within the video products, I
11:13 25 believe.

11:13

1 A. Okay.

2 Q. Is that true?

3 A. Well, that's what he said. I wasn't aware of
4 that either.

11:13

5 Q. Okay.

6 In paragraph 6, it's indicated that your company
7 "filed an intent-to-use based application on March 2,
8 2006 for the mark Movievision in stylized form," and
9 that you "amended the application during prosecution to

11:13

10 be an intent-to-use based application." And that "As
11 published, this application covers 'pay-per-view
12 television transmission services featuring recently
13 released movies in English, Spanish, Cantonese and
14 Russia via cable' in International Class 38." Is there
15 anything untrue about that statement?

11:13

16 A. I don't think so.

17 Q. So your denial was not accurate when you denied
18 paragraph 6?

19 A. Because when you had all this in the four
20 languages, I wanted to have it in maybe a couple of
21 other languages and that's why I amended that.

11:14

22 Q. Mm-hmm. But is there anything untrue about
23 that statement in paragraph 6?

24 A. No.

11:14

25 Q. Is there anything untrue about the statement in

11:14

11:14

11:14

11:14

11:15

1 paragraph 7?
2 A. And the serial number, would that be my
3 application number?
4 Q. You can check it against the notice of
5 opposition.
6 A. Probably so, because the application in this
7 one is the same.
8 Q. The application number is not the same?
9 A. It is the same.
10 Q. Okay.
11 So you have no basis for denying that?
12 A. No.
13 Q. Paragraph 8, do you have any basis for denying
14 paragraph 8?
15 A. Would you read that one?
16 Q. "There is no issue as to priority. Upon
17 information and belief, Applicant filed its application
18 for Movievision mark" -- Let me start over. "Upon --
19 "There is no issue as to priority. Upon information and
20 belief, Applicant filed its application for Applicant's
21 Movievision mark long after Opposer obtained trademark
22 rights in the Opposer's Movie Vision marks."
23 A. Confusing.
24 Q. Do you have any basis for denying the truth of
25 that statement?

11:15

1

A. No.

2

Q. Paragraph 9, do you have any basis for denying the truth of the statement that "The services identified by Applicant's Movievision mark are directly related to and confusingly similar to the goods and accessories offered under the Opposer's Movie Vision marks"? Do you have any basis for denying that?

11:16

5

6

7

8

A. Yeah. It's totally different.

9

Q. You do deny that?

11:16

10

A. Yes.

11

Q. And what is your basis for denying that?

12

A. Simply because I'm going through the cable and the other one is on a pay-per-view basis with recently-released movie. And the cars, it's videos, games and with an equipment that is installed in an automobile.

11:16

15

16

17

Q. Okay.

18

A. That's what -- I may be wrong, but that's what I'm assuming.

19

11:16

20

21

22

23

24

11:16

25

Q. Now, paragraph 10, "Upon information and belief, at the time Applicant filed its trademark application to register Applicant's Movievision mark, Applicant had full knowledge that Opposer used the Opposer's Movie Vision marks to identify its goods and related services offered in connection therewith." Do

1 you have any basis for denying that allegation.

2 A. It is two different -- two different services.

3 Q. But do you have any basis for denying that you

4 had knowledge of Magnadyne's marks at the time you filed

11:17 5 the application?

6 A. I had no knowledge.

7 Q. Well, didn't the trademark -- didn't you

8 testify that the trademark examiner explained to you

9 that there was these other marks and that you should

11:17 10 file an application, that you wanted to try to protect

11 your rights? I'm trying to paraphrase what the examiner

12 said to you.

13 A. When I filed about my application, I didn't

14 know anything about the Movie Vision.

11:17 15 Q. Didn't you talk to the examiner before you

16 actually filed and they recommend that you file it? I'm

17 trying to get this straight. I mean, I just heard the

18 testimony a few minutes ago.

19 A. Yes. Yes, I did.

11:17 20 Q. Okay.

21 So the examiner told you there's these other marks

22 out there?

23 A. But it was different than what I had. Sorry.

24 Q. But the question is, did you have knowledge of

11:17 25 Magnadyne's marks prior to the time you filled out your

11:17 1 trademark application? Not whether or not they're
2 confusing or similar. Just whether you had knowledge
3 that he had registrations.

4 A. It was thereafter. Like at the time that I was
11:18 5 filing, that's when I got -- they told me about his --
6 about Movie Vision, which is totally different than what
7 mine was.

8 Q. Okay.

9 But at the time you filed, the examiner -- you
11:18 10 contacted the examiner before you filed and found out
11 that there were these other marks out there? Isn't that
12 what you testified to?

13 A. I testified, yes, that they told me that there
14 was a Movie Vision for radio in vehicles.

11:18 15 Q. And then you proceeded to file your trademark
16 application?

17 A. Yeah. Because it was different.

18 Q. Do you have any basis for denying the
19 allegations in paragraph 11?

11:18 20 A. I denied it because it was -- it was totally
21 apples and oranges.

22 Q. Okay.

23 Do you have any basis for denying that "Magnadyne
24 Corporation will be" -- this is paragraph 16 --
11:19 25 "Magnadyne Corporation will be damaged by the

11:19 1 registration" of your Movievision mark? Do you have any
2 basis for denying that?
3 A. I don't think it's going to be damaged.
4 Q. Do you have any basis for that belief?
11:19 5 A. My personal -- It would be my personal
6 information that's -- that there's two different
7 companies with two different disciplines.
8 Q. But do you have any basis for denying that
9 Magnadyne believes it will be damaged by this
11:20 10 registration?
11 A. I don't know.
12 Q. Do you believe that the Magnadyne Movie Vision
13 products can only be used in a car?
14 A. According to the trademark that was filed -- I
11:20 15 don't know that. They said it was filed. But according
16 to what I have read, they said it was for videos,
17 cassettes, automobiles. Under the trademark here, the
18 Movie Vision, "Video entertainment systems for
19 vehicles" --
11:21 20 Q. Would vehicles also include recreational
21 vehicles?
22 A. -- "namely, electronic audio" --
23 Q. Could it --
24 A. -- et cetera.
11:21 25 Q. Could it be in a recreational vehicle? Is it

11:21 1 broad enough to include recreational vehicles?
2 A. I don't know, sir.
3 Q. Is it broad enough to include boats?
4 A. I don't know that.
11:21 5 Q. Trucks?
6 A. I don't know.
7 Q. Do you have any basis to believe that it
8 couldn't be used on a portable basis?
9 A. I don't know.
11:21 10 MR. HEINL: I think I'm just about through. Can we
11 take a brief break.
12 (Interruption in proceedings.)
13 MR. HEINL:
14 Q. Do you admit that your mark, as a mark, is
11:23 15 identical in its entirety to the Magnadyne Movie Vision
16 trademark as to its appearance, sound, connotation and
17 commercial impression?
18 A. You need to define that.
19 Q. Do you admit that your mark Movievision is
11:24 20 identical to Magnadyne's Movie Vision trademark in
21 appearance, sound, connotation and commercial
22 impression?
23 A. As a whole, Movievision, which is the entity of
24 a cable with recently-released movies.
11:24 25 Q. I'm asking about the mark, not the products.

11:24 1 A. Well, if you see it visually, it's totally
2 different.

3 Q. And in what way is it different?

4 A. Because "Movievision," you can see it. It is
11:24 5 one word, totally different stylized. "Movie Vision,"
6 it's two words, "Movie Vision."

7 Q. Is there any difference --

8 A. And then you go into --

9 Q. Is there any difference in the sound of the
11:24 10 marks?

11 A. The sound of the mark, no.

12 Q. Any difference as to the meaning or
13 connotation?

14 A. The meanings, yes, different.

11:24 15 Q. How is the meaning of Movievision and Movie
16 Vision different?

17 A. Like per se or for what that -- what --
18 Movievision, my trademark, is different than Movie
19 Vision for Magnadyne. I see it as two different
11:25 20 entities, personally.

21 Q. Two different entities, but the connotation of
22 the words is the same and identical in fact, isn't it?

23 A. The spelling, it is. But there's a lot of
24 Movie Visions, many Movie Visions than mine, than his.
11:25 25 You go into it and there's lots of Movie Visions. And

11:25 1 it's Movie Vision. But it depends upon -- upon the
2 product that --

3 Q. I'm just asking about the mark. Now, is the
4 commercial impression for your Movievision and
11:25 5 Magnadyne's Movie Vision different?

6 A. In the pronunciation, no.

7 Q. How about the commercial impression?

8 A. The commercial, I think it's different.

9 Q. How is it different?

11:26 10 A. Different because I'm using it in one -- with
11 entertainment, with recently released, pay per view,
12 paying for it. And on the other hand, it's being used
13 as a video, vehicles, equipment, DVDs.

14 Q. But do you admit that your services and the
11:26 15 Magnadyne products both involve providing movies to
16 people who want to watch movies?

17 A. No.

18 Q. You don't believe that Magnadyne provides a
19 vehicle or a mechanism for people to watch movies?

11:26 20 A. According to the trademark, it has nothing --
21 it has two different meanings. It has two different
22 applications.

23 Q. No. I agree that they're different
24 descriptions of the goods and services.

11:27 25 A. And I'm just going by that. I don't know

11:27 1 anything about what Magnadyne is in difference to
2 whatever. I'm going by what the trademark is on the
3 black-and-white basis.

4 Q. Now, do you agree that Movie Vision provides
11:27 5 or -- what their -- Excuse me. Strike that.

6 Do you believe that your Movievision is involved in
7 the delivery of current entertainment such as movies to
8 customers?

9 A. Strictly movies on a pay-per-view basis on
11:27 10 cable matters.

11 Q. And that relates to providing movies to people
12 who want to watch movies; is that true?

13 A. Entertainment, recently-released movies.

14 Q. Right. So you are involved in providing movies
11:27 15 to consumers at some level, at some portion of that
16 process?

17 A. Via the cable. Via --

18 Q. Now, do you agree that Magnadyne provides a
19 product that enables people to view current movies?

11:28 20 A. What product?

21 Q. The product -- The DVD and CD player that they
22 have. Do you --

23 A. According to the trademark --

24 Q. No. I'm asking a very specific question.

11:28 25 A. I'm just going by the trademark. I don't know.

11:28

1 No. I don't know.

2

Q. Does their product -- You're denying that Magnadyne's product enables people to see movies?

3

A. I don't know.

11:28

4

Q. You don't know. Is there a reason you don't know? Was there something you're unclear about?

5

A. No. I don't know, period.

6

Q. Do you deny that the products identified on their web pages that -- of Exhibits -- I'm going to put

11:28

7

before you Exhibits 3 through 6. And ask you, do you

8

have any basis for denying that Magnadyne's products

9

identified in those exhibits facilitate the delivery of movies to consumers?

10

A. I just see the equipment that is provided to a

11:29

11

vehicle.

12

Q. Now, do you know that a DVD player and a

13

video -- in a vehicle is frequently used when you put in a DVD of a movie, that that will then play that movie?

14

A. Yeah. But it's a free -- something that you

15

put into an equipment, that you put it on there and it is provided into a screen in an automobile. Any

11:29

16

automobile can put that equipment.

17

Q. Right.

18

A. I have in my car not the TV, but the -- I have with the music in the back where I can put the CD. I'm

11:29

19

11:29 1 not too much into electronics. I'm a little bit -- But
2 the CD player or the disks that you can change and hear
3 any music you want on a free basis, that I can put it in
4 my automobile.

11:30 5 Q. No. Do you have any basis for denying that the
6 Magnadyne Movie Vision products are used to play movies
7 for people's entertainment?

8 A. That, I don't know.

9 Q. You don't know that?

11:30 10 A. I'm only going to the trademark.

11 Q. You don't know that all?

12 A. No.

13 Q. And you're under oath here today testifying?

14 A. Yes, I am.

11:30 15 Q. Are you aware that people record movies on
16 their DVR's for replaying at a later time? Are you
17 aware of the practice of using a video -- digital video
18 recorder?

19 A. Sir, I don't know anything about any of those

11:30 20 equipment. I can only press a number on my phone. I'm
21 not into -- I'm not a savvy electronic engineer.

22 Q. Okay.

23 But are you aware of digital video recorders?

24 A. Yes.

11:30 25 Q. And what are they used for?

11:31 1 A. Putting -- whatever they have -- as they said,
2 videos, games or movies, whatever, into -- that they --
3 you can get it from Blockbuster, whatever, put it
4 into --

11:31 5 Q. And they're used to record --

6 A. -- equipment.

7 Q. -- videos?

8 A. But isn't there something about the FCC and
9 whatever, that you're not supposed to do that?

11:31 10 Q. I don't know.

11 A. But there's, I think, a law against that.

12 Q. I'm not here to testify.

13 A. Okay. That's pirates.

14 Q. Now, if you get a translation job to translate
11:31 15 a current movie -- and proposing this is the first part
16 of the question. If you land a contract to provide
17 translated versions of movies, those will be then
18 broadcast in your plan via a cable provider; is that
19 true?

11:31 20 A. According to the laws of the FCC.

21 Q. And those broadcasts can be used -- those
22 broadcasts can be received by a digital video recorder
23 to record that?

24 A. No. It's provided via -- through -- for
11:32 25 television.

11:32 1 Q. Right. It's provided to the television. And
2 televisions can receive digital video recorder feeds --
3 or can provide signals to a digital video recorder; is
4 that true?

11:32 5 A. I don't know.

6 Q. You don't know. But if that was recorded on a
7 DVD, your movie, and it was then put onto a disk, do you
8 know any reason why that disk could not be played in
9 Magnadyne's players?

11:32 10 A. A, you're asking me a hypothetical question;
11 and, B, I believe that if a movie is recorded onto a
12 DVD, I believe, according to the laws, that it's illegal
13 to do so.

14 Q. Are you familiar with the case Sony versus
11:33 15 Betamax?

16 A. No.

17 Q. Okay. Thank you for your lesson, then.

18 But if it were that someone did record one of your
19 translated videos onto a DVD, would it physically be
11:33 20 playable in the Magnadyne product?

21 A. I don't know.

22 Q. You don't know. Okay.

23 Do you have any plan to provide any of your
24 translated video products on a recorded medium version,
11:34 25 that you would put it on a disk and sell the disks

11:34 1 perhaps?
2 A. I'm not allowed to do so, sir.
3 Q. Even if the copyright owner gave you the rights
4 to do so?
11:34 5 A. No.
6 Q. Okay.
7 Are you aware of any other Movie Vision marks,
8 marks that include the words "Movie Vision" to identify
9 products other than yours or those of Magnadyne?
11:34 10 A. Am I aware that there's Movie Visions?
11 Q. The actual use of the words "Movie Vision" in a
12 trademark to identify products of others, other than
13 your products or Magnadyne's?
14 A. No.
11:35 15 Q. Do you have any plans to expand your use of the
16 Movievision trademark that you proposed into other
17 fields at this time?
18 A. Not at the moment.
19 MR. HEINL: Okay.
11:35 20 I have no further questions on direct.
21 I don't know if you have any questions of yourself.
22 THE WITNESS: No.
23 MR. HEINL: I would like to stipulate that we can
24 use your deposition transcript without waiting for you
11:35 25 to sign that transcript. Are you agreeing -- Can you

11:35 1 agree to stipulate to waive the signature requirement or
2 do you wish to sign?
3 THE WITNESS: What is the connotation with signing
4 or not signing?
11:35 5 MR. HEINL: Well, if you sign it, then once you
6 sign it, we can use it as evidence in this case. If you
7 for some reason decide not to sign it, then I would like
8 to have a stipulation that we can use it.
9 THE WITNESS: No. I would like to sign it before
11:36 10 it's used.
11 MR. HEINL: Okay.
12 And do you have her address?
13 THE REPORTER: No.
14 MR. HEINL: Can you give us the address that he
11:36 15 should send it to?
16 THE WITNESS: 9435 Charleville -- C-h-a-r-l-e-v-,
17 as in Victor, -i-l-l-e -- Boulevard, Beverly Hills,
18 California 90212.
19 MR. HEINL: Now, if you fail to sign it after a
11:36 20 period of time, we should be able to use it anyways.
21 THE WITNESS: Rest assured that I will review it,
22 I'll sign it and I will send it back to you, sir.
23 MR. HEINL: Okay.
24 THE WITNESS: I have no reason.
11:36 25 MR. HEINL: Okay.

