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

Proceeding	91229467
Party	Defendant Vice Versa Records, LLC
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Date	09/13/2016
Attachments	Exhibits.VVR.9.13.2016.compressed.pdf(5685628 bytes) Answer.VVR.9.13.2016.compressed.pdf(222601 bytes)

Exhibit A

Int. Cl.: 41

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

United States Patent and Trademark Office

Reg. No. 3,622,410

Registered May 19, 2009

**SERVICE MARK
PRINCIPAL REGISTER**

VINYL LIFE

BUTCHA SOUND LLC (NEW YORK LIMITED
LIABILITY COMPANY)
249-37 BEECHKNOLL AVE.
LITTLE NECK, NY 11362

FOR: AUDIO RECORDING AND PRODUCTION;
ENTERTAINMENT, NAMELY, LIVE PERFORMAN-
CES BY A MUSICAL BAND; MUSIC PRODUCTION
SERVICES; PRODUCTION OF SOUND RECORD-
INGS . IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 3-8-2005; IN COMMERCE 3-8-2005.

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

SER. NO. 77-583,844, FILED 10-2-2008.

APRIL ROACH, EXAMINING ATTORNEY

United States of America
United States Patent and Trademark Office

Vinyl Soul

Reg. No. 4,091,396

Registered Jan. 24, 2012

Int. Cl.: 41

SERVICE MARK

PRINCIPAL REGISTER

NAMBO, ENRIQUE (UNITED STATES INDIVIDUAL)
APT. 6414
1837 WHITLEY AVENUE
HOLLYWOOD, CA 90028

FOR: ENTERTAINMENT, NAMELY, LIVE PERFORMANCES BY A MUSICAL BAND, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 2-26-2005; IN COMMERCE 2-26-2010.

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

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

SN 77-778,318, FILED 7-10-2009.

SIMON TENG, EXAMINING ATTORNEY



David J. Kyros

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>.

United States of America

United States Patent and Trademark Office

VINYL FRONTIER

Reg. No. 3,770,838 CBS RADIO EAST INC. (DELAWARE CORPORATION)
Registered Apr. 6, 2010 40 WEST 57TH STREET
NEW YORK, NY 10019

Int. Cl.: 41 FOR: ENTERTAINMENT SERVICES, NAMELY, RADIO PROGRAMMING SERVICES FOR
RADIO PROGRAMS THAT ARE DISSEMINATED VIA RADIO BROADCASTING AND VIA
STREAMING ON A GLOBAL COMMUNICATION NETWORK, IN CLASS 41 (U.S. CLS. 100,
101 AND 107).

**SERVICE MARK
PRINCIPAL REGISTER**

FIRST USE 5-21-2007; IN COMMERCE 5-21-2007.

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

SER. NO. 77-807,119, FILED 8-18-2009.

CYNTHIA SLOAN, EXAMINING ATTORNEY



David J. Kyffers

Director of the United States Patent and Trademark Office

United States of America

United States Patent and Trademark Office

Vinyl Preservation Society

Reg. No. 3,856,400

Registered Oct. 5, 2010

Int. Cl.: 41

SERVICE MARK

PRINCIPAL REGISTER

TRAVIS W. DRYDEN (UNITED STATES INDIVIDUAL)
2109 PLEASANTON AVENUE
BOISE, ID 837023833

FOR: ARRANGING, ORGANIZING, CONDUCTING, AND HOSTING SOCIAL ENTERTAINMENT EVENTS; SOCIAL CLUB SERVICES, NAMELY, ARRANGING, ORGANIZING, AND HOSTING SOCIAL EVENTS, GET-TOGETHERS, AND PARTIES FOR CLUB MEMBERS, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 9-30-2007; IN COMMERCE 9-30-2007.

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

OWNER OF U.S. REG. NO. 3,748,188.

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

SER. NO. 77-942,211, FILED 2-23-2010.

LEIGH CAROLINE CASE, EXAMINING ATTORNEY



David J. Kyfos

Director of the United States Patent and Trademark Office

Int. Cls.: 9, 16 and 41

**Prior U.S. Cls.: 2, 5, 21, 22, 23, 26, 29, 36, 37, 38, 50,
100, 101 and 107**

Reg. No. 3,394,792

United States Patent and Trademark Office

Registered Mar. 11, 2008

**TRADEMARK
SERVICE MARK
PRINCIPAL REGISTER**

VINYL CAFE

MCLEAN, STUART (CANADA INDIVIDUAL)
588 PALMERSTON AVENUE
TORONTO, ONTARIO, CANADA M6G 2P7

FOR: PRE-RECORDED CD'S FEATURING SOCIAL COMMENTARY, DRAMATIC WORKS FOR RECITATION, COMEDY, SATIRE, POETRY, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 12-5-1999; IN COMMERCE 12-5-1999.

FOR: BOOKS FEATURING SOCIAL COMMENTARY, DRAMATIC WORKS FOR RECITATION, COMEDY, SATIRE, POETRY, IN CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND 50).

FIRST USE 12-5-1999; IN COMMERCE 12-5-1999.

FOR: ENTERTAINMENT IN THE NATURE OF LIVE VARIETY PERFORMANCES, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 12-5-1999; IN COMMERCE 12-5-1999.

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

SER. NO. 78-352,659, FILED 1-15-2004.

JOHN DALIER, EXAMINING ATTORNEY

United States of America

United States Patent and Trademark Office

VINYL PINUPS

Reg. No. 4,158,351

Registered June 12, 2012

Int. Cl.: 41

SERVICE MARK

PRINCIPAL REGISTER

VINYL PINUPS (TENNESSEE PARTNERSHIP)
1227 17TH AVENUE SOUTH
NASHVILLE, TN 37212

FOR: ENTERTAINMENT SERVICES IN THE NATURE OF LIVE MUSICAL PERFORMANCES; ENTERTAINMENT SERVICES IN THE NATURE OF PROVIDING INFORMATION REGARDING MUSICAL GROUPS, MUSICIANS, MUSICAL SOUND RECORDINGS, MUSIC VIDEOS, AND MUSIC VIA A WEBSITE; ENTERTAINMENT, NAMELY, PERSONAL APPEARANCES BY MUSICIANS; MUSIC PUBLISHING SERVICES; PRODUCING MUSICAL AUDIO AND VIDEO RECORDINGS; SONG WRITING SERVICES; FAN CLUB SERVICES; AND BLOGS FOR DISCUSSING MUSIC, MUSICIANS, AND ENTERTAINMENT EVENTS, IN CLASS 41 (U.S. CLS. 100, 101 AND 107)

FIRST USE 7-27-2010; IN COMMERCE 10-19-2010

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

SN 85-079,298, FILED 7-7-2010.

KAREN BRACEY, EXAMINING ATTORNEY



David J. Kypas

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>.

United States of America

United States Patent and Trademark Office



Reg. No. 4,469,615

Registered Jan. 21, 2014

Int. Cl.: 41

SERVICE MARK

PRINCIPAL REGISTER

OFFBEAT VENTURES, LLC (DELAWARE LIMITED LIABILITY COMPANY)
UNIT 1
3017 N RACINE
CHICAGO, IL 60657

FOR: MAIL ORDER PHONOGRAPH RECORDS CLUB SERVICES, NAMELY, A CLUB FOR SENDING FEATURED PHONOGRAPH RECORDS AND PERSONALIZED, CURATED DIGITAL MUSIC PLAYLISTS TO MONTHLY SUBSCRIBERS, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 12-1-2012; IN COMMERCE 12-1-2012.

THE MARK CONSISTS OF A SOLID BACKGROUND, A RECTANGLE, AND THE TEXT "VINYL ME, PLEASE" IN THE MIDDLE.

SER. NO. 85-932,659, FILED 5-15-2013.

MARK SPARACINO, 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>.

United States of America

United States Patent and Trademark Office

VINYL TEMPEST

Reg. No. 4,569,869

Registered July 15, 2014

Int. Cl.: 41

SERVICE MARK

PRINCIPAL REGISTER

VINYL TEMPEST LLC (COLORADO LIMITED LIABILITY COMPANY)
C/O MILLARD ZIMET, PC 604 WEST MAIN ST.
ASPEN, CO 81611

FOR: ON-LINE JOURNAL, NAMELY, A BLOG, FEATURING MUSICAL PLAYLISTS AND OTHER MUSIC AND SONG SETS AND COMBINATIONS; PROVIDING A WEBSITE FEATURING BLOGS IN THE NATURE OF SUGGESTIONS FOR MUSICAL SETS AND MUSICAL PLAYLISTS; PROVIDING A WEBSITE FEATURING BLOGS WHERE USERS CAN OBTAIN SUGGESTIONS REGARDING MUSICAL PLAYLISTS AND COMPOSITIONS AND ALSO OFFER SUGGESTIONS AS TO MUSICAL PLAYLISTS AND COMPOSITIONS AND REMINISCE ABOUT PERSONAL MUSICAL EXPERIENCES AND MEMORIES OF MUSIC, IN CLASS 41 (U.S. CLS. 100, 101 AND 107)

FIRST USE 2-1-2014; IN COMMERCE 2-1-2014.

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

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

SN 86-035,856, FILED 8-12-2013.

DOUGLAS LEE, 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/>.

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United States of America

United States Patent and Trademark Office

VINYL FLASHBACK

Reg. No. 4,563,623

RBC ENTERTAINMENT, LLC (NEVADA LIMITED LIABILITY COMPANY)
11640 GLOWING SUNSET LANE
NEVADA, NV 89135

Registered July 8, 2014

Int. Cl.: 41

FOR: ENTERTAINMENT SERVICES IN THE NATURE OF LIVE MUSICAL PERFORMANCES,
IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

SERVICE MARK

FIRST USE 11-20-2013; IN COMMERCE 11-20-2013.

PRINCIPAL REGISTER

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

SER. NO. 86-124,581, FILED 11-20-2013.

ELLEN PERKINS, 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.**

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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>.

United States of America

United States Patent and Trademark Office

Vinyl + Vino

Reg. No. 4,945,608

Registered Apr. 26, 2016

Int. Cl.: 41

SERVICE MARK

PRINCIPAL REGISTER

ELLIS, TANYA R. (UNITED STATES INDIVIDUAL)
2315 LINCOLN RD NE APT 302
2315
WASHINGTON, DC 20002

FOR: ARRANGING, ORGANIZING, CONDUCTING, AND HOSTING SOCIAL ENTERTAINMENT EVENTS, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 7-1-2013; IN COMMERCE 7-14-2013.

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

SER. NO. 86-749,070, FILED 9-7-2015.

DAVID HOFFMAN, EXAMINING ATTORNEY



Michelle K. Lee

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.

***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 United States Patent and Trademark Office (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>.

NOTE: A courtesy e-mail reminder of USPTO maintenance filing deadlines will be sent to trademark owners/holders who authorize e-mail communication and maintain a current e-mail address with the USPTO. To ensure that e-mail is authorized and your address is current, please use the Trademark Electronic Application System (TEAS) Correspondence Address and Change of Owner Address Forms available at <http://www.uspto.gov>.

United States of America

United States Patent and Trademark Office

VINYL LUNCH

Reg. No. 5,033,543

Acme Radio, LLC (TENNESSEE LIMITED LIABILITY COMPANY)
641 Fogg Street
Nashville, TN 37203

Registered Aug. 30, 2016

Int. Cl.: 41

CLASS 41: Entertainment services, namely, providing an ongoing radio program in the field of music

Service Mark

FIRST USE 8-5-2014; IN COMMERCE 8-5-2014

Supplemental Register

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

SER. NO. 86-951,996, FILED P.R. 03-24-2016; AM. S.R. 07-11-2016
ALISON FRIEDB POLLACK, EXAMINING ATTORNEY



Michelle K. Lee

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.

