

ESTTA Tracking number: **ESTTA741702**

Filing date: **04/22/2016**

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

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	TRANS WORLD NEW YORK, LLC
Granted to Date of previous extension	04/27/2016
Address	38 Corporate Circle NEW YORK, NY 12203 UNITED STATES
Correspondence information	Kathy Silberthau Strom, Esq. Cahill Gordon & Reindel LLP 1990 K ST NW STE 950 WASHINGTON, DC 20006 UNITED STATES tm@cahill.com Phone:202 862 8900

Applicant Information

Application No	86477761	Publication date	12/29/2015
Opposition Filing Date	04/22/2016	Opposition Period Ends	04/27/2016
Applicant	Ellis, Dwight 697 Ashford Oaks Dr Altamonte Springs, FL 32714 UNITED STATES		

Goods/Services Affected by Opposition

<p>Class 025. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Clothing, namely, t-shirts, shirts, tank tops, halter tops, tops, sweaters, sweatshirts, hooded sweatshirts, coats, jerseys, jackets, bottoms, pants, trousers, jeans, shorts, sweatpants, pajamas, socks, dresses, skirts, blouses, underwear, swimwear, headwear, footwear, sleepwear, panties, boxers, jackets, hats, vests, leggings, gloves, beanies, scarves</p>
<p>Class 041. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: entertainment rendered by a musical act, namely, entertainment in the nature of visual and audio performances by a musical act; live performances by a musical act; multimedia entertainment services in the nature of recording, production and post-production services in the field of music and video; Entertainment services by a musical artist, namely, music songwriting for non-advertising purposes, recording, production, publishing, music video creation, musical composition and production of musical sound recordings; Providing an Internet website portal in the field of music; Entertainment services, namely, providing non-downloadable playback of music via global communications networks</p>

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution by tarnishment	Trademark Act section 43(c)

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	1880186	Application Date	01/10/1994
Registration Date	02/21/1995	Foreign Priority Date	NONE
Word Mark	F.Y.E.		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use: 1993/12/03 First Use In Commerce: 1993/12/03 retail store services in the field of pre-recorded music and video products, books, interactive games [and game room machines]		

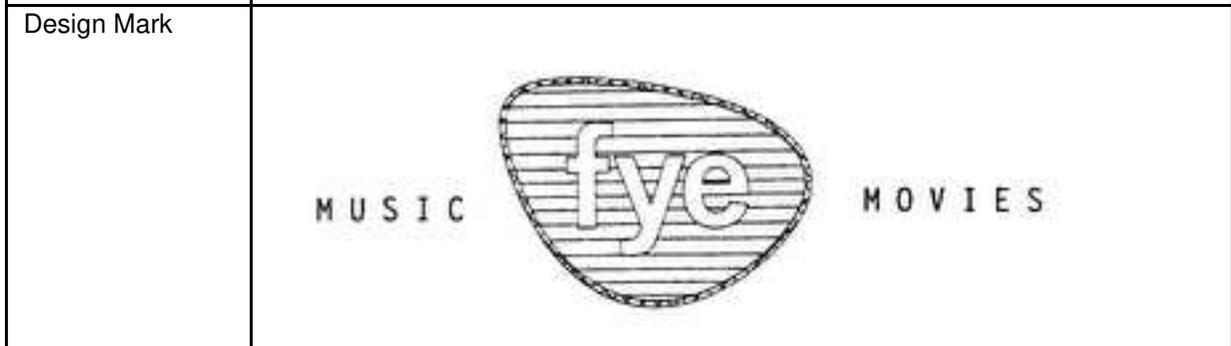
U.S. Registration No.	2752524	Application Date	09/20/2002
Registration Date	08/19/2003	Foreign Priority Date	NONE
Word Mark	F.Y.E. FOR YOUR ENTERTAINMENT		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 2002/05/00 First Use In Commerce: 2002/05/00 on-line retail services in the field of prerecorded music and video products, books, interactive games and game room machines		

U.S. Registration No.	2592880	Application Date	03/12/2001
Registration Date	07/09/2002	Foreign Priority Date	NONE
Word Mark	FYE		
Design Mark			

Description of Mark	The mark consists of the white lower case letters "fye" which are inside of a black oval shape.
Goods/Services	Class 035. First use: First Use: 2001/05/00 First Use In Commerce: 2001/05/00 retail store services in the field of pre-recorded music and video products, books, interactive games and game room machines

U.S. Registration No.	2565292	Application Date	07/02/2001
Registration Date	04/30/2002	Foreign Priority Date	NONE

Word Mark	MUSIC FYE MOVIES
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Description of Mark	The mark consists of the two words "MUSIC" and "MOVIES", between which are the lower case letters "fye" inside of an oval blue shape which has an orange border.
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Goods/Services	Class 035. First use: First Use: 2001/05/01 First Use In Commerce: 2001/05/01 retail store services in the field of prerecorded music and video products, books, interactive games and game room machines
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U.S. Registration No.	3109282	Application Date	07/11/2005
Registration Date	06/27/2006	Foreign Priority Date	NONE

