

ESTTA Tracking number: **ESTTA689942**

Filing date: **08/17/2015**

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	Video Gaming Technologies, Inc.		
Entity	Corporation	Citizenship	Tennessee
Address	308 Mallory Station Road Franklin, TN 37067 UNITED STATES		

Attorney information	Jennifer E. Hoekel Armstrong Teasdale, LLP 7700 Forsyth Boulevard Suite 1800 Saint Louis, MO 63105 UNITED STATES iptm@armstrongteasdale.com Phone:3146215070
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**Registration Subject to Cancellation**

Registration No	4684194	Registration date	02/10/2015
Registrant	Christophe, Jack P.O. Box 3543 Beverly Hills, CA 90212 UNITED STATES		

**Goods/Services Subject to Cancellation**

Class 009. First Use: 2012/12/01 First Use In Commerce: 2014/05/26

Cancelled goods and services in the class: Computer game programmes; Computer game programmes downloadable via the Internet; Computer game programs; Computer game programs, cartridges, and cassettes; Computer game software; Computer game software downloadable from a global computer network; Computer game software for gaming machines including slot machines or video lottery terminals; Computergame software for gaming machines, namely, slot machines and video lottery terminals; Computer game software for personal computers and home video game consoles; Computer game software for use on mobile and cellular phones; Computer game software for use with personal computers, home video game consoles used with televisions and arcade-based video game consoles; Computer game tapes; Computer hardware and computer software programs for the integration of text, audio, graphics, still images and moving pictures into an interactive delivery for multimedia applications; Computer programs for pre-recorded games; Computer programs for video and computer games; 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; Computer software featuring musical sound recordings and musical video recordings; Computer software for use in relation to digital animation and special effects of images; Computer software, namely, game engine software for video game development and operation; Computer-gaming software; Downloadable computer game programs; Downloadable computer game software via a global computer network and wireless devices; Downloadable computer programs featuring positionable game piece figures for use in the field of computer games; Downloadable electronic game programs; Downloadable electronic game software for use on mobile and cellular phones; mouse pads; computer mice; game controllers for computer games; cell phone covers; face plates for video game consoles for use with external monitors; Electronic game programs; Elec-

tronic game software; Electronic game software for cellularelectronic devices; Electronic game software for handheld electronic devices; Electronic game software for wireless devices; Game software; Handheld computers; Handheld personal computers; Interactive game programs; Interactive game software; Interactive multimedia computer game programs; Video and computer game programs; Video game cartridges; Video game cartridges and cassettes; Video game cartridges and discs; Video game discs; Video game software; Video game tape cassettes

## Grounds for Cancellation

False suggestion of a connection	Trademark Act section 2(a)
<i>Torres v. Cantine Torresella S.r.l. Fraud</i>	808 F.2d 46, 1 USPQ2d 1483 (Fed. Cir. 1986)
Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

## Mark Cited by Petitioner as Basis for Cancellation

U.S. Application No.	86196227	Application Date	02/18/2014
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	CATS IN ACTION		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 028. First use: First Use: 2015/06/30 First Use In Commerce: 2015/06/30 gaming machines, namely, games of chance, games which accept a wager, slot machines, video gaming machines and bingo related games; video based slot machines, reel based slot machines, and gaming machines in the nature of video lottery terminals		

Attachments	86196227#TMSN.png( bytes ) Petition to Cancel U.S. Reg. No. 4684194 (CIA Mark) (without Exhibits).pdf(3460240 bytes ) Exhibit A - U.S. Application for Serial No. 86293474 (The CIA Mark) - Part I.pdf(5344767 bytes ) EXHIBIT A - U.S. Application for Serial No. 86293474 (The CIA Mark) - Part II.pdf(5743495 bytes ) Exhibit B - U.S. Registration Certificate for Reg. No. 4684194 (The CIA Mark).pdf(3246026 bytes ) Exhibit C - U.S. Specimen for Serial No. 86293474 (The CIA Mark).pdf(1542345 bytes ) Exhibit D - U.S. Application for Serial No. 86196227 (The CATS IN ACTION Mark).pdf(2601073 bytes )
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	Exhibit E - U.S. Statement of Use for Serial No. 86196227 (The CATS IN ACTION Mark).pdf(2951900 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	/Jennifer E. Hoekel/
Name	Jennifer E. Hoekel
Date	08/17/2015

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

In re Registration of:

Registrant	:	Jack Christophe
Reg. No.	:	4,684,194
Mark	:	THE CATS IN ACTION TEAM (CIA) A DIVISION OF THE DEPARTMENT OF DOGS (DOD)
Registration Date	:	February 10, 2015

VIDEO GAMING TECHNOLOGIES, INC.