11:36

1

2

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

3

4

11:36

5

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Executed at _____, California,

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on _____.

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INDIANA RETANA

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I, Angel Anguiano, CSR 13103, do hereby declare:

That, prior to being examined, the witness named in the foregoing deposition was by me duly sworn pursuant to Section 30(f)(1) of the Federal Rules of Civil Procedure and the deposition is a true record of the testimony given by the witness.

That said deposition was taken down by me in shorthand at the time and place therein named and thereafter reduced to text under my direction.

 x That the witness was requested to review the transcript and make any changes to the transcript as a result of that review pursuant to Section 30(e) of the Federal Rules of Civil Procedure.

 No changes have been provided by the witness during the period allowed.

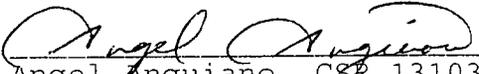
 The changes made by the witness are appended to the transcript.

 No request was made that the transcript be reviewed pursuant to Section 30(e) of the Federal Rules of Civil Procedure.

I further declare that I have no interest in the event of the action.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

WITNESS my hand this 28th day of July , 2008 .



Angel Anguiano, CSR 13103



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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

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

ANDREW BENZMILLER, EXAMINING ATTORNEY

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EXHIBIT 2
REPORTER A. ANGIANO
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 |

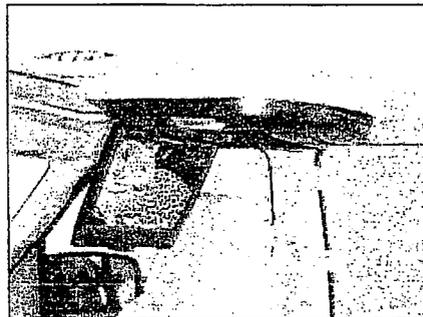


Mobile Entertainment Systems

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 | 1.1 MB](#)



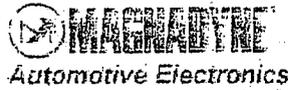
[Browser Requirements](#) | [Copyright](#) | [Terms & Conditions](#)

[Network Support](#)

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 EXHIBIT 3
 REPORTER A. ANGLIANO
 WITNESS BARRY CAREN
 DATE 7-15-08

EXHIBIT

4



Dealer Login

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OUR PRODUCTS:

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

- Automotive Sound
- Automotive Security
- Mobile Video
- FM & Marine Sound
- Truck OEM

MV7000C

MV7000C

10" SLIM MV1020 WITH HP400



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

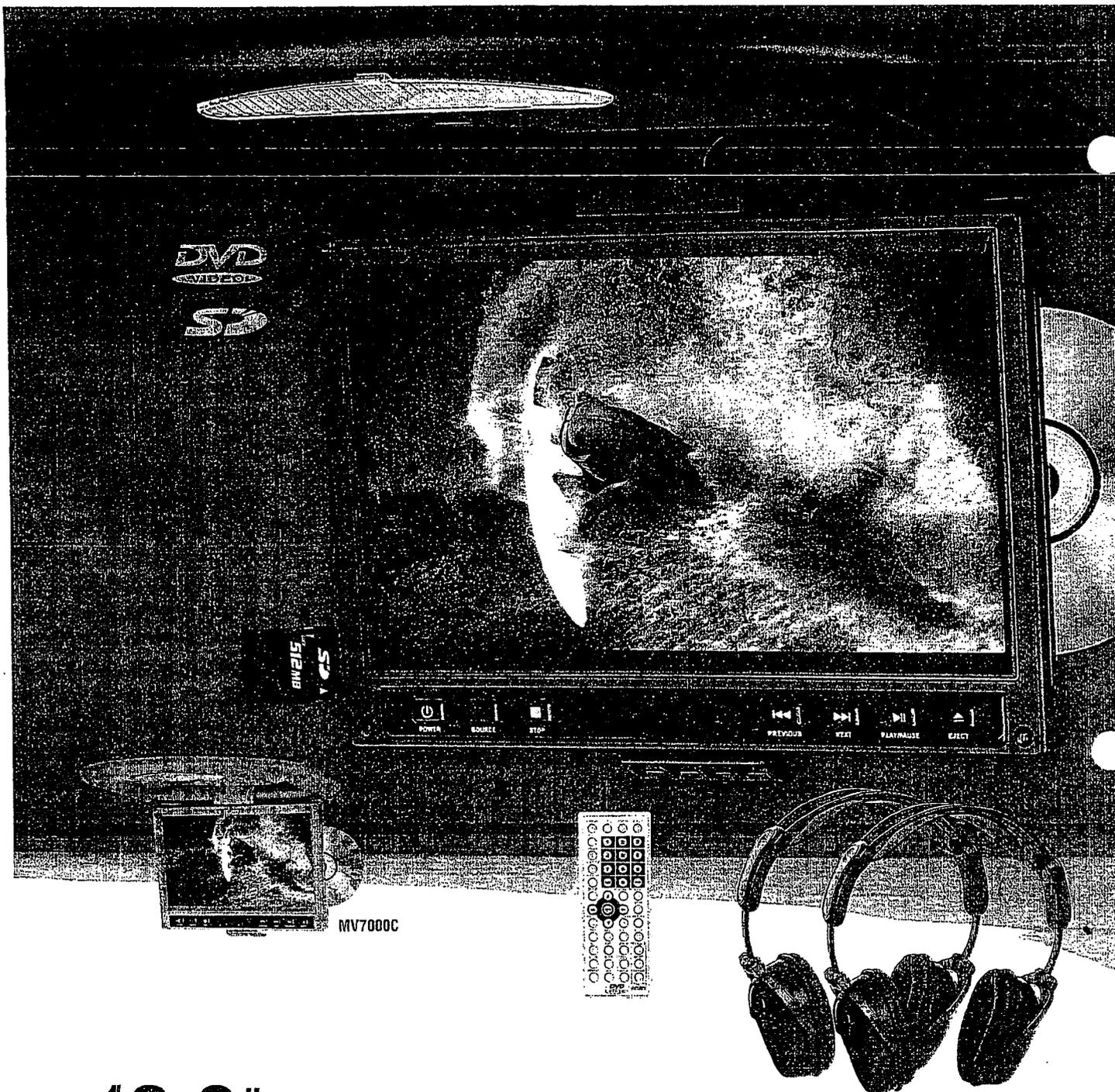
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 EXHIBIT 4
 REPORTER A. ANGIANO
 WITNESS BARRY CAREN
 DATE 7-15-08

EXHIBIT

5



PLF DEF _____
EXHIBIT 5
REPORTER A. ANGLIANO
WITNESS BARRY CAZEN
DATE 7-15-00



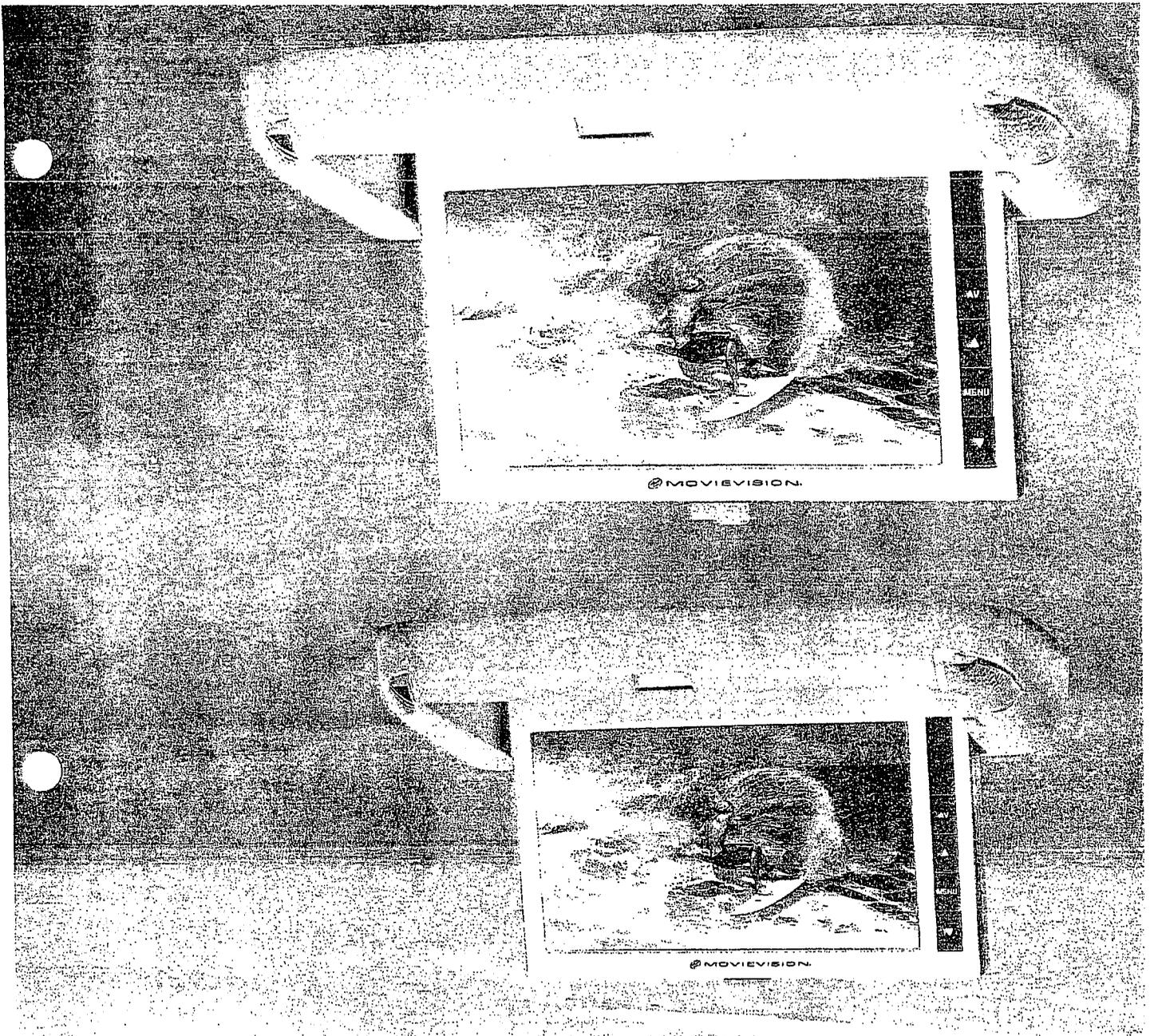
10.2" ALL-IN-ONE WIDE SCREEN

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^{EE}
WIDE SCREEN

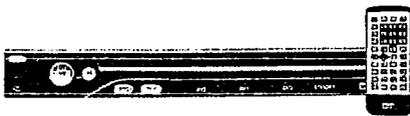
MV750G Gray Housing
MV750T Tan Housing

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.

PK 4 WT. 14

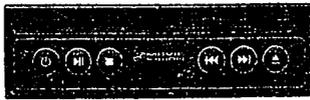
DVD Players



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. 6 WT. 20



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

DVD Remotes



Remote Control for MV-DVD-PL8

RC-PL8

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

PK. 1 WT. 1



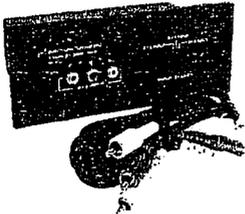
Remote Control for MV-DVD-PL7

RC-PL7

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

PK. 1 WT. 1

Audio/Video Port Expanders

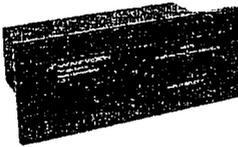


Audio/Video Auxiliary Input Port Expander

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.

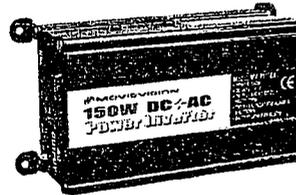
PK. 12 WT. 8

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

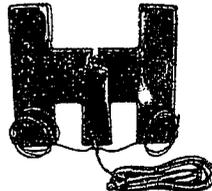
- Converts DC into AC power.
- For use with 12V negative ground electrical systems only.
- Hi/low input voltage protection.
- Short circuit protection.
- Rated power: 150W.
- 1 AC power socket.
- Replaceable fuse: 20A.
- Thermal protection. PK. 6 WT. 8

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.

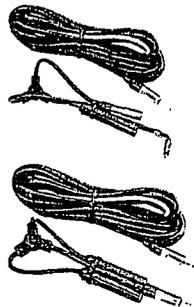
PK. 24 WT. 3

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



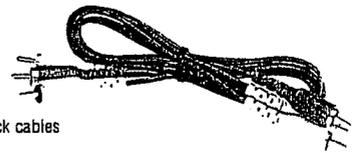
Cables

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

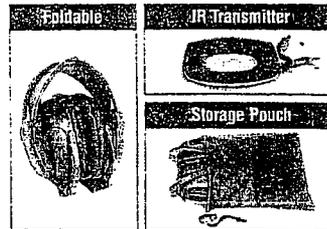


Two 2-Channel Foldable Headphones and IR Transmitter

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

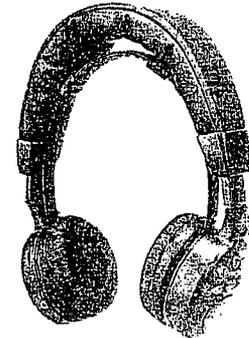


Digital FM Radio Headphones

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

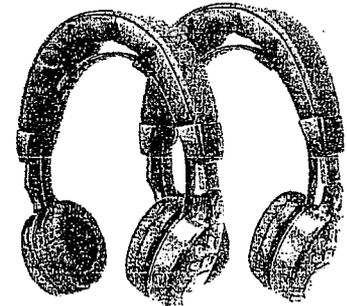
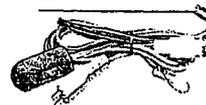
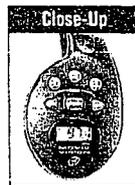


Two Digital FM Radio Headphones with FM Transmitter

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



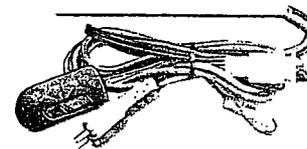
Headphone Accessories

External Audio Transmitter with RCA Stereo Jack Inputs

MV-TX2

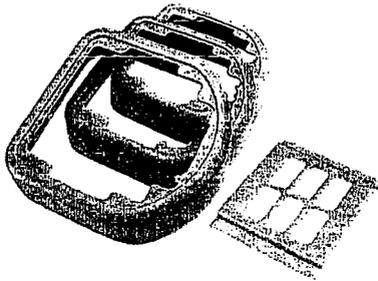
- Allows the audio signal from a source unit to be heard through MovieVision headphone or through the car radio.
- RCA inputs.
- 3 selectable frequencies.
- Wired station controller.

