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Filing date: **08/10/2006**

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

Notice of Opposition

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

Opposer Information

Name	Car Cash Of New York, Inc.		
Entity	Corporation	Citizenship	New York
Address	625 West 55th Street New York, NY 10019 UNITED STATES		

Correspondence information	Bruce Baron President Car Cash Of New York, Inc. 625 West 55th Street New York, NY 10019 UNITED STATES luckytohaveyou@msn.com Phone:212-586-4126
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Applicant Information

Application No	78591869	Publication date	08/08/2006
Opposition Filing Date	08/10/2006	Opposition Period Ends	09/07/2006
Applicant	Video Gaming Technologies, Inc. 5951 Highway 221 Roebuck, TN 29376 UNITED STATES		

Goods/Services Affected by Opposition

Class 009. All goods and services in the class are opposed, namely: Computer software and firmware for operating games of chance on any computerized platform, namely, dedicated gaming consoles, video based slot machines, reel based slot machines, and video lottery terminals; gaming devices, namely, gaming machines, slot machines, electronic bingo machines, with or without video output
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Attachments	Opposition 2.pdf (2 pages)(167560 bytes)
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Signature	/Bruce Baron/
Name	Bruce Baron
Date	08/10/2006

Statement of Opposition

1. Since approximately January, 1977, Car Cash of New York, Inc. (opposer) has utilized and extensively advertised the "CAR CASH" and "CAR CA\$H" trademarks (Serial Numbers 75/930,662; 75/930,663; and 75/930,664) in connection with the purchase of used automobiles from customers located in New York, New Jersey and Connecticut (hereinafter referred to as the "Car Cash Services").
2. The Car Cash Services are designed and extensively advertised to provide automobile owners with a fast, convenient and hassle-free source for the sale of their used automobile, i.e., when Car Cash purchases a vehicle they provide their customer with an immediate appraisal and perform all administrative functions necessary to transfer title to that vehicle and to satisfy any existing liens. Accordingly, Car Cash customers are afforded an immediate and hassle free forum for the sale of their used vehicles.
3. To distinguish the Car Cash Services and to identify opposer in the public mind as the source thereof, since 1977 opposer has developed and extensively advertised and displayed distinctive trade names and trade marks in connection with the Car Cash Services.
4. Opposer adopted the mark "CAR CASH" (the "CAR CASH Trademark") in or about January 1977 and has continuously used it in interstate commerce in connection with the Car Cash Services.
5. On or about February 28, 2000, opposer filed an application for the registration of the CAR CASH Mark in the United States Patent and Trademark. On or about April 17, 2001, said mark was registered by the United States Patent and Trademark Office under Registration No. 2444288. Said registration is now in full force and effect, unrevoked and uncancelled, and is owned in its entirety by opposer.
6. In accordance with its registration, opposer's CAR CASH Trademark is accompanied by the letter "R" enclosed within a circle.
7. Opposer adopted the mark "CAR CA\$H" (the "CAR CA\$H Trademark") in or about June, 1994 and has continuously used it in interstate commerce in connection with the Car Cash Services.
8. On or about February 28, 2000, opposer filed an application for the registration of the CAR CA\$H Mark in the United States Patent and Trademark. On or about April 17, 2001, said mark was registered by the United States Patent and Trademark Office under Registration No. 2444290. Said registration is now in full force and effect, unrevoked and uncancelled, and is owned in its entirety by opposer.
9. In accordance with its registration, opposer's CAR CA\$H Trademark is accompanied by the letter "R" enclosed within a circle.
10. As a result of opposer's extensive advertising and the excellence of its services, opposer has established and now enjoys valuable good will in its business as represented by the above named trademarks.
11. For the last five years alone, opposer has incurred expenses, in aggregate, in excess of Three Million One Hundred Thousand (\$3,100,000.00) Dollars, averaging approximately Six Hundred and Forty Thousand (\$640,000.00) Dollars per year in advertising opposer's services under its trademarks and trade names. Opposer's services are advertised and offered to automobile owners throughout New York (including New York City), New Jersey and Connecticut. Revenues generated from opposer's services within New York City and within the Southern District are substantial and the harm and injuries herein complained of occurring within the Southern District are substantial.
12. Continuously since 1977 the opposer has used the CAR CASH Trademark to identify its services and to distinguish them from those offered by others, by, among other things advertising opposer's services under the CAR CASH Trademark

and prominently displaying the CAR CASH Trademark on store fronts, letterheads, invoices, print advertisements and telephone listings.

13. Continuously since 1994 opposer has used the CAR CA\$H Trademark (with the distinguishing "\$" dollar symbol) to identify its services and to distinguish them from those offered by others, by, among other things advertising opposer's services under the CAR CA\$H Trademark and prominently displaying the CAR CA\$H Trademark on store fronts, letterheads, invoices, print advertisements and telephone listings.

14. As a result of the foregoing and the revenues generated by its services the CAR CASH and CAR CA\$H Trademarks, and the widespread use of the Car Cash Services by the public, such services have come to be, and are now well and favorably known to the public under the CAR CASH and CAR CA\$H Trademarks, individually and collectively. The public has come to identify CAR CASH as a reliable, convenient and honest car purchasing service originating from one source, i.e., the opposer.

THE APPLICANT'S TRADEMARK APPLICATION SHOULD BE DENIED

15. Applicant would confuse the public as to brand recognition, good will and value associated with the CAR CASH and CAR CA\$H Trademarks by the public.


16. Applicant's trademark would confuse the public as to opponents services in the tri-state New York, New Jersey and Connecticut markets and otherwise under such circumstances will deceive the public and divert the public away from opponents services.

17. The Applicant's trademark would blur any distinction as to the source of their services and will confuse the public by, among other things, selecting advertising mediums (including radio advertisements) and duplicating promotional literature identical to the opposer. Applicant may confuse the public by, among other things, the applicant's confusing similar trade name, radio advertisements and website that contains forms and promotional literature intentionally copied from the opposer.

18. Applicants' use of the name CASH CAR, is an infringement of the CAR CASH and CAR CA\$H Trademarks.

19. The CASH CAR name will cause great damage to CAR CASH and erode the good will that opposer has developed.

Wherefore it is respectfully requested that the Applicant's trademark application be denied.


By Bruce Baron, President
Car Cash of New York, Inc.

Date: August 10, 2006