***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 United States Patent and Trademark Office (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>.

NOTE: A courtesy e-mail reminder of USPTO maintenance filing deadlines will be sent to trademark owners/holders who authorize e-mail communication and maintain a current e-mail address with the USPTO. To ensure that e-mail is authorized and your address is current, please use the Trademark Electronic Application System (TEAS) Correspondence Address and Change of Owner Address Forms available at <http://www.uspto.gov>.

United States of America

United States Patent and Trademark Office

Vinyl Friday

Reg. No. 4,878,892

AMEND, STACTF (UNITED STATES INDIVIDUAL)
2305 WHITE OAK DRIVE

Registered Dec. 29, 2015

NORTHBROOK, IL 60062

Int. Cl.: 41

FOR: ENTERTAINMENT SERVICES IN THE NATURE OF ARRANGING SOCIAL ENTERTAINMENT EVENTS; ENTERTAINMENT SERVICES IN THE NATURE OF HOSTING SOCIAL ENTERTAINMENT EVENTS; ENTERTAINMENT SERVICES IN THE NATURE OF LIVE VISUAL AND AUDIO PERFORMANCES BY VINYL RECORD SPINNING; ENTERTAINMENT SERVICES IN THE NATURE OF ORGANIZING SOCIAL ENTERTAINMENT EVENTS; HOSTING SOCIAL ENTERTAINMENT EVENTS, NAMELY, VINYL RECORD SPINNING EVENTS, FOR OTHERS; ON-LINE JOURNALS, NAMELY, BLOGS FEATURING VINYL RECORD SPINNING EVENTS; SPECIAL EVENT PLANNING FOR SOCIAL ENTERTAINMENT PURPOSES, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

SERVICE MARK

SUPPLEMENTAL REGISTER

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

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

SER. NO. 86-567,953, FILED P.R. 3-18-2015; AM. S.R. 10-5-2015.

WILLIAM VERHOSEK, EXAMINING ATTORNEY



Michelle K. Lee

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.

***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 United States Patent and Trademark Office (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>.

NOTE: A courtesy e-mail reminder of USPTO maintenance filing deadlines will be sent to trademark owners/holders who authorize e-mail communication and maintain a current e-mail address with the USPTO. To ensure that e-mail is authorized and your address is current, please use the Trademark Electronic Application System (TEAS) Correspondence Address and Change of Owner Address Forms available at <http://www.uspto.gov>.

Exhibit B

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: HRHH IP, LLC Serial No: 86/473,372 Filed: December 6, 2014 Class: 41 Mark: VINYL	Examiner: Cimmerian Coleman Law Office: 102 RESPONSE TO OFFICE ACTION
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Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451



Dear Commissioner:

In response to the Office Action of February 20, 2015, Applicant requests that the following amendments be entered and responds as follows:

AMENDMENTS

1. Applicant requests that the identification of services be amended to read as follows:

Arranging and conducting of concerts; concert booking; entertainment services, namely, live musical performances, comedy performances, and theatrical performances; provision of information relating to live performances, road shows, live stage events, theatrical performances, live music concerts and audience participation in such events; entertainment services, namely, conducting contests; **nightclub services** in Class 41.
2. Transfer “nightclub services” to this application from Applicant’s co-pending application to register the same mark in Class 43, Serial No. 86/473,373.

THE MARK SHOULD BE PASSED TO PUBLICATION

I. THERE IS NO LIKELIHOOD OF CONFUSION WITH THE CITED MARK

The Examiner has refused to register Applicant’s mark VINYL in Class 41 for arranging and conducting of concerts; concert booking; entertainment services, namely, live musical performances, comedy performances, and theatrical performances; provision of information relating to live performances, road shows, live stage events, theatrical performances, live music

concerts and audience participation in such events; entertainment services, namely, conducting contests; nightclub services under Section 2(d) of the Lanham Act on the grounds of a likelihood of confusion with U.S. Reg. No. 4,091,396 for the mark VINYL SOUL (“Cited Mark”) for entertainment, namely, live performances by a musical band in Class 41 owned by Enrique Nambo (“Registrant”).

The Office bears the burden of showing that a mark falls within the statutory bars of Section 2(d). J. Thomas McCarthy, MCCARTHY ON TRADEMARKS AND UNFAIR COMPETITION (Fourth Ed.) § 19:75 at 19-230. To refuse registration under Section 2(d), the Examiner “must present sufficient evidence and argument that the mark is barred from registration.” *Id.* § 19:128 at 19-383. In this case, the Examiner, respectfully, has not met her burden based on the arguments below. The Examiner has cited *In re E.I. DuPont de Nemours & Co.*, 476 F.2d 1357 (CCPA 1973) in support of her position. However, the Examiner has based her conclusion upon only a portion of the test applied in *DuPont*.

In view of the significant dissimilarities in the appearance, sound, connotation and commercial impressions between Applicant’s mark and the Cited Mark, the differences between the services offered under the respective marks, the differences in the purchasing conditions, the sophistication of Registrant’s consumers, the existence of third party VINYL registrations in Class 41, the significant period of concurrent use without any instances of actual confusion, and the lack of fame of the Cited Mark, it cannot be reasonably concluded that a likelihood of confusion exists. Consideration of all key elements of the *DuPont* test dictates the conclusion that granting Applicant’s application for federal registration of VINYL is not likely to cause confusion.

A. **The Marks are Dissimilar in Appearance, Sound, Connotation and Commercial Impression**

The first inquiry in testing for likelihood of confusion is the similarity or dissimilarity of the marks in their entireties, in sight, sound, connotation and commercial impression. *See DuPont*, 476 F.2d at 1361.

The Examiner has stated that Applicant’s mark and the Cited Mark are similar simply because they share the component VINYL. It is not enough, however, to simply note that Applicant’s mark shares a component with the Cited Mark. *See Murray Corp. of America v. Red*

Spot Paint & Varnish Co., 280 F.2d 158, 161 (C.C.P.A. 1960) (“[A]lthough appellee’s mark embodies appellant’s entire mark, when considering those marks in their entireties, as we must... we are of the opinion that the likelihood of confusion, mistake or deception contemplated by Section 2(d) of the Lanham Act does not exist.”); *see also General Mills, Inc. v. Kellogg Co.*, 824 F.2d 622, 627 (8th Cir. 1987) (“The use of identical, even dominant, words in common does not automatically mean that two marks are similar.”). Indeed, such a rule would violate the anti-dissection rule. *See Estate of P.D. Beckwith, Inc. v. Commissioner of Patents*, 252 U.S. 538, 545-46 (1920) (“The commercial impression of a trademark is derived from it as a whole, not from its elements separated and considered in detail.”).

Applicant submits that the Examiner has improperly dissected Applicant’s mark by concentrating just on the word VINYL and ignoring the word SOUL in the Cited Mark. According less weight to this component of the Cited Mark is improper because the addition of this word serves to distinguish the Cited Mark from Applicant’s mark. *Standard Brands Incorporated v. Peters*, 191 USPQ 168, 172 (TTAB 1976).

Applicant’s mark and the Cited Mark are also phonetically dissimilar because of addition of the word SOUL in the Cited Mark.

Finally, the connotations and commercial impressions of Applicant’s mark and the Cited Mark are clearly different.

As an initial matter, the word VINYL has multiple definitions. “Vinyl” is defined as “a light strong plastic used for making many different things”, but also “music records”. Attached hereto as **Exhibit A** is a true and correct printout from online dictionary website *MacMillan Dictionary* displaying the definitions of “vinyl”. As explained below, Applicant’s mark VINYL connotes the latter definition, namely, “music records”.

Applicant’s licensor operates the world famous chain of entertainment and hotel properties under the brand HARD ROCK HOTEL & CASINO. Attached hereto as **Exhibit B** is a true and correct printout from information website *Wikipedia* about Hard Rock Hotel and Casino. Attached hereto as **Exhibit C** is a true and correct printout of Applicant’s homepage from its website at <hardrockhotel.com>. Applicant’s mark VINYL refers to Applicant’s

entertainment venue, VINYL, located on Applicant's resort property in Las Vegas, Nevada. Attached hereto as **Exhibit D** is a true and correct printout from Applicant's webpage for Vinyl on Applicant's website at <hardrockhotel.com>; *see also* **Exhibit B** (highlighted text). Applicant's venue is popular and well-known among consumers. Attached hereto as **Exhibit E** is a true and correct printout from review website *Yelp* about Vinyl.

Applicant's mark VINYL thus connotes music, music performances and cutting edge entertainment in Las Vegas. Applicant's mark VINYL is often used in conjunction with the wording LAS VEGAS and a distinctive font style and circle design. *See* **Exhibit D**. This logo echoes the iconic HARD ROCK HOTEL & CASINO logo. *See, e.g.,* **Exhibit C**.

In contrast, Registrant's mark VINYL SOUL has no association with music venues, a hotel, a casino, or the city of Las Vegas. The word "Soul" has multiple definitions, but generally refers to "the part of a person that is capable of thinking and feeling" and "the spiritual part of a person that most religions believe continues to exist after their body dies". Attached hereto as **Exhibit F** is a true and correct printout from online dictionary website *MacMillan Dictionary* displaying the definitions of "soul".

Registrant's mark could be interpreted in multiple ways, such as a "vintage soul" or "musical soul" or a "plastic soul", etc. Registrant's use of the mark connotes an old-fashioned, vintage, nostalgic style of music. Attached hereto as **Exhibit G** is a true and correct copy of the specimen submitted by Registrant during prosecution of Reg. No. 4,091,396. Attached hereto as **Exhibit H** are true and correct printouts of Registrant's (inactive) website at <vinylsoulmusic.com> and Registrant's social media Facebook page. Applicant's mark does not incorporate the word SOUL, and does not connote one particular style of music.

Applicant's mark and the Cited Mark, therefore, are different in appearance, sound, connotation and commercial impression.

B. The Services Offered Under the Respective Marks Are Not Marketed Such that a Mistaken Belief of Common Source Would Likely Arise

The courts and the TTAB routinely hold that, even in a situation where two marks are identical, which is not the case here, there is no likelihood of confusion "if the goods or services in question are not related or marketed in such a way that they would be encountered by the same

persons in situations that would create the incorrect assumption that they originate from the same source . . .” TMEP § 1207.01(a)(i) (citing *Shen Mfg. Co. v. Ritz Hotel Ltd.*, 393 F.3d 1238 (Fed. Cir. 2004) (cooking classes and kitchen textiles not related); *Local Trademarks, Inc. v. Handy Boys Inc.*, 16 USPQ.2d 1156, 1158 (TTAB 1990) (“[A]s far as the general public is concerned confusion would not be likely because the goods and services are sold through different channels of trade to different classes of consumers.”). For example, in *Sunenblick v. Harrell*, the court found no confusion between jazz records and hip-hop records sold under the *identical mark* UPTOWN RECORDS because, although the recordings were both musical products, they were marketed to different consumers and sold in separate sections of record stores. *Sunenblick v. MCA Records, Inc.*, 895 F. Supp. 616, 629 (S.D.N.Y. 1995). *See also Harlem Wizards Entertainment Basketball, Inc. v. NBA Properties, Inc.*, 952 F. Supp. 1084, 1095 (D.N.J. 1997) (HARLEM WIZARDS for showcase basketball team and WASHINGTON WIZARDS for professional basketball team not likely to be confused).

