

ESTTA Tracking number: **ESTTA349604**

Filing date: **05/26/2010**

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	Hollywood Casino Corporation
Granted to Date of previous extension	05/26/2010
Address	825 Berkshire Boulevard, Suite 200 Wyomissing, PA 19610 UNITED STATES

Attorney information	Patricia G. Cramer Ballard Spahr LLP 1735 Market Street, 51st Floor Philadelphia, PA 19103-7599 UNITED STATES jacobsh@ballardspahr.com, cramerp@ballardspahr.com, larsont@ballardspahr.com Phone:(215) 864-8607
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**Applicant Information**

Application No	77843997	Publication date	01/26/2010
Opposition Filing Date	05/26/2010	Opposition Period Ends	05/26/2010
Applicant	Ainsworth Game Technology Limited 10 Holker Street Newington, 2127 AUSTRALIA		

**Goods/Services Affected by Opposition**

Class 009. All goods and services in the class are opposed, namely: Computer software and firmware for games of chance on any computerized platform, including dedicated gaming consoles, video based slot machines, reel based slot machines, and video lottery terminals
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**Grounds for Opposition**


Priority and likelihood of confusion	Trademark Act section 2(d)
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**Marks Cited by Opposer as Basis for Opposition**

U.S. Registration No.	1851759	Application Date	05/05/1993
Registration Date	08/30/1994	Foreign Priority Date	NONE
Word Mark	HOLLYWOOD CASINO		


Design Mark	
Description of Mark	NONE
Goods/Services	Class 041. First use: First Use: 1993/06/17 First Use In Commerce: 1993/06/17 casino services

U.S. Registration No.	1904687	Application Date	05/26/1993
Registration Date	07/11/1995	Foreign Priority Date	NONE
Word Mark	HOLLYWOOD SCREEN TEST		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 1993/06/00 First Use In Commerce: 1993/06/00 preferred customer incentive programs for casinos through the use of an identification card		

U.S. Registration No.	3172572	Application Date	08/29/2005
Registration Date	11/14/2006	Foreign Priority Date	NONE
Word Mark	HOLLYWOOD SLOTS PLAYER'S CLUB		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 2005/10/31 First Use In Commerce: 2005/10/31 preferred customer incentive programs for patrons of gaming facilities featuring slot machines, video lottery terminals and other games of chance through use of an identification card		


U.S. Registration No.	3117760	Application Date	12/13/2004
Registration Date	07/18/2006	Foreign Priority Date	NONE
Word Mark	HOLLYWOOD SLOTS		


Design Mark	<b>HOLLYWOOD SLOTS</b>		
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 2005/10/20 First Use In Commerce: 2005/10/20 providing gaming facilities for patrons to play slot machines and video lottery terminals and other games of chance		

U.S. Registration No.	3489440	Application Date	02/23/2007
Registration Date	08/19/2008	Foreign Priority Date	NONE
Word Mark	HOLLYWOOD RESERVATION BLACKJACK		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 2007/03/00 First Use In Commerce: 2007/03/00 casino services		

U.S. Registration No.	3636836	Application Date	11/15/2005
Registration Date	06/09/2009	Foreign Priority Date	NONE
Word Mark	HOLLYWOOD CASINO AT PENN NATIONAL RACE COURSE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 2008/02/12 First Use In Commerce: 2008/02/12		

	entertainment in the nature of horse races, nightclubs, variety and comedy shows and casinos; gaming facilities featuring slot machines
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U.S. Registration No.	3493720	Application Date	09/25/2007
Registration Date	08/26/2008	Foreign Priority Date	NONE
Word Mark	HOLLYWOOD CASINO ACTION		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 2008/02/00 First Use In Commerce: 2008/02/00 wagering services for patrons of horse races and slot machines, namely, an incentive and player tracking system		

U.S. Registration No.	3791616	Application Date	05/11/2006
Registration Date	05/18/2010	Foreign Priority Date	NONE
Word Mark	HOORAY FOR HOLLYWOOD		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 2010/02/18 First Use In Commerce: 2010/02/18 casino services		

Attachments	78702280#TMSN.jpeg ( 1 page )( bytes ) 76624278#TMSN.gif ( 1 page )( bytes ) 77115075#TMSN.jpeg ( 1 page )( bytes ) 78753870#TMSN.jpeg ( 1 page )( bytes ) 77288516#TMSN.jpeg ( 1 page )( bytes )
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	78881601#TMSN.jpeg ( 1 page )( bytes ) Notice of Opposition.PDF ( 35 pages )(503909 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 USPS Express Mail Post Office to Addressee on this date.

