

ESTTA Tracking number: **ESTTA473555**

Filing date: **05/21/2012**

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

Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

Name	The Port Authority of New York and New Jersey		
Entity	body corporate and politic	Citizenship	United States
Address	225 Park Avenue South New York, NY 10003 UNITED STATES		

Attorney information	Carole E. Klinger Kramer Levin Naftalis & Frankel LLP 1177 Avenue of the Americas New York, NY 10036 UNITED STATES KLtrademark@kramerlevin.com, cklinger@kramerlevin.com Phone:212.715.9357		
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Registration Subject to Cancellation

Registration No	3244713	Registration date	05/22/2007
Registrant	Birnhack, Yitzhak 1939 50th Street Brooklyn, NY 11204 UNITED STATES		

Goods/Services Subject to Cancellation

Class 039. First Use: 2005/07/01 First Use In Commerce: 2005/07/01 All goods and services in the class are cancelled, namely: arranging travel visas for all countries with passport services, namely, first time and children's applications, renewals, and all amendments to documents

Grounds for Cancellation

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

Marks Cited by Petitioner as Basis for Cancellation

U.S. Registration No.	1861460	Application Date	11/16/1992
Registration Date	11/01/1994	Foreign Priority Date	NONE
Word Mark	E-ZPASS		
Design Mark			

Description of Mark	NONE
Goods/Services	Class 039. First use: First Use: 1993/07/06 First Use In Commerce: 1993/07/11 services provided to travelers; namely, collection of tolls using an electronic system to expedite passage of such travelers through a toll facility

U.S. Registration No.	1863329	Application Date	08/13/1992
Registration Date	11/15/1994	Foreign Priority Date	NONE

Word Mark	E-ZPASS
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Design Mark	
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Description of Mark	NONE
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Goods/Services	Class 039. First use: First Use: 1993/07/06 First Use In Commerce: 1993/07/11 services provided to travelers; namely, collection of tolls using an electronic system to expedite passage of such travelers through a toll facility
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U.S. Registration No.	3199130	Application Date	09/22/1999
Registration Date	01/16/2007	Foreign Priority Date	NONE

Word Mark	E-ZPASS PLUS
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Design Mark	E-ZPASS PLUS
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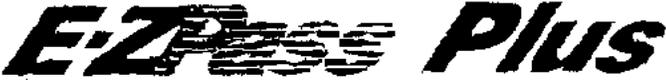
Description of Mark	NONE
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Goods/Services	Class 036. First use: First Use: 2001/11/01 First Use In Commerce: 2001/11/01 Electronic payment services, namely processing payments via an electronic transponder system linked to a customer's account for parking facility charges
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U.S. Registration No.	3184148	Application Date	03/14/2001
Registration Date	12/12/2006	Foreign Priority Date	NONE

Word Mark	E-ZPASS PLUS
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Design Mark	
Description of Mark	NONE
Goods/Services	Class 036. First use: First Use: 2002/12/00 First Use In Commerce: 2002/12/00 ELECTRONIC PAYMENT SERVICES, NAMELY PROCESSING PAYMENTS VIA AN ELECTRONIC TRANSPONDER SYSTEM LINKED TO A CUSTOMER'S ACCOUNT FOR PARKING FACILITY CHARGES

U.S. Registration No.	3216081	Application Date	08/29/2001
Registration Date	03/06/2007	Foreign Priority Date	NONE
Word Mark	E-ZPASS PLUS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 036. First use: First Use: 2001/11/01 First Use In Commerce: 2001/11/01 Electronic payment services, namely processing payments via an electronic transponder system linked to a customer's account for parking facility charges		

Attachments	74304048#TMSN.gif (1 page)(bytes) 75805749#TMSN.gif (1 page)(bytes) 76224651#TMSN.gif (1 page)(bytes) 76306365#TMSN.gif (1 page)(bytes) Petition to Cancel 3244713.pdf (22 pages)(759320 bytes)
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Certificate of Service

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

Signature	/CEK/
Name	Carole E. Klinger
Date	05/21/2012

II. PETITIONER'S MARKS AND SERVICES

3. Petitioner is the owner of U.S. Registration Nos. 1,861,460 and 1,863,329 for E-ZPASS and the E-ZPASS logo, respectively, for services provided to travelers, including electronic collection of tolls and payment services facilitated through the use of a device, in International Class 39 (collectively, the "E-ZPASS Registrations"), both of which have been deemed incontestable by the U.S. Patent and Trademark Office ("PTO"). The applications underlying the foregoing E-ZPASS Registrations were filed, respectively, on November 16, 1992 and August 13, 1992 ("E-ZPASS Filing Dates"), and registrations issued, respectively, on November 1, 1994 and November 15, 1994 ("E-ZPASS Registration Dates"). True and correct copies of U.S. Registration Nos. 1,861,460 and 1,863,329 are attached as Exhibits A and B, respectively.