The Examiner states that Applicant’s and Registrant’s services are related because they both comprise live musical performances. (Office Action at 2.) Courts and the Board routinely hold however that there is no likelihood of confusion “if the goods or services in question are not related or marketed in such a way that they would be encountered by the same persons in situations that would create the incorrect assumption that they originate from the same source” TMEP § 1207.01(a)(i) (emphasis added) (citing *Shen Mfg. Co. v. Ritz Hotel Ltd.*, 393 F.3d 1238, 1244-45 (Fed. Cir. 2004) (cooking classes and kitchen textiles not related).

As an initial matter, Applicant has filed six trademark applications for the following marks incorporating VINYL:

Mark	Serial No.	Class and Services
VINYL	86/473,371	Class 35: Promoting, marketing, and advertising live musical performances and theatrical performances of others.

Mark	Serial No.	Class and Services
	86/473,374	Class 35: Promoting, marketing, and advertising live musical performances and theatrical performances of others.
VINYL	86/473,372	Class 41: Arranging and conducting of concerts; concert booking; entertainment services, namely, live musical performances, comedy performances, and theatrical performances; provision of information relating to live performances, road shows, live stage events, theatrical performances, live music concerts and audience participation in such events; entertainment services, namely, conducting contests; nightclub services.
	86/473,375	Class 41: Arranging and conducting of concerts; concert booking; entertainment services, namely, live musical performances, comedy performances, and theatrical performances; provision of information relating to live performances, road shows, live stage events, theatrical performances, live music concerts and audience participation in such events; entertainment services, namely, conducting contests; nightclub services.
VINYL	86/473,373	Class 43: Bar services; restaurant services; providing general purpose facilities for concerts, comedy shows, expositions, and other events and functions.
	86/473,376	Class 43: Bar services; restaurant services; providing general purpose facilities for concerts, comedy shows, expositions, and other events and functions.

Attached hereto as **Exhibit I** are true and correct copies of the TESS and TSDR status printouts of Applicant's pending applications.

Applicant's "live musical performances" are provided through other entertainers who book at Applicant's VINYL venue, not directly by Applicant. The relevant consumers

understand that the venue is called VINYL, not the entertainer or performer. There is a certain cachet in performing at Applicant's venue.

In contrast, Registrant's band name is VINYL SOUL, and Registrant lacks any marketing association or connection with Applicant or Applicant's venue. Registrant's customers are seeking a specific type of music from a specific performer – namely Registrant. Registrant's customers are not seeking a venue where different types of entertainment and performances are displayed.

Because each party's respective services are not "marketed in such a way that they would be encountered by the same persons in situations that would create the incorrect assumption that they originate from the same source," it is highly unlikely, if not impossible, that consumers would confuse Applicant's and Registrant's services.

C. Registrant's Consumers Will Not be Confused When Purchasing the Offered Services

The *DuPont* test also considers the conditions under which and the buyers to whom sales are made, i.e. "impulse" buys vs. careful, sophisticated purchasing. *See DuPont*, 476 F.2d at 1361. The threshold for confusion is much higher for careful, sophisticated, discriminating purchasers than for impulse purchasers, and there is always less likelihood of confusion if the purchase concerns an expensive product or is made after careful examination of the product. *See In re Digirad Corp.*, 45 USPQ.2d 1841, 1843 (TTAB 1998).

Registrant's consumers are unlikely to confuse Registrant's services with Applicant's services. As discussed in Section D below, there are many other uses of VINYL for musical groups, musical sound recordings, and music publishing services. Registrant offers specific music of a specific genre and Registrant's customers are savvy enough to seek out Registrant's music under Registrant's mark VINYL SOUL, and not another VINYL mark. This lessens any likelihood of confusion.

In summary, these purchasing conditions weigh in favor of a finding that there is no likelihood of confusion between Applicant's mark and the Cited Mark.

D. Registrant's Mark is Weak Because Other VINYL Marks in Class 41 Exist

DuPont and TMEP § 1207.01 also state that the nature and number of similar marks must be considered as a factor in determining likelihood of confusion. Indeed, the relative strength or weakness of a mark is “a very important element” in determining likelihood of confusion. See McCarthy § 23:48 at 23-203 (“If the common element of conflicting marks is a word that is ‘weak’ then this reduces the likelihood of confusion.”). The Board and courts routinely hold that, “[t]he greater the number of identical or more or less similar marks already in use on different kinds of goods, the less is the likelihood of confusion between any two specific uses of the weak mark.” *First Sav. Bank, F.S.B. v. First Bank Sys.*, 101 F.3d 645, 653-54 (10th Cir. 1996).

There are currently at least 29 “live” registered marks and approved pending applications containing VINYL for musical groups, musical sound recordings, and music publishing services in Class 41. Attached hereto as **Exhibit J** are true and correct copies of the registration certificates and TESS/TSDR printouts of the pending applications. Other music bands include VINYL LIFE, PURE VINYL ROCKS, WEEKEND VINYL, DUSTY VINYL, VINYL PINUPS, and VINYL FLASHBACK. If all of these marks can co-exist with the Cited Mark, then Applicant’s mark can also co-exist with the Cited Mark. As previously discussed, Registrant’s customers are savvy enough to recognize the difference between Applicant’s mark and the Cited Mark, given the plethora of VINYL marks in the marketplace and the use of SOUL in Registrant’s mark. By way of example, world famous music band THE ROLLING STONES is not the only music band using the word STONE. Other music bands include THE STONE ROSES, THE STONE, and even STONE. All of these music bands currently co-exist in the music world. Attached hereto as **Exhibit K** are true and correct printouts from *Wikipedia* and *Facebook* about The Rolling Stones. Attached hereto as **Exhibit L** are true and correct printouts from *Wikipedia* and *Facebook* about The Stone Roses. Attached hereto as **Exhibit M** are true and correct printouts from *Wikipedia* and *Facebook* about The Stone. Attached hereto as **Exhibit N** are true and correct printouts from *Wikipedia* and *Facebook* about Stone. If music fans can recognize differences between various STONE bands, they can certainly distinguish

between Applicant's mark and the Cited Mark, given that Applicant's mark VINYL does not refer to a particular music band.

E. There Has Been a Significant Period of Concurrent Use Without Evidence of Actual Confusion

The length of time and conditions under which there has been concurrent use without evidence of actual confusion must be considered under the *DuPont* test. *See DuPont*, 476 F.2d at 1361. Concurrent use of two marks over a substantial length of time without actual confusion strongly suggests that there is no likelihood of confusion. *See Falcon Rice Mill, Inc. v. Community Rice Mill, Inc.*, 725 F.2d 336, 348 n.13, 222 USPQ 197 (5th Cir. 1984); *Swatch Group (U.S.) Inc. v. Movado Corp.*, 2003 U.S. Dist. LEXIS 6015, *15-*16 (S.D.N.Y. Apr. 9, 2003) (coexistence of virtually identical marks on identical goods for four years indicated confusion was unlikely).

Applicant's date of first use anywhere and in commerce for its recited services is at least as early as August 24, 2012. Registrant's claimed date of first use for its services anywhere is February 26, 2005 and in commerce is February 26, 2010. Therefore, Applicant's mark and Registrant's mark have been in concurrent use for three years. Applicant is not aware of a single instance of actual confusion during this time period. This fact favors a finding that no likelihood of confusion exists between the marks at issue.

F. The Cited Mark Is Not Famous

The lack of fame of the Cited Mark further supports Applicant's position that Applicant's mark is not likely to confuse consumers. *See DuPont*, 476 F.2d at 1361. A well-known or famous mark is entitled to a broader scope of protection than one which is relatively unknown. *See McDonald's Corp. v. McKinley*, 13 USPQ.2d 1895, 1900 (TTAB 1989). The Cited Mark is not a famous mark like MCDONALD'S, COCA-COLA, NIKE, or APPLE, which is unsurprising given the number of VINYL marks registered in the PTO. The fact that the Cited Mark is not famous weighs in favor of a finding that there is no likelihood of confusion.

In sum, the Examiner should withdraw the refusal to register Applicant's mark because there is no likelihood of confusion between Applicant's mark and the Cited Mark.

II. IDENTIFICATION OF SERVICES

Applicant has amended its identification of services to transfer "nightclub services" to this application from Applicant's co-pending application to register the same mark in Class 43, Serial No. 86/473,373. TMEP § 1402.08.

III. CONCLUSION

Having fully responded to the Office Action, Applicant respectfully requests that the Examiner pass Applicant's mark to publication.

Respectfully submitted,

Dated: August 19, 2015


Jill M. Pietrini
Sheppard Mullin Richter & Hampton LLP
1901 Avenue of the Stars, Suite 1600
Los Angeles, California 90067-6017
(310) 228-3700

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451, on this 19th day of August, 2015.


LaTrina A. Martin

SMRH:449763622.1

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About vinyl soul

Page Info

PAGE INFO

Band Members	Enrique Nambo John Patrick
Hometown	LOS ANGELES
Record Label	btwn musik
Short Description	Stay in touch on facebook for all the latest and greatest with Vinyl Soul
Current Location	Los Angeles
Influences	Vinyl Soul draws it's many inspirations from musical flavors of the past and fuses them together to create their own unique blend that will serve you an experience of both nostalgia and freshness, aged in influence yet ripe as today. Dowsed with soulful vocals and spiced with latin rhythms, Vinyl Soul is sure to leave you with a new yet familiar taste you can savor and enjoy for years to come.
Website	www.vinylsoulmusic.com



New official website under construction! Stay tuned.

EXHIBIT I



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Word Mark VINYL LAS VEGAS
Goods and Services IC 043. US 100 101. G & S: Bar services; nightclub services; restaurant services; providing general purpose facilities for concerts, comedy shows, expositions, and other events and functions. FIRST USE: 20120824. FIRST USE IN COMMERCE: 20120824
Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code 26.01.21 - Circles that are totally or partially shaded.
Serial Number 86473376
Filing Date December 6, 2014
Current Basis 1A
Original Filing Basis 1A
Owner (APPLICANT) HRHH IP, LLC LIMITED LIABILITY COMPANY DELAWARE Three World Financial Center 200 Vesey Street, 11th Floor New York NEW YORK 102811021
Attorney of Record Jill M. Pietrini
Description of Mark Color is not claimed as a feature of the mark. The mark consists of VINYL LAS VEGAS within the shape of a circle.
Type of Mark SERVICE MARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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Mark: VINYL LAS VEGAS



US Serial Number: 86473376

Application Filing Date: Dec. 06, 2014

Register: Principal

Mark Type: Service Mark

Status: A non-final Office action has been sent (issued) to the applicant. This is a letter from the examining attorney requiring additional information and/or making an initial refusal. The applicant must respond to this Office action. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

Status Date: Feb. 20, 2015

Mark Information

Mark Literal Elements: VINYL LAS VEGAS

Standard Character Claim: No

Mark Drawing Type: 3- AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)

Description of Mark: The mark consists of VINYL LAS VEGAS within the shape of a circle.

Color(s) Claimed: Color is not claimed as a feature of the mark.

Design Search Code(s): 26.01.21 - Circles that are totally or partially shaded.

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks "*" identify additional (new) wording in the goods/services.

For: Bar services; nightclub services; restaurant services; providing general purpose facilities for concerts, comedy shows, expositions, and other events and functions.

International Class(es): 043 - Primary Class.