Word Mark	F.Y.E.
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Description of Mark	NONE
Goods/Services	Class 035. First use: First Use: 2004/02/00 First Use In Commerce: 2004/02/00 retail store services in the field of pre-recorded music and video products, books, interactive games [and game room machines]

U.S. Registration No.	2755734	Application Date	09/20/2002
Registration Date	08/26/2003	Foreign Priority Date	NONE

Word Mark	FYE FOR YOUR ENTERTAINMENT MUSIC MOVIESGAMES MORE
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Design Mark	
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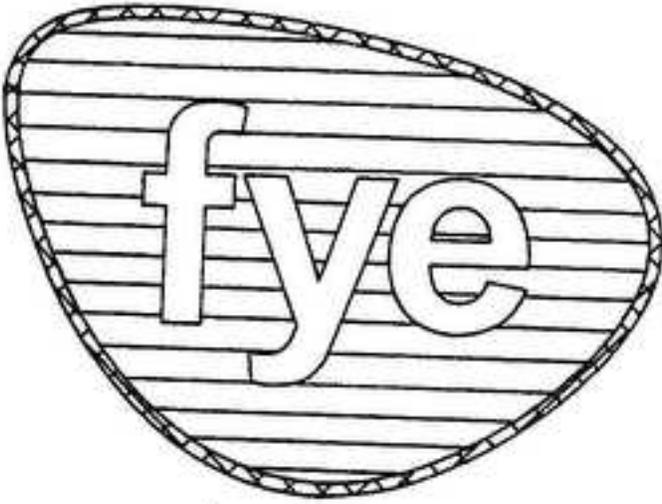
Description of Mark	Applicant claims the colors blue and orange as part of the mark. Applicant claims the color blue for the oval portion of the mark and for all of the words other than the letters "f.y.e.". The mark consist of the lower case white letters "f.y.e.", each of which is followed by a white period, inside of an oval blue shape which has an orange border, under which is found the words, in blue, "FOR YOURENTERTAINMENT" and the words, in blue, "music-movies-games-more".
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Goods/Services	Class 035. First use: First Use: 2002/05/00 First Use In Commerce: 2002/05/00 retail store services in the field of prerecorded music and video products, books, interactive games and game room machines
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U.S. Registration No.	3005988	Application Date	09/03/2004
Registration Date	10/11/2005	Foreign Priority Date	NONE

Word Mark	F.Y.E. FOR YOUR ENTERTAINMENT MUSIC MOVIES GAMES MORE
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Design Mark	
Description of Mark	NONE
Goods/Services	Class 035. First use: First Use: 2004/09/02 First Use In Commerce: 2004/09/02 retail store services in the field of pre-recorded music and video products, books, interactive games and game room machines

U.S. Registration No.	2660535	Application Date	03/14/2001
Registration Date	12/10/2002	Foreign Priority Date	NONE
Word Mark	FYE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 2001/04/00 First Use In Commerce: 2001/04/00		

	retail store services in the field of pre-recorded music and video products, books, interactive games and game room machines
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U.S. Registration No.	2586555	Application Date	01/10/2001
Registration Date	06/25/2002	Foreign Priority Date	NONE
Word Mark	FYE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 2001/05/00 First Use In Commerce: 2001/05/00 retail store services in the field of pre-recorded music and video products, books, interactive games and game room machines		

U.S. Registration No.	4550793	Application Date	10/01/2013
Registration Date	06/17/2014	Foreign Priority Date	NONE
Word Mark	FYE.COM		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 2001/10/00 First Use In Commerce: 2001/10/00 on-line retail store services in the field of prerecorded music and video products, books, interactive games and game room machines; and promoting the goods of others in connection with retail store services by awarding discounts and gift incentives to frequent purchasers of prerecorded music and video products, including records, videos, tapes, CD's, and interactive games		

Attachments	76452221#TMSN.png(bytes) 76222570#TMSN.png(bytes) 76279528#TMSN.png(bytes) 78667312#TMSN.png(bytes) 76452222#TMSN.png(bytes) 78478533#TMSN.png(bytes) 76224568#TMSN.png(bytes) 76191759#TMSN.png(bytes) 86079498#TMSN.png(bytes) Notice of Opposition.pdf(1291742 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Kathy Silberthau Strom/
Name	Kathy Silberthau Strom, Esq.
Date	04/22/2016

TWNY and Its “F.Y.E. ENTERTAINMENT” and “F.Y.E.” Family of Marks

1. TWNY, through its predecessors, related companies, controlled entities, and licensees, has continuously used the trademarks, service marks, and trade names “F.Y.E. ENTERTAINMENT”, “FYE ENTERTAINMENT” and its related family of “F.Y.E.” and “FYE” marks in connection with a broad range of retail store services in the field of pre-recorded music and video products.