Signature	/Patricia G. Cramer/
Name	Patricia G. Cramer
Date	05/26/2010

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

HOLLYWOOD CASINO CORPORATION, :  
: :  
Opposer, : :  
: :  
v. : Opposition No. \_\_\_\_\_  
: :  
AINSWORTH GAME TECHNOLOGY :  
LIMITED, :  
: :  
Applicant. :

**NOTICE OF OPPOSITION**

In the matter of the application of Ainsworth Game Technology Limited (“Applicant”) for registration of the mark HOLLYWOOD HYPE, Application Serial No. 77/843,997, filed October 7, 2009 and published for opposition in the Official Gazette on January 26, 2010:

Hollywood Casino Corporation, a Delaware corporation having a place of business at 825 Berkshire Boulevard, Suite 200, Wyomissing, Pennsylvania 19610 (“Opposer”), believes that it will be damaged by the registration of the mark shown in the above-identified application and hereby opposes the same. The grounds for opposition are as follows:

1. Opposer is, and has for many years, itself and through its predecessor in interest and in title, been engaged in the casino and gaming businesses.
2. Opposer has adopted and used the HOLLYWOOD CASINO mark and the Hollywood Casino trade name since at least as early as June 17, 1993 in connection with casino services, and Penn National Gaming, Inc., a Pennsylvania corporation (“Penn National”), the parent company of Opposer, and with which Opposer is in privity, has used the HOLLYWOOD SLOTS mark and trade name in connection with casino services since at least as early as October 20, 2005.

3. Opposer is the owner of the following incontestable federal registrations:

- HOLLYWOOD CASINO® (Reg. No. 1,851,759).
- HOLLYWOOD SCREEN TEST® (Reg. No. 1,904,687).

Copies of these registrations are attached hereto as Exhibit A.

4. Opposer is also the owner of the following federal registrations:

- HOLLYWOOD RESERVATION BLACKJACK (and Design)® (Reg. No. 3,489,440).
- HOORAY FOR HOLLYWOOD® (Reg. No. 3,791,616).

Copies of these registrations are attached hereto as Exhibit B.

5. Penn National is the owner of the following registrations:

- HOLLYWOOD SLOTS® (Reg. No. 3,117,760).
- HOLLYWOOD SLOTS PLAYER'S CLUB® (Reg. No. 3,172,572).
- HOLLYWOOD CASINO ACTION® (Reg. No. 3,493,720).
- HOLLYWOOD CASINO AT PENN NATIONAL RACE COURSE® (Reg. No. 3,636,836).

Copies of these registrations are attached hereto as Exhibit C. The federal registrations for the marks attached as Exhibits A, B and C are collectively referred to as the "Opposer's Hollywood Marks."

6. Opposer offers, among other things, casino services, restaurant and bar services, hotel services, gaming facilities for patrons to play slot machines and video lottery terminals and other games of chance, and other casino services and related entertainment services under the Hollywood Marks.

7. Applicant seeks to register the mark HOLLYWOOD HYPE for the following goods: Computer software and firmware for games of chance on any computerized platform, including dedicated gaming consoles, video based slot machines, reel based slot machines, and

video lottery terminals in Class 9 as evidenced by the publication of said mark in the Official Gazette on January 26, 2010.

8. The application herein opposed was filed on October 7, 2009 based on Applicant's intent to use the mark in commerce. Applicant claims no date earlier than October 7, 2009, for the purpose of claiming priority.

9. Opposer's respective first use dates for each of Opposer's Hollywood Marks precedes the filing date of the application for the mark HOLLYWOOD HYPE.

10. Opposer's Hollywood Marks have been in valid and continuous use since the respective first use dates of each mark and have not been abandoned.

11. Because of its substantial investment of time and resources nationally to promote, advertise, and enforce Opposer's Hollywood Marks, consumers have come to associate Opposer's Hollywood Marks exclusively with Opposer's services.

12. By virtue of Opposer's continuous use in commerce of Opposer's Hollywood Marks in connection with casino and casino related services, such services have become favorably known to the relevant trade and public under such marks.

13. Each of Opposer's Hollywood Marks and Applicant's mark, employ the identical term, "HOLLYWOOD," as a dominant element.

14. In the application herein opposed, there are no restrictions on trade channels, so it must be presumed that the goods identified in the application will travel through all trade channels appropriate for goods of that type.

15. On information and belief, Applicant's computer software and firmware for games of chance on any computerized platform, including dedicated gaming consoles, video based slot machines, reel based slot machines, and video lottery terminals are intended to be

marketed through overlapping channels of trade and are intended to be sold to overlapping classes of purchasers.

16. Applicant's HOLLYWOOD HYPE mark as used in association with computer software and firmware for games of chance on any computerized platform, including dedicated gaming consoles, video based slot machines, reel based slot machines, and video lottery terminals is confusingly similar to the Opposer's Hollywood Marks established by Opposer because the marks are similar in sound, appearance and overall commercial impression.

17. Applicant's HOLLYWOOD HYPE mark as applied to the identification of goods in its application so resembles Opposer's Hollywood Marks as applied to casino and gaming related services that it is likely to cause confusion, mistake and/or deception.