U.S. Class(es): 100, 101

Class Status: ACTIVE

Basis: 1(a)

First Use: Aug. 24, 2012

Use in Commerce: Aug. 24, 2012

Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: HRHH IP, LLC

Owner Address: Three World Financial Center
200 Vesey Street, 11th Floor
New York, NEW YORK 102811021
UNITED STATES

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney Name: Jill M. Pietrini
Attorney of Record
Docket Number: 33AF-172526

Correspondent:
Correspondent Name/Address: JILL M. PIETRINI
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LOS ANGELES, CALIFORNIA 90067
UNITED STATES

Phone: (310) 228-3700
Fax: (310) 228-3701

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Feb. 20, 2015	NON-FINAL ACTION MAILED	
Feb. 19, 2015	NON-FINAL ACTION WRITTEN	76635
Feb. 06, 2015	ASSIGNED TO EXAMINER	76635
Dec. 13, 2014	NOTICE OF DESIGN SEARCH CODE MAILED	
Dec. 12, 2014	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Dec. 10, 2014	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Attorney: COLEMAN, CIMMERIAN
TM Staff Information
Law Office Assigned: LAW OFFICE 102

Current Location: TMEG LAW OFFICE 102
File Location
Date in Location: Feb. 20, 2015



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Word Mark VINYL LAS VEGAS
Goods and Services IC 041. US 100 101 107. G & S: Arranging and conducting of concerts; concert booking; entertainment services, namely, live musical performances, comedy performances, and theatrical performances; provision of information relating to live performances, road shows, live stage events, theatrical performances, live music concerts and audience participation in such events; entertainment services, namely, conducting contests. FIRST USE: 20120824. FIRST USE IN COMMERCE: 20120824
Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code 26.01.21 - Circles that are totally or partially shaded.
Serial Number 86473375
Filing Date December 6, 2014
Current Basis 1A
Original Filing Basis 1A
Owner (APPLICANT) HRHH IP, LLC LIMITED LIABILITY COMPANY DELAWARE Three World Financial Center 200 Vesey Street, 11th Floor New York NEW YORK 102811021
Attorney of Record Jill M. Pietrini
Description of Mark Color is not claimed as a feature of the mark. The mark consists of VINYL LAS VEGAS within the shape of a circle.

Type of Mark SERVICE MARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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Mark: VINYL LAS VEGAS



US Serial Number: 86473375

Application Filing Date: Dec. 06, 2014

Register: Principal

Mark Type: Service Mark

Status: A non-final Office action has been sent (issued) to the applicant. This is a letter from the examining attorney requiring additional information and/or making an initial refusal. The applicant must respond to this Office action. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

Status Date: Feb. 20, 2015

Mark Information

Mark Literal Elements: VINYL LAS VEGAS

Standard Character Claim: No

Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)

Description of Mark: The mark consists of VINYL LAS VEGAS within the shape of a circle.

Color(s) Claimed: Color is not claimed as a feature of the mark.

Design Search Code(s): 26.01.21 - Circles that are totally or partially shaded.

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [] indicate deleted goods/services;
- Double parenthesis (()) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *, * identify additional (new) wording in the goods/services.

For: Arranging and conducting of concerts; concert booking; entertainment services, namely, live musical performances; comedy performances, and theatrical performances; provision of information relating to live performances, road shows, live stage events, theatrical performances, live music concerts and audience participation in such events; entertainment services, namely, conducting contests

International Class(es): 041 - Primary Class

U.S. Class(es): 100, 101, 107

Class Status: ACTIVE

Basis: 1(a)

First Use: Aug. 24, 2012

Use in Commerce: Aug. 24, 2012

Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: HRHH,IP, LLC

Owner Address: Three World Financial Center
200 Vesey Street, 11th Floor
New York, NEW YORK 102811021
UNITED STATES

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney Name: Jill M. Pietrini
Attorney of Record
Docket Number: 33AF-172525

Correspondent
Correspondent Name/Address: JILL M. PIETRINI
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UNITED STATES

Phone: (310) 228-3700
Fax: (310) 228-3701

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Feb. 20, 2015	NON-FINAL ACTION MAILED	
Feb. 20, 2015	NON-FINAL ACTION WRITTEN	76635
Feb. 06, 2015	ASSIGNED TO EXAMINER	76635
Dec. 13, 2014	NOTICE OF DESIGN SEARCH CODE MAILED	
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Dec. 10, 2014	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Attorney: COLEMAN, CIMMERIAN
TM Staff Information
Law Office Assigned: LAW OFFICE 102

Current Location: TMEG-LAW OFFICE 102
File Location
Date in Location: Feb. 20, 2015



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Word Mark VINYL LAS VEGAS
Goods and Services IC 035. US 100 101 102. G & S: Promoting, marketing, and advertising live musical performances and theatrical performances of others. FIRST USE: 20120824. FIRST USE IN COMMERCE: 20120824
Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code 26.01.21 - Circles that are totally or partially shaded.
Serial Number 86473374
Filing Date December 6, 2014
Current Basis 1A
Original Filing Basis 1A
Owner (APPLICANT) HRHH IP, LLC LIMITED LIABILITY COMPANY DELAWARE Three World Financial Center 200 Vesey Street, 11th Floor New York NEW YORK 102811021
Attorney of Record Jill M. Pietrini
Description of Mark Color is not claimed as a feature of the mark. The mark consists of VINYL LAS VEGAS within the shape of a circle.
Type of Mark SERVICE MARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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Mark: VINYL LAS VEGAS



US Serial Number: 86473374

Application Filing Date: Dec. 06, 2014

Register: Principal

Mark Type: Service Mark

Status: A non-final Office action has been sent (issued) to the applicant. This is a letter from the examining attorney requiring additional information and/or making an initial refusal. The applicant must respond to this Office action. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

Status Date: Feb. 19, 2015

Mark Information

Mark Literal Elements: VINYL LAS VEGAS

Standard Character Claim: No

Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)

Description of Mark: The mark consists of VINYL LAS VEGAS within the shape of a circle.

Color(s) Claimed: Color is not claimed as a feature of the mark.

Design Search Code(s): 26.01.21 - Circles that are totally or partially shaded.

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [..] indicate deleted goods/services;
- Double parenthesis (..) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks "*" identify additional (new) wording in the goods/services.

For: Promoting, marketing, and advertising live musical performances and theatrical performances of others

International Class(es): 035 - Primary Class

U.S Class(es): 100, 101, 102

Class Status: ACTIVE

Basis: 1(a)

First Use: Aug. 24, 2012

Use in Commerce: Aug. 24, 2012

Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: HRHH IP, LLC

Owner Address: Three World Financial Center
200 Vesey Street, 11th Floor
New York, NEW YORK 102811021
UNITED STATES

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney Name: Jill M. Pietrini
Docket Number: 33AF-172526
Attorney of Record
Correspondent
Correspondent Name/Address: JILL M. PIETRINI
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Phone: (310) 228-3700 Fax: (310) 228-3701

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Feb. 19, 2015	NON-FINAL ACTION MAILED	
Feb. 19, 2015	NON-FINAL ACTION WRITTEN	76635
Feb. 05, 2015	ASSIGNED TO EXAMINER	76635
Dec. 13, 2014	NOTICE OF DESIGN SEARCH CODE MAILED	
Dec. 12, 2014	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Dec. 10, 2014	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Attorney: COLEMAN, CIMMERIAN
TM Staff Information
Law Office Assigned: LAW OFFICE 102
File Location
Current Location: TMEG LAW OFFICE 102 - EXAMINING ATTORNEY ASSIGNED
Date in Location: Feb. 19, 2015



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VINYL

Word Mark	VINYL
Goods and Services	IC 043, US 100 101, G & S: Bar services; nightclub services; restaurant services; providing general purpose facilities for concerts, comedy shows, expositions, and other events and functions. FIRST USE: 20120824, FIRST USE IN COMMERCE: 20120824
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	86473373
Filing Date	December 6, 2014
Current Basis	1A
Original Filing Basis	1A
Owner	(APPLICANT) HRHH IP, LLC LIMITED LIABILITY COMPANY DELAWARE Three World Financial Center 200 Vesey Street, 11th Floor New York NEW YORK 102811021
Attorney of Record	Jill M. Pietrini
Type of Mark	SERVICE MARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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Mark: VINYL

VINYL

US Serial Number: 86473372

Application Filing Date: Dec. 06, 2014

Register: Principal

Mark Type: Service Mark

Status: A non-final Office action has been sent (issued) to the applicant. This is a letter from the examining attorney requiring additional information and/or making an initial refusal. The applicant must respond to this Office action. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

Status Date: Feb. 20, 2015

Mark Information

Mark Literal Elements: VINYL

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [] indicate deleted goods/services;
- Double parenthesis (()) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks * * * identify additional (new) wording in the goods/services.

For: Arranging and conducting of concerts; concert booking; entertainment services; namely, live musical performances, comedy performances, and theatrical performances; provision of information relating to live performances, road shows, live stage events, theatrical performances, live music concerts and audience participation in such events; entertainment services; namely, conducting contests

International Class(es): 041 - Primary Class

U.S Class(es): 100, 101, 107

Class Status: ACTIVE

Basis: 1(a)

First Use: Aug. 24, 2012

Use in Commerce: Aug. 24, 2012

Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: HIRHH IP, LLC

Owner Address: Three World Financial Center
200 Vesey Street, 11th Floor
New York, NEW YORK 102811021
UNITED STATES

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Jill M. Pietrini

Docket Number: 33AF-172526

Correspondent

Correspondent Name/Address: JILL M. PIETRINI
SHEPPARD MULLIN RICHTER & HAMPTON LLP
1901 AVENUE OF THE STARS STE 1600

LOS ANGELES, CALIFORNIA 90067-6053
UNITED STATES

Phone: (310) 228-3700

Fax: (310) 228-3701

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Feb. 20, 2015	NON-FINAL ACTION MAILED	
Feb. 20, 2015	NON-FINAL ACTION WRITTEN	76635
Feb. 05, 2015	ASSIGNED TO EXAMINER	76635
Dec. 12, 2014	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Dec. 10, 2014	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Attorney: COLEMAN, CIMMERIAN

TM Staff Information

Law Office Assigned: LAW OFFICE 102

File Location

Current Location: TMEG LAW OFFICE 102

Date in Location: Feb. 20, 2015



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VINYL

Word Mark VINYL
Goods and Services IC 041. US 100 101 107. G & S: Arranging and conducting of concerts; concert booking; entertainment services, namely, live musical performances, comedy performances, and theatrical performances; provision of information relating to live performances, road shows, live stage events, theatrical performances, live music concerts and audience participation in such events; entertainment services, namely, conducting contests. FIRST USE: 20120824. FIRST USE IN COMMERCE: 20120824
Standard Characters Claimed
Mark Drawing Code (4) STANDARD CHARACTER MARK
Serial Number 86473372
Filing Date December 6, 2014
Current Basis 1A
Original Filing Basis 1A
Owner (APPLICANT) HRHH IP, LLC LIMITED LIABILITY COMPANY DELAWARE Three World Financial Center 200 Vesey Street, 11th Floor New York NEW YORK 102811021
Attorney of Record Jill M. Pietrini
Type of Mark SERVICE MARK
Register PRINCIPAL LIVE

Live/Dead
Indicator

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Mark: VINYL

VINYL

US Serial Number: 86473372

Application Filing Date: Dec. 06, 2014

Register: Principal

Mark Type: Service Mark

Status: A non-final Office action has been sent (issued) to the applicant. This is a letter from the examining attorney requiring additional information and/or making an initial refusal. The applicant must respond to this Office action. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

Status Date: Feb. 20, 2015

Mark Information

Mark Literal Elements: VINYL

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [] indicate deleted goods/services;
- Double parenthesis (()) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks "*" identify additional (new) wording in the goods/services.