Petitioner

v.

JACK CHRISTOPHE

Registrant/Respondent

Commissioner for Trademarks

Box TTAB, FEE

P.O. Box 1451

Alexandria, VA 22313-1451

**PETITION TO CANCEL**

1. Petitioner Video Gaming Technologies, Inc. ("Petitioner"), a corporation duly organized and existing under the laws of Tennessee and having a principal place of business at 308 Mallory Station Road, Franklin, Tennessee 37067, believes that it will be damaged by Registration No. 4,684,194 for the mark THE CATS IN ACTION TEAM (CIA) A DIVISION OF THE DEPARTMENT OF DOGS (DOD) (the "CIA Registration") and hereby petitions, in accordance with 37 C.F.R. §2.111(b), to cancel said registration.

2. To the best of Petitioner's knowledge, the name and address of the current registration of the CIA Registration is Jack Christophe ("Respondent"), an individual with an address at P.O. Box 3543, Beverly Hills, California 90212.



3. On May 28, 2014, Respondent filed an application, Serial No. 86,293,474, to register the mark THE CATS IN ACTION TEAM (CIA) A DIVISION OF THE DEPARTMENT OF DOGS (DOD) (“CIA Mark”) under 15 USC § 1051(a) of the Trademark Act for use in connection with, among other things, *“Computer game programmes; Computer game programmes downloadable via the Internet; Computer game programs; Computer game programs, cartridges, and cassettes; Computer game software; Computer game software downloadable from a global computer network; Computer game software for gaming machines including slot machines or video lottery terminals; Computer game software for gaming machines, namely, slot machines and video lottery terminals; Computer game software for personal computers and home video game consoles; Computer game software for use on mobile and cellular phones; Computer game software for use with personal computers, home video game consoles used with televisions and arcade-based video game consoles; Computer game tapes; Computer hardware and computer software programs for the integration of text, audio, graphics, still images and moving pictures into an interactive delivery for multimedia applications; Computer programs for pre-recorded games; Computer programs for video and computer games; 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; Computer software featuring musical sound recordings and musical video recordings; Computer software for use in relation to digital animation and special effects of images; Computer software, namely, game engine software for video game development and operation; Computer-gaming software; Downloadable computer game programs; Downloadable computer game software via a global computer network and wireless devices; Downloadable computer programs featuring positionable game piece figures for use in*

*the field of computer games; Downloadable electronic game programs; Downloadable electronic game software for use on mobile and cellular phones; mouse pads; computer mice; game controllers for computer games; cell phone covers; face plates for video game consoles for use with external monitors; Electronic game programs; Electronic game software; Electronic game software for cellular telephones; Electronic game software for handheld electronic devices; Electronic game software for wireless devices; Game software; Handheld computers; Handheld personal computers; Interactive game programs; Interactive game software; Interactive multimedia computer game programs; Video and computer game programs; Video game cartridges; Video game cartridges and cassettes; Video game cartridges and discs; Video game discs; Video game software; Video game tape cassettes”* (the “Gaming Goods”) in Class 9 (“Respondent’s Application”). See Exhibit A attached hereto and incorporated herein by reference for a copy of Respondent’s Application.

4. Respondent’s Application alleged use of the CIA Mark in commerce in connection with the goods set forth therein, including the Gaming Goods, on May 26, 2014. In Respondent’s Application, Respondent stated that the CIA Mark was currently in use in connection with the goods listed in Respondent’s Application, including the Gaming Goods.

5. The United States Patent and Trademark Office (the “PTO”) granted registration of the CIA Mark on February 10, 2015 under U.S. Registration No. 4,684,194. See Exhibit B attached hereto and incorporated herein by reference for a copy of the registration certificate.

6. Upon information and belief, prior to 2014, Respondent produced and sold only digital books and posters. In fact, the specimen submitted in connection with Respondent’s Application shows only an offering of digital books for sale. See Exhibit C attached hereto and incorporated herein by reference for a copy of the specimen submitted by Respondent.