- (a) Opposer owns Registration No. 1,880,186, dated February 21, 1995, for the mark "F.Y.E." in Class 42, which it has used in commerce in connection with the provision of its retail store services in the field of pre-recorded music and video products, books, and interactive games, since at least as early as December 3, 1993. Opposer is submitting herewith as part hereof and marked as Exhibit 1, a true and correct copy of Registration No. 1,880,186, issued by the Patent and Trademark Office.
- (b) Opposer owns Registration No. 2,752,524, dated August 19, 2003, for the mark "F.Y.E. FOR YOUR ENTERTAINMENT" in Class 35, which it has used in commerce in connection with the provision of on-line retail services in the field of prerecorded music and video products, books, interactive games and game room machines, since at least as early as May 2002. Opposer is submitting herewith as part hereof and marked as Exhibit 2, a true and correct copy of Registration No. 2,752,524, issued by the Patent and Trademark Office.
- (c) Opposer owns Registration No. 2,586,555, dated June 25, 2002, for the mark “FYE” in Class 35, which it has used in commerce in connection with the provision of retail store services in the field of pre-recorded music and video products, books, interactive games, since at least as early as May 2001. Opposer is submitting herewith as part hereof and marked as Exhibit 3, a true and correct copy of Registration No. 2,586,555, issued by the Patent and Trademark Office.
- (d) Opposer owns Registration No. 2,592,880, dated July 9, 2002, for the mark “FYE (and design) (Black & White)” in Class 35, which it has used in commerce in connection with the provision of retail store services in the field of pre-recorded music and vido products, books, interactive games and game room machines, since at least as early as May 2001. Opposer is submitting herewith as part hereof and marked as

Exhibit 4, a true and correct copy of Registration No. 2,592,880, issued by the Patent and Trademark Office.

- (e) Opposer owns Registration No. 2,660,535, dated December 10, 2002, for the mark “FYE (and color design)” in Class 35, which it has used in commerce in connection with the provision of retail store services in the field of pre-recorded music and video products, books, interactive games and game room machines, since at least as early as April 2001. Opposer is submitting herewith as part hereof and marked as Exhibit 5, a true and correct copy of Registration No. 2,660,535, issued by the Patent and Trademark Office.
- (f) Opposer owns Registration No. 4,550,793, dated June 17, 2014, for the mark “FYE.COM” in Class 35, which it has used in commerce in connection with the provision of on-line retail store services in the field of prerecorded music and video products, books, interactive games and game room machines; and promoting the goods of others in connection with retail store services by awarding discounts and gift incentives to frequent purchasers of prerecorded music and video products, including records, videos, tapes, CD's, and interactive games since at least as early as October 2001. Opposer is submitting herewith as part hereof and marked as Exhibit 6, a true and correct copy of Registration No. 4,550,793, issued by the Patent and Trademark Office.
- (g) Opposer owns Registration No. 2,565,292, dated April 30, 2002, for the mark “MUSIC FYE MOVIES (AND DESIGN)” in Class 35, which it has used in commerce in connection with the provision of retail store services in the field of prerecorded music and video products, books, interactive games and game room machines, since at least as early as May 2001. Opposer is submitting herewith as part hereof and marked as Exhibit 7, a true and correct copy of Registration No. 2,565,292, issued by the Patent and Trademark Office.
- (h) Opposer owns Registration No. 3,109,282, dated June 27, 2006, for the mark “F.Y.E. (AND COLOR LOGO DESIGN)” in Class 35, which it has used in commerce in connection with the provision of retail store services in the field of pre-recorded music and video products, books, and interactive games, since at least as early as February 2004. Opposer is submitting herewith as part hereof and marked as Exhibit 8, a true and correct copy of Registration No. 3,109,282, issued by the Patent and Trademark Office.
- (i) Opposer owns Registration No. 2,755,734, dated August 26, 2003, for the mark “FYE FOR YOUR ENTERTAINMENT MUSIC MOVIES GAMES MORE (AND DESIGN)” in Class 35, which it has used in

commerce in connection with the provision of retail store services in the field of prerecorded music and video products, books, interactive games and game room machines since at least as early as May 2002. Opposer is submitting herewith as part hereof and marked as Exhibit 9, a true and correct copy of Registration No. 2,755,734, issued by the Patent and Trademark Office.

- (j) Opposer owns Registration No. 3,005,988, dated October 11, 2005, for the mark “F.Y.E. FOR YOUR ENTERTAINMENT MUSIC MOVIES GAMES MORE (& COLOR DESIGN)” in Class 35, which it has used in commerce in connection with the provision of retail store services in the field of pre-recorded music and video products, books, interactive games and game room machines since at least as early as September 2, 2004. Opposer is submitting herewith as part hereof and marked as Exhibit 10, a true and correct copy of Registration No. 3,005,988, issued by the Patent and Trademark Office.

2. All of the foregoing registered marks are valid and subsisting and are conclusive evidence of Opposer's exclusive right to use such marks in commerce in connection with the services specified in the Registrations.

3. Opposer owns and uses the trademark, service mark and trade name “F.Y.E.” in commerce for retail store services in the field of music, videos and games. Opposer first used the trade name in the United States at least as early as December 3, 1993. Opposer has common law rights in and to “FYE ENTERTAINMENT,” “F.Y.E. ENTERTAINMENT,” and its related “FYE” and “F.Y.E.” family of marks for retail store services in the field of pre-recorded music, videos and games.