18. If Applicant is permitted to register HOLLYWOOD HYPE for computer software and firmware for games of chance on any computerized platform, including dedicated gaming consoles, video based slot machines, reel based slot machines, and video lottery terminals as set forth in the application, confusion of the relevant trade and public is likely to result, which will damage and injure Opposer.

19. Any defect, objection to, or fault found with Applicant's goods or services under the HOLLYWOOD HYPE mark would necessarily reflect on and seriously injure the reputation that Opposer has established for its services and business.

20. If Applicant is granted a registration for the mark herein opposed, it would obtain thereby at least a *prima facie* exclusive right to use the mark. Such registration would be a source of damage and injury to Opposer.

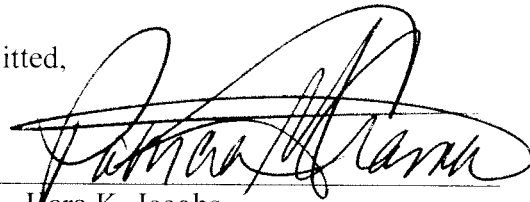
WHEREFORE, Hollywood Casino Corporation, prays that registration of the mark of Application Serial No. 77/843,997 in International Class 9 refused and that this opposition be sustained.

The required fee of \$300 may be charged to Deposit Account No. 02-0755 and any overpayment may be credited to this account.

Dated: May 26, 2010

Respectfully submitted,

By:



Hara K. Jacobs  
Troy E. Larson  
Patricia G. Cramer  
BALLARD SPAHR LLP  
1735 Market Street, 51st Floor  
Philadelphia, Pennsylvania 19103-7599  
(215) 665-8500

ATTORNEYS FOR OPPOSER

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of this Notice of Opposition was served on the Applicant for Application Serial No. 77/843,997 by overnight courier, United States Postal Service Express Mail International, on the date below, in an envelope addressed to:

Ainsworth Game Technology Limited  
10 Holker Street  
Newington 2127  
Australia

Dated: 5/26/2010

Theresa E. Eckenrode

EM092717951US

# **EXHIBIT A**

**Thank you for your request. Here are the latest results from the TARR web server.**

**This page was generated by the TARR system on 2010-05-25 10:06:52 ET**

**Serial Number:** 74801556 Assignment Information      Trademark Document Retrieval

**Registration Number:** 1851759

**Mark (words only):** HOLLYWOOD CASINO

**Standard Character claim:** No

**Current Status:** Section 15-Acknowledged

**Date of Status:** 2008-07-01

**Filing Date:** 1993-05-05

**Transformed into a National Application:** No

**Registration Date:** 1994-08-30

**Register:** Principal

**Law Office Assigned:** LAW OFFICE 4

**If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at [TrademarkAssistanceCenter@uspto.gov](mailto:TrademarkAssistanceCenter@uspto.gov)**

**Current Location:** 830 -Post Registration

**Date In Location:** 2008-07-01

#### **LAST APPLICANT(S)/OWNER(S) OF RECORD**

1. Hollywood Casino Corporation

**Address:**

Hollywood Casino Corporation  
825 BERKSHIRE BOULEVARD, STE 200  
WYOMISSING, PA 19610  
United States

**Legal Entity Type:** Corporation

**State or Country of Incorporation:** Delaware

#### **GOODS AND/OR SERVICES**

**International Class:** 041

**Class Status:** Active

casino services

**Basis:** 1(a)

**First Use Date:** 1993-06-17

**First Use in Commerce Date:** 1993-06-17

### ADDITIONAL INFORMATION

**Disclaimer:** "CASINO"

### MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

### PROSECUTION HISTORY

**NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.**

2008-07-01 - Registered - Sec. 15 Acknowledged

2008-06-17 - Assigned To Paralegal

2008-06-06 - TEAS Section 15 Received

2007-07-20 - Case File In TICRS

2005-12-12 - Attorney Revoked And/Or Appointed

2005-12-12 - TEAS Revoke/Appoint Attorney Received

2004-01-13 - Registered And Renewed (First Renewal - 10 Yrs)

2004-01-13 - Registered - Sec. 8 (10-Yr) Accepted/Sec. 9 Granted

2003-11-03 - Registered - Combined Section 8 (10-Yr) & Sec. 9 Filed

2003-04-29 - Cancellation Terminated No. 999999

2003-04-29 - Cancellation Dismissed No. 999999

2003-04-18 - Cancellation Granted No. 999999

2000-10-30 - Registered - Sec. 8 (6-Yr) Accepted

2000-08-18 - Registered - Sec. 8 (6-Yr) Filed

2000-08-25 - Cancellation Instituted No. 999999

1994-08-30 - Registered-Principal Register

1994-06-07 - Published For Opposition  
1994-05-06 - Notice Of Publication  
1994-03-01 - Approved For Pub - Principal Register  
1994-03-01 - Use Amendment Accepted  
1994-01-31 - Amendment To Use Processing Complete  
1993-09-01 - Use Amendment Filed  
1994-01-10 - Divisional Processing Complete  
1993-11-22 - Previous Allowance Count Withdrawn  
1993-09-30 - Approved For Pub - Principal Register  
1993-08-23 - Examiner's Amendment Mailed  
1993-08-20 - Assigned To Examiner  
1993-08-16 - Assigned To Examiner  
1993-08-16 - Assigned To Examiner