4. Petitioner is also the owner of U.S. Registration Nos. 3,199,130 for E-ZPASS PLUS, as well as 3,184,148 and 3,216,081 for the E-ZPASS PLUS logos, all for use in connection with processing payments via an electronic transponder system linked to a customer's account for parking facility charges, in International Class 36 (collectively, the "E-ZPASS PLUS Registrations"). True and correct copies of U.S. Registration Nos. 3,199,130, 3,184,148 and 3,216,081 are attached as Exhibits C – E, respectively. The marks referenced in Paragraphs 3 and 4 are hereinafter referred to collectively as the "E-ZPASS Marks," and the services referenced in Paragraphs 3 and 4 are hereinafter referred to collectively as the "E-ZPASS Services." The E-ZPASS and E-ZPASS PLUS logos are hereinafter referred to collectively as the "E-ZPASS Logos".

5. Petitioner is the owner of extensive common law rights in the E-ZPASS Marks in connection with the E-ZPASS Services. The E-ZPASS Marks identify Petitioner as a source of services provided to travelers.

6. Since at least as early as July 11, 1993 – i.e., for nearly twenty (20) years – Petitioner has continuously used the E-ZPASS mark and E-ZPASS logo in commerce in connection with the Class 39 electronic toll payment and collection services. The system was implemented to expedite the toll collection systems on tolled roads, bridges, and tunnels.

7. Since at least as early as November 1, 2001 – i.e., for over a decade – Petitioner has continuously used the E-ZPASS PLUS mark and E-ZPASS PLUS logo in commerce in connection with the Class 36 electronic payment of parking facility charge services. The system was implemented to expedite the payment of parking charges at airports, among other places.

8. The E-ZPASS Services are offered by twenty four (24) agencies with toll facilities located in fourteen (14) states. Currently, the E-ZPASS Services are provided in at least New York, New Jersey, Delaware, Pennsylvania, Virginia, West Virginia, Maryland, New Hampshire, Maine, Rhode Island, Ohio, Indiana and Illinois, and new states are joining every year.

9. Petitioner's E-ZPASS Services are marketed on the World Wide Web under the domain names e-zpassny.com, e-zpassny.com and e-zpassmd.com, among others.

10. Since 1993, Petitioner's E-ZPASS Marks and E-ZPASS Services have been the subject of significant national press and media coverage.

11. The use, advertisement, promotion and publicization of the E-ZPASS Marks by or on behalf of Petitioner have created a strong association by the public between

Petitioner and the E-ZPASS Marks, such that the public recognizes that the E-ZPASS Services derive from a single source. For instance, signage displaying the E-ZPASS Marks has been positioned prominently and pervasively at or along the numerous bridges, tunnels and highways where the services are offered, including on major U.S. roadways and on bridges connecting the U.S. and Canada. As a result, travelers from all over the United States and Canada have been exposed to the E-ZPASS Marks simply by virtue of their use of these facilities, whether the travelers are customers or not. The E-ZPASS Marks are also extensively advertised on the Internet and in literature disseminated to the public and the trade by or on behalf of the Port Authority and its licensees.

12. Due to the high-volume customer consumption of E-ZPASS Services, as well as their substantial and wide-ranging promotion and publicization, the E-ZPASS Services have become widely and favorably recognized by the public and trade. These services, and the marks under which they are furnished, have acquired an extremely valuable reputation for high quality. Accordingly, the E-ZPASS Marks have become highly distinctive and famous, being known to both public and trade as identifying the source and quality level of services bearing the authentic E-ZPASS® brand.

13. The goodwill attained by the Port Authority's E-ZPASS Marks is of great importance to the Port Authority in conferring credibility on the operations symbolized thereby, and in attracting new customers, along with new licensees to aid in the expansion and enhancement of the E-ZPASS operations.

III. REGISTANT'S REGISTRATION FOR E-ZPASSPORT (STYLIZED)

14. Registrant is owner of U.S. Registration No. 3,244,713 for E-ZPASSPORT Stylized ("E-ZPASSPORT Mark") for "arranging travel visas for all countries

with passport services, namely, first time and children's applications, renewals, and all amendments to documents” in International Class 39.