4. Following the introduction of Opposer’s products and services to the market and continuously thereafter, the mark "FYE ENTERTAINMENT" and its related family of “F.Y.E.” and “FYE” marks have become and are well and favorably known and associated with Opposer and its controlled and related entities and their products and services. The mark

“F.Y.E. ENTERTAINMENT” and its related family of “F.Y.E.” and “FYE” marks have become distinctive of the services and products of Opposer and its controlled and related entities.

Count I: Likelihood of Confusion
Under Section 2(d), 15 U.S.C. § 1052(d)

5. Opposer repeats and realleges each and every allegation set forth above.

6. Applicant seeks to register "F.Y.N ENTERTAINMENT" as a service mark for goods and services, namely, clothing, namely, t-shirts, shirts, tank tops, halter tops, tops, sweaters, sweatshirts, hooded sweatshirts, coats, jerseys, jackets, bottoms, pants, trousers, jeans, shorts, sweatpants, pajamas, socks, dresses, skirts, blouses, underwear, swimwear, headwear, footwear, sleepwear, panties, boxers, jackets, hats, vests, leggings, gloves, beanies, scarves, in Class 25, and for entertainment rendered by a musical act, namely, entertainment in the nature of visual and audio performances by a musical act; live performances by a musical act; multimedia entertainment services in the nature of recording, production and post-production services in the field of music and video; entertainment services by a musical artist, namely, music songwriting for non-advertising purposes, recording, production, publishing, music video creation, musical composition and production of musical sound recordings; providing an Internet website portal in the field of music; entertainment services, namely, providing non-downloadable playback of music via global communications networks, in Class 41 as evidenced by publication of said mark in the *Official Gazette* in the December 29, 2015 issue thereof.

7. There is no issue as to priority as between Opposer and Applicant.

Opposer has priority based on its valid and subsisting prior registrations for “F.Y.E.” and its related family of marks. In addition, Opposer has priority based on its prior use of its marks in commerce in connection with TWNY’s products and services. Applicant filed its intent to use

application on December 11, 2014; Opposer has sold many of its services listed in the aforesaid Registrations under the “F.Y.E.”, “F.Y.E. ENTERTAINMENT” and “FYE” family of marks attached as Exhibits 1-10 continuously in commerce since at least as early as December 3, 1993, more than 20 years before Applicant’s filing of its application for F.Y.N ENTERTAINMENT. Opposer has sold its services under the “F.Y.E” mark attached as Exhibit 1 continuously in commerce since at least as early as December 3, 1993. Opposer has sold its services under the “F.Y.E. FOR YOUR ENTERTAINMENT” mark attached as Exhibit 2 continuously in commerce since at least as early as May 2002. Opposer has sold its services under the “FYE” mark attached as Exhibit 3 continuously in commerce since at least as early as May 2001. Opposer has sold its services under the “FYE (and design) (Black & White)” mark attached as Exhibit 4 continuously in commerce since at least as early as May 2001. Opposer has sold its services under the “FYE (and color design)” mark attached as Exhibit 5 continuously in commerce since at least as early as April 2001. Opposer has sold its services under the “FYE.COM” mark attached as Exhibit 6 continuously in commerce since at least as early as October 2001. Opposer has sold its services under the “MUSIC FYE MOVIES (AND DESIGN)” mark attached as Exhibit 7 continuously in commerce since at least as early as May 2001. Opposer has sold its services under the “F.Y.E. (AND COLOR LOGO DESIGN)” mark attached as Exhibit 8 continuously in commerce since at least as early as February 2004. Opposer has sold its services under the “FYE FOR YOUR ENTERTAINMENT MUSIC MOVIES GAMES MORE (AND DESIGN)” mark attached as Exhibit 9 continuously in commerce since at least as early as May 2002. Opposer has sold its services under the “FYE

FOR YOUR ENTERTAINMENT MUSIC MOVIES GAMES MORE (AND DESIGN)” mark attached as Exhibit 10 continuously in commerce since at least as early as October 11, 2005.

8. Opposer and its controlled and related entities have extensively advertised products and services under the “F.Y.E. ENTERTAINMENT” and related family of “F.Y.E.” marks in commerce in the United States. Opposer and its controlled entities have developed valuable good will in connection with the marks covered by the Registrations.

9. By virtue of its efforts and the expenditure of considerable sums for promotional activities, and by virtue of the excellence of its services, the Opposer and its controlled entities have gained for the above-identified marks a most valuable reputation.

10. The service mark proposed for registration by the Applicant, namely “F.Y.N ENTERTAINMENT” is substantially similar to the marks “F.Y.E. ENTERTAINMENT,” “F.Y.E.,” “FYE,” and Opposer’s related family of marks. Thus, in appearance, the mark of Applicant and those of Opposer create a similar impression in that the first two letters of the first word of each mark includes and prominently features the letters F.Y. and is followed by the identical word “ENTERTAINMENT”. In sound and meaning as well, the “F.Y.N ENTERTAINMENT” mark of Applicant and the “F.Y.E.,” “F.Y.E. ENTERTAINMENT,” and other marks of Opposer relied upon herein are very similar.