Pk. 5 Wt. 3



Universal Installation Shrouds for MV7000 and MV1020

10" Universal Installation Bucket Kit

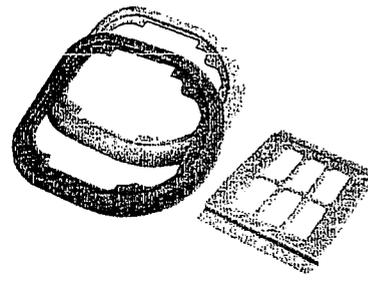


MVS-00-4G-10 Gray
MVS-00-4T-10 Tan
MVS-00-4C-10 Cream

- 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

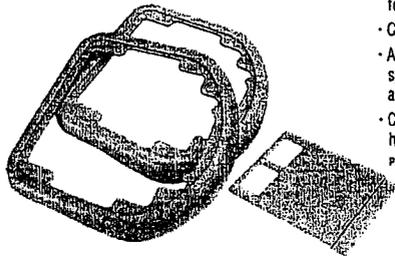
- Shroud.
- Universal mounting bracket.
- Audio transmitter antenna system for vehicles with standard Motorola antenna type connectors.
- Complete with mounting hardware, bracket, adhesive tape and instructions.

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



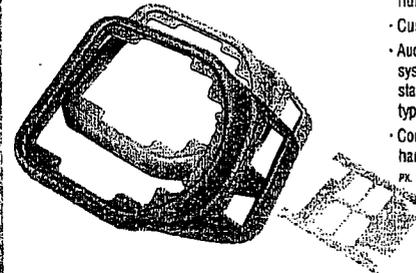
MVS-06-3-10G Gray
MVS-06-3-10C Cream

- 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



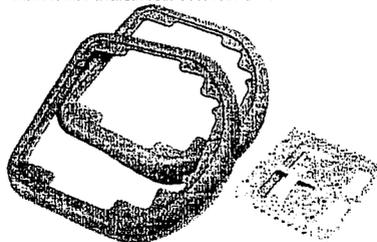
MVS-08-1-10G Gray
MVS-08-1-10C Cream

- 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



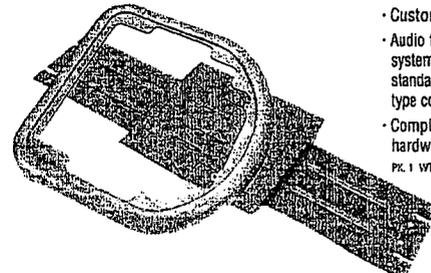
MVS-06-4B-10G Gray
MVS-06-4B-10C Cream

- 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



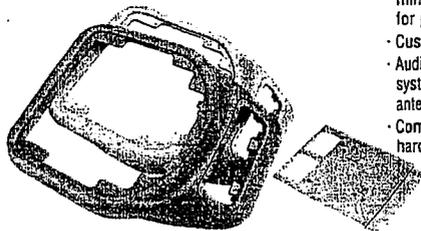
MVS-08-5-10T Tan

- 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



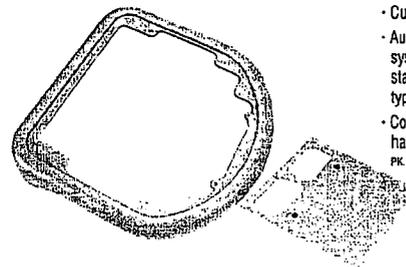
MVS-06-4-10G Gray
MVS-06-4-10C Cream

- 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



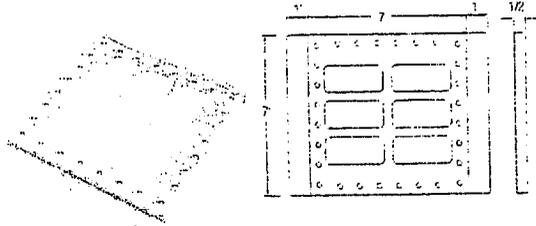
MVS-08-6-10T Tan

- 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

Specialty Mounting Brackets for MV7000 and MV1020

MVSBK-00-1
Specialty Mounting Bracket



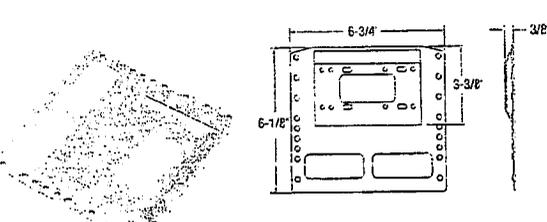
MVSBK-01-2
Specialty Mounting Bracket

Fits:
Acura: 2001-
Present: MDX



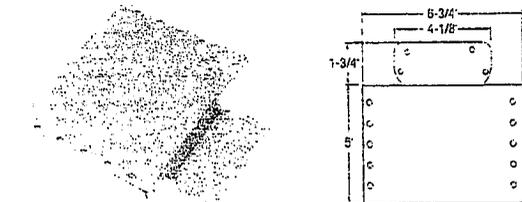
MVSBK-03-1
Specialty Mounting Bracket

Fits:
Toyota: 4Runner, Sienna Van



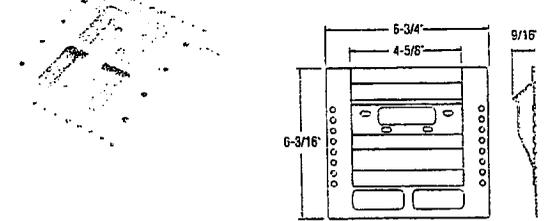
MVSBK-06-1
Specialty Mounting Bracket

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



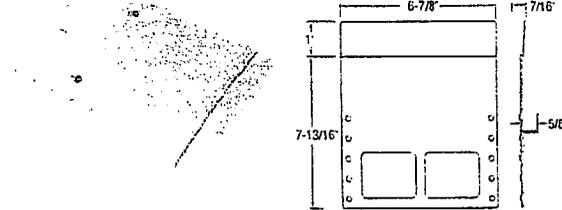
MVSBK-06-4
Specialty Mounting Bracket

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



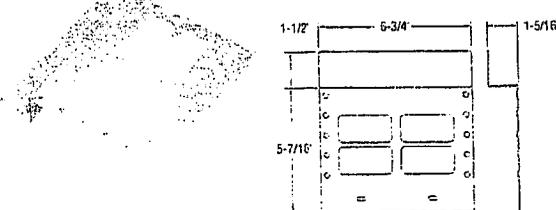
MVSBK-06-5
Specialty Mounting Bracket

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



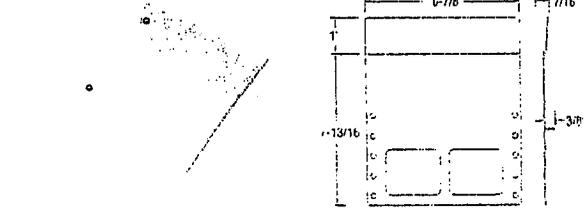
MVSBK-08-2
Specialty Mounting Bracket

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

Elkhart

Taipei

Hong Kong

MAGNADYNE CORPORATION

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Sales Order: (800) 638-3500

E-mail: sales@magnadyne.com

Web: www.magnadyne.com



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ISO 9001



 **MOVIE
VISION.**

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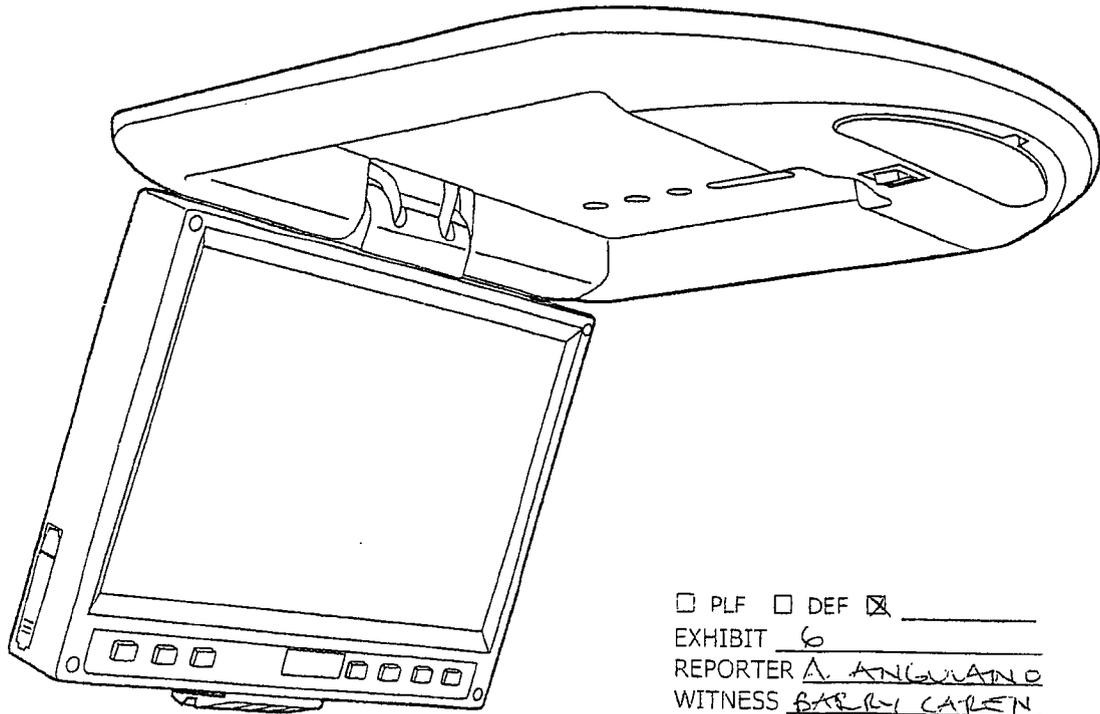
EXHIBIT

6



**MOVIE
VISION**

Owner's Manual Mobile DVD/CD Player with 10.2" TFT Monitor



PLF DEF _____
EXHIBIT 6
REPORTER A. ANGLIANO
WITNESS BARBY 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**

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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

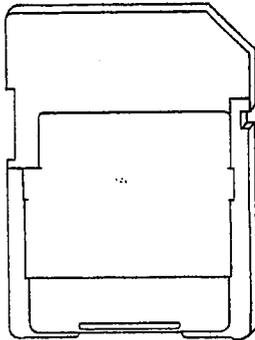
MP3 12 cm disc
8 cm disc

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



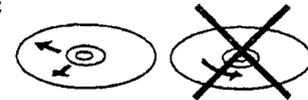
Do not touch
the underside
of the disc



Do not bend



Wipe the disc
from center
toward the
outside edge.



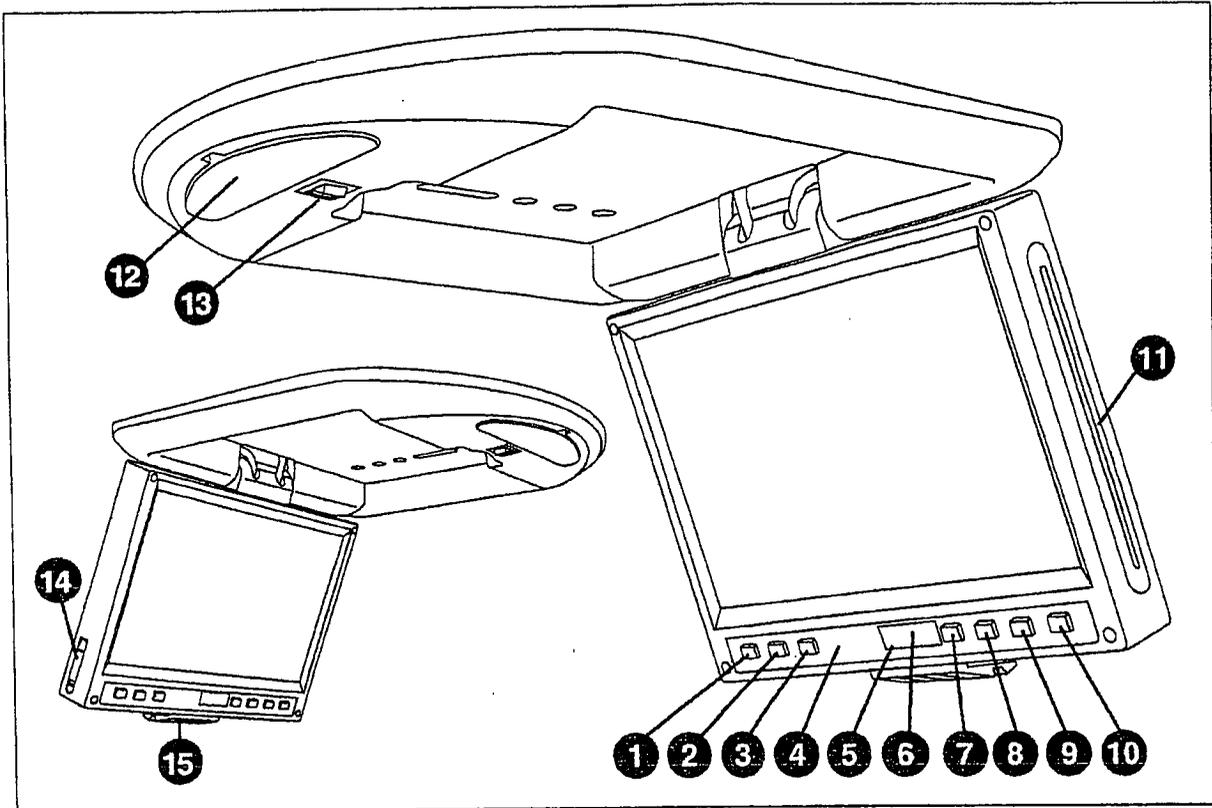
Disc Handling

- 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 benzene, 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.

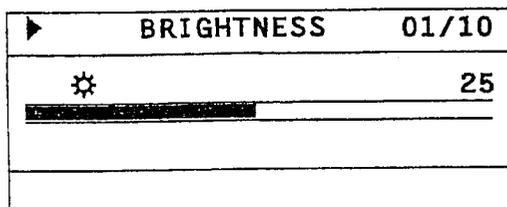
Screen and DVD/CD Functions

Turning the Unit On:

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

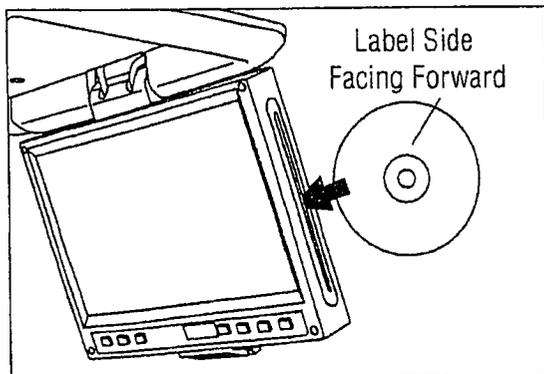
Adjusting the Monitor:

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



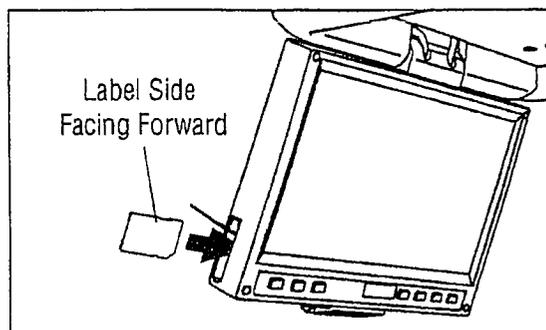
2. Press the **MODE** button again to select the adjustment bar.
3. Use the **UP** and **DOWN** buttons on the remote to adjust the screen's brightness.
4. Press the **MODE** button again then the **DOWN** button to select the next desired monitor adjustment item:
 - Saturation
 - Contrast
 - Hue
 - 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.