15. The application underlying Registrant’s Registration was filed on July 14, 2006 (“E-ZPASSPORT Filing Date”), several years after the E-ZPASS Filing Dates and E-ZPASS Registration Dates.

16. Upon information and belief, Registrant uses the website www.e-zpassport.com to operate his business under the E-ZPASSPORT Mark.

IV. GROUND FOR CANCELLATION

GROUND 1: LIKELIHOOD OF CONFUSION

17. Petitioner realleges and incorporates by reference ¶¶ 1 to 16 of this Petition To Cancel as if fully set forth herein.

18. Registrant’s E-ZPASSPORT Mark incorporates Petitioner’s entire E-ZPASS word mark, including the hyphenated “E-Z” prefix.

19. The services covered by Registrant’s Registration (“E-ZPASSPORT Services”) are highly related to those provided by Petitioner under its family of E-ZPASS Marks, in that both are provided to travelers to expedite their trips and relate to transportation. Additionally, both parties’ services are offered in connection with international travel, since, upon information and belief, the E-ZPASSPORT Services enable travelers to obtain passports for international trips and the E-ZPASS Services facilitate international trips to Canada and parking at airports, through which many travelers on international trips pass.

20. On information and belief, the consumers of the E-ZPASSPORT Services (“E-ZPASSPORT Consumers”) overlap with the consumers of the E-ZPASS Services, in that both are provided to the general public and, more particularly, to travelers. Moreover, upon

information and belief, during the trips for which E-ZPASSPORT Consumers secure passports via the E-ZPASSPORT Services, such E-ZPASSPORT Consumers often spend time at airports, where Petitioner's E-ZPASS PLUS services are offered. Since both the E-ZPASS Services and the E-ZPASSPORT Services may be encountered and used by operators of vehicles or travelers, including at airports, the consumers of such services plainly overlap.

21. The stylization covered by Registrant's Registration is essentially identical to that used by the Port Authority in its E-ZPASS Logos.

22. Registrant's Registration claims a date of first use of July 1, 2005, which is approximately twelve (12) years after Petitioner began use of its E-ZPASS and E-ZPASS logo marks.

23. At the time that Registrant began using the E-ZPASSPORT Mark – including a stylization that is practically identical to the E-ZPASS Logos – Petitioner's E-ZPASS Marks and E-ZPASS Services had received considerable publicity and achieved extensive popularity and renown.

24. Accordingly, upon information and belief, Registrant intentionally copied the stylization used by Petitioner in order to deliberately create the misimpression of an affiliation between Petitioner and Registrant and unfairly benefit therefrom.

25. The continued registration of the E-ZPASSPORT Mark is likely to continue to cause confusion or mistake among, or to deceive, consumers into incorrectly believing that Petitioner is a sponsor of or affiliated with the E-ZPASSPORT Services, due to: (1) the nearly identical nature of the stylizations in the E-ZPASSPORT Mark and the E-ZPASS Logos; (2) the substantial similarity in sound and appearance of Petitioner's and Registrant's marks; (3) the relatedness of Petitioner's and Registrant's services offered under their respective

marks; and (4) the overlap in parties' consumers. As a result, the public is likely to conclude that Petitioner and Registrant are the same, related or affiliated entities.

26. In light of the foregoing, there is a strong likelihood that consumers, viewing the mark E-ZPASSPORT in respect of the E-ZPASSPORT Services, are likely to believe that such services derive from the same source as the services offered under the E-ZPASS Marks, or are affiliated, connected, associated, sponsored, approved or authorized by Petitioner. Thus, if Registrant's Registration is not cancelled it will continue to diminish Petitioner's goodwill in and the distinctiveness of its E-ZPASS Marks and cause substantial damage to Petitioner.

GROUND 2: DILUTION

27. Petitioner realleges and incorporates by reference ¶¶ 1 to 26 of this Petition To Cancel as if fully set forth herein.

28. Petitioner's E-ZPASS Marks are famous and became famous prior to Registrant's first use of its E-ZPASSPORT Mark.

29. Registrant's E-ZPASSPORT Mark causes, and is likely to continue to cause, dilution of the distinctive quality of Petitioner's E-ZPASS Marks, and cause substantial damage to Petitioner.

WHEREFORE, Petitioner requests that U.S. Registration No. 3,244,713 be cancelled, this cancellation be sustained, and such other and further relief as the Board deems just be granted.