11. Applicant has sought registration of its service mark for use in connection with entertainment rendered by a musical act, namely, entertainment in the nature of visual and audio performances by a musical act; live performances by a musical act; multimedia entertainment services in the nature of recording, production and post-production services in the field of music and video; entertainment services by a musical artist, namely, music songwriting

for non-advertising purposes, recording, production, publishing, music video creation, musical composition and production of musical sound recordings; providing an Internet website portal in the field of music; entertainment services, namely, providing non-downloadable playback of music via global communications networks, in Class 41, and clothing, namely, t-shirts, shirts, tank tops, halter tops, tops, sweaters, sweatshirts, hooded sweatshirts, coats, jerseys, jackets, bottoms, pants, trousers, jeans, shorts, sweatpants, pajamas, socks, dresses, skirts, blouses, underwear, swimwear, headwear, footwear, sleepwear, panties, boxers, jackets, hats, vests, leggings, gloves, beanies, scarves, in Class 25. These goods and services are highly related to the retail store services in the field of prerecorded music and video products in Class 35 provided by Opposer. Therefore, use of the proposed mark in connection with the services of Applicant will cause confusion, cause mistake or deceive. Applicant's mark so nearly resembles Opposer's marks as to be likely to be confused therewith and mistaken therefore. Applicant's mark will cause confusion and lead to deception as to the origin of Applicant's goods and services bearing Applicant's mark. In view of the similarity of the respective marks and the related nature of the services of the respective parties, Applicant's mark so resembles the registered marks of Opposer and its controlled entities, as to be likely to cause confusion, or to cause mistake or to deceive.

12. If Applicant is permitted to use and register its proposed mark for the goods and services specified, persons familiar with the marks of Opposer and its controlled entities would likely buy Applicant's goods and services, believing them to be goods and services offered and provided by the Opposer and its controlled entities. Any such confusion in trade inevitably would result in damage and injury to the Opposer which controls use of all of its "F.Y.E. ENTERTAINMENT" and related family of "F.Y.E." and "FYE" marks which are

viewed as emanating from a single source. Furthermore, any defect, objection or fault found with Applicant's goods and services marketed under its mark would necessarily reflect upon and seriously injure the reputation which the Opposer has established for its services and those of its subsidiaries marketed under its marks.

13. If the Applicant were granted the registration herein opposed, it would be a source of damage and injury to the Opposer.

Count II: Dilution
Under 15 U.S.C. §§ 1052(f) and 1125(c)(1)

14. Opposer repeats and realleges each and every allegation set forth above.

15. Through long use and extensive marketing and sale of services under the "F.Y.E.", "FYE" and "F.Y.E. ENTERTAINMENT" marks and names by Opposer and its controlled entities, these marks and names have become famous and are distinctive of Opposer and its services.

16. Opponent has engaged in extensive, nationwide advertising, promotion, and use of its "F.Y.E.", "FYE" and "F.Y.E. ENTERTAINMENT" and related marks.

17. The mark that the Applicant has filed to register, "F.Y.N ENTERTAINMENT," is likely to dilute and would cause dilution of the distinctive quality of Opposer's famous "F.Y.E. ENTERTAINMENT" and "F.Y.E." marks and its related family of "FYE" marks and is likely to cause dilution by blurring of Opposer's famous "F.Y.E." and "F.Y.E. ENTERTAINMENT" marks and names. The mark Applicant has filed to register, "F.Y.N ENTERTAINMENT", is also likely to harm the reputation of Opposer's famous

“F.Y.E.” and “F.Y.E. ENTERTAINMENT” marks and names and is likely to cause dilution by tarnishment of Opposer’s famous “F.Y.E.” and “F.Y.E. ENTERTAINMENT” marks and names.

18. The grant of a registration of “F.Y.N ENTERTAINMENT” would be contrary to Section 43(c) of the Lanham Act, 15 U.S.C. § 1125(c).

WHEREFORE, Opposer believes it is being damaged, and will be damaged, by the registration of the Applicants mark, as shown in Application No. 86/477,761. Accordingly, Opposer respectfully requests that the Notice of Opposition be sustained, and that the registration sought for the goods and services specified in International Classes 25 and 41 be denied and refused.

Opposer hereby gives notice that after hearing and in any appeal on this opposition proceeding, it will rely on the registrations which are attached to this Notice of Opposition as evidence in support of this Notice of Opposition.

The fee required in § 2.6(a)(17) is enclosed herewith.

The undersigned Opposer hereby consents and appoints Kathy Silberthau Strom, Esq., a member of the Bars of the State of New York and the District of Columbia, whose address is Cahill Gordon & Reindel LLP, 1990 K Street, N.W., Suite 950, Washington, D.C. 20006; as its duly authorized agents and attorneys in the matter of the opposition above-identified to prosecute said opposition, to transact all business in the Patent and Trademark Office and in the United States courts in connection with this opposition, to sign their names to all papers which may hereinafter be filed in connection therewith, and to receive all communications relating to the same.