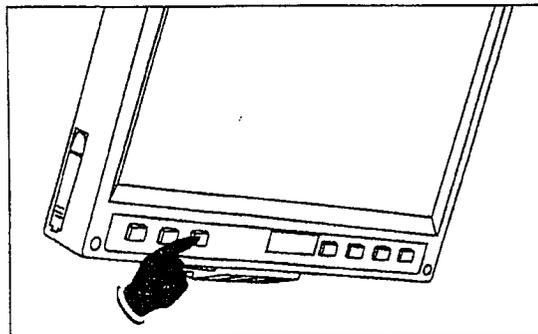
Format Selection

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.

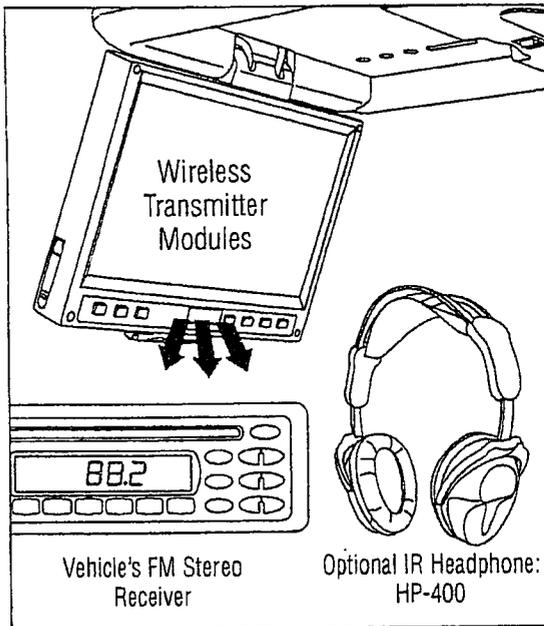
Changing to an Auxiliary Input Source



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

Screen and DVD/CD Functions

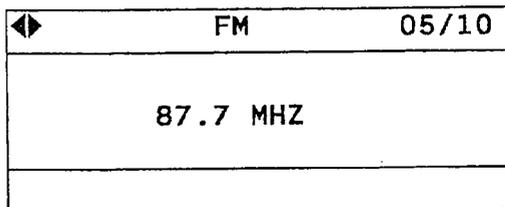
Wireless Transmitter Modules:



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.

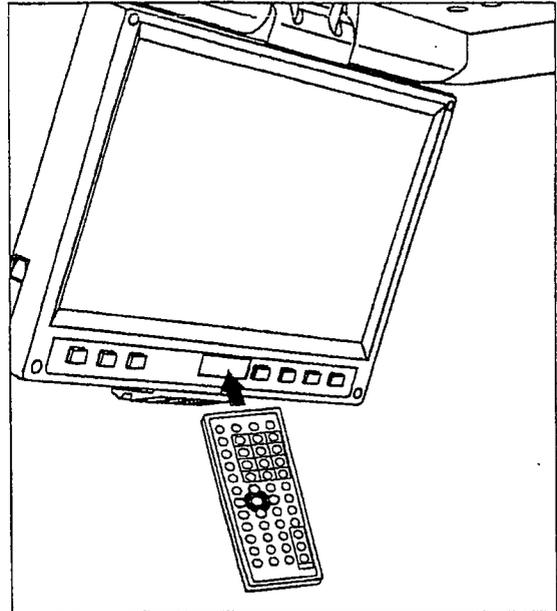
Selecting the Wireless Transmitter Frequency:

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.



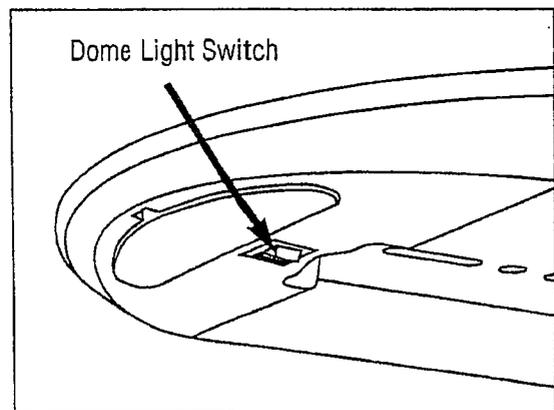
3. Press the **MODE** button again to select the frequency selection menu.
4. Use the **UP** and **DOWN** buttons on the remote to select the desired frequency to match the frequency on the wireless headphones or FM stereo receiver.
5. Press the **MODE** button again until the **EXIT** item appears or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



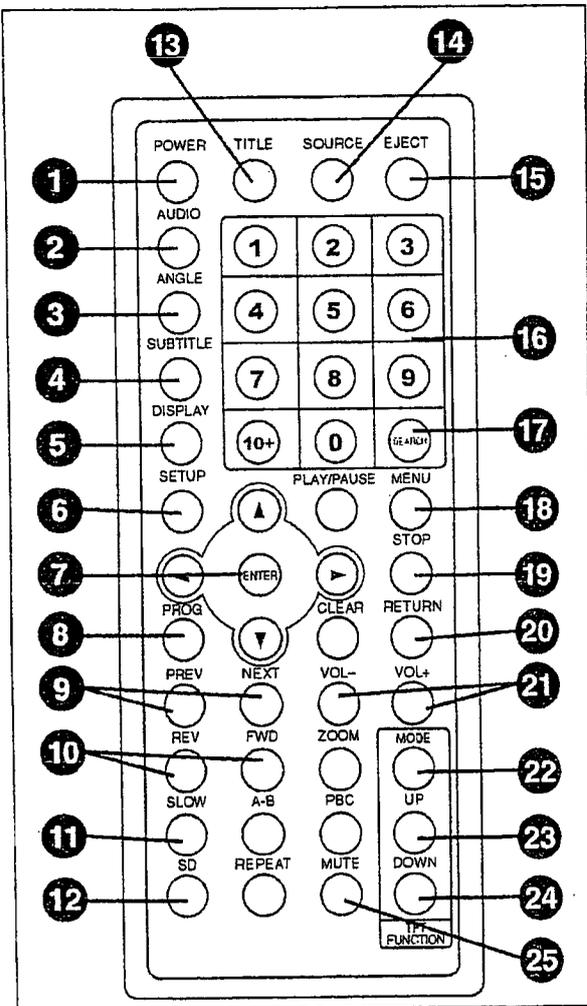
To turn "On" the dome lights, press the dome light switch. Press the dome light switch again to turn them "Off".

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

Last Play Function:

See page 14.

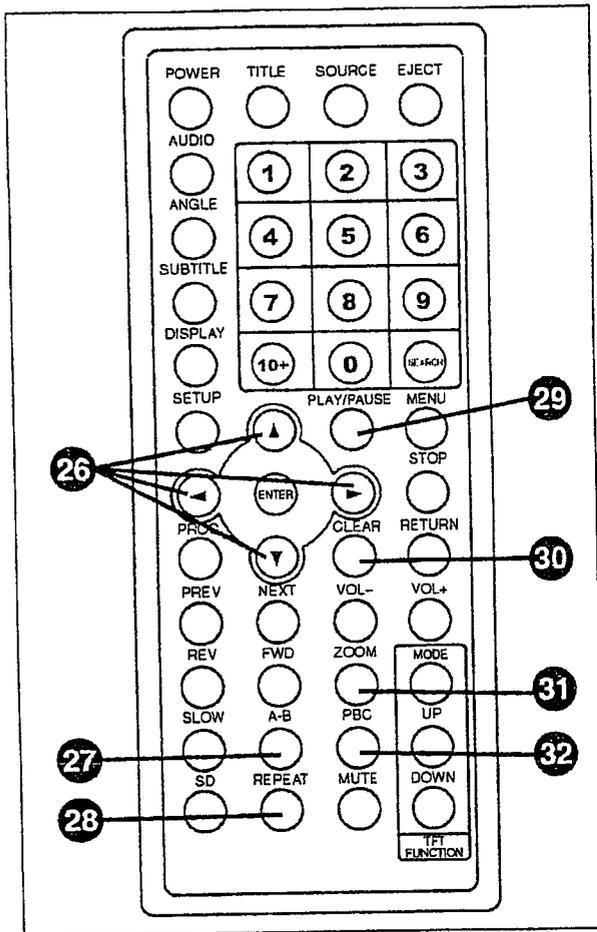
Remote Control Locations and Operation



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

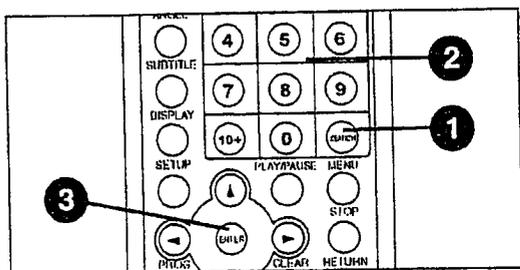
Press the **NEXT** button during playback and the play advances to the beginning of the next chapter or track.

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

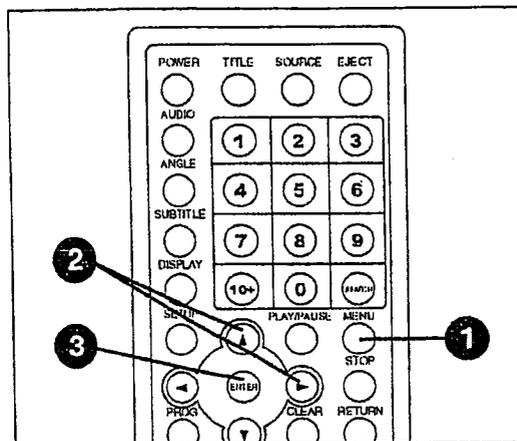
Slow Play

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.

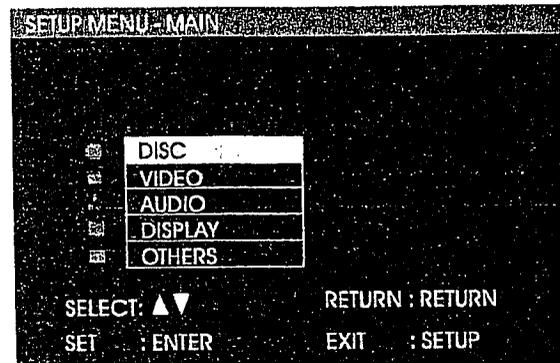
MP3 FUNCTION

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

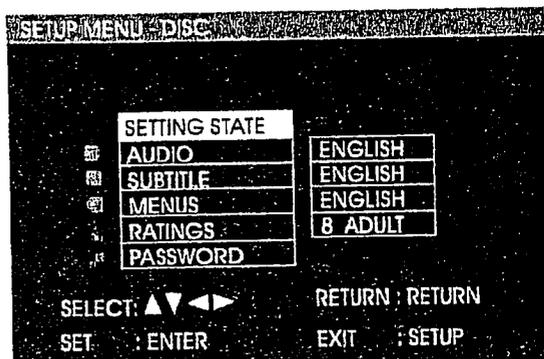
Note:

- 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

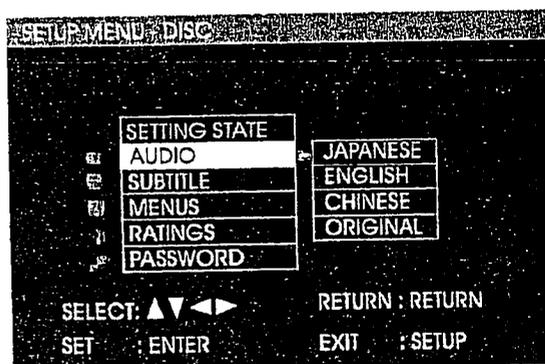
DISC SETTINGS

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



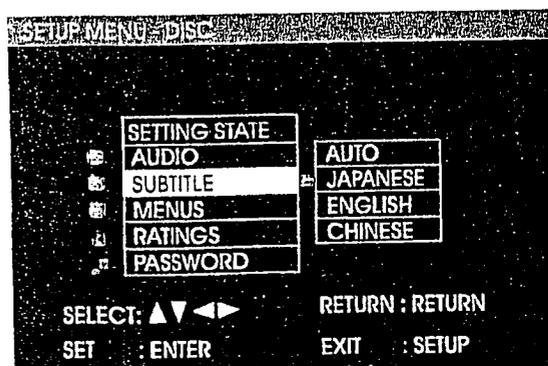
Audio Setting

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



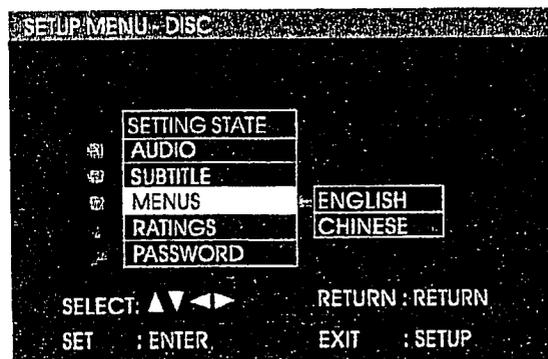
Subtitle Language Setting

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



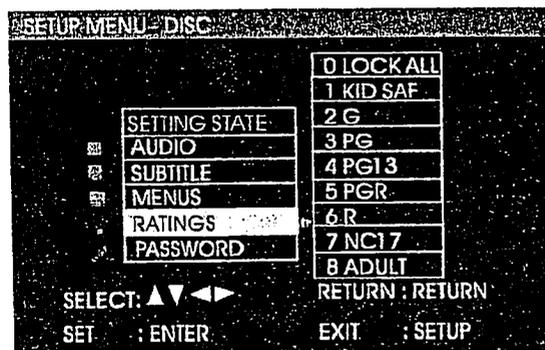
Menu Language Setting

Use this screen to setup the disc menu language.



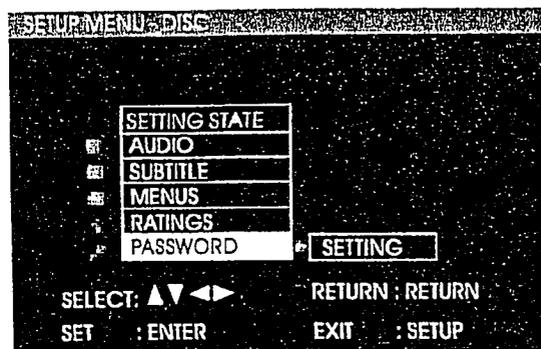
Parental Lock Rating

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

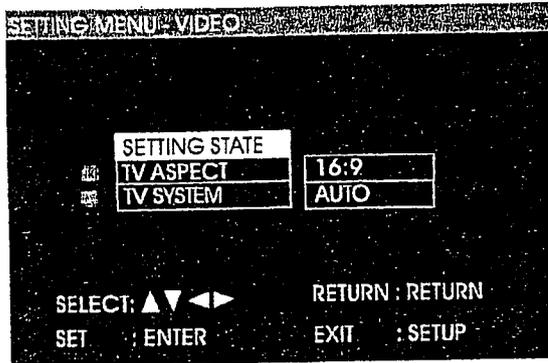
Use this screen to setup a four-digit parental lock password. On the remote control, use this **NUMERIC** keys to enter the password. Press the **ENTER** button to confirm the password.