This Petition is being filed electronically with the Board, and is being served on Registrant, through its attorney of record, at the correspondence address of record with the PTO. Certificate of Service is attached hereto. The amount of \$300.00 is hereby authorized to be

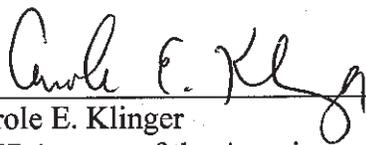
charged to Deposit Account No. 50-0540 to cover the requisite filing fee. Please charge any additional fees and/or credit any overpayments to Deposit Account No. 50-0540.

Please direct all communications regarding this Cancellation proceeding to Petitioner's counsel at the address shown below.

Respectfully submitted,

KRAMER LEVIN NAFTALIS & FRANKEL LLP
Attorneys for Petitioner

Date: May 21, 2012

By: 
Carole E. Klinger
1177 Avenue of the Americas
New York, New York 10036
(212) 715-9357 (telephone)
(212) 715-8000 (fax)
cklinger@kramerlevin.com

CERTIFICATE OF SERVICE

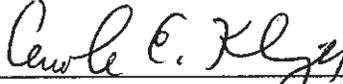
I hereby certify that on May 21, 2012, I caused one true and correct copy of the foregoing PETITION TO CANCEL and accompanying exhibits to be served by first class mail upon Registrant Yitzhak Birnhack by causing a true and correct copy thereof to be deposited in the United States mail, postage prepaid, addressed to Registrant and Registrant's counsel of record for U.S. Registration No. 3,244,713, as follows:

Mr. Yitzhak Birnhack
1939 50th Street
Brooklyn, New York 11204

and

Scott J. Fields
National IP Rights Center
550 Township Line Road, Suite 400
Blue Bell, PA 19422-2726

Date: May 21, 2012

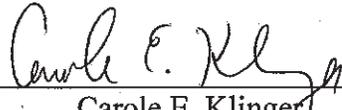


Carole E. Klinger

CERTIFICATE OF FILING

I hereby certify that the foregoing PETITION TO CANCEL is being filed, on the date indicated below, by means of the ESTTA system.

May 21, 2012



Carole E. Klinger

*Petition to Cancel U.S. Registration
No. 3244713 owned by Yitzhak Birnhack*

EXHIBIT A

Int. Cl.: 39

Prior U.S. Cl.: 105

Reg. No. 1,861,460

Registered Nov. 1, 1994

United States Patent and Trademark Office

**SERVICE MARK
PRINCIPAL REGISTER**

E-ZPASS

PORT AUTHORITY OF NEW YORK AND NEW
JERSEY (NEW JERSEY BODY CORPORATE
AND POLITICAL)
ONE WORLD TRADE CENTER
NEW YORK, NY 10048

FOR: SERVICES PROVIDED TO TRAVEL-
ERS; NAMELY, COLLECTION OF TOLLS
USING AN ELECTRONIC SYSTEM TO EXPE-
DITE PASSAGE OF SUCH TRAVELERS

THROUGH A TOLL FACILITY, IN CLASS 39
(U.S. CL. 105).

FIRST USE 7-6-1993; IN COMMERCE
7-11-1993.

SN 74-332,046, FILED 11-16-1992.

PATRICIA HORRALL, EXAMINING ATTOR-
NEY



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

OFFICE OF ASSISTANT COMMISSIONER FOR TRADEMARKS
2900 Crystal Drive
Arlington, Virginia 22202-3513

REGISTRATION NO: 1861460 SERIAL NO: 74/332046 MAILING DATE: 07/03/2001
REGISTRATION DATE: 11/01/1994
MARK: E-ZPASS
REGISTRATION OWNER: Port Authority of New York and New Jersey
CORRESPONDENCE ADDRESS:

GEORGE B. SNYDER
KRAMER LEVIN NAFTALIS & FRANKEL LP
919 THIRD AVENUE
NEW YORK, NY 10022-3852

NOTICE OF ACCEPTANCE

15 U.S.C. Sec. 1058(a)(1)

THE COMBINED AFFIDAVIT FILED FOR THE ABOVE-IDENTIFIED REGISTRATION MEETS THE REQUIREMENTS OF SECTION 8 OF THE TRADEMARK ACT, 15 U.S.C. Sec. 1058.

ACCORDINGLY, THE SECTION 8 AFFIDAVIT IS ACCEPTED.

NOTICE OF ACKNOWLEDGEMENT

15 U.S.C. Sec. 1065

THE AFFIDAVIT FILED FOR THE ABOVE-IDENTIFIED REGISTRATION MEETS THE REQUIREMENTS OF SECTION 15 OF THE TRADEMARK ACT, 15 U.S.C. Sec. 1065.