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Respectfully submitted,

Trans World New York, LLC,
Opposer

By/Kathy Silberthau Strom/
Kathy Silberthau Strom
Cahill Gordon & Reindel LLP
1990 K Street, NW
Suite 950
Washington, D.C. 20006
(202) 862-8900
tm@cahill.com

Dated: April 22, 2016

Its Attorneys

Certificate of Service

I hereby certify that a true copy of the foregoing NOTICE OF OPPOSITION was served upon the Applicant by mailing the same this 22th day of April, 2016 to Dwight Ellis, 697 Ashford Oaks Drive, Altamonte Springs, Florida 32714.

Dated: April 22, 2016
New York, New York

Kathy Silberthau Strom

EXHIBIT 1

Int. Cl.: 42

Prior U.S. Cl.: 107

United States Patent and Trademark Office

Reg. No. 1,880,186

Registered Feb. 21, 1995

**SERVICE MARK
PRINCIPAL REGISTER**

F.Y.E.

**RECORD TOWN, INC. (NEW YORK CORPORATION)
38 CORPORATE CIRCLE
ALBANY, NY 12203**

**GAMES AND GAME ROOM MACHINES, IN
CLASS 42 (U.S. CL. 107).
FIRST USE 12-3-1993; IN COMMERCE
12-3-1993.**

**FOR: RETAIL STORE SERVICES IN THE
FIELD OF PRE-RECORDED MUSIC AND
VIDEO PRODUCTS, BOOKS, INTERACTIVE**

SER. NO. 74-477,804, FILED 1-10-1994.

JEFFREY LOOK, EXAMINING ATTORNEY

EXHIBIT 2

Int. Cl.: 35

Prior U.S. Cls.: 100, 101 and 102

Reg. No. 2,752,524

United States Patent and Trademark Office

Registered Aug. 19, 2003

**SERVICE MARK
PRINCIPAL REGISTER**

FYE FOR YOUR ENTERTAINMENT

TRANS WORLD NEW YORK, LLC (NEW YORK
LTD LIAB CO)
38 CORPORATE CIRCLE
ALBANY, NY 12203

FOR: ON-LINE RETAIL SERVICES IN THE FIELD
OF PRERECORDED MUSIC AND VIDEO PRO-
DUCTS, BOOKS, INTERACTIVE GAMES AND
GAME ROOM MACHINES , IN CLASS 35 (U.S.
CLS. 100, 101 AND 102).

FIRST USE 5-0-2002; IN COMMERCE 5-0-2002.

OWNER OF U.S. REG. NOS. 1,870,180, 2,592,880
AND OTHERS.

SER. NO. 76-452,221, FILED 9-20-2002.

BRENDAN MCCAULEY, EXAMINING ATTORNEY

EXHIBIT 3

Int. Cl.: 35

Prior U.S. Cls.: 100, 101, and 102

United States Patent and Trademark Office

Reg. No. 2,586,555

Registered June 25, 2002

**SERVICE MARK
PRINCIPAL REGISTER**

FYE

TRANS WORLD NEW YORK, LLC (NEW YORK
LIMITED LIABILITY COMPANY)
38 CORPORATE CIRCLE
ALBANY, NY 12203

FIRST USE 5-0-2001; IN COMMERCE 5-0-2001.

OWNER OF U.S. REG. NOS. 1,870,180 AND
1,880,186.

FOR: RETAIL STORE SERVICES IN THE FIELD
OF PRE-RECORDED MUSIC AND VIDEO PRO-
DUCTS, BOOKS, INTERACTIVE GAMES AND
GAME ROOM MACHINES, IN CLASS 35 (U.S. CLS.
100, 101 AND 102).

SN 76-191,759, FILED 1-10-2001.

ROBERT HERRELL, EXAMINING ATTORNEY

EXHIBIT 4

Int. Cl.: 35

Prior U.S. Cls.: 100, 101, and 102

United States Patent and Trademark Office

Reg. No. 2,592,880

Registered July 9, 2002

**SERVICE MARK
PRINCIPAL REGISTER**



TRANS WORLD NEW YORK, LLC (NEW YORK
LIMITED LIABILITY COMPANY)
38 CORPORATE CIRCLE
ALBANY, NY 12203

OWNER OF U.S. REG. NOS. 1,870,180 AND
1,880,186.

FOR: RETAIL STORE SERVICES IN THE FIELD
OF PRE-RECORDED MUSIC AND VIDEO PRO-
DUCTS, BOOKS, INTERACTIVE GAMES AND
GAME ROOM MACHINES, IN CLASS 35 (U.S. CLS.
100, 101 AND 102).

THE MARK CONSISTS OF THE WHITE LOWER
CASE LETTERS "FYE" WHICH ARE INSIDE OF A
BLACK OVAL SHAPE.

SN 76-222,570, FILED 3-12-2001.

FIRST USE 5-0-2001; IN COMMERCE 5-0-2001.