Setup Menu

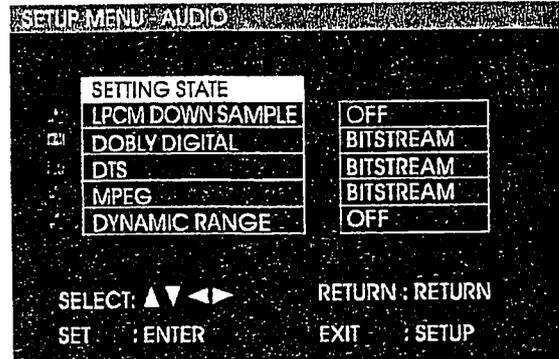
VIDEO SETTINGS

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



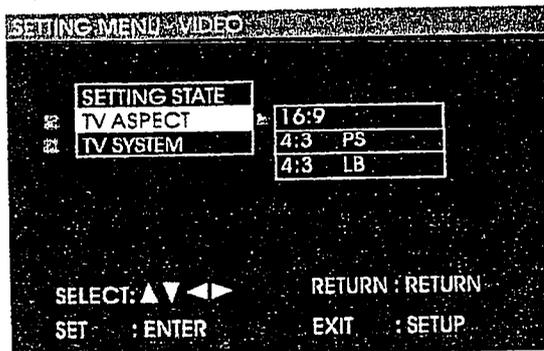
AUDIO SETTINGS

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



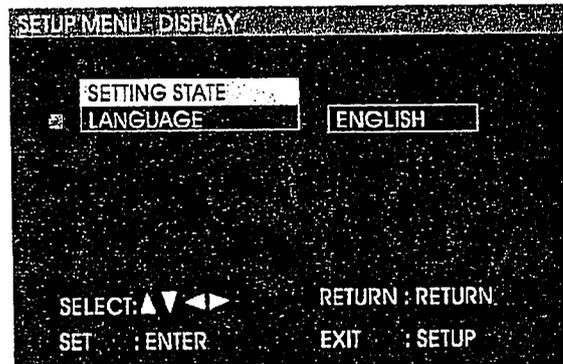
TV Aspect Setting

Use this screen to setup the desired TV Aspect Ratio.



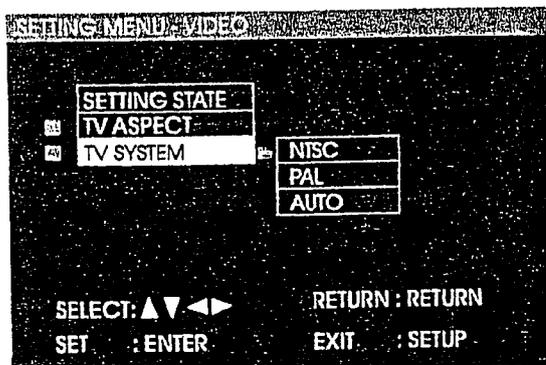
DISPLAY SETTINGS

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



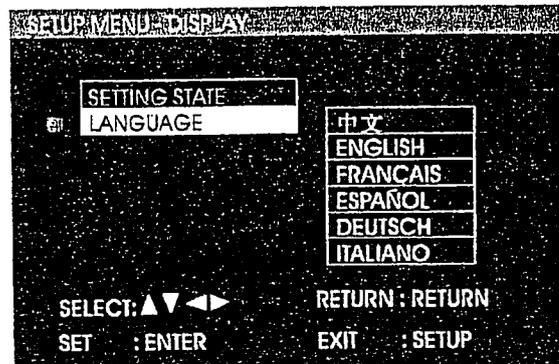
TV System Setting

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



OSD Language Setting

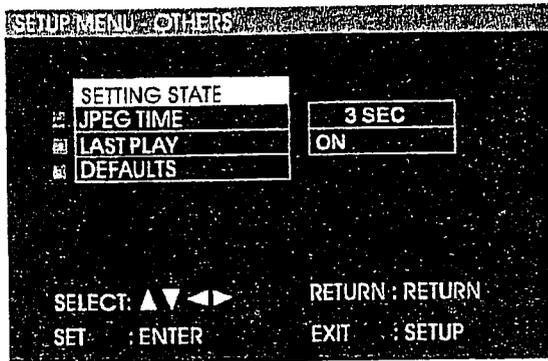
Use this screen to setup the desired OSD Language.



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

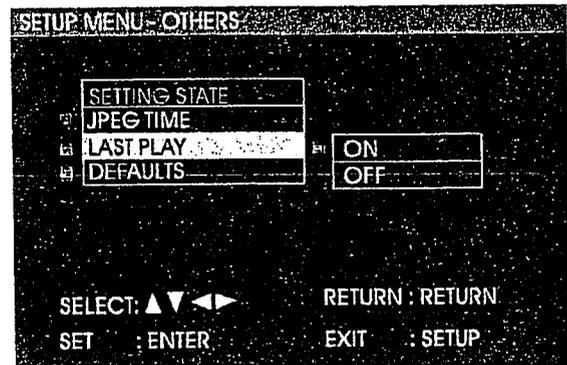
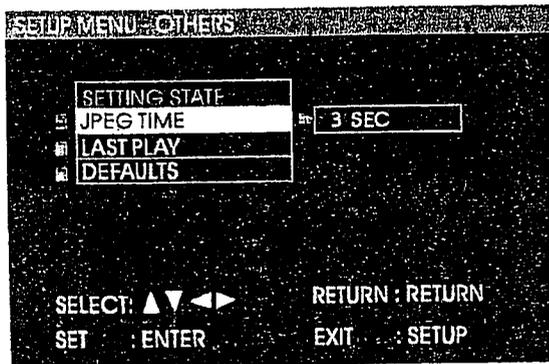
The Last Play function automatically bookmarks the position on a DVD/CD disc and remembers the playback settings. Playback will resume at the position which the player was turned off, the disc was ejected, or the power was cut off.

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.

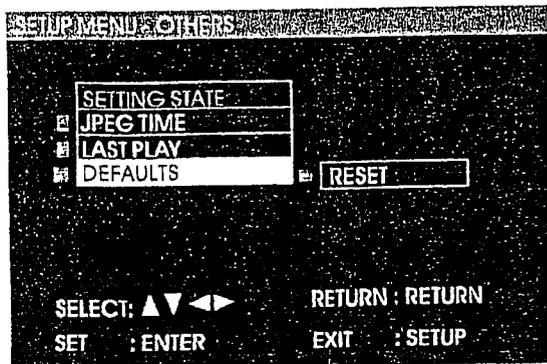
JPEG Time Setting

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



Default Settings

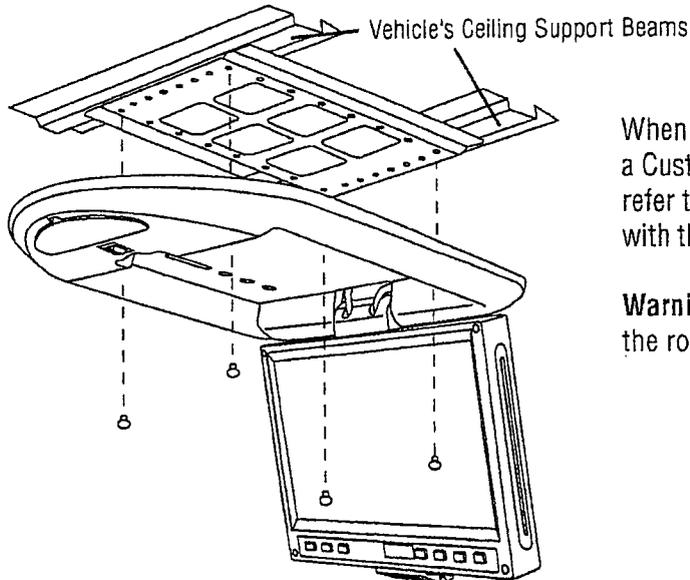
Use this screen to reset all menus to the factory default setting.



Installation

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

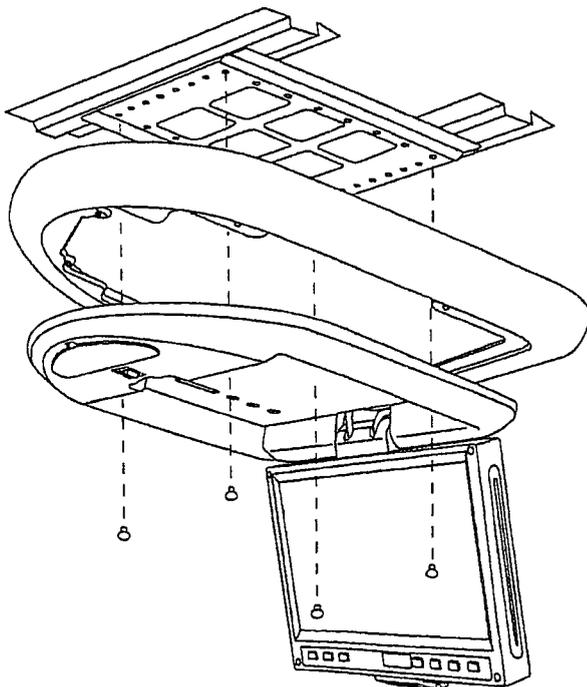
Custom Bracket Mounting System (Optional)



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.

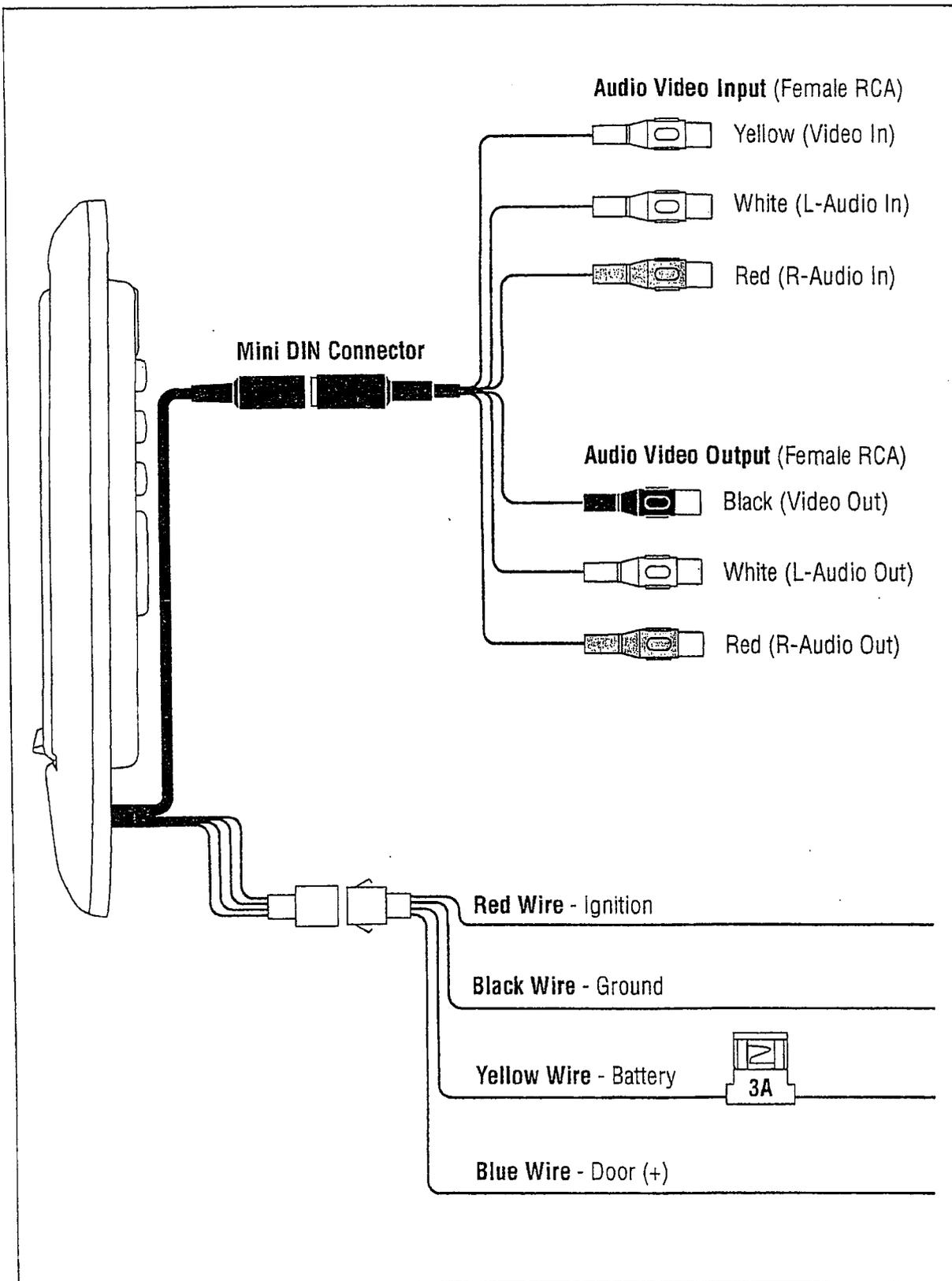
Custom Shroud/Bracket Mounting System (Optional)



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** **INITIAL**

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	

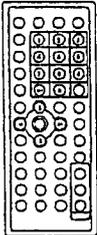
Shipping and Handling	
Subtotal + Tax	Add
Up to \$20.00	\$5.00
20.01 to 30.00	5.95
30.01 to 45.00	6.50
45.01 to 70.00	6.95
Over 70.01	7.95

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: **Off Action Outgoing** Mail / Create Date: **21-Aug-2006**

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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 BARRY 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 20th, 27th and May 26th 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. Daktronics, 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 there from, 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/teas/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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[required PDF viewer]

FAQ: Are you seeing only the first page of this PDF document?

If you need help:

- **General trademark information:** Please e-mail TrademarkAssistanceCenter@uspto.gov, or telephone either 571-272-9250 or 1-800-786-9199.
- **Technical help:** For instructions on how to use TDR, or help in resolving **technical** glitches, please e-mail TDR@uspto.gov. If outside of the normal business hours of the USPTO, please e-mail [Electronic Business Support](mailto:ElectronicBusinessSupport@uspto.gov), or call 1-800-786-9199.
- **Questions about USPTO programs:** Please e-mail [USPTO Contact Center \(UCC\)](mailto:USPTOContactCenter@uspto.gov).

NOTE: Within any e-mail, please include your telephone number so we can talk to you directly, if necessary. Also, include the relevant serial number or registration number, if existing.

EXHIBIT

8

Movievision

Innovation in Media

Request 2.