ACCORDINGLY, THE SECTION 15 AFFIDAVIT IS ACKNOWLEDGED.

THE REGISTRATION WILL REMAIN IN FORCE FOR CLASS(ES):
039.

BOWMAN, MARY E
PARALEGAL SPECIALIST
POST-REGISTRATION DIVISION
(703)308-9500

PLEASE SEE THE REVERSE SIDE OF THIS NOTICE FOR INFORMATION CONCERNING REQUIREMENTS FOR MAINTAINING THIS REGISTRATION

DUPLICATE

*Petition to Cancel U.S. Registration
No. 3244713 owned by Yitzhak Birnhack*

EXHIBIT B

Int. Cl.: 39

Prior U.S. Cl.: 105

United States Patent and Trademark Office **Reg. No. 1,863,329**
Registered Nov. 15, 1994

**SERVICE MARK
PRINCIPAL REGISTER**

The logo for E-ZPass, featuring the letters 'E-Z' in a bold, stylized font with horizontal lines through them, followed by the word 'Pass' in a similar bold, italicized font.

PORT AUTHORITY OF NEW YORK AND NEW
JERSEY (UNITED STATES BODY CORPO-
RATE AND POLITIC CREATED BY COM-
PACT BETWEEN THE STATES OF NEW
YORK AND NEW JERSEY WITH THE CON-
SENT OF THE CONGRESS OF THE UNITED
STATES)

ONE WORLD TRADE CENTER
NEW YORK, NY 10048

FOR: SERVICES PROVIDED TO TRAVEL-
ERS; NAMELY, COLLECTION OF TOLLS
USING AN ELECTRONIC SYSTEM TO EXPE-
DITE PASSAGE OF SUCH TRAVELERS

THROUGH A TOLL FACILITY, IN CLASS 39
(U.S. CL. 105).

FIRST USE 7-6-1993; IN COMMERCE
7-11-1993.

THE LINING IN THE ACCOMPANYING
DRAWING REPRESENTS A DESIGN FEAT-
URE OF THE MARK AND IS NOT MEANT
TO INDICATE COLOR.

SN 74-304,048, FILED 8-13-1992.

PATRICIA HORRALL, EXAMINING ATTOR-
NEY



UNITED STATES DEPARTMENT OF COMMERCE
 Patent and Trademark Office
 OFFICE OF ASSISTANT COMMISSIONER FOR TRADEMARKS
 2900 Crystal Drive
 Arlington, Virginia 22202-3513

REGISTRATION NO: 1863329 SERIAL NO: 74/304048 MAILING DATE: 07/03/2001
 REGISTRATION DATE: 11/15/1994
 MARK: E-ZPASS
 REGISTRATION OWNER: Port Authority of New York and New Jersey
 CORRESPONDENCE ADDRESS:

GEORGE B. SNYDER
 KRAMER LEVIN NAFTALIS & FRANKEL LP
 919 THIRD AVENUE
 NEW YORK, NY 10022-3852

NOTICE OF ACCEPTANCE

— 15 U.S.C. Sec. 1058(a)(1)

THE COMBINED AFFIDAVIT FILED FOR THE ABOVE-IDENTIFIED REGISTRATION MEETS THE REQUIREMENTS OF SECTION 8 OF THE TRADEMARK ACT, 15 U.S.C. Sec. 1058.

ACCORDINGLY, THE SECTION 8 AFFIDAVIT IS ACCEPTED.

NOTICE OF ACKNOWLEDGEMENT

15 U.S.C. Sec. 1065

THE AFFIDAVIT FILED FOR THE ABOVE-IDENTIFIED REGISTRATION MEETS THE REQUIREMENTS OF SECTION 15 OF THE TRADEMARK ACT, 15 U.S.C. Sec. 1065.

ACCORDINGLY, THE SECTION 15 AFFIDAVIT IS ACKNOWLEDGED.

THE REGISTRATION WILL REMAIN IN FORCE FOR CLASS(ES):
 039.