ROBERT HERRELL, EXAMINING ATTORNEY

EXHIBIT 5

Int. Cl.: 35

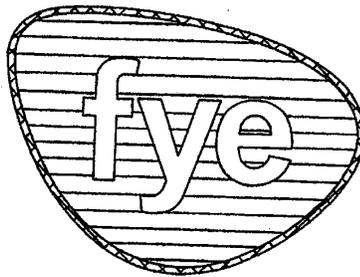
Prior U.S. Cls.: 100, 101, and 102

United States Patent and Trademark Office

Reg. No. 2,660,535

Registered Dec. 10, 2002

**SERVICE MARK
PRINCIPAL REGISTER**



TRANS WORLD NEW YORK, LLC (NEW YORK
LIMITED LIABILITY COMPANY)
38 CORPORATE CIRCLE
ALBANY, NY 12203

OWNER OF U.S. REG. NOS. 1,870,180 AND
1,880,186.

FOR: RETAIL STORE SERVICES IN THE FIELD
OF PRE-RECORDED MUSIC AND VIDEO PRO-
DUCTS, BOOKS, INTERACTIVE GAMES AND
GAME ROOM MACHINES, IN CLASS 35 (U.S. CLS.
100, 101 AND 102).

THE MARK CONSISTS OF THE LOWER CASE
LETTERS "FYE" WHICH ARE INSIDE OF AN OVAL
BLUE SHAPE WHICH HAS AN ORANGE BORDER.

SN 76-224,568, FILED 3-14-2001.

FIRST USE 4-0-2001; IN COMMERCE 4-0-2001.

MARY BOAGNI, EXAMINING ATTORNEY

EXHIBIT 6

United States of America
United States Patent and Trademark Office

FYE.COM

Reg. No. 4,550,793

Registered June 17, 2014

Int. Cl.: 35

SERVICE MARK

PRINCIPAL REGISTER

TRANS WORLD NEW YORK, LLC (NEW YORK LIMITED LIABILITY COMPANY)
38 CORPORATE CIRCLE
ALBANY, NY 12203

FOR: ON-LINE RETAIL STORE SERVICES IN THE FIELD OF PRERECORDED MUSIC AND VIDEO PRODUCTS, BOOKS, INTERACTIVE GAMES AND GAME ROOM MACHINES; AND PROMOTING THE GOODS OF OTHERS IN CONNECTION WITH RETAIL STORE SERVICES BY AWARDED DISCOUNTS AND GIFT INCENTIVES TO FREQUENT PURCHASERS OF PRERECORDED MUSIC AND VIDEO PRODUCTS, INCLUDING RECORDS, VIDEOS, TAPES, CD'S, AND INTERACTIVE GAMES, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 10-0-2001; IN COMMERCE 10-0-2001.

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

OWNER OF U.S. REG. NOS. 1,880,186, 2,586,555 AND OTHERS.

SER. NO. 86-079,498, FILED 10-1-2013.

ARETHA SOMERVILLE, EXAMINING ATTORNEY



Michelle K. Lee

Deputy Director of the United States
Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

Requirements in the First Ten Years*

What and When to File:

First Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. See 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.*
See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*

What and When to File:

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or
reminder of these filing requirements.**

***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. See 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. See 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.

EXHIBIT 7

Int. Cl.: 35

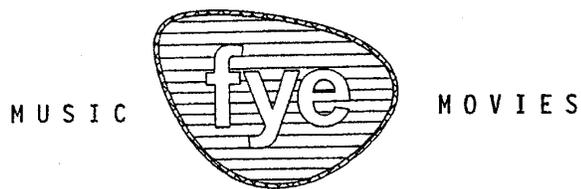
Prior U.S. Cls.: 100, 101 and 102

Reg. No. 2,565,292

United States Patent and Trademark Office

Registered Apr. 30, 2002

**SERVICE MARK
PRINCIPAL REGISTER**



TRANS WORLD NEW YORK, LLC (NEW YORK
LIMITED LIABILITY COMPANY)
38 CORPORATE CIRCLE
ALBANY, NY 12203

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

FOR: RETAIL STORE SERVICES IN THE FIELD
OF PRERECORDED MUSIC AND VIDEO PRO-
DUCTS, BOOKS, INTERACTIVE GAMES AND
GAME ROOM MACHINES, IN CLASS 35 (U.S. CLS.
100, 101 AND 102).

THE MARK CONSISTS OF THE TWO WORDS
"MUSIC" AND "MOVIES", BETWEEN WHICH ARE
THE LOWER CASE LETTERS "FYE" INSIDE OF AN
OVAL BLUE SHAPE WHICH HAS AN ORANGE
BORDER.

FIRST USE 5-1-2001; IN COMMERCE 5-1-2001.

SER. NO. 76-279,528, FILED 7-2-2001.

OWNER OF U.S. REG. NOS. 1,870,180 AND
1,880,186.