PLF DEF _____
EXHIBIT 8
REPORTER A. Anguiano
WITNESS Indiana Retana
DATE 7-15-08

EXHIBIT

9

Movievision

INDIANA A. RETANA

9601 Charleville Blvd.
Suite 10
Beverly Hills, California 90212
(323) 972-6767 indianaretana@yahoo.com

EX. 9

Request 4.

PLF DEF _____
EXHIBIT 9
REPORTER A. ANGUIANO
WITNESS INDIANA RETANA
DATE 7-15-08

EXHIBIT

10

MEDIA WEST

105 W. Gutierrez Street Suite C
Santa Barbara CA 93101
805 966-3354 Phone 805 966-4142 Fax

February 25, 2008

Indiana Retana
President
Movievision

To Whom It May Concern:

This letter shall serve to confirm that we have been working with Indiana Retana since 1997 on her Movievision project. Originally contacted for information regarding placement of recently released foreign language movies, we have served in a consulting and advisory capacity over the years with emphasis on Pay Per View opportunities.

Please feel free to contact me should you require any further information.

Sincerely,

Denny M. Cooper
President
Santa Barbara Media Partners, Inc.
Media West

EX. 10

PLF DEF _____
EXHIBIT 10
REPORTER A. ANGUANO
WITNESS INDIANA RETANA
DATE 7-15-08

EXHIBIT

11

UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 76/655958

SEP 19 2006

APPLICANT: INDIANA RETANA-MOVIEVISION INC.



CORRESPONDENT ADDRESS:
INDIANA RETANA
9601 CHARLEVILLE BLVD APT 10
BEVERLY HILLS, CA 90212-2346

RETURN ADDRESS:
Commissioner for Trademarks
P.O. Box 0451
Alexandria, VA 22313-1451

If no fees are required, the address should include the words "Box Response - No Fee."

MARK: MOVIEVISION

CORRESPONDENT'S REFERENCE/DOCKET NO: N/A

CORRESPONDENT EMAIL ADDRESS:

Please provide in all correspondence:

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 email address.

RE: Serial Number 76/655958

EXAMINER'S AMENDMENT

ADVISORY - AMENDMENTS TO GOODS/SERVICES: If the identification of goods and/or services has been amended below, any future amendments must be in accordance with 37 C.F.R. §2.71(a) and TMEP §1402.07(e).

AMENDMENT(S) AUTHORIZED: As authorized by Indiana Retana on September 14, 2006, the application is amended as noted below. *If applicant disagrees with or objects to any of the amendments below, please notify the undersigned trademark examining attorney immediately.* Otherwise, no response is necessary. TMEP §707.

Filing Basis

The applicant hereby deletes the Section 1(a) filing basis and wishes to proceed under Section 1(b).

Applicant

The applicant is Movievision Inc., a corporation organized under the laws of California.

Recitation of Services

The identification of services is amended to read as follows:

PLF DEF _____
EXHIBIT 11
REPORTER A. ANGIANO
WITNESS INDIANA RETANA
DATE 7-15-08

Request 6.

EX: 11

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

TMEP §1402.01(e).

The application will now proceed to publication in the Official Gazette.

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

EXHIBIT

12

THE EUREKA CAPTURE.

SHOW ME MORE >>

EUREKA

Santa Barbara Media Partners

Get Free Quote / Samples / Send RFQ

Contact This Company

105 W Gutierrez St Ste C
Santa Barbara, CA , 93101-3461
Phone: 805-966-3354
Website: www.mediawestmarketing.com

Ads by Google

Ads by Google

- Auto Market
- Auto Surveys
- Car Blue Book
- Car Market

Products Description:

Advertising Agency Radio placement, Television placement, Internet placement, Cinema placement, Print placement, Media placement and fulfillment, Aerial advertising, Broadcast advertising, Print advertising, Advertising agency services

Jemrack Deals

Free stuff for you and your van! You need it anyway, why buy it?

jemrack.com

Get Free Quote / Samples / Send RFQ

Contact This Company

Custom Auto Restoration
Custom Built Muscle Cars, Hot Rods And Classics. Check'em Out Here!
www.PacificCoastCustomClassics.com

Wisconsin Invoice Prices
What is your dealer hiding? Learn invoice prices & hidden fees!
SmartCarPrices.com

Churchs Auto Paint & Body
Auto body repair specialists Collision Repair, Paint Job & More.
ChurchsAutomotivePaintAndBody.net

V V

Ads by Google

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Pulleys & Belts by SDP/SI

Free Catalogs Online & By Mail. Free 2D/3D Models. Order Online.

www.SDP-SI.com



search the map

Search

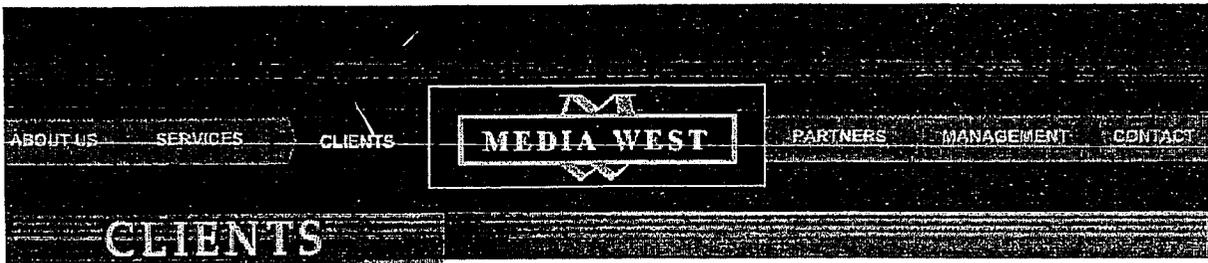
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List of Products for Santa Barbara Media Partners - National (1 total)

MEDIA BUYING AGENCIES

PLF DEF _____
 EXHIBIT 12
 REPORTER A. ANGUIANO
 WITNESS INDIANA RETANA
 DATE 7-15-08

List of Products for Santa Barbara Media Partners serving California CA (1



CLIENTS

- Jewelry Television
- Shop at Home
- Gem Auction Television
- ShopNBC
- Debt Relief
- 1-800-Lawyer
- Sceni Andrea
- Star Media
- Hype Marketing
- Nordic Track
- Regal Cookware
- Alien Golf
- SoloTay
- Blueblocker Sunglasses
- Kurtain Kraft
- VIA Television
- MEI Shopping
- Video Catalog Channel
- Love to Travel Club

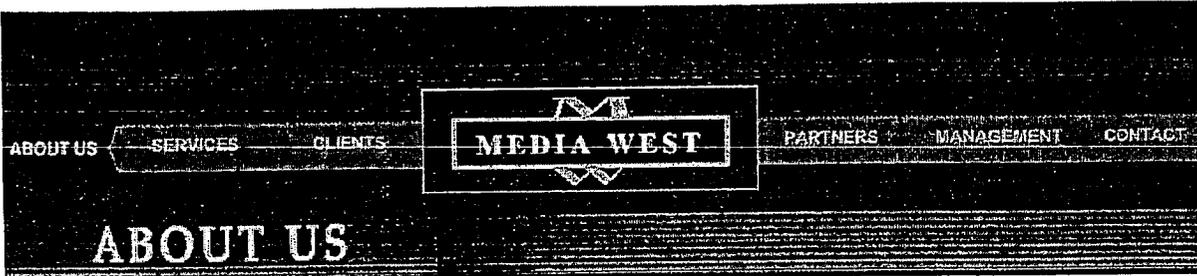
Our Clients range from entrepreneurs with great ideas looking for a media partner to large corporations looking to fine-tune a media schedule by adding unique media outlets to complement the plan.

They all share the desire for creative solutions to help them stand out from the competition and a confident, steady hand on the wheel to insure that all is going smoothly.

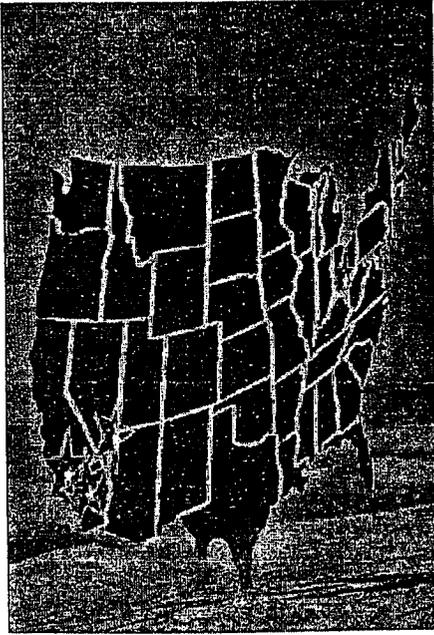
Many of our clients have been with us from the very beginning validating their trust and success because of our hard work and dedication. Give Media West a try. We'd love to have you join our roster.

[Home](#) | [About Us](#) | [Clients](#) | [Partners](#) | [Management](#) | [Contact Us](#)





ABOUT US



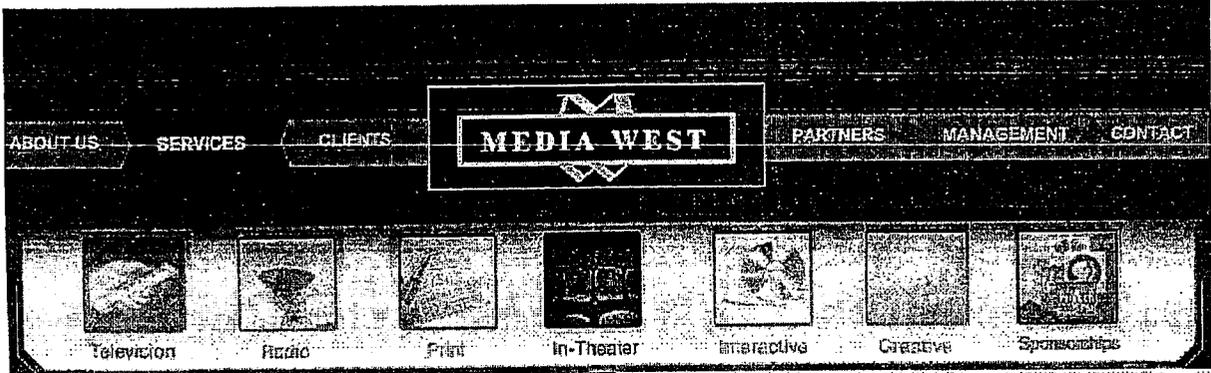
Media West was established in 1988 to create and manage media opportunities within the growing structure of cable and satellite media providers. We developed a network of relationships for the placement of general market and direct response advertising.

Media West has been successful using various tools and industry contacts to achieve the objectives of individual entrepreneurs and large established companies. Our Project Directors in Santa Barbara, Los Angeles, Las Vegas and Cincinnati manage the details of your program from beginning to end ensuring that when you have a question or correction your needs are covered. Our unrivaled experience in many areas gives you the benefit of insight and negotiating power that can deliver effective solutions and make your program a success.

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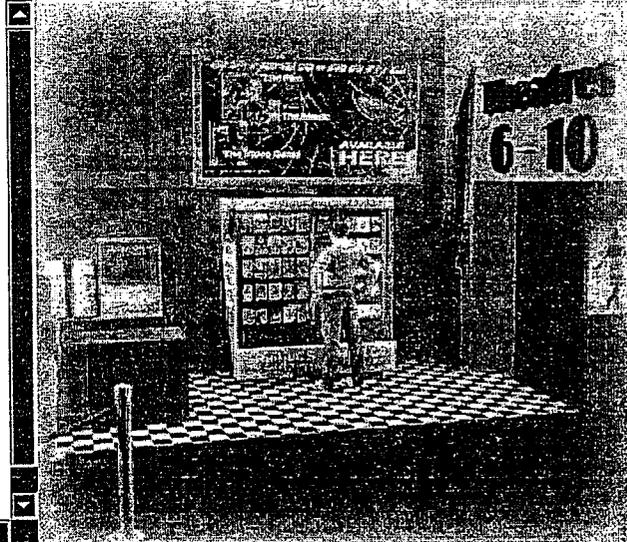
DESIGN BY:  DIGITAL IMAGINATION



In-Theatre Cinema Advertising:

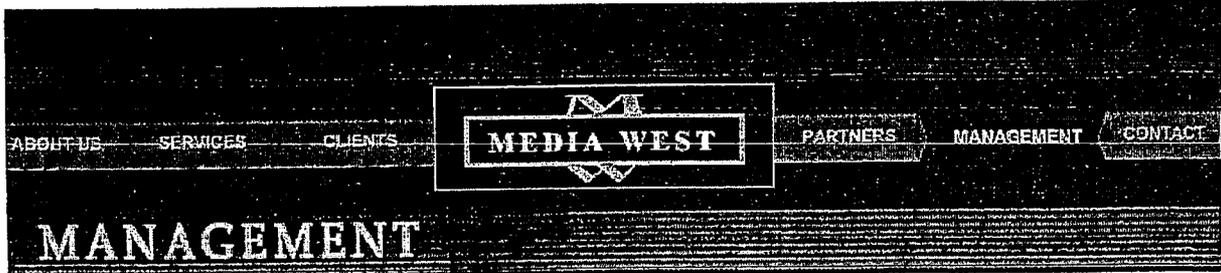
General market and direct-response advertisers have sought ways to reach the American movie-going public. And with television viewership slipping the chance to reach this audience is enhanced by these services. This demand can now be met through Media West. Our alliance with *MovieTunes* will enable our clients to advertise in over 18,000 movie theatres across the country reaching over 100 million moviegoers per month. *MovieTunes* provides a musical radio show that allows advertisements to be inserted within the framework of the program. The show is heard in the theatre before the lights go down, lobbies, restrooms, parking lot and concession area of each location.

Our partner, ScentAndrea productions will be introducing *VideoVend*, a lobby kiosk that sells CD's, DVD's, Video games and dispenses coupons and samples. In addition, *VideoVend* will have a giant screen mounted on the top of the unit broadcasting advertiser messages, movie trailers, music videos and more to attract the moviegoers while they walk in the theaters. Media West is the exclusive sales agent for the *VideoVend* Network.



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MANAGEMENT

At Media West we believe that your account or project needs to include the guiding hand of one of the senior management professionals and partners in the firm. Every program is reviewed by management before execution, bringing the extra touch of experience and sound management to your project. As always, Denny and Mike are available to discuss new ideas and review performance and opportunities.

Denny Cooper

Denny is a versatile media professional with over a dozen years in the business. Denny is responsible for managing the day-to-day operation of the company as well as providing account management, media planning and buying for some of our oldest and largest clients.

Denny is an expert in long-form media acquisition and was instrumental in creating, from diverse cable operations, the first network group to carry Home Shopping clients.

Mike Stallings

With over 30 years in radio, TV and agency work, Mike is considered one of the most knowledgeable and connected professionals in the business. Mike is a CAB Award winner who has hands-on experience in all radio functions including on-air, programming and management.

Mike moved over to cable TV sales and was responsible for helping to bring Home Shopping to the cable audience. Mike was also in on the ground floor in pioneering the long form infomercial for direct response advertisers.

Mike and Denny have helped many of the top Direct Response and Home Shopping companies find a greater audience for their product sales, while managing affiliate relations, contracts and details.

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EXHIBIT

13



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451
www.uspto.gov

Oct 25, 2006

NOTICE OF PUBLICATION UNDER 12(a)

- 1. Serial No.:
76/655,958
- 2. Mark:
MOVIEVISION
(Stylized)
- 3. International Class(es):
38
- 4. Publication Date:
Nov 14, 2006
- 5. Applicant:
Movievision Inc.