7. Upon information and belief, Respondent currently produces and offers for sale only digital books and posters under the CIA Mark and does not produce and offer for sale any of the remaining goods listed in Respondent's Application under the CIA Mark, including the Gaming Goods.

8. Upon information and belief, Respondent has not yet expanded its product line to include production and sales of the Gaming Goods under the CIA Mark. Thus, contrary to the statement made in Respondent's Application, Respondent is not using, and has never used, the CIA Mark on or in connection with the Gaming Goods. Therefore, the statement in Respondent's Application that, at the time of filing (May 28, 2014), the CIA Mark was currently in use with the goods listed therein is false.

9. Upon information and belief, Respondent misrepresented the nature of its use in commerce of the CIA Mark at the time it submitted Respondent's Application and continued to prosecute the application that led to the CIA Registration that is the subject of this petition. Upon information and belief, Respondent procured the CIA Registration by false means and/or by knowingly and willingly making false and/or fraudulent representations to the PTO, including falsely alleging that Respondent was using the CIA Mark in connection with all of the goods listed in Respondent's Application. Upon information and belief, said false statements were made with the intent to induce the authorized agents of the PTO to grant said registration, and reasonably relying upon the truth of said false statements, the PTO did, in fact, grant the CIA Registration to Respondent.

10. Upon information and belief, Respondent knew at the time of filing Respondent's Application that the statement regarding its use of the CIA Mark in connection with all of the goods, including the Gaming Goods, contained in Respondent's Application was false.

11. Petitioner is the owner of U.S. Application No. 86/196,227 for the mark CATS IN ACTION (the "CATS IN ACTION Mark"). See Exhibit D attached hereto and incorporated herein by reference for a copy of Petitioner's application for the CATS IN ACTION Mark.

12. Since at least as early as June 30, 2015, Petitioner has been, and is currently, using the CATS IN ACTION Mark in connection with *gaming machines, namely, games of chance, games which accept a wager, slot machines, video gaming machines and bingo related games, video based slot machines, reel based slot machines, and gaming machines in the nature of video lottery terminals* ("Petitioner's Goods").

13. On July 31, 2015, Petition filed a Statement of Use for the CATS IN ACTION Mark, confirming that its date of first use of the mark in commerce in connection with Petitioner's Goods was June 30, 2015. See Exhibit E attached hereto and incorporated herein by reference for a copy of the Statement of Use.

14. Petitioner's use of the CATS IN ACTION Mark in connection with Petitioner's Goods has been valid and continuous since its date of first use.

15. Respondent's CIA Mark is similar to Petitioner's CATS IN ACTION Mark in that both marks incorporate the phrase CATS IN ACTION, so as to cause confusion or deception as to the origin of Respondent's Gaming Goods bearing the CIA Mark would occur, all to the damage or detriment of Petitioner.

16. The Gaming Goods are identical and/or closely related to Petitioner's Goods.

#### **HARM TO PETITIONER**

17. Petitioner hereby incorporates by reference and realleges each and every allegation set forth in Paragraphs 1 through 16.

17. Because no use of the CIA Mark in connection with the Gaming Goods can be located, nor did Respondent submit evidence of use of its CIA Mark in connection with the Gaming Goods, Petitioner's date of use of the CATS IN ACTION Mark is presumably prior to the date of Respondent's use of the CIA Mark in connection with the Gaming Goods. In view of the similarity of the respective marks, the similar channels of trade, and the similarity between the Gaming Goods and the Petitioner's Goods, Respondent's CIA Mark, as it is used in connection with the Gaming Goods, is likely to cause confusion, to cause mistake, or to deceive as to the source by suggesting that Respondent's Gaming Goods are associated with or approved, endorsed, affiliated, authorized, or sponsored by Petitioner, which is false.

18. Moreover, even if a consumer is able to notice a difference between the CIA Mark and the CATS IN ACTION Mark, they will likely believe that the CIA Mark and the CATS IN ACTION Mark are, in fact, companion marks used by the same course on companion or related goods. Any such confusion will result in loss of sales to Petitioner. As such, Respondent's registration with respect to the Gaming Goods is and will thus be a source of damage and injury to Petitioner.