**ATTORNEY/CORRESPONDENT INFORMATION**

**Attorney of Record**

Patricia G. Cramer

**Correspondent**

Patricia G. Cramer  
Ballard Spahr Andrews & Ingersoll, LLP  
1735 Market Street, 51st Floor  
Philadelphia PA 19103-7599  
Phone Number: 215-864-8607  
Fax Number: 215-864-9744

**Thank you for your request. Here are the latest results from the TARR web server.**

**This page was generated by the TARR system on 2010-05-25 10:07:25 ET**

**Serial Number:** 74395741 Assignment Information      Trademark Document Retrieval

**Registration Number:** 1904687

**Mark (words only):** HOLLYWOOD SCREEN TEST

**Standard Character claim:** No

**Current Status:** Registered And Renewed

**Date of Status:** 2006-03-28

**Filing Date:** 1993-05-26

**Transformed into a National Application:** No

**Registration Date:** 1995-07-11

**Register:** Principal

**Law Office Assigned:** LAW OFFICE 4

**If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at [TrademarkAssistanceCenter@uspto.gov](mailto:TrademarkAssistanceCenter@uspto.gov)**

**Current Location:** 40S -Scanning On Demand

**Date In Location:** 2007-06-28

#### **LAST APPLICANT(S)/OWNER(S) OF RECORD**

1. Hollywood Casino Corporation

**Address:**

Hollywood Casino Corporation  
825 Berkshire Boulevard, Suite 200  
Wyomissing, PA 19610  
United States

**Legal Entity Type:** Corporation

**State or Country of Incorporation:** Delaware

#### **GOODS AND/OR SERVICES**

**International Class:** 041

**Class Status:** Active

preferred customer incentive programs for casinos through the use of an identification card

**Basis:** 1(a)

**First Use Date:** 1993-06-00

**First Use in Commerce Date:** 1993-06-00

### ADDITIONAL INFORMATION

(NOT AVAILABLE)

### MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

### PROSECUTION HISTORY

**NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.**

2007-06-28 - Case File In TICRS

2006-03-28 - Registered And Renewed (First Renewal - 10 Yrs)

2006-03-28 - Registered - Sec. 8 (10-Yr) Accepted/Sec. 9 Granted

2006-03-28 - Assigned To Paralegal

2005-12-12 - Registered - Combined Section 8 (10-Yr) & Sec. 9 Filed

2005-12-12 - TEAS Section 8 & 9 Received

2005-12-12 - Attorney Revoked And/Or Appointed

2005-12-12 - TEAS Revoke/Appoint Attorney Received

2001-08-13 - Registered - Sec. 8 (6-Yr) Accepted & Sec. 15 Ack.

2001-07-03 - Registered - Sec. 8 (6-Yr) & Sec. 15 Filed

1995-07-11 - Registered-Principal Register

1995-04-18 - Published For Opposition

1995-03-17 - Notice Of Publication

1994-10-21 - Approved For Pub - Principal Register

1994-09-19 - Correspondence Received In Law Office

1994-08-22 - Non-Final Action Mailed

1994-08-19 - Use Amendment Accepted  
1994-07-17 - Correspondence Received In Law Office  
1994-08-01 - Amendment To Use Processing Complete  
1994-07-07 - Use Amendment Filed  
1994-01-13 - Non-Final Action Mailed  
1993-11-17 - Assigned To Examiner  
1993-09-02 - Assigned To Examiner  
1993-09-02 - Assigned To Examiner

**ATTORNEY/CORRESPONDENT INFORMATION**

**Attorney of Record**

Patricia G. Cramer; Roberta Jacobs-Meadway; Jay K. Meadway; Richard E. Peirce; Robert H. Lefevre

**Correspondent**

Patricia G. Cramer; Roberta Jacobs-Meadw  
Ballard Spahr Andrews & Ingersoll, LLP  
1735 Market Street, 51st Floor  
Philadelphia PA 19103-7599  
Phone Number: 215-864-8607  
Fax Number: 215-864-9744