The mark of the application identified appears to be entitled to registration. The mark will, in accordance with Section 12(a) of the Trademark Act of 1946, as amended, be published in the Official Gazette on the date indicated above for the purpose of opposition by any person who believes he will be damaged by the continuation of the mark. If no opposition is filed within the time specified by Section 13(a) of the Statute or by rules 2.101 or 2.102 of the Trademark Rules, the Commissioner of Patents and Trademarks may issue a notice of allowance pursuant to section 13(b) of the Statute.

Copies of the trademark portion of the Official Gazette containing the publication of the mark may be obtained from:

The Superintendent of Documents
U.S. Government Printing Office
PO Box 371954
Pittsburgh, PA 15250-7954
Phone: 202-512-1800

By direction of the Commissioner.

PLF DEF _____
EXHIBIT 13
REPORTER A. ANGUIANO
WITNESS INDIANA RETANA
DATE 7-15-08

Correspondence Address:

INDIANA RETANA
9435 CHARLEVILLE BLVD
BEVERLY HILLS, CA 90212

TMP&I

September 13, 2006

Mrs. Tarah Hardy Ludlow
Trademark Attorney
U.S. Patent and Trademark Office
Alexandria, Virginia 22313-1451

Dear Mrs. Hardy Ludlow,

It was indeed a pleasure talking to you and I would like to congratulate you for your knowledge and professionalism.

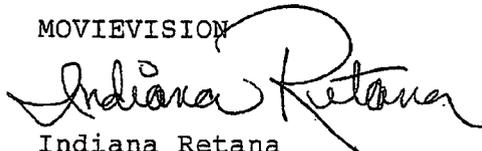
My new correspondence address for Movievision
Serial Number 76/65598 is: - 76, 655, 958

9435 Charleville Boulevard
Beverly Hills, California 90212
Telephone (323) 972-6767

Please advise how I can register the Trademark.

Very truly yours,

MOVIEVISION



Indiana Retana
9435 Charleville Boulevard
Beverly Hills, California 90212

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100

09-22-2006

U.S. Patent & TMO/TM Mail RecDt. #30

MOVIEVISION

September 19, 2006

Mrs. Tarah Hardy Ludlow
Trademark Attorney
United States Patent and Trademark Office
Commissioner for Trademarks
P.O. Box 1451
Alexandria, Virginia 22313-1451

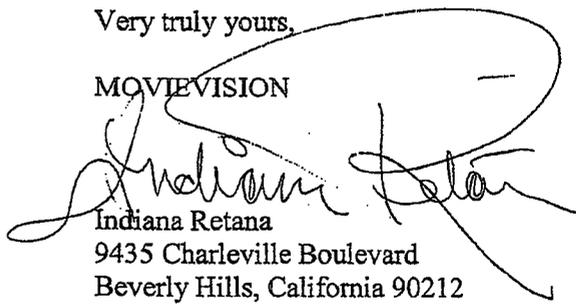
Mark: Movievision
Serial No.: 76/655958

Dear Mrs. Ludlow,

I am enclosing, per your request, statement of fact for Movievision.

Very truly yours,

MOVIEVISION

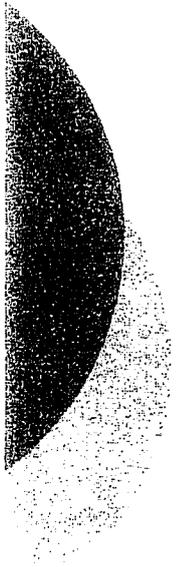


Indiana Retana
9435 Charleville Boulevard
Beverly Hills, California 90212
(323) 972-6767



09-21-2006

U.S. Patent & TMO/TM Mail Rept Dt. #24



Movievision

Innovation in Media



Overview

The Service

Movievision (the Company) will be a leading pay-per-view (PPV) service delivered by cable operators such as Comcast and digital broadcast satellite providers such as DirecTV. The key differentiator for Movievision will be its delivery of current entertainment such as movies in languages other than English. Based upon the US Census Bureau reports and economic purchasing power statistics, recent immigrants and residents who speak a language other than English are the fastest growing segments of American society.

The Deliverable

The first twenty channels of programming will deliver recent movies in English and will be dubbed into Spanish, Chinese (Mandarin/Cantonese), and Russian. With over 28,000,000 million speakers of Spanish as their first language in the U.S. and as the largest ethnic group in the U.S., serving Hispanic markets is the highest priority for future growth. Speakers of Chinese and Russian are two of the fastest growing ethnic communities in the U.S. and represent significant market segments.

Trademark Snap Shot Publication Stylesheet
(Table presents the data on Publication Approval)

OVERVIEW

SERIAL NUMBER	76655958	FILING DATE	03/02/2006
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	SERVICE MARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	HARDY LUDLOW, TARAH KI	L.O. ASSIGNED	110

PUB INFORMATION

RUN DATE	09/21/2006
PUB DATE	N/A
STATUS	680-APPROVED FOR PUBLICATON
ATUS DATE	09/20/2006
LITERAL MARK ELEMENT	MOVIEVISION

DATE ABANDONED	N/A	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	REPUB 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	N/A		

FILING BASIS

FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	YES	1 (a)	NO	1 (a)	NO
1 (b)	NO	1 (b)	YES	1 (b)	YES
3	NO	44D	NO	44D	NO
44E	NO	44E	NO	44E	NO

66A	NO	66A	NO		
NO BASIS	NO	NO BASIS	NO		

MARK DATA

STANDARD CHARACTER MARK	NO
LITERAL MARK ELEMENT	MOVIEVISION
MARK DRAWING CODE	5-AN ILLUSTRATION DRAWING WITH WORD(S)/LETTER(S)/NUMBER(S) IN STYLIZED FORM
COLOR DRAWING FLAG	NO

CURRENT OWNER INFORMATION

PARTY TYPE	10-ORIGINAL APPLICANT
NAME	Movievision Inc.
ADDRESS	9601 CHARLEVILLE BLVD. #10 BEVERLY HILLS, CA 90212
ENTITY	03-CORPORATION
CITIZENSHIP	California

GOODS AND SERVICES

INTERNATIONAL CLASS	038
DESCRIPTION TEXT	Pay-per-view television transmission services featuring recently released movies in English, Spanish, Cantonese, and Russia via cable

GOODS AND SERVICES CLASSIFICATION

INTERNATIONAL CLASS	038	FIRST USE DATE	NONE	FIRST USE IN COMMERCE DATE	NONE	CLASS STATUS	6-ACTIVE
---------------------	-----	----------------	------	----------------------------	------	--------------	----------

MISCELLANEOUS INFORMATION/STATEMENTS

CHANGE IN REGISTRATION	NO
PSEUDO MARK	MOVIE VISION

PROSECUTION HISTORY

DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
09/20/2006	CNSA	P	APPROVED FOR PUB - PRINCIPAL REGISTER	014
09/19/2006	CNEA	O	EXAMINERS AMENDMENT MAILED	013
09/19/2006	XAEC	I	EXAMINER'S AMENDMENT ENTERED	012
09/19/2006	CNEA	R	EXAMINERS AMENDMENT - WRITTEN	011
09/18/2006	MAIL	I	PAPER RECEIVED	010
08/21/2006	CNRT	F	NON-FINAL ACTION MAILED	009
08/21/2006	CNRT	R	NON-FINAL ACTION WRITTEN	008
08/21/2006	DOCK	D	ASSIGNED TO EXAMINER	007
05/26/2006	AMPX	O	APPLICANT AMENDMENT PRIOR TO EXAMINATION - ENTERED	006
05/26/2006	MAIL	I	PAPER RECEIVED	005
03/27/2006	MAIL	I	PAPER RECEIVED	004
20/2006	FAXX	I	FAX RECEIVED	003
03/14/2006	MAFR	O	APPLICATION FILING RECEIPT MAILED	002
03/09/2006	NWAP	I	NEW APPLICATION ENTERED IN TRAM	001

CURRENT CORRESPONDENCE INFORMATION

ATTORNEY	NONE
CORRESPONDENCE ADDRESS	INDIANA RETANA 9601 CHARLEVILLE BLVD APT 10 BEVERLY HILLS, CA 90212-2346
DOMESTIC REPRESENTATIVE	NONE

MovieVision

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

If no fees are enclosed, the address should include the words
"Box Responses - No Fee."

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 email address.

Serial Number 76/655958

EXAMINER'S AMENDMENT

ADVISORY – AMENDMENTS TO GOODS/SERVICES: If the identification of goods and/or services has been amended below, any future amendments must be in accordance with 37 C.F.R. §2.71(a) and TMEP §1402.07(e).

AMENDMENT(S) AUTHORIZED: As authorized by Indiana Retana on September 14, 2006, the application is amended as noted below. *If applicant disagrees with or objects to any of the amendments below, please notify the undersigned trademark examining attorney immediately.* Otherwise, no response is necessary. TMEP §707.

Filing Basis

The applicant hereby deletes the Section 1(a) filing basis and wishes to proceed under Section 1(b).

Applicant

The applicant is Movievision Inc., a corporation organized under the laws of California.

Recitation of Services

The identification of services is amended to read as follows:

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

TMEP §1402.01(e).

The application will now proceed to publication in the Official Gazette.

/Tarah Hardy Ludlow/

Tarah Hardy Ludlow

Trademark Attorney

Law Office 110

571-272-9361

571-273-9110 fax

September 13, 2006

Comissioner for Trademark
Managing Attorney
for Law Office 110
P.O. Box 1451
Alexandria, Virginia 22313-1451

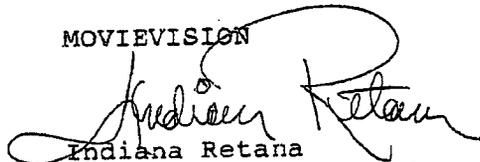
Dear Sirs,

I had the pleasure of talking to Mrs. Tarah Ludlow
this morning regarding MOVIEVISION Trademark
Serial Number 76/655958.

I would like to express my sincere appreciation
for her assistance in this matter. Mrs. Ludlow
was very precise and professional. Please be aware
of the excellent job she is doing.

Very truly yours,

MOVIEVISION



Indiana Retana
9435 Charleville Boulevard
Beverly Hills, California 90212
Telephone (323) 972-6767



09-18-2006

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #

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

CORRESPONDENT EMAIL ADDRESS:

Please provide in all correspondence:

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.

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 20th, 27th and May 26th 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 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. Daktronics, 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).

he 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).

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 there from, 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/teas/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.

Print: Aug 21, 2006

75684324

TYPED DRAWING

Serial Number
75684324

Status
REGISTERED

Word Mark
MOVIE VISION

Standard Character Mark
No

Registration Number
2518066

Date Registered
2001/12/11

Type of Mark
TRADEMARK

Register
PRINCIPAL

Mark Drawing Code
(1) TYPED DRAWING

Owner
MAGNADYNE CORPORATION CORPORATION CALIFORNIA 1111 West Victoria Street
Compton CALIFORNIA 902205898

Goods/Services
Class Status -- ACTIVE. IC 009. US 021 023 026 036 038. G & S:
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. First Use: 1999/07/09. First
Use In Commerce: 1999/07/09.

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

Filing Date
1999/04/15

Examining Attorney
BENZMILLER, ANDREW

Print: Aug 21, 2006

75684324

Attorney of Record
Kevin J. Heint

Print: Aug 21, 2006

75691252

DESIGN MARK

Serial Number
75691252

Status
REGISTERED

Word Mark
MOVIE VISION MV

Standard Character Mark
No

Registration Number
2520719

Date Registered
2001/12/18

Type of Mark
TRADEMARK

Register
PRINCIPAL

Mark Drawing Code
(3) DESIGN PLUS WORDS, LETTERS AND/OR NUMBERS

Owner
MAGNADYNE CORPORATION CORPORATION CALIFORNIA 1111 West Victoria Street
Compton CALIFORNIA 902205898

Goods/Services
Class Status -- ACTIVE. IC 009. US 021 023 026 036 038. G & S:
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. First Use: 1999/07/09. First
Use In Commerce: 1999/07/09.

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

Filing Date
1999/04/26

Examining Attorney
BENZMILLER, ANDREW

Print: Aug 21, 2006

75691252

Attorney of Record
Kevin J. Heini



*** User:thardy ***

#	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/ Search Duration	Search
01	6798	N/A	0	0	0:01	*mov{"iey"}* bi.ti
02	15801	N/A	0	0	0:02	*v{"iy"}{"sz"}{"iy"}on* bi.ti
03	59	20	39	28	0:01	1 and 2
04	8625	N/A	0	0	0:04	"038" cc and 2
05	1735	N/A	0	0	0:02	("038" a b 200) ic and 2
06	503	330	173	104	P/0:01	5 not television gs

Session started 8/21/2006 10:25:45 AM

Session finished 8/21/2006 10:29:58 AM

Total search duration 0 minutes 11 seconds

Session duration 4 minutes 13 seconds

Default NEAR limit=1 ADJ limit=1

Sent to TIGRS as Serial Number: 76655958

FILING RECEIPT FOR TRADEMARK APPLICATION

Page 01 of 01

Mar 14, 2006

This acknowledges receipt on the FILING DATE of the application for registration for the mark identified below. The FILING DATE is contingent upon all minimum filing date requirements being met. Your application will be considered in the order in which it was received. Please review the status of your application every six months from the filing date of your application. You can check the status of your application on-line at <http://tarr.uspto.gov/> or by contacting the Trademark Assistance Center at 1-800-786-9199. Also, documents in the electronic file for pending applications can be viewed and downloaded at <http://www.uspto.gov/>.

INDIANA RETANA
9601 CHARLEVILLE BLVD APT 10
BEVERLY HILLS, CA 90212-2346

ATTORNEY
REFERENCE NUMBER

PLEASE REVIEW THE ACCURACY OF THE FILING RECEIPT DATA.

A request for correction to the filing receipt should be submitted within 30 days. Such requests may be submitted by mail to: COMMISSIONER FOR TRADEMARKS, P.O. BOX 1451, ALEXANDRIA, VIRGINIA 22313-1451; by fax to 571-273-9913; or by e-mail to tmfiling_receipt@uspto.gov. The USPTO will review the request and make corrections when appropriate.