ROBERT HERRELL, EXAMINING ATTORNEY

EXHIBIT 8

Int. Cl.: 35

Prior U.S. Cls.: 100, 101 and 102

United States Patent and Trademark Office

Reg. No. 3,109,282

Registered June 27, 2006

**SERVICE MARK
PRINCIPAL REGISTER**



TRANS WORLD NEW YORK, LLC (NEW YORK
LIMITED LIABILITY COMPANY)
38 CORPORATE CIRCLE
ALBANY, NY 12203

FOR: RETAIL STORE SERVICES IN THE FIELD
OF PRE-RECORDED MUSIC AND VIDEO PRO-
DUCTS, BOOKS, INTERACTIVE GAMES AND
GAME ROOM MACHINES , IN CLASS 35 (U.S.
CLS. 100, 101 AND 102).

FIRST USE 2-0-2004; IN COMMERCE 2-0-2004.

OWNER OF U.S. REG. NOS. 2,586,555, 2,660,535
AND OTHERS.

THE COLORS BLUE, ORANGE, AND WHITE
ARE CLAIMED AS A FEATURE OF THE MARK.

THE MARK CONSISTS OF THE WORDING
"F.Y.E." IN LOWER CASE LETTERS (FOLLOWED
BY PERIODS) IN WHITE INSIDE OF A BLUE OVAL
SHAPE WHICH HAS AN ORANGE BORDER.

SER. NO. 78-667,312, FILED 7-11-2005.

ALICIA COLLINS, EXAMINING ATTORNEY

EXHIBIT 9

Int. Cl.: 35

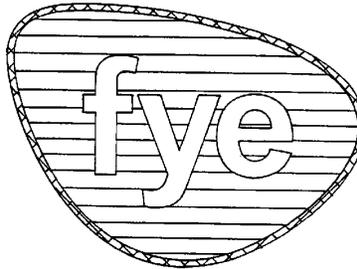
Prior U.S. Cls.: 100, 101 and 102

United States Patent and Trademark Office

Reg. No. 2,755,734

Registered Aug. 26, 2003

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LTD LIAB CO)
38 CORPORATE CIRCLE
ALBANY, NY 12203

FOR: RETAIL STORE SERVICES IN THE FIELD
OF PRERECORDED MUSIC AND VIDEO PRO-
DUCTS, BOOKS, INTERACTIVE GAMES AND
GAME ROOM MACHINES, IN CLASS 35 (U.S. CLS.
100, 101 AND 102).

FIRST USE 5-0-2002; IN COMMERCE 5-0-2002.

OWNER OF U.S. REG. NOS. 1,870,180, 2,592,880
AND OTHERS.

NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "MUSIC", "MOVIES" AND
"GAMES", APART FROM THE MARK AS SHOWN.

APPLICANT CLAIMS THE COLORS BLUE AND
ORANGE AS PART OF THE MARK. THE OVAL
PORTION OF THE MARK HAS BEEN LINED FOR
COLOR ON THE ATTACHED DRAWING PAGE,
AND APPLICANT CLAIMS THE COLOR BLUE FOR
ALL OF THE WORDS OTHER THAN THE LETTERS
"FYE". THE MARK CONSISTS OF THE LOWER
CASE LETTERS "FYE" INSIDE OF AN OVAL
SHAPE WHICH HAS AN ORANGE BORDER, UN-
DER WHICH IS FOUND THE WORDS, IN BLUE,
"FOR YOUR ENTERTAINMENT" AND THE
WORDS, IN BLUE, "MUSIC-MOVIES-GAMES-
MORE".

SER. NO. 76-452,222, FILED 9-20-2002.

BRENDAN MCCAULEY, EXAMINING ATTORNEY

EXHIBIT 10

Int. Cl.: 35

Prior U.S. Cls.: 100, 101 and 102

United States Patent and Trademark Office

Reg. No. 3,005,988

Registered Oct. 11, 2005

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LTD LIAB CO)
38 CORPORATE CIRCLE
ALBANY, NY 12203

FOR: RETAIL STORE SERVICES IN THE FIELD
OF PRE-RECORDED MUSIC AND VIDEO PRO-
DUCTS, BOOKS, INTERACTIVE GAMES AND
GAME ROOM MACHINES, IN CLASS 35 (U.S. CLS.
100, 101 AND 102).

FIRST USE 9-2-2004; IN COMMERCE 9-2-2004.

OWNER OF U.S. REG. NOS. 2,586,555, 2,660,535
AND OTHERS.

NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE MUSIC, MOVIES, GAMES, APART
FROM THE MARK AS SHOWN.

THE COLOR(S) BLUE AND ORANGE IS/ARE
CLAIMED AS A FEATURE OF THE MARK.

THE MARK CONSISTS OF THE LOWER CASE
LETTERS (FOLLOWED BY PERIODS) "F.Y.E".
WHICH ARE INSIDE OF AN OVAL BLUE SHAPE
WHICH HAS AN ORANGE BORDER, UNDER
WHICH IS FOUND THE WORDS, IN BLUE, "FOR
YOUR ENTERTAINMENT" AND THE WORDS
"MUSIC MOVIES GAMES MORE" (SEPARATED
BY BULLETS).

SER. NO. 78-478,533, FILED 9-3-2004.

ESTHER BELENKER, EXAMINING ATTORNEY