## **EXHIBIT B**

**Thank you for your request. Here are the latest results from the TARR web server.**

**This page was generated by the TARR system on 2010-05-25 10:14:19 ET**

**Serial Number:** 77115075 Assignment Information      Trademark Document Retrieval

**Registration Number:** 3489440

**Mark**

**HOLLYWOOD  
RESERVATION  
BLACKJACK**

**(words only):** HOLLYWOOD RESERVATION BLACKJACK

**Standard Character claim:** No

**Current Status:** Registered

**Date of Status:** 2008-08-19

**Filing Date:** 2007-02-23

**Transformed into a National Application:** No

**Registration Date:** 2008-08-19

**Register:** Principal

**Law Office Assigned:** LAW OFFICE 116

**If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at [TrademarkAssistanceCenter@uspto.gov](mailto:TrademarkAssistanceCenter@uspto.gov)**

**Current Location:** 650 -Publication And Issue Section

**Date In Location:** 2008-07-14

**LAST APPLICANT(S)/OWNER(S) OF RECORD**

1. Hollywood Casino Corporation

**Address:**

Hollywood Casino Corporation  
825 Berkshire Boulevard, Suite 200

Wyomissing, PA 19610

United States

**Legal Entity Type:** Corporation

**State or Country of Incorporation:** Delaware

### GOODS AND/OR SERVICES

**International Class:** 041

**Class Status:** Active

casino services

**Basis:** 1(a)

**First Use Date:** 2007-03-00

**First Use in Commerce Date:** 2007-03-00

### ADDITIONAL INFORMATION

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

**Disclaimer:** "BLACKJACK"

**Translation:** The wordings "HOLLYWOOD" or "RESERVATION" has no meaning in a foreign language.

#### **Design Search Code(s):**

**21.01.02** - Spades, on playing cards

**26.17.13** - Letters or words underlined and/or overlined by one or more strokes or lines; Overlined words or letters; Underlined words or letters

**27.03.05** - Objects forming letters or numerals

#### **Prior Registration Number(s):**

1851759

2256308

2268074

### MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

### PROSECUTION HISTORY

**NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.**

2008-08-19 - Registered-Principal Register

2008-07-14 - Law Office Registration Review Completed

2008-07-13 - Allowed Principal Register - SOU Accepted

2008-06-06 - Statement Of Use Processing Complete  
2008-05-27 - Use Amendment Filed  
2008-05-27 - TEAS Statement Of Use Received  
2008-05-27 - Noa Mailed - SOU Required From Applicant  
2008-03-04 - Published For Opposition  
2008-02-13 - Notice Of Publication  
2008-01-31 - Law Office Publication Review Completed  
2008-01-31 - Assigned To LIE  
2007-12-20 - Approved For Pub - Principal Register  
2007-11-21 - Teas/Email Correspondence Entered  
2007-11-21 - Correspondence Received In Law Office  
2007-11-21 - TEAS Response To Office Action Received  
2007-06-11 - Notification Of Non-Final Action E-Mailed  
2007-06-11 - Non-Final Action E-Mailed  
2007-06-11 - Non-Final Action Written  
2007-06-10 - Assigned To Examiner  
2007-03-01 - Notice Of Design Search Code And Pseudo Mark Mailed  
2007-02-28 - New Application Entered In Tram

#### **ATTORNEY/CORRESPONDENT INFORMATION**

##### **Attorney of Record**

Patricia G. Cramer

##### **Correspondent**

Patricia G. Cramer  
BALLARD SPAHR ANDREWS AND INGERSOLL, LLP  
1735 MARKET ST FL 51  
PHILADELPHIA PA 19103-7599  
Phone Number: 215-864-8607  
Fax Number: 215-864-9744

**Thank you for your request. Here are the latest results from the TARR web server.**

**This page was generated by the TARR system on 2010-05-25 10:15:05 ET**

**Serial Number:** 78881601 Assignment Information      Trademark Document Retrieval

**Registration Number:** 3791616

**Mark**

**HOORAY FOR HOLLYWOOD**

**(words only):** HOORAY FOR HOLLYWOOD

**Standard Character claim:** Yes

**Current Status:** Registered

**Date of Status:** 2010-05-18

**Filing Date:** 2006-05-11

**Transformed into a National Application:** No

**Registration Date:** 2010-05-18

**Register:** Principal

**Law Office Assigned:** LAW OFFICE 114

**If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at [TrademarkAssistanceCenter@uspto.gov](mailto:TrademarkAssistanceCenter@uspto.gov)**

**Current Location:** 650 -Publication And Issue Section

**Date In Location:** 2010-04-15

**LAST APPLICANT(S)/OWNER(S) OF RECORD**

1. Hollywood Casino Corporation

**Address:**

Hollywood Casino Corporation  
Suite 200 825 Berkshire Boulevard

Wyomissing, PA 19610  
United States  
**Legal Entity Type:** Corporation  
**State or Country of Incorporation:** Delaware

### GOODS AND/OR SERVICES

**International Class:** 041  
**Class Status:** Active  
casino services  
**Basis:** 1(a)  
**First Use Date:** 2010-02-18  
**First Use in Commerce Date:** 2010-02-18