SERIAL NUMBER: 76/655958
FILING DATE: Mar 2, 2006
REGISTER: Principal
MARK: MOVIEVISION
MARK TYPE(S): Service Mark
DRAWING TYPE: Stylized words, letters, or numbers
FILING BASIS: Sect. 1(a) (Use in Commerce)

OWNER: INDIANA RETANA-MOVIEVISION INC. (CALIFORNIA, Corporation)
9601 CHARLEVILLE BLVD. #10
BEVERLY HILLS, CALIFORNIA 90212

FOR: PAY-PER-VIEW CHANNEL - DISTRIBUTING RECENTLY RELEASED MOVIES IN ENGLISH, SPANISH, CANTONESE AND RUSSIAN VIA CABLE COMPANY
INT. CLASS: 041
FIRST USE: Jan 15, 2002 USE IN COMMERCE: Jan 15, 2002

ALL OF THE GOODS/SERVICES IN EACH CLASS ARE LISTED

Other foreign languages are: Chinese, French, German, Italian, Tagalog, Vietnamese, Korean, Polish and Arabic, Japanese, Hebrew, Turkish, Swedish, Greek



03-27-2006

U.S. Patent & TMO/TM Mail Rept Dt. #72

FILING RECEIPT FOR TRADEMARK APPLICATION

Page 01 of 01

Mar 14, 2006

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INDIANA RETANA
9601 CHARLEVILLE BLVD APT 10
BEVERLY HILLS, CA 90212-2346

ATTORNEY
REFERENCE NUMBER

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SERIAL NUMBER: 76/655958
FILING DATE: Mar 2, 2006
REGISTER: Principal
MARK: MOVIEVISION
MARK TYPE(S): Service Mark
DRAWING TYPE: Stylized words, letters, or numbers
FILING BASIS: Sect. 1(a) (Use in Commerce)

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FIRST USE: Jan 15, 2002 USE IN COMMERCE: Jan 15, 2002

ALL OF THE GOODS/SERVICES IN EACH CLASS ARE LISTED

Other foreign languages are: Chinese, French, German, Italian, Tagalog, Vietnamese, Korean, Polish and Arabic

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Mar 14, 2006

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ATTORNEY
REFERENCE NUMBER

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SERIAL NUMBER: 76/655958
FILING DATE: Mar 2, 2006
REGISTER: Principal
MARK: MOVIEVISION
MARK TYPE(S): Service Mark
DRAWING TYPE: Stylized words, letters, or numbers
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OWNER: INDIANA RETANA-MOVIEVISION INC. (CALIFORNIA, Corporation)
9601 CHARLEVILLE BLVD. #10
BEVERLY HILLS, CALIFORNIA 90212

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VIA CABLE COMPANY
INT. CLASS: 041
FIRST USE: Jan 15, 2002 USE IN COMMERCE: Jan 15, 2002

ALL OF THE GOODS/SERVICES IN EACH CLASS ARE LISTED
ADDITIONAL INFORMATION MAY BE PRESENT IN THE USPTO RECORDS

MovieVision

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 00

03-02-2006

U.S. Patent & TMOfo/TM Mail ReptDt: #51

76655958

TRADEMARK APPLICATION SERIAL NO. _

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE
FEE RECORD SHEET

03/03/2006 67HARRIS2 00000103 76655958

01 FC:6001

375.00 CP

EMBEDDED
MARK

PTO-1555

(5/87)

U.S. Patent & TM Ofo/TM

76655958

-COLLECTIVE TRADEMARK/SERVICE MARK APPLICATION
(15 U.S.C. §§ 1051, 1126(d)&(e))-

-To the Assistant Commissioner for Trademarks-

<APPLICANT INFORMATION>

<Name>	INDIANA RETANA - MOVIEVISION INC.
<Street>	9601 CHARLEVILLE BLVD #10
<City>	BEVERLY HILLS, CALIFORNIA 90212
<State>	CALIFORNIA
<Country>	
<Zip/Postal Code>	90212
<Telephone Number>	(310) 274-8922 - (323) 972-6767
<Fax Number>	(310) 274-8922
<e-mail Address>	

<APPLICANT ENTITY INFORMATION> -Select only ONE-

<Individual: Country of Citizenship>	
<Corporation: State/Country of Incorporation>	CALIFORNIA
<Partnership: State/Country under which Organized>	
<Name(s) of General Partner(s) & Citizenship/Incorporation>	
<Other Entity Type: Specific Nature of Entity>	
<State/Country under which Organized>	

76655958

<COLLECTIVE TRADEMARK/SERVICE MARK INFORMATION>

Registered Form	MOVIEVISION
	yes -Enter YES, if appropriate-
-Applicant requests registration of the above-identified collective mark in the United States Patent and Trademark Office on the Principal Register established by Act of July 5, 1946 (15 U.S.C. § 1051 et seq.) for the following goods/services:-	

<GOODS AND/OR SERVICES>

<International Class Number(s)>	
<Listing of Goods and/or Services> -List by ascending class and filing basis-	Pay-per-view channel - distributive recently released movies in English, Spanish, Cantonese and Russian via Cable Company



03-02-2006

<FEE INFORMATION>

\$325.00 x <Number of Classes>

= <Total Filing Fee Paid>

<FILING BASIS INFORMATION>

<Intent to Use: Section 1(b)>

-Enter YES, if appropriate-

-Applicant has a bona fide intention to exercise legitimate control over the use of the mark in commerce by its members on or in connection with the above-identified goods/services (15 U.S.C. §§ 1051(b) and 1054).-

<Use in Commerce: Section 1(a)>

yes

-Enter YES, if appropriate-

-Applicant is exercising legitimate control over the use of the mark in commerce by its members on or in connection with the above-identified goods/services. (15 U.S.C. §§ 1051(a) and 1054). The applicant submits one (1) SPECIMEN with this application showing the mark as used by the members in commerce.-

MOVIEVISION

<Date of First Use Anywhere>

2 years ago

<Date of First Use in Commerce>

January 15, 2000
business cards 2 years

<Foreign Priority: Section 44(d)>

-Enter YES, if appropriate-

-Applicant has a bona fide intention to exercise legitimate control over the use of the mark in commerce by its members on or in connection with the above-identified goods/services (15 U.S.C. §1054), and asserts a claim of priority based upon a foreign application in accordance with 15 U.S.C. § 1126(d). -

<Country of Foreign Filing>

<Foreign Application Number>

<Date of Foreign Filing>

<Foreign Registration: Section 44(e)>

-Enter YES, if appropriate-

-Applicant has a bona fide intention to exercise legitimate control over the use of the mark in commerce by its members on or in connection with the above-identified goods/services (15 U.S.C. §1054). Applicant must submit the foreign registration certificate or a certified copy of the foreign registration, in accordance with 15 U.S.C. §1126(e). -

<Country of Foreign Registration>

<Foreign Registration Number>

<Foreign Registration Date>

<Foreign Registration Renewal Date>

<Foreign Registration Expiration Date>

<METHOD OF CONTROL>

-Applicant controls, or intends to control (if filing under 15 U.S.C. §1051(b)), the use of the mark by members as follows:-

<Method of Control>

Use by bylaws, regulation of the corporation for business matters

<SIGNATURE AND OTHER INFORMATION>

-DECLARATION: The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the collective trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. § 1051(b), he/she believes applicant to be entitled to exercise legitimate control over use of the mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.-

<Signature>

Indiana Retana

<Date Signed>

<Name>

INDIANA RETANA

<Title>

PRESIDENT

<CONTACT INFORMATION>

<Name>

Indiana Retana

<Company/Firm Name>

Moviemission

<Street>

9601 Charleville Blvd #10

<City>

Beverly Hills

<State>

California

<Country>

<Zip/Postal Code>

90212

<Telephone Number>

310-274-8922 or 323-972-6767

<Fax Number>

310-274-8922

<e-Mail Address>

The information collected on this form allows the PTO to determine whether a mark may be registered on the Principal or Supplemental Register, and provides notice of an applicant's claim of ownership of the mark or a bona fide intention to use the mark in commerce. Responses to the request for information are required to obtain the benefit of a registration on the Principal or Supplemental Register, 15 U.S.C. §§1051 et seq. and 37 C.F.R. Part 2. All information collected will be made public. Gathering and providing the information will require an estimated seventeen to twenty-three minutes. Please direct comments on the time needed to complete this form, and/or suggestions for reducing this burden to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington D.C. 20231. Please note that the PTO may not conduct or sponsor a collection of information using a form that does not display a valid OMB control number. (See bottom left side of this form).

as soon as possible

MovieVision

-COLLECTIVE TRADEMARK/SERVICE MARK APPLICATION
(15 U.S.C. §§ 1051, 1126(d)&(e))-

-To the Assistant Commissioner for Trademarks-

<APPLICANT INFORMATION>

<Name>	INDIANA RETANA - MOVIEVISION INC.
<Street>	9601 CHARLEVILLE BLVD #10
<City>	BEVERLY HILLS, CALIFORNIA 90212
<State>	CALIFORNIA
<Country>	
<Zip/Postal Code>	90212
<Telephone Number>	(310) 274-8922 - (323) 972-6767
<Fax Number>	(310) 274-8922
<e-mail Address>	

<APPLICANT ENTITY INFORMATION> - Select only ONE -

<Individual: Country of Citizenship>	
<Corporation: State/Country of Incorporation>	CALIFORNIA
<Partnership: State/Country under which Organized>	
<Name(s) of General Partner(s) & Citizenship/Incorporation>	
<Other Entity Type: Specific Nature of Entity>	76655958
<State/Country under which Organized>	

<COLLECTIVE TRADEMARK/SERVICE MARK INFORMATION>

Mark Form	MOVIEVISION
Mark Form	yes - Enter YES, if appropriate
-Applicant requests registration of the above-identified collective mark in the United States Patent and Trademark Office on the Principal Register established by Act of July 5, 1946 (15 U.S.C. § 1051 et seq.) for the following goods/services:-	

<GOODS AND/OR SERVICES>

<International Class Number(s)>	
<Listing of Goods and/or Services> - List by ascending class and filing basis -	Pay-per-view channel - distributive recently released movies in English, Spanish, Cantonese and Russian via cable company



03-02-2006

MovieVision

MovieVision

EXHIBIT

14

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,)

v.)

MOVIEVISION, INC.)

Applicant.)

Opposition No. _____

NOTICE OF OPPOSITION

FILED ELECTRONICALLY
Commissioner for Trademarks
P.O. Box 1451
Alexandria, Virginia 22313-1451

Sir:

MAGNADYNE CORPORATION, ("Opposer"), a California corporation with a place of business at 1111 West Victoria Street, Compton, California, 90220, believes that it is and will continue to be damaged by the Applicant MOVIEVISION, INC.'s ("Applicant") registration of the mark MOVIEVISION for pay-per-view television transmission services featuring recently released movies in English, Spanish, Cantonese and Russia via cable in International Class 38, and hereby opposes registration of this mark.

As grounds for opposition, the Opposer alleges as follows:

PLF DEF _____
EXHIBIT 14
REPORTER A. ANGUIANO
WITNESS INDIANA RETANA
DATE 7-15-08

1. The Opposer is a world-famous manufacturer and distributor of vehicle electronics and wireless products. Opposer's products include vehicle security systems, high-end audio and video devices, and wireless products for sale and distribution to original equipment manufacturers (OEMs), authorized dealers and for aftermarket sale.

2. Opposer is the owner of U.S. Registration No. 2,518,066, for the mark MOVIE VISION and U.S. Registration No. 2,520,719 for the mark MOVIE VISION MV and Design, both 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" automobiles in International Class 9 ("Opposer's MOVIE VISION marks").

3. Opposer has used the MOVIE VISION marks from a date at least as early as July, 1999 in connection with the above-identified goods and related services.

4. The foregoing registrations are valid, subsisting and constitute prima facie evidence of the validity of the Opposer's MOVIE VISION marks and registrations, of Opposer's ownership of and exclusive right to use the Opposer's MOVIE VISION marks in commerce, and provides constructive notice of ownership thereof by Opposer.

5. Opposer has expended considerable effort and expense in promoting the Opposer's MOVIE VISION marks and the goods associated with this mark, with the result that the purchasing public has come to know and recognize the products of the Opposer by these marks. Opposer has exceedingly valuable good will established in the Opposer's MOVIE VISION marks.

6. Upon information and belief, Applicant Movievision, Inc. filed an intent-to-use based application on March 2, 2006 for the mark MOVIEVISION in stylized form ("Applicant's MOVIEVISION mark"). Applicant amended the application during prosecution to an intent-to-use based application. As published, this application covers "pay-per-view television transmission services featuring recently released movies in English, Spanish, Cantonese and Russia via cable" in International Class 38.

7. Upon information and belief, Applicant's application has been assigned Serial No. 76/655,958.

8. There is no issue as to priority. Upon information and belief, Applicant filed its application for Applicant's MOVIEVISION mark long after Opposer obtained trademark rights in the Opposer's MOVIE VISION marks.

9. The services identified by Applicant's MOVIEVISION mark are directly related to and confusingly similar to the goods and accessories offered under the Opposer's MOVIE VISION marks.

10. Upon information and belief, at the time Applicant filed its trademark application to register Applicant's MOVIEVISION mark, Applicant had full knowledge that Opposer used the Opposer's MOVIE VISION marks to identify its goods and related services offered in connection therewith.

11. Applicant's MOVIEVISION mark so resembles the Opposer's previously-used and registered Opposer's MOVIE VISION marks as to be likely, when used in connection with Applicant's goods, to cause confusion, or to cause mistake, or to deceive under Section 2(d) of the Lanham Act, as amended, 15 U.S.C. § 1052(d).

12. Applicant's MOVIEVISION mark consists of matter which falsely suggests a connection with the Opposer under Section 2(a) of the Lanham Act, as amended, 15 U.S.C. §1052(a).

13. Applicant's use of the Applicant's MOVIEVISION mark is likely to cause, and will cause, dilution of the distinctive value of Opposer's MOVIE VISION marks under Section 43(c) of the Lanham Act of 1946, as amended, 15 U.S.C. §1125(c).

14. If Applicant were granted the registration herein opposed, it would obtain at least a *prima facie* exclusive right to use of the Applicant's MOVIEVISION mark in connection with the designated services. Such registration would be a source of injury and damage to the Opposer.

15. Since the mark as described in the application is identical to Opposer's MOVIE VISION marks, and Applicant's services are closely related to the goods for which Opposer owns registrations, confusion and deception as to the origin of the Applicant's services bearing the Applicant's MOVIEVISION mark would occur, all to the damage and detriment of Opposer. Such use would cause confusion in the trade resulting in damage and injury to Opposer.

16. For the foregoing reasons, Opposer Magnadyne Corporation will be damaged by the registration of Applicant's MOVIEVISION mark.

WHEREFORE, Opposer requests that registration of Applicant's MOVIEVISION mark, Application Serial No. 76/655,958, be refused and this opposition be sustained.

Respectfully submitted,

By 
Kevin J. Heil
Matthew R. Mowers
Attorneys/Agents for Applicant

Date: January 23, 2007

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TTAB
76655958

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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MAGNADYNE CORPORATION

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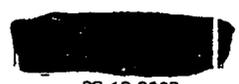
Applicant.

Opposition Number 91175280

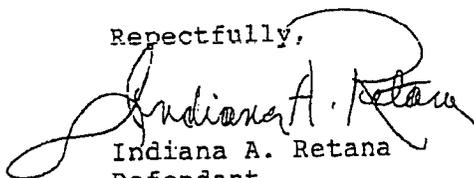
ANSWER

- 1. DENIED
- 2. DENIED
- 3. DENIED
- 4. DENIED
- 5. DENIED
- 6. DENIED
- 7. DENIED
- 8. DENIED
- 9. DENIED
- 10. DENIED
- 11. DENIED
- 12. DENIED
- 13. DENIED
- 14. DENIED
- 15. DENIED
- 16. DENIED

PLF DEF _____
EXHIBIT 15
REPORTER A. ANGIANO
WITNESS INDIANA RETANA
DATE 7-15-08



Respectfully,



Indiana A. Retana
Defendant

Date: February 5, 2007

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IAR;imr

• Sent to: The U.S. Patent and Trademark Office
Commissioner for Trademarks
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cc: Kevin Heint (Certified)
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