BOWMAN, MARY E
 PARALEGAL SPECIALIST
 POST-REGISTRATION DIVISION
 (703)308-9500

PLEASE SEE THE REVERSE SIDE OF THIS NOTICE FOR INFORMATION CONCERNING REQUIREMENTS FOR MAINTAINING THIS REGISTRATION

ALPHA DIVE

DIVE

DUPLICATE

*Petition to Cancel U.S. Registration
No. 3244713 owned by Yitzhak Birnhack*

EXHIBIT C

Int. Cl.: 36

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

United States Patent and Trademark Office

Reg. No. 3,199,130

Registered Jan. 16, 2007

**SERVICE MARK
PRINCIPAL REGISTER**

E-ZPASS PLUS

PORT AUTHORITY OF NEW YORK AND NEW
JERSEY (UNITED STATES BODY CORPO-
RATE AND POLITIC CREATED BY A COM-
PACT BETWEEN THE STATES OF NEW
YORK AND NEW JERSEY WITH THE CON-
SENT OF THE CONGRESS OF THE UNITED
STATES)
ONE WORLD TRADE CENTER
NEW YORK, NY 10048

FOR: ELECTRONIC PAYMENT SERVICES,
NAMELY PROCESSING PAYMENTS VIA AN ELBC-
TRONIC TRANSPONDER SYSTEM LINKED TO A
CUSTOMER'S ACCOUNT FOR PARKING FACIL-

ITY CHARGES, IN CLASS 36 (U.S. CLS. 100, 101 AND
102).

FIRST USE 11-1-2001; IN COMMERCE 11-1-2001.

OWNER OF U.S. REG. NOS. 1,861,460 AND
1,863,329.

SN 75-805,749, FILED 9-22-1999.

KATHERINE CONNOLLY, EXAMINING ATTOR-
NEY

*Petition to Cancel U.S. Registration
No. 3244713 owned by Yitzhak Birnhack*

EXHIBIT D

Int. Cl.: 36

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

United States Patent and Trademark Office

Reg. No. 3,184,148

Registered Dec. 12, 2006

**SERVICE MARK
PRINCIPAL REGISTER**

The logo for E-Z Pass Plus. "E-Z Pass" is written in a bold, italicized, sans-serif font with a horizontal line through the middle of the letters. Below it, the word "Plus" is written in a cursive, handwritten-style font.

PORT AUTHORITY OF NEW YORK AND NEW
JERSEY, THE (UNITED STATES BODY COR-
PORATE AND POLITIC CREATED BY A
COMPACT BETWEEN THE STATES OF NEW
YORK AND NEW JERSEY WITH THE CON-
SENT OF THE CONGRESS)
ONE WORLD TRADE CENTER
NEW YORK, NY 10048

FOR: ELECTRONIC PAYMENT SERVICES,
NAMELY PROCESSING PAYMENTS VIA AN ELEC-
TRONIC TRANSPONDER SYSTEM LINKED TO A
CUSTOMER'S ACCOUNT FOR PARKING FACIL-
ITY CHARGES, IN CLASS 36 (U.S. CLS. 100, 101 AND
102).

FIRST USE 12-0-2002; IN COMMERCE 12-0-2002.

OWNER OF U.S. REG. NOS. 1,861,460 AND
1,863,329.

THE LINING IS A FEATURE OF THE MARK
AND DOES NOT INDICATE COLOR.

SN 76-224,651, FILED 3-14-2001.

KATHERINE CONNOLLY, EXAMINING ATTOR-
NEY

*Petition to Cancel U.S. Registration
No. 3244713 owned by Yitzhak Birnhack*

EXHIBIT E

Int. Cl.: 36

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

Reg. No. 3,216,081

United States Patent and Trademark Office

Registered Mar. 6, 2007

**SERVICE MARK
PRINCIPAL REGISTER**

E-ZPass Plus

PORT AUTHORITY OF NEW YORK AND NEW
JERSEY, THE (UNITED STATES BODY COR-
PORATE AND POLITIC CREATED BY A
COMPACT BETWEEN THE STATES OF NEW
YORK AND NEW JERSEY)
ONE WORLD TRADE CENTER
NEW YORK, NY 10048

FOR: ELECTRONIC PAYMENT SERVICES,
NAMELY PROCESSING PAYMENTS VIA AN ELEC-
TRONIC TRANSPONDER SYSTEM LINKED TO A
CUSTOMER'S ACCOUNT FOR PARKING FACIL-

ITY CHARGES, IN CLASS 36 (U.S. CLS. 100, 101 AND
102).

FIRST USE 11-1-2001; IN COMMERCE 11-1-2001.

THE LINING IS A FEATURE OF THE MARK,
AND IS NOT INTENDED TO INDICATE COLOR.

SN 76-306,365, FILED 8-29-2001.

BENJIPARADEWELAI, EXAMINING ATTORNEY