### ADDITIONAL INFORMATION

**Prior Registration Number(s):**  
1851759  
2256306  
2256307

### MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

### PROSECUTION HISTORY

**NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.**

- 2010-05-18 - Registered-Principal Register
- 2010-04-16 - Notice Of Acceptance Of Statement Of Use E-Mailed
- 2010-04-15 - Law Office Registration Review Completed
- 2010-04-15 - Assigned To LIE
- 2010-03-29 - Allowed Principal Register - SOU Accepted
- 2010-03-26 - Statement Of Use Processing Complete
- 2010-02-26 - Use Amendment Filed
- 2010-03-26 - Case Assigned To Intent To Use Paralegal
- 2010-02-26 - TEAS Statement Of Use Received

2009-09-18 - Extension 5 Granted  
2009-08-26 - Extension 5 Filed  
2009-09-17 - Case Assigned To Intent To Use Paralegal  
2009-08-26 - TEAS Extension Received  
2009-02-20 - Extension 4 Granted  
2009-02-20 - Extension 4 Filed  
2009-02-20 - TEAS Extension Received  
2008-08-12 - Extension 3 Granted  
2008-08-12 - Extension 3 Filed  
2008-08-12 - TEAS Extension Received  
2008-03-11 - Extension 2 Granted  
2008-02-14 - Extension 2 Filed  
2008-02-14 - TEAS Extension Received  
2007-09-01 - Extension 1 Granted  
2007-06-18 - Extension 1 Filed  
2007-06-18 - TEAS Extension Received  
2007-02-27 - Noa Mailed - SOU Required From Applicant  
2006-12-05 - Published For Opposition  
2006-11-15 - Notice Of Publication  
2006-10-28 - Law Office Publication Review Completed  
2006-10-26 - Assigned To LIE  
2006-10-13 - Approved For Pub - Principal Register  
2006-10-13 - Assigned To Examiner  
2006-05-17 - New Application Entered In Tram

**ATTORNEY/CORRESPONDENT INFORMATION**

**Attorney of Record**

Patricia G. Cramer, Esq.

**Correspondent**

Patricia G. Cramer, Esq.

BALLARD SPAHR ANDREWS & INGERSOLL, LLP

1735 MARKET ST FL 51

PHILADELPHIA PA 19103-7599

Phone Number: 215.864.8607

Fax Number: 215.864.9744

# EXHIBIT C

**Thank you for your request. Here are the latest results from the TARR web server.**

**This page was generated by the TARR system on 2010-05-25 10:11:45 ET**

**Serial Number:** 76624278 Assignment Information Trademark Document Retrieval

**Registration Number:** 3117760

**Mark**

# **HOLLYWOOD SLOTS**

**(words only):** HOLLYWOOD SLOTS

**Standard Character claim:** Yes

**Current Status:** Registered

**Date of Status:** 2006-07-18

**Filing Date:** 2004-12-13

**Transformed into a National Application:** No

**Registration Date:** 2006-07-18

**Register:** Principal

**Law Office Assigned:** LAW OFFICE 105

**If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at [TrademarkAssistanceCenter@uspto.gov](mailto:TrademarkAssistanceCenter@uspto.gov)**

**Current Location:** 650 -Publication And Issue Section

**Date In Location:** 2006-06-08

## **LAST APPLICANT(S)/OWNER(S) OF RECORD**

1. Penn National Gaming, Inc.

**Address:**

Penn National Gaming, Inc.  
825 Berkshire Boulevard, Suite 200

Wyomissing, PA 19610

United States

**Legal Entity Type:** Corporation

**State or Country of Incorporation:** Pennsylvania

### GOODS AND/OR SERVICES

**International Class:** 041

**Class Status:** Active

providing gaming facilities for patrons to play slot machines and video lottery terminals and other games of chance

**Basis:** 1(a)

**First Use Date:** 2005-10-20

**First Use in Commerce Date:** 2005-10-20

### ADDITIONAL INFORMATION

**Disclaimer:** SLOTS

**Section 2(f), in part,** HOLLYWOOD

**Prior Registration Number(s):**

1851759

1904686

1928914

1990629

2256306

2256307

2256308

2268074

### MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

### PROSECUTION HISTORY

**NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.**

2006-07-18 - Registered-Principal Register

2006-06-02 - Law Office Registration Review Completed

2006-05-26 - Assigned To LIE

2006-05-22 - Allowed Principal Register - SOU Accepted

2006-05-16 - TEAS Statement Of Use Received  
2006-05-10 - Statement Of Use Processing Complete  
2006-04-28 - Use Amendment Filed  
2006-04-28 - TEAS Statement Of Use Received  
2006-01-17 - Noa Mailed - SOU Required From Applicant  
2005-10-25 - Published For Opposition  
2005-10-05 - Notice Of Publication  
2005-09-01 - Law Office Publication Review Completed  
2005-09-01 - Legal Instrument Examiner (LIE) - Correction  
2005-09-01 - Examiner's Amendment Entered  
2005-08-15 - Approved For Pub - Principal Register  
2005-08-15 - Examiner's Amendment Entered  
2005-08-12 - Assigned To LIE  
2005-08-08 - Examiner's Amendment Entered  
2005-08-05 - Examiner's Amendment Mailed  
2005-08-05 - Examiners Amendment -Written  
2005-08-05 - Previous Allowance Count Withdrawn  
2005-08-05 - Assigned To LIE  
2005-08-03 - Approved For Pub - Principal Register  
2005-07-27 - Assigned To Examiner  
2005-07-19 - Assigned To Examiner  
2005-01-05 - New Application Entered In Tram