For: Arranging and conducting of concerts; concert booking; entertainment services; namely, live musical performances; comedy performances, and theatrical performances; provision of information relating to live performances, road shows, live stage events, theatrical performances, live music concerts and audience participation in such events; entertainment services, namely, conducting contests

International Class(es): 041 - Primary Class

U.S. Class(es): 100, 101, 107

Class Status: ACTIVE

Basis: 1(a)

First Use: Aug. 24, 2012

Use in Commerce: Aug. 24, 2012

Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: HRHH IP, LLC

Owner Address: Three World Financial Center
200 Vesey Street, 11th Floor
New York, NEW YORK 102811021
UNITED STATES

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Jill M. Pietrini

Docket Number: 33AF-172526

Correspondent

Correspondent Name/Address: JILL M. PIETRINI
SHEPPARD MULLIN RICHTER & HAMPTON, LLP
1901 AVENUE OF THE STARS STE 1600

LOS ANGELES, CALIFORNIA 90067-6055
UNITED STATES

Phone: (310) 228-3700

Fax: (310) 228-3701

Domestic Representative - Not Found

Prosecution History

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Dec. 12, 2014	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Dec. 10, 2014	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Attorney: COLEMAN, CIMMERIAN

TM Staff Information

Law Office Assigned: LAW OFFICE 102

File Location

Current Location: TMEG LAW OFFICE 102

Date in Location: Feb. 20, 2015



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VINYL

Word Mark	VINYL
Goods and Services	IC 035. US 100 101 102. G & S: Promoting, marketing, and advertising live musical performances and theatrical performances of others. FIRST USE: 20120824. FIRST USE IN COMMERCE: 20120824
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	86473371
Filing Date	December 6, 2014
Current Basis	1A
Original Filing Basis	1A
Owner	(APPLICANT) HRHH IP, LLC LIMITED LIABILITY COMPANY DELAWARE Three World Financial Center 200 Vesey Street, 11th Floor New York NEW YORK 102811021
Attorney of Record	Jill M. Pietrini
Type of Mark	SERVICE MARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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Mark: VINYL

VINYL

US Serial Number: 86473371

Application Filing Date: Dec. 05, 2014

Register: Principal

Mark Type: Service Mark

Status: A non-final Office action has been sent (issued) to the applicant. This is a letter from the examining attorney requiring additional information and/or making an initial refusal. The applicant must respond to this Office action. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

Status Date: Feb. 19, 2015

Mark Information

Mark Literal Elements: VINYL

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [.] indicate deleted goods/services;
- Double parenthesis (..) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks "*" identify additional (new) wording in the goods/services.

For: Promoting, marketing, and advertising live musical performances and theatrical performances of others

International Class(es): 035 - Primary Class

U.S Class(es): 100, 101, 102

Class Status: ACTIVE

Basis: 1(a)

First Use: Aug. 24, 2012

Use in Commerce: Aug. 24, 2012

Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: HRHH IP, LLC

Owner Address: Three World Financial Center
200 Vesey Street, 11th Floor
New York, NEW YORK 102811021
UNITED STATES

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Jill M. Pietrini

Docket Number: 33AF-172526

Correspondent

Correspondent: JILL M. PIETRINI
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1901 AVENUE OF THE STARS STE 1800
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Prosecution History

Date	Description	Proceeding Number
Feb. 19, 2015	NON-FINAL ACTION MAILED	
Feb. 19, 2015	NON-FINAL ACTION WRITTEN	76635
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Dec. 12, 2014	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Dec. 10, 2014	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information

TM Attorney: COLEMAN, CIMMERIAN

Law Office Assigned: LAW OFFICE 102

File Location

Current Location: TMEG LAW OFFICE 102 - EXAMINING
ATTORNEY ASSIGNED

Date in Location: Feb. 19, 2015

EXHIBIT J

United States of America

United States Patent and Trademark Office

Pure Vinyl Rocks

Reg. No. 3,701,342 MURRAY, DAVID (UNITED STATES INDIVIDUAL)
Registered Oct. 27, 2009 1332 GLENWICK DRIVE
WINDERMERE, FL 34786

Int. Cl.: 41 FOR: ENTERTAINMENT, NAMELY, LIVE MUSIC CONCERTS; ENTERTAINMENT,
NAMELY, LIVE PERFORMANCES BY A MUSICAL BAND, IN CLASS 41 (U.S. CLS. 100,
101 AND 107).

SERVICE MARK
PRINCIPAL REGISTER FIRST USE 11-5-2008; IN COMMERCE 11-5-2008.

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

SER. NO. 77-707,946, FILED 4-6-2009.

GINA FINK, EXAMINING ATTORNEY



David J. Kyjars

Director of the United States Patent and Trademark Office

United States of America

United States Patent and Trademark Office

Legends Of Vinyl

Reg. No. 3,959,794

Registered May 10, 2011

Int. Cl.: 41

SERVICE MARK

PRINCIPAL REGISTER

ORELLANA, RIKI (UNITED STATES INDIVIDUAL)
6981 NW 20 COURT
MARGATE, FL 33063

FOR: ENTERTAINMENT IN THE NATURE OF LIVE PERFORMANCES BY DISC JOCKEYS,
IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 11-1-2010; IN COMMERCE 11-1-2010.

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

SN 85-068,877, FILED 6-22-2010.

ALYSSA STEEL, EXAMINING ATTORNEY



David J. Kyros

Director of the United States Patent and Trademark Office

United States of America

United States Patent and Trademark Office

Weekend Vinyl

Reg. No. 4,006,143

MCLAUGHLIN, MICHAEL (UNITED STATES INDIVIDUAL)
1042 MICHIGAN AVENUE
EVANSTON, IL 60202

Registered Aug. 2, 2011

Int. Cl.: 41

FOR: ENTERTAINMENT, NAMELY, LIVE PERFORMANCES BY A MUSICAL BAND, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

SERVICE MARK

FIRST USE 4-26-2010; IN COMMERCE 4-26-2010.

PRINCIPAL REGISTER

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

SER. NO. 85-214,488, FILED 1-10-2011.

SANJEEV VOHRA, EXAMINING ATTORNEY



David J. Kybas

Director of the United States Patent and Trademark Office

United States of America
United States Patent and Trademark Office

Dusty Vinyl

Reg. No. 4,087,783

Registered Jan. 17, 2012

Int. Cl.: 41

SERVICE MARK

PRINCIPAL REGISTER

LOTZER, MICHAEL (UNITED STATES INDIVIDUAL)
S48 W33276 ONISCH DR
DOUSMAN, WI 53118

FOR: ENTERTAINMENT SERVICES IN THE NATURE OF LIVE MUSICAL PERFORMANCES,
IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 4-7-2005; IN COMMERCE 4-7-2005.

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

SER. NO. 85-345,503, FILED 6-14-2011.

MATTHEW EINSTEIN, EXAMINING ATTORNEY



David J. Kyjars

Director of the United States Patent and Trademark Office

United States of America
United States Patent and Trademark Office

VINYL FLASHBACK

Reg. No. 4,563,623

RBC ENTERTAINMENT, LLC (NEVADA LIMITED LIABILITY COMPANY)
11640 GLOWING SUNSET LANE
NEVADA, NV 89135

Registered July 8, 2014

Int. Cl.: 41

FOR: ENTERTAINMENT SERVICES IN THE NATURE OF LIVE MUSICAL PERFORMANCES,
IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

SERVICE MARK

FIRST USE 11-20-2013; IN COMMERCE 11-20-2013.

PRINCIPAL REGISTER

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

SER. NO. 86-124,581, FILED 11-20-2013.

ELLEN PERKINS, EXAMINING ATTORNEY



Michelle K. Lee

Deputy Director of the United States
Patent and Trademark Office

United States of America
United States Patent and Trademark Office



Reg. No. 3,748,188 DRYDEN, TRAVIS WILLIAM (UNITED STATES INDIVIDUAL)
Registered Feb. 16, 2010 2109 PLEASANTON AVENUE
BOISE, ID 83702

Int. Cl.: 41 FOR: SOCIAL CLUB SERVICES, NAMELY, ARRANGING, ORGANIZING, AND HOSTING
SOCIAL EVENTS, GET-TOGETHERS, AND PARTIES FOR CLUB MEMBERS, IN CLASS 41
(U.S. CLS. 100, 101 AND 107).

SERVICE MARK
PRINCIPAL REGISTER FIRST USE 9-30-2007; IN COMMERCE 10-31-2007.

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

THE MARK CONSISTS OF THREE CONCENTRIC CIRCLES FORMING THE SHAPE OF A 33 RPM LONG-PLAYING VINYL RECORD ALBUM WITH THE STYLIZED WORD "VINYL" UNDER THE ALBUM. THE TOP RIGHT ARM OF THE LETTER "V" IN "VINYL" IS EN-CROACHING ONTO THE BOTTOM OF THE ALBUM. THE STYLIZED WORDS "PRESERVATION SOCIETY" ARE CENTERED UNDER THE "VIN" IN "VINYL".

SER. NO. 77-494,597, FILED 6-9-2008.

KOURTNEE HODGES, EXAMINING ATTORNEY



David J. Kappas

Director of the United States Patent and Trademark Office

United States of America

United States Patent and Trademark Office

Transvinyl

Reg. No. 3,771,016 RHODES, PAUL (UNITED STATES INDIVIDUAL)
Registered Apr. 6, 2010 13001 THORNHILL DRIVE
ST. LOUIS, MO 63131 AND

Int. Cl.: 41 OKUYAMA, ASUKA (UNITED STATES INDIVIDUAL)
346 GREENBRIAR LANE
BALLWIN, MO 63011

SERVICE MARK
PRINCIPAL REGISTER FOR: ENTERTAINMENT IN THE NATURE OF LIVE PERFORMANCES BY MUSICAL BAND
, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 7-0-2009; IN COMMERCE 7-0-2009.

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

SER. NO. 77-809,844, FILED 8-21-2009.

STEPHANIE ALL, EXAMINING ATTORNEY



David J. Kappas

Director of the United States Patent and Trademark Office

United States of America
United States Patent and Trademark Office



Reg. No. 4,469,615
Registered Jan. 21, 2014
Int. Cl.: 41

OFFBEAT VENTURES, LLC (DELAWARE LIMITED LIABILITY COMPANY)
UNIT 1
3017 N RACINE
CHICAGO, IL 60657

SERVICE MARK
PRINCIPAL REGISTER

FOR: MAIL ORDER PHONOGRAPH RECORDS CLUB SERVICES, NAMELY, A CLUB FOR SENDING FEATURED PHONOGRAPH RECORDS AND PERSONALIZED, CURATED DIGITAL MUSIC PLAYLISTS TO MONTHLY SUBSCRIBERS, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 12-1-2012; IN COMMERCE 12-1-2012.

THE MARK CONSISTS OF A SOLID BACKGROUND, A RECTANGLE, AND THE TEXT "VINYL ME, PLEASE" IN THE MIDDLE.

SER. NO. 85-932,659, FILED 5-15-2013.

MARK SPARACINO, EXAMINING ATTORNEY



Michelle K. Lee
Deputy Director of the United States
Patent and Trademark Office

United States of America
United States Patent and Trademark Office

VINYL PINUPS

Reg. No. 4,158,351

Registered June 12, 2012

Int. Cl.: 41

SERVICE MARK

PRINCIPAL REGISTER

VINYL PINUPS (TENNESSEE PARTNERSHIP)
1227 17TH AVENUE SOUTH
NASHVILLE, TN 37212

FOR: ENTERTAINMENT SERVICES IN THE NATURE OF LIVE MUSICAL PERFORMANCES; ENTERTAINMENT SERVICES IN THE NATURE OF PROVIDING INFORMATION REGARDING MUSICAL GROUPS, MUSICIANS, MUSICAL SOUND RECORDINGS, MUSIC VIDEOS, AND MUSIC VIA A WEBSITE; ENTERTAINMENT, NAMELY, PERSONAL APPEARANCES BY MUSICIANS; MUSIC PUBLISHING SERVICES; PRODUCING MUSICAL AUDIO AND VIDEO RECORDINGS; SONG WRITING SERVICES; FAN CLUB SERVICES; AND BLOGS FOR DISCUSSING MUSIC, MUSICIANS, AND ENTERTAINMENT EVENTS. IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 7-27-2010; IN COMMERCE 10-19-2010.

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

SN 85-079,298, FILED 7-7-2010.

KAREN BRACEY, EXAMINING ATTORNEY



David J. Kybas

Director of the United States Patent and Trademark Office

United States of America

United States Patent and Trademark Office

Vinyl Preservation Society

Reg. No. 3,856,400

Registered Oct. 5, 2010

Int. Cl.: 41

SERVICE MARK

PRINCIPAL REGISTER

TRAVIS W. DRYDEN (UNITED STATES INDIVIDUAL)
2109 PLEASANTON AVENUE
BOISE, ID 837023833

FOR: ARRANGING, ORGANIZING, CONDUCTING, AND HOSTING SOCIAL ENTERTAINMENT EVENTS; SOCIAL CLUB SERVICES, NAMELY, ARRANGING, ORGANIZING, AND HOSTING SOCIAL EVENTS, GET-TOGETHERS, AND PARTIES FOR CLUB MEMBERS, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 9-30-2007; IN COMMERCE 9-30-2007.

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

OWNER OF U.S. REG. NO. 3,748,188.

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

SER. NO. 77-942,211, FILED 2-23-2010.

LEIGH CAROLINE CASE, EXAMINING ATTORNEY



David J. Kappas

Director of the United States Patent and Trademark Office

United States of America

United States Patent and Trademark Office

VINYLTEC

Reg. No. 2,838,579

Registered May 4, 2004

**Renewal Term Begins
May 4, 2014**

**10 Year
Renewal/Corrected**

Int. Cl.: 41

SERVICE MARK

PRINCIPAL REGISTER

SOCIETY OF PLASTICS ENGINEERS (MICHIGAN CORPORATION)
13 CHURCH HILL ROAD
NEWTOWN, CT 06470

FOR: CONDUCTING CONFERENCES, SEMINARS AND EDUCATIONAL EXHIBITIONS IN
THE FIELD OF PLASTICS, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 10-13-1998; IN COMMERCE 10-13-1998.

SEC. 2(F).

SER. NO. 78-203,058, FILED 1-14-2003.



Michelle K. Lee

Deputy Director of the United States
Patent and Trademark Office

Int. Cls.: 9, 16, 25, 38 and 41

Prior U.S. Cls.: 2, 5, 21, 22, 23, 26, 29, 36, 37, 38, 39,
50, 100, 101, 104 and 107

Reg. No. 3,626,998

United States Patent and Trademark Office

Registered May 26, 2009

TRADEMARK
SERVICE MARK
PRINCIPAL REGISTER

RANDY'S VINYL TAP

RANBACH MUSIC LTD. (CANADA CORPORATION)
C/O LEN GAIK ENTERTAINMENT LAW
59 ELMHURST DRIVE
HAMILTON, CANADA L8T 1C5

FOR: AUDIO DISCS, AUDIO RECORDINGS, PRE-RECORDED AUDIO TAPES, PRE-RECORDED VIDEO CASSETTES, AND PRE-RECORDED COMPACT DISCS FEATURING MUSIC; MUSICAL SOUND RECORDINGS; MULTIMEDIA SOFTWARE RECORDED ON COMPUTER SOFTWARE FOR ENHANCED CD'S AND DVD'S CONTAINING SOFTWARE FOR USE IN ASSOCIATION WITH COMPUTERS, PLAYING VIDEO RECORDINGS OR CD-ROM; MUSICAL SOUND RECORDINGS; MUSICAL VIDEO RECORDINGS; VIDEO RECORDINGS; PHONOGRAPH RECORDINGS FEATURING MUSIC; PHONOGRAPH RECORDS FEATURING MUSIC; AND DOWNLOADABLE ELECTRONIC NEWSLETTERS FEATURING MUSIC, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FOR: BOOKS IN THE FIELD OF MUSIC AND ENTERTAINMENT; MAGAZINES FEATURING MUSIC; NEWSLETTERS FEATURING MUSIC AND ENTERTAINMENT; PENS; AND POSTERS, IN CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND 50).

FOR: T-SHIRTS; CAPS; HATS; SHIRTS; AND TANK TOPS, IN CLASS 25 (U.S. CLS. 22 AND 39).

FOR: CABLE RADIO BROADCASTING; RADIO BROADCASTING; TELEVISION BROADCASTING;

VIDEO BROADCASTING; RADIO COMMUNICATIONS, IN CLASS 38 (U.S. CLS. 100, 101 AND 104).

FOR: ENTERTAINMENT, NAMELY, LIVE MUSIC CONCERTS; SCHEDULING OF PROGRAMS ON A GLOBAL COMPUTER NETWORK; ENTERTAINMENT SERVICES, NAMELY, PERSONAL APPEARANCES BY A RECORDING ARTIST OR CELEBRITY; ENTERTAINMENT SERVICES, NAMELY, PROVIDING A WEB SITE FEATURING MUSICAL PERFORMANCES, MUSICAL VIDEOS, RELATED FILM CLIPS AND RELATED MULTIMEDIA MATERIALS; AND NONDOWNLOADABLE ELECTRONIC NEWSLETTERS FEATURING MUSIC AND ENTERTAINMENT, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

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

PRIORITY CLAIMED UNDER SEC. 44(D) ON CANADA APPLICATION NO. 1263054, FILED 6-29-2005.

OWNER OF CANADA REG. NO. TMA718754, DATED 7-17-2008, EXPIRES 7-17-2023.

SER. NO. 78-781,470, FILED 12-28-2005.

PATRICIA EVANKO, EXAMINING ATTORNEY

Int. Cl.: 41

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

Reg. No. 3,323,085

United States Patent and Trademark Office

Registered Oct. 30, 2007

SERVICE MARK
PRINCIPAL REGISTER



GREEN, CHRISTOPHER D (UNITED STATES
INDIVIDUAL)
561 KEYSTONE AVE, SUITE 477
RENO, NV 89503

FOR: PRODUCTION OF TELEVISION AND RADIO PROGRAMS; DISTRIBUTION OF TELEVISION AND RADIO PROGRAMS FOR OTHERS; PRODUCTION AND PUBLISHING OF MUSIC; FAN CLUBS; DEVELOPMENT AND DISSEMINATION OF EDUCATIONAL MATERIALS OF OTHERS IN THE FIELD OF MUSIC AND ENTERTAINMENT; RADIO ENTERTAINMENT PRODUCTION AND PROGRAM DISTRIBUTION; AUDIO AND SOUND RECORDING AND PRODUCTION; RECORD PRODUCTION; VIDEOTAPE PRODUCTION; PRODUCTION OF MOTION PICTURE FILMS; DISTRIBUTION OF MOTION PICTURE FILMS; TELEVISION PROGRAM SYNDICATION; ENTERTAINMENT IN THE NATURE OF ONGOING TELEVISION PROGRAMS IN THE FIELD OF MUSIC AND ENTERTAINMENT; ENTERTAINMENT, NAMELY A CONTINUING MUSIC AND ENTERTAINMENT SHOW DISTRIBUTED OVER TELEVISION, SATELLITE, AUDIO, AND VIDEO MEDIA; PUBLICATION OF BOOKS AND MAGAZINES; PUBLICATION OF ELECTRONIC PUBLICATIONS; PRODUCTION AND RENTAL OF AUDIO AND AUDIOVISUAL RECORDINGS; ENTERTAINMENT IN THE NATURE OF ONGOING RADIO PROGRAMS IN THE FIELD OF MUSIC; ENTERTAINMENT IN THE NATURE OF LIVE CONCERTS AND PERFORMANCES BY MUSICAL ARTISTS AND GROUPS; ENTERTAINMENT SERVICES, NAMELY PERSONAL APPEARANCES BY MUSICAL GROUPS, MUSICAL ARTISTS AND CELEBRITIES; ENTERTAINMENT SERVICES, NAMELY, TELEVISION PROGRAMS AND RADIO PRO-

GRAMS FEATURING LIVE AND RECORDED MUSIC RENDERED BY MUSICAL ARTISTS; ENTERTAINMENT SERVICES RENDERED BY MUSICAL ARTISTS, NAMELY, LIVE RECORDING PERFORMANCES; EDUCATIONAL AND ENTERTAINMENT SERVICES, NAMELY, PRODUCTION AND PRESENTATION OF TELEVISION SHOWS, SPORTS EVENTS, FASHION SHOWS, GAME SHOWS, MUSIC SHOWS, NEWS SHOWS, AWARD SHOWS AND COMEDY SHOWS BEFORE LIVE AUDIENCES WHICH ARE ALL BROADCAST LIVE OR TAPED FOR LATER BROADCAST; ENTERTAINMENT SERVICES, NAMELY, PROVIDING A WEB SITE FEATURING MUSICAL PERFORMANCES, MUSICAL VIDEOS, RELATED FILM CLIPS, PHOTOGRAPHS, AND OTHER MULTIMEDIA MATERIALS; ENTERTAINMENT SERVICES, NAMELY, PROVIDING ON-LINE REVIEWS OF MUSIC, MUSICAL ARTISTS AND MUSIC VIDEOS; ENTERTAINMENT SERVICES, NAMELY, PROVIDING PRERECORDED MUSIC, INFORMATION IN THE FIELD OF MUSIC, AND COMMENTARY AND ARTICLES ABOUT MUSIC, ALL ON-LINE VIA A GLOBAL COMPUTER NETWORK; ENTERTAINMENT SERVICES NAMELY LIVE, TELEVISED AND MOVIE APPEARANCES BY A PROFESSIONAL ENTERTAINER; DISCOTHEQUES; OPERATING OF A DISCOTHEQUE; NIGHTCLUBS; ART EXHIBITIONS; CONDUCTING ENTERTAINMENT EXHIBITIONS IN THE NATURE OF MUSIC FESTIVALS; ENTERTAINMENT SERVICES, NAMELY, CONDUCTING EXHIBITIONS IN THE FIELD OF MUSIC AND THE ARTS; ORGANIZING AND PRESENTING ENTERTAINMENT DISPLAYS IN THE NATURE OF EXHIBITIONS OF ENTERTAINMENT MEMORABILIA AND RELATED ENTERTAINMENT PRODUCTS; ORGANIZING EXHIBITIONS FOR ENTERTAINMENT PURPOSES FEATURING MU-

SIC AND THE ARTS: AND PUBLISHING OF WEB
MAGAZINES, IN CLASS 41 (U.S. CLS. 100, 101 AND
107).

FIRST USE 5-1-2006; IN COMMERCE 5-15-2006.

SER. NO. 77-099,843, FILED 2-6-2007.

KARANENDRA S. CHHINA, EXAMINING ATTOR-
NEY

United States of America
United States Patent and Trademark Office

DROPDEAD VINYL

Reg. No. 4,371,608

Registered July 23, 2013

Int. Cl.: 41

SERVICE MARK

PRINCIPAL REGISTER

MATOESIAN, TRAVIS (UNITED STATES INDIVIDUAL)
10510 LERIDA PL.
CHATSWORTH, CA 91311

FOR: ARRANGING AND CONDUCTING SPECIAL EVENTS FOR SOCIAL ENTERTAINMENT PURPOSES, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 8-1-2012, IN COMMERCE 8-1-2012.

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

SER. NO. 85-786,320, FILED 11-24-2012.