**ATTORNEY/CORRESPONDENT INFORMATION**

**Attorney of Record**

Patricia G. Cramer

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Phone Number: 215-665-8500  
Fax Number: 215-864-9744

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**Serial Number:** 78702280 Assignment Information Trademark Document Retrieval

**Registration Number:** 3172572

**Mark**

**HOLLYWOOD SLOTS PLAYER'S  
CLUB**

**(words only):** HOLLYWOOD SLOTS PLAYER'S CLUB

**Standard Character claim:** Yes

**Current Status:** Registered

**Date of Status:** 2006-11-14

**Filing Date:** 2005-08-29

**Transformed into a National Application:** No

**Registration Date:** 2006-11-14

**Register:** Principal

**Law Office Assigned:** LAW OFFICE 104

**If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at [TrademarkAssistanceCenter@uspto.gov](mailto:TrademarkAssistanceCenter@uspto.gov)**

**Current Location:** 650 -Publication And Issue Section

**Date In Location:** 2006-10-06

**LAST APPLICANT(S)/OWNER(S) OF RECORD**

1. Penn National Gaming, Inc.

**Address:**

Penn National Gaming, Inc.  
825 Berkshire Boulevard, Suite 200

Wyomissing, PA 19610

United States

**Legal Entity Type:** Corporation

**State or Country of Incorporation:** Pennsylvania

### GOODS AND/OR SERVICES

**International Class:** 041

**Class Status:** Active

preferred customer incentive programs for patrons of gaming facilities featuring slot machines, video lottery terminals and other games of chance through use of an identification card

**Basis:** 1(a)

**First Use Date:** 2005-10-31

**First Use in Commerce Date:** 2005-10-31

### ADDITIONAL INFORMATION

**Disclaimer:** "SLOTS PLAYER'S CLUB"

**Section 2(f), in part,** as to HOLLYWOOD

**Prior Registration Number(s):**

1851759

2256306

2256307

### MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

### PROSECUTION HISTORY

**NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.**

2006-11-14 - Registered-Principal Register

2006-10-04 - Law Office Registration Review Completed

2006-09-29 - Assigned To LIE

2006-09-27 - Allowed Principal Register - SOU Accepted

2006-09-18 - Statement Of Use Processing Complete

2006-08-25 - Use Amendment Filed

2006-08-25 - TEAS Statement Of Use Received

2006-08-08 - Noa Mailed - SOU Required From Applicant  
2006-05-16 - Published For Opposition  
2006-04-26 - Notice Of Publication  
2006-03-27 - Law Office Publication Review Completed  
2006-03-24 - Assigned To LIE  
2006-03-22 - Approved For Pub - Principal Register  
2006-03-22 - Examiner's Amendment Entered  
2006-03-22 - Examiners Amendment E-Mailed  
2006-03-22 - Examiners Amendment -Written  
2006-03-15 - Assigned To Examiner  
2005-09-06 - New Application Entered In Tram

**ATTORNEY/CORRESPONDENT INFORMATION**

**Attorney of Record**

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Fax Number: 215-864-9744

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**Serial Number:** 77288516 Assignment Information      Trademark Document Retrieval

**Registration Number:** 3493720

**Mark**

**HOLLYWOOD CASINO ACTION**

**(words only):** HOLLYWOOD CASINO ACTION

**Standard Character claim:** Yes

**Current Status:** Registered

**Date of Status:** 2008-08-26

**Filing Date:** 2007-09-25

**Transformed into a National Application:** No

**Registration Date:** 2008-08-26

**Register:** Principal

**Law Office Assigned:** LAW OFFICE 105

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**Current Location:** 650 -Publication And Issue Section

**Date In Location:** 2008-07-21

**LAST APPLICANT(S)/OWNER(S) OF RECORD**

1. Penn National Gaming, Inc.

**Address:**

Penn National Gaming, Inc.  
825 Berkshire Boulevard, Suite 200

Wyomissing, PA 19610

United States

**Legal Entity Type:** Corporation

**State or Country of Incorporation:** Pennsylvania

### GOODS AND/OR SERVICES

**International Class:** 041

**Class Status:** Active

wagering services for patrons of horse races and slot machines, namely, an incentive and player tracking system