RAMONA ORTIGA, EXAMINING ATTORNEY



Ramona Ortiga
Acting Director of the United States Patent and Trademark Office

Int. Cl.: 41

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

United States Patent and Trademark Office

Reg. No. 2,473,938

Registered July 31, 2001

**SERVICE MARK
PRINCIPAL REGISTER**

VINYL FILMS

C. GEORGE PRODUCTIONS, INCORPORATED
(CALIFORNIA CORPORATION)
C/O GANG, TYRE, RAMER & BROWN, INC.
132 SOUTH RODEO DRIVE
BEVERLY HILLS, CA 902122425

FIRST USE 9-13-2000; IN COMMERCE 9-13-2000.

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

FOR: ENTERTAINMENT SERVICES, NAMELY,
PROVIDING A SERIES OF MOTION PICTURE,
VIDEO, AND TELEVISION PRODUCTIONS, IN
CLASS 41 (U.S. CLS. 100, 101 AND 107).

SN 75-467,493, FILED 4-17-1998.

H. M. FISHER, EXAMINING ATTORNEY

Int. Cls.: 9, 16 and 41

Prior U.S. Cls.: 2, 5, 21, 22, 23, 26, 29, 36, 37, 38, 50,
100, 101 and 107

United States Patent and Trademark Office

Reg. No. 3,394,792

Registered Mar. 11, 2008

TRADEMARK
SERVICE MARK
PRINCIPAL REGISTER

VINYL CAFE

MCLEAN, STUART (CANADA INDIVIDUAL)
588 PALMERSTON AVENUE
TORONTO, ONTARIO, CANADA M6G 2P7

FOR: PRE-RECORDED CD'S FEATURING SOCIAL COMMENTARY, DRAMATIC WORKS FOR RECITATION, COMEDY, SATIRE, POETRY, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 12-5-1999; IN COMMERCE 12-5-1999.

FOR: BOOKS FEATURING SOCIAL COMMENTARY, DRAMATIC WORKS FOR RECITATION, COMEDY, SATIRE, POETRY, IN CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND 50).

FIRST USE 12-5-1999; IN COMMERCE 12-5-1999.

FOR: ENTERTAINMENT IN THE NATURE OF LIVE VARIETY PERFORMANCES, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 12-5-1999; IN COMMERCE 12-5-1999.

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

SER. NO. 78-352,659, FILED 1-15-2004.

JOHN DALIER, EXAMINING ATTORNEY

Int. Cl.: 41

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

United States Patent and Trademark Office

Reg. No. 3,622,410

Registered May 19, 2009

**SERVICE MARK
PRINCIPAL REGISTER**

VINYL LIFE

BUTCHA SOUND LLC (NEW YORK LIMITED
LIABILITY COMPANY)
249-37 BEECHKNOLL AVE.
LITTLE NECK, NY 11362

FOR: AUDIO RECORDING AND PRODUCTION;
ENTERTAINMENT, NAMELY, LIVE PERFORMAN-
CES BY A MUSICAL BAND; MUSIC PRODUCTION
SERVICES; PRODUCTION OF SOUND RECORD-
INGS, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 3-8-2005; IN COMMERCE 3-8-2005.

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

SER. NO. 77-583,844, FILED 10-2-2008.

APRIL ROACH, EXAMINING ATTORNEY

United States of America

United States Patent and Trademark Office



Reg. No. 4,324,149

Registered Apr. 23, 2013

Int. Cls.: 9 and 41

TRADEMARK

SERVICE MARK

PRINCIPAL REGISTER

COOKING VINYL LIMITED (UNITED KINGDOM LIMITED COMPANY (LTD.))
12-13 SWAINSON ROAD
LONDON, UNITED KINGDOM W37XB

FOR: DIGITAL MEDIA, NAMELY, PRE-RECORDED VIDEO CASSETTES, DIGITAL VIDEO DISCS, DIGITAL VERSATILE DISCS, DOWNLOADABLE AUDIO AND VIDEO RECORDINGS, DVDS, AND HIGH DEFINITION DIGITAL DISCS FEATURING MUSIC; DIGITAL MEDIA, NAMELY, CDS, DVDS, DOWNLOADABLE AUDIO FILES FEATURING MUSIC; DVDS FEATURING MUSIC; PHONOGRAPH RECORDS FEATURING MUSIC; PRE-RECORDED CDS FEATURING MUSIC; PRE-RECORDED DVDS FEATURING MUSIC, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 1-25-2007; IN COMMERCE 1-25-2007.

FOR: MUSIC PUBLISHING SERVICES; RECORD MASTER PRODUCTION; RECORD MASTERING; RECORD PRODUCTION, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 11-1-2008; IN COMMERCE 11-1-2008.

THE MARK CONSISTS OF A STYLIZED DEPICTION OF A GUITAR PICK WITH THE CAPITAL LETTERS OF "C" AND "V" CONTAINED THEREIN.

SER. NO. 85-717,926, FILED 8-31-2012.

KATHLEEN LORENZO, EXAMINING ATTORNEY



Lisa Street
Acting Director of the United States Patent and Trademark Office

United States of America

United States Patent and Trademark Office

VINYL FRONTIER

Reg. No. 3,770,838 CBS RADIO EAST INC. (DELAWARE CORPORATION)
Registered Apr. 6, 2010 40 WEST 57TH STREET
NEW YORK, NY 10019

Int. Cl.: 41 FOR: ENTERTAINMENT SERVICES, NAMELY, RADIO PROGRAMMING SERVICES FOR
RADIO PROGRAMS THAT ARE DISSEMINATED VIA RADIO BROADCASTING AND VIA
STREAMING ON A GLOBAL COMMUNICATION NETWORK, IN CLASS 41 (U.S. CLS. 100,
101 AND 107).

SERVICE MARK
PRINCIPAL REGISTER

FIRST USE 5-21-2007; IN COMMERCE 5-21-2007.

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

SER. NO. 77-807,119, FILED 8-18-2009.

CYNTHIA SLOAN, EXAMINING ATTORNEY



David J. Kyjars

Director of the United States Patent and Trademark Office

United States of America
United States Patent and Trademark Office

VINYL TEMPEST

Reg. No. 4,569,869

Registered July 15, 2014

Int. Cl.: 41

SERVICE MARK

PRINCIPAL REGISTER

VINYL TEMPEST LLC (COLORADO LIMITED LIABILITY COMPANY)
C/O MILLARD ZIMET, PC 604 WEST MAIN ST.
ASPEN, CO 81611

FOR: ON-LINE JOURNAL, NAMELY, A BLOG, FEATURING MUSICAL PLAYLISTS AND OTHER MUSIC AND SONG SETS AND COMBINATIONS; PROVIDING A WEBSITE FEATURING BLOGS IN THE NATURE OF SUGGESTIONS FOR MUSICAL SETS AND MUSICAL PLAYLISTS; PROVIDING A WEBSITE FEATURING BLOGS WHERE USERS CAN OBTAIN SUGGESTIONS REGARDING MUSICAL PLAYLISTS AND COMPOSITIONS AND ALSO OFFER SUGGESTIONS AS TO MUSICAL PLAYLISTS AND COMPOSITIONS AND REMINISCE ABOUT PERSONAL MUSICAL EXPERIENCES AND MEMORIES OF MUSIC, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 2-1-2014; IN COMMERCE 2-1-2014.

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

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

SN 86-035,856, FILED 8-12-2013.

DOUGLAS LEE, EXAMINING ATTORNEY



Michelle K. Lee

Deputy Director of the United States
Patent and Trademark Office

United States of America
United States Patent and Trademark Office

CAMPUS VINYL

Reg. No. 4,559,880

STETZ, NICHOLAS M (UNITED STATES INDIVIDUAL)
120 RIDGE STREET, APT. 4C
NEW YORK, NY 10002

Registered July 1, 2014

Int. Cl.: 41

FOR: PROVIDING ON-LINE MAGAZINES IN THE FIELD OF MUSIC, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

SERVICE MARK

FIRST USE 2-24-2013; IN COMMERCE 2-24-2013.

PRINCIPAL REGISTER

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

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

SER. NO. 86-117,257, FILED 11-13-2013.

BRIAN NEVILLE, EXAMINING ATTORNEY



Michelle K. Lee

Deputy Director of the United States
Patent and Trademark Office

United States of America
United States Patent and Trademark Office

Red Vinyl Music

Reg. No. 4,454,248

Registered Dec. 24, 2013

Int. Cl.: 41

SERVICE MARK

PRINCIPAL REGISTER

RED VINYL MUSIC, LLC (TENNESSEE LIMITED LIABILITY COMPANY)
2805 AZALEA PLACE
NASHVILLE, TN 37204

FOR: MUSIC COMPOSITION SERVICES; MUSIC PUBLISHING SERVICES, IN CLASS 41
(U.S. CLS. 100, 101 AND 107).

FIRST USE 6-18-2010; IN COMMERCE 6-18-2010.

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

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

SER. NO. 85-919,985, FILED 5-1-2013.

JOHN WILKE, EXAMINING ATTORNEY



Deborah S. Cohen

Commissioner for Trademarks of the
United States Patent and Trademark Office

United States of America

United States Patent and Trademark Office



Reg. No. 3,882,403

Registered Nov. 30, 2010

Int. Cl.: 41

SERVICE MARK

PRINCIPAL REGISTER

SIRIUS XM RADIO INC. (DELAWARE CORPORATION)
1221 AVENUE OF THE AMERICAS, 36TH FLOOR
NEW YORK, NY 10020

FOR: ENTERTAINMENT SERVICES, NAMELY, PROVIDING ON-GOING AUDIO PROGRAMS FEATURING MUSIC, TALK, NEWS AND DATA VIA SATELLITE, A GLOBAL COMMUNICATIONS NETWORK, TELEVISION, MOBILE TELEPHONE, OR OTHER ELECTRONIC OR DIGITAL COMMUNICATIONS NETWORK OR DEVICE, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 1-19-2004; IN COMMERCE 1-19-2004.

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

THE MARK CONSISTS OF A GUITAR AND THE WORDS "CLASSIC" AND "VINYL".

SER. NO. 77-906,458, FILED 1-6-2010.

BRENDAN MCCAULEY, EXAMINING ATTORNEY



David J. Kyros

Director of the United States Patent and Trademark Office



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Vinyl Is Final

Word Mark VINYL IS FINAL
Goods and Services IC 041. US 100 101 107. G & S: Entertainment services, namely, providing podcasts in the field of music, musicians and the music industry
Standard Characters Claimed
Mark Drawing Code (4) STANDARD CHARACTER MARK
Serial Number 86376371
Filing Date August 25, 2014
Current Basis 1B
Original Filing Basis 1B
Published for Opposition July 7, 2015
Owner (APPLICANT) Chase, Lindsay INDIVIDUAL UNITED STATES #216 333 Screenland Dr Burbank CALIFORNIA 91505
Attorney of Record Greta Schultz
Type of Mark SERVICE MARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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Mark: VINYL IS FINAL

Vinyl Is Final

US Serial Number: 86376371

Application Filing Date: Aug. 25, 2014

Register: Principal

Mark Type: Service Mark

Status: Application has been published for opposition. The opposition period begins on the date of publication.

Status Date: Jul. 07, 2015

Publication Date: Jul. 07, 2015

Mark Information

Mark Literal Elements: VINYL IS FINAL

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [.] indicate deleted goods/services;
- Double parenthesis (()) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks "*" identify additional (new) wording in the goods/services.