**Basis:** 1(a)

**First Use Date:** 2008-02-00

**First Use in Commerce Date:** 2008-02-00

### ADDITIONAL INFORMATION

**Disclaimer:** "CASINO"

**Section 2(f), in part,** as to "HOLLYWOOD"

**Prior Registration Number(s):**

1851759

1904686

2695351

### MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

### PROSECUTION HISTORY

**NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.**

2008-08-26 - Registered-Principal Register

2008-07-21 - Law Office Registration Review Completed

2008-07-17 - Allowed Principal Register - SOU Accepted

2008-07-01 - Statement Of Use Processing Complete

2008-06-26 - Use Amendment Filed

2008-06-26 - TEAS Statement Of Use Received

2008-06-17 - Noa Mailed - SOU Required From Applicant

2008-03-25 - Published For Opposition  
2008-03-05 - Notice Of Publication  
2008-02-20 - Law Office Publication Review Completed  
2008-02-15 - Assigned To LIE  
2008-01-15 - Approved For Pub - Principal Register  
2008-01-14 - Teas/Email Correspondence Entered  
2008-01-14 - Correspondence Received In Law Office  
2008-01-14 - TEAS Response To Office Action Received  
2007-12-29 - Notification Of Non-Final Action E-Mailed  
2007-12-29 - Non-Final Action E-Mailed  
2007-12-29 - Non-Final Action Written  
2007-12-28 - Assigned To Examiner  
2007-09-28 - New Application Entered In Tram

**ATTORNEY/CORRESPONDENT INFORMATION**

**Attorney of Record**

Patricia G. Cramer

**Correspondent**

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Phone Number: 215-864-8607  
Fax Number: 215-864-9744

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**Serial Number:** 78753870 Assignment Information      Trademark Document Retrieval

**Registration Number:** 3636836

**Mark**

HOLLYWOOD CASINO AT PENN  
NATIONAL RACE COURSE

**(words only):** HOLLYWOOD CASINO AT PENN NATIONAL RACE COURSE

**Standard Character claim:** Yes

**Current Status:** Registered

**Date of Status:** 2009-06-09

**Filing Date:** 2005-11-15

**Transformed into a National Application:** No

**Registration Date:** 2009-06-09

**Register:** Principal

**Law Office Assigned:** LAW OFFICE 113

**If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at [TrademarkAssistanceCenter@uspto.gov](mailto:TrademarkAssistanceCenter@uspto.gov)**

**Current Location:** 650 -Publication And Issue Section

**Date In Location:** 2009-05-06

**LAST APPLICANT(S)/OWNER(S) OF RECORD**

1. Penn National Gaming, Inc.

**Address:**

Penn National Gaming, Inc.  
825 Berkshire Boulevard, Suite 200

Wyomissing, PA 19610

United States

**Legal Entity Type:** Corporation

**State or Country of Incorporation:** Pennsylvania

### **GOODS AND/OR SERVICES**

**International Class:** 041

**Class Status:** Active

entertainment in the nature of horse races, nightclubs, variety and comedy shows and casinos; gaming facilities featuring slot machines

**Basis:** 1(a)

**First Use Date:** 2008-02-12

**First Use in Commerce Date:** 2008-02-12

### **ADDITIONAL INFORMATION**

**Disclaimer:** "CASINO" and "RACE COURSE"

**Section 2(f), in part,** as to "HOLLYWOOD CASINO" and "PENN NATIONAL RACE COURSE"

### **MADRID PROTOCOL INFORMATION**

(NOT AVAILABLE)

### **PROSECUTION HISTORY**

**NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.**

2009-06-09 - Registered-Principal Register

2009-05-06 - Law Office Registration Review Completed

2009-05-06 - Assigned To LIE

2009-05-06 - Allowed Principal Register - SOU Accepted

2009-04-03 - Statement Of Use Processing Complete

2009-03-16 - Use Amendment Filed

2009-04-03 - Case Assigned To Intent To Use Paralegal

2009-03-16 - TEAS Statement Of Use Received

2008-09-16 - Noa Mailed - SOU Required From Applicant

2008-08-06 - TTAB Release Case To Trademarks  
2008-08-06 - Opposition Terminated No. 999999  
2008-08-06 - Opposition Dismissed No. 999999  
2006-12-26 - Opposition Instituted No. 999999  
2006-09-26 - Extension Of Time To Oppose Received  
2006-08-29 - Published For Opposition  
2006-08-09 - Notice Of Publication  
2006-07-06 - Law Office Publication Review Completed  
2006-06-27 - Assigned To LIE  
2006-06-08 - Approved For Pub - Principal Register  
2006-06-06 - Examiner's Amendment Entered  
2006-06-06 - Examiners Amendment E-Mailed  
2006-06-06 - Examiners Amendment -Written  
2006-05-20 - Assigned To Examiner  
2005-11-18 - New Application Entered In Tram

**ATTORNEY/CORRESPONDENT INFORMATION**

**Attorney of Record**

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