For: Entertainment services, namely, providing podcasts in the field of music, musicians and the music industry

International Class(es): 041 - Primary Class

U.S Class(es): 100, 101, 107

Class Status: ACTIVE

Basis: 1(b)

Basis Information (Case Level)

Filed Use: No	Currently Use: No	Amended Use: No
Filed ITU: Yes	Currently ITU: Yes	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: Chase, Lindsay

Owner Address: #216
333 Screenland Dr
Burbank, CALIFORNIA 91505
UNITED STATES

Legal Entity Type: INDIVIDUAL

Citizenship: UNITED STATES

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Greta Schultz

Attorney Primary Email Address: gschultz@arroyolawgroup.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Greta Schultz
Arroyo Law Group, LLP
790 East Green Street
Pasadena, CALIFORNIA 91101
UNITED STATES

Phone: 6267684485

Correspondent e-mail: gschultz@arroyolawgroup.com

Correspondent e-mail Yes
Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jul. 07, 2015	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jul. 07, 2015	PUBLISHED FOR OPPOSITION	
Jun. 17, 2015	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Jun. 04, 2015	LAW OFFICE PUBLICATION REVIEW COMPLETED	77312
Jun. 04, 2015	ASSIGNED TO LIE	77312
May 12, 2015	APPROVED FOR PUB - PRINCIPAL REGISTER	
May 05, 2015	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
May 05, 2015	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
May 05, 2015	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Dec. 11, 2014	NON-FINAL ACTION E-MAILED	
Dec. 10, 2014	NON-FINAL ACTION WRITTEN	74301
Dec. 09, 2014	ASSIGNED TO EXAMINER	74301
Sep. 08, 2014	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information

TM Attorney: PEREZ, STEVEN M

Law Office Assigned: LAW OFFICE 101

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Jun. 04, 2015



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WHISKEY VINYL

Word Mark	WHISKEY VINYL
Goods and Services	<p>IC 009. US 021 023 026 036 038. G & S: Audio and video recordings, namely, downloadable audio and video digital and analog recordings and files, compact discs, DVDs and optical and magneto-optical discs featuring music and artistic performances</p> <p>IC 035. US 100 101 102. G & S: Distribution of music recordings and audio and video recordings, namely, on-line and retail store services featuring musical recordings, and pre-recorded audio and video recordings featuring music and entertainment in the nature of movies</p> <p>IC 039. US 100 105. G & S: Distribution of music recordings and audio and video recordings, namely, delivery of musical recordings and audio and video recordings</p> <p>IC 041. US 100 101 107. G & S: Audio and video recording and production services; digital video and audio publishing services; production and distribution of motion pictures and television programs</p>
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	86048169
Filing Date	August 26, 2013
Current Basis	1B
Original Filing Basis	1B
	March 4, 2014

**Published for
Opposition**

Owner (APPLICANT) Whiskey Vinyl Productions LLC LIMITED LIABILITY COMPANY NEW YORK 22
Little West 12th Street, 4th Floor New York NEW YORK 10014

**Attorney of
Record** Paul J. Vincenti

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

Type of Mark TRADEMARK. SERVICE MARK

Register PRINCIPAL

**Live/Dead
Indicator** LIVE

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Mark: WHISKEY VINYL

WHISKEY VINYL

US Serial Number: 86048169

Application Filing Date: Aug. 26, 2013

Register: Principal

Mark Type: Trademark, Service Mark

Status: A second request for extension of time to file a Statement of Use has been granted.

Status Date: Mar. 05, 2015

Publication Date: Mar. 04, 2014

Notice of Allowance Date: Apr. 29, 2014

Mark Information

Mark Literal Elements: WHISKEY VINYL

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Disclaimer: "VINYL"

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [.] indicate deleted goods/services;
- Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks "*" identify additional (new) wording in the goods/services.

For: Audio and video recordings, namely, downloadable audio and video digital and analog recordings and files, compact discs, DVDs and optical and magneto-optical discs featuring music and artistic performances

International Class(es): 009 - Primary Class

U.S Class(es): 021, 023, 026, 036, 038

Class Status: ACTIVE

Basis: 1(b)

For: Distribution of music recordings and audio and video recordings, namely, on-line and retail store services featuring musical recordings, and pre-recorded audio and video recordings featuring music and entertainment in the nature of movies

International Class(es): 035 - Primary Class

U.S Class(es): 100, 101, 102

Class Status: ACTIVE

Basis: 1(b)

For: Distribution of music recordings and audio and video recordings, namely, delivery of musical recordings and audio and video recordings

International Class(es): 039 - Primary Class

U.S Class(es): 100, 105

Class Status: ACTIVE

Basis: 1(b)

For: Audio and video recording and production services; digital video and audio publishing services; production and distribution of motion pictures and television programs

International Class(es): 041 - Primary Class

U.S Class(es): 100, 101, 107

Class Status: ACTIVE

Basis: 1(b)

Basis Information (Case Level)

Filed Use: No

Currently Use: No

Amended Use: No

Filed ITU: Yes

Currently ITU: Yes

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: Whiskey Vinyl Productions LLC
Owner Address: 22 Little West 12th Street, 4th Floor
New York, NEW YORK 10014
UNITED STATES
Legal Entity Type: LIMITED LIABILITY COMPANY State or Country Where Organized: NEW YORK

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Paul J. Vincenti
Attorney Primary Email Address: paul.vincenti@vincenti.com Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: PAUL J. VINCENTI
VINCENTI & VINCENTI, P.C.
61 BROADWAY RM 1310
NEW YORK, NEW YORK 10006-2722
UNITED STATES
Phone: 212-509-4600 Fax: 212-509-0406
Correspondent e-mail: paul.vincenti@vincenti.com Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Mar. 07, 2015	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Mar. 05, 2015	EXTENSION 2 GRANTED	98765
Mar. 05, 2015	EXTENSION 2 FILED	98765
Mar. 05, 2015	TEAS EXTENSION RECEIVED	
Oct. 18, 2014	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Oct. 17, 2014	EXTENSION 1 GRANTED	69302
Oct. 03, 2014	EXTENSION 1 FILED	69302
Oct. 17, 2014	CASE ASSIGNED TO INTENT TO USE PARALEGAL	69302
Oct. 03, 2014	TEAS EXTENSION RECEIVED	
Apr. 29, 2014	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Mar. 04, 2014	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Mar. 04, 2014	PUBLISHED FOR OPPOSITION	
Feb. 12, 2014	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Jan. 28, 2014	LAW OFFICE PUBLICATION REVIEW COMPLETED	77312
Jan. 28, 2014	ASSIGNED TO LIE	77312
Jan. 06, 2014	APPROVED FOR PUB - PRINCIPAL REGISTER	
Dec. 19, 2013	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Dec. 18, 2013	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Dec. 18, 2013	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Dec. 12, 2013	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Dec. 12, 2013	NON-FINAL ACTION E-MAILED	6325
Dec. 12, 2013	NON-FINAL ACTION WRITTEN	72004
Dec. 10, 2013	ASSIGNED TO EXAMINER	72004
Sep. 05, 2013	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Aug. 29, 2013	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information

TM Attorney: CRAWFORD, MARY E

Law Office Assigned: LAW OFFICE 102

File Location

Current Location: INTENT TO USE SECTION

Date in Location: Oct. 17, 2014

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

In the Matter of:

Application No. 86/175,985 for the mark :
VINYL FOR A CAUSE & Design in Class 41

HRHH IP, LLC

Opposer,

v.

VICE VERSA RECORDS, LLC

Applicant.

Opposition No. 91229467
Serial No. 86715985

**APPLICANT’S ANSWER TO NOTICE OF OPPOSITION
AND AFFIRMATIVE DEFENSES**

Applicant, Vice Versa Records, LLC (“Applicant”), by and through its undersigned counsel, for its Answer and Affirmative Defenses to the Notice of Opposition filed by HRHH IP, LLC and HRHH Hotel/Casino, LLC (“Opposer”), pleads and avers as follows:

1. Applicant is without knowledge to admit or deny the allegations contained in paragraph 1, and on that basis denies the same.
2. Applicant admits Opposer has obtained the federal registrations listed in paragraph 2 and admits the remaining allegations in paragraph 2.
3. Applicant is without knowledge to admit or deny the allegations contained in paragraph 3, and on that basis denies the same.
4. Applicant admits the allegations contained in paragraph 4.
5. Applicant admits the allegations contained in paragraph 5.
6. Applicant denies the allegations contained in paragraph 6.
7. Applicant denies the allegations contained in paragraph 7.

8. Applicant denies the allegations contained in paragraph 8.
9. Applicant denies the allegations contained in paragraphs 1 to 8.
10. Applicant denies the allegations contained in paragraph 10
11. Applicant denies the allegations contained in paragraph 11
12. Applicant denies the allegations contained in paragraph 12
13. Applicant denies that Opposer will be damaged, let alone irreparably damaged, by the registration of U.S. Serial No. 86715985

AFFIRMATIVE DEFENSES

1. The Notice of Opposition and each purported claim asserted therein is barred, in whole or in part, by the doctrines of estoppel, waiver and/or acquiescence. Specifically, Opposer relied on and conceded to the commercial coexistence of VINYL-based marks in Class 41, as well as the sophistication of consumers who purchase the related services. See Exhibit B.

2. Applicant affirmatively alleges that there is no likelihood of confusion as to the source, sponsorship, or approval of its mark because, inter alia, consumers are sufficiently able to distinguish between the hundreds of federally registered “VINYL” marks owned by independent third parties, including VINYL PRESERVATION SOCIETY (Reg. No. 3856400), VINYL FRONTIER (Reg. No. 3770838), VINYL LIFE (Reg. No. 3622410), VINYL ME, PLEASE (Reg. No. 4469615), VINYL TEMPEST (Reg. No. 4569869), VINYL + VINO (Reg. No. 4945608) and VINYL LUNCH (Reg. No. 5033543), VINYL PINUPS (Reg. No. 4158351), VINYL CAFÉ (Reg. No. 3394792), VINYL SOUL (Reg. No. 4091396), VINYL FLASHBACK (Reg. No. 4563623) and VINYL FRIDAY (Reg. No. 4979892). See Exhibit A. In fact, VINYL PINUPS (Reg. No. 4158351), VINYL CAFÉ (Reg. No. 3394792), VINYL SOUL (Reg. No. 4091396), VINYL FLASHBACK (Reg. No. 4563623) and VINYL FRIDAY (Reg. No.

4979892) are used in connection with services far more similar to the services offered under the Opposer`s registrations than Applicant`s services are to Opposer`s services. See Exhibit A. Applicant`s registration, therefore, will not create any new injuries nor will it increase any pre-established injuries to Opposer`s mark.

3. Applicant hereby gives notice that it may rely on other defenses that may become available or appear during discovery, and hereby reserves it right to amend this Answer to assert any such defenses.

WHEREFORE, Applicant prays that the Trademark Trial and Appeal Board deny the Opposition and permit registration of Applicant`s proposed mark in Application Serial Number 86715985 in the United States Patent and Trademark Office.

September 13, 2016

Respectful submitted,

By: /s/ Daliah Saper
Daliah Saper
Saper Law Offices, LLC
505 N. LaSalle Suite 350
Chicago, Illinois 60654
(312) 527-4100
ds@saperlaw.com

CERTIFICATE OF SERVICE

I hereby certify that the foregoing ANSWER TO NOTICE OF OPPOSITION was served on Counsel for Opposer via electronic mail to the email addresses below:

Jill M. Pietrini
jpietrini@sheppardmullin.com
Benjamin O. Aigboboh
baigboboh@sheppardmullin.com
SHEPPARD MULLIN RICHTER & HAMPTON LLP
1901 Avenue of the Stars, Suite 1600
Los Angeles, California 90067-6017
(310) 228-3700

Date: September 13, 2016

By: Daliah Saper
Saper Law Offices, LLC
505 N. LaSalle Suite 350
Chicago, Illinois 60654
(312) 527-4100
dsaper@saperlaw.com