19. In view of the above allegations, Respondent is not entitled to continue registration of the CIA Mark, especially in connection with the Gaming Goods, since Respondent, upon information and belief, committed fraud in the procurement of the CIA Registration.

20. Respondent's CIA Registration must be cancelled with respect to the Gaming Goods based upon:

- (a) It is likely to cause confusion, to cause mistake, or to deceive;
- (b) It falsely suggests a connection with or authorization by Petitioner;



(c) It tends to damage Petitioner's goodwill in its CATS IN ACTION Mark;  
and

(d) It is likely to dilute the distinctive quality of Petitioner's CATS IN ACTION Mark.

**WHEREFORE**, Respondent's CIA Mark, Registration No. 4,684,194, is damaging to Petitioner, and Petitioner, accordingly, requests that the instant Petition to Cancel be granted with respect to the Gaming Goods and that those goods be deleted from the registration for the CIA Mark.

The fee required by §2.6(a)(16) is enclosed herewith.

Respectfully submitted,

ARMSTRONG TEASDALE, LLP

By: 

Jennifer E. Hoekel

Courtney Jackson

7700 Forsyth Boulevard, Suite 1800

Saint Louis, Missouri 63105

T: 314.621.5070

Attorneys for Petitioner

Video Gaming Technologies, Inc.

Dated: 8/12/15

## **EXHIBIT A**

# Trademark/Service Mark Application, Principal Register

## TEAS Plus Application

Serial Number: 86293474

Filing Date: 05/28/2014

**NOTE:** Data fields with the \* are mandatory under TEAS Plus. The wording "(if applicable)" appears where the field is only mandatory under the facts of the particular application.

The table below presents the data as entered.

Input Field	Entered
<b>TEAS Plus</b>	<b>YES</b>
<b>MARK INFORMATION</b>	
*MARK	<u>THE CATS IN ACTION TEAM (CIA) A DIVISION OF THE DEPARTMENT OF DOGS (DOD)</u>
*STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	THE CATS IN ACTION TEAM (CIA) A DIVISION OF THE DEPARTMENT OF DOGS (DOD)
*MARK STATEMENT	The mark consists of standard characters, without claim to any particular font, style, size, or color.
REGISTER	Principal
<b>APPLICANT INFORMATION</b>	
*OWNER OF MARK	Christophe, Jack
*STREET	P.O. Box 3543
*CITY	Beverly Hills
*STATE (Required for U.S. applicants)	California
*COUNTRY	United States
*ZIP/POSTAL CODE	



(Required for U.S. applicants only)	90212
EMAIL ADDRESS	jack@themonasteryph.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
<b>LEGAL ENTITY INFORMATION</b>	
*TYPE	INDIVIDUAL
* COUNTRY OF CITIZENSHIP	United States
<b>GOODS AND/OR SERVICES AND BASIS INFORMATION</b>	
*INTERNATIONAL CLASS	009
	<p>Audio and video cassette recorders; Audio and video recordings featuring music and artistic performances; Audio and video recordings featuring <b>fiction; Digital book readers; Downloadable fiction books on a variety of topics; Downloadable non-fiction books on a variety of topics; Downloadable series of fiction books .;</b> Audio books in the nature of novels; Audio books in the nature of <b>Children and Family Fiction Series of Books ;</b> Blank CD-ROMs for sound or video recording; Blank computer discs; Blank discs for computers; Blank floppy computer discs; Blank magnetic computer tapes; Blank tapes for storage of computer data; Blank video cassettes; Blank video tapes; Briefcases specially adapted for holding laptop computers; Broadband power line communication systems for transferring broadband data over electrical power lines, comprised of computer hardware, software and modems; Calculating machines, data processing equipment and computers; Calculating machines, data-processing equipment and computers; Carrying cases for mobile computers; Carrying cases specially adapted for electronic equipment, namely, <b>Featuring Children's and Family Book Series;</b> Carrying cases, holders, protective cases and stands featuring power supply connectors, adaptors, speakers and battery charging devices, specially adapted for use with handheld digital electronic devices, namely, <b>Featuring Children's and Family Book Series;</b> Cases adapted for computers; Cases for music, audio and related electronic equipment, namely, cases for audio tuners, audio receivers, amplifiers, tape players, compact disc players, MP3 controllers/players, audio mixers, audio speakers in the nature of music studio monitors, microphones, audio speakers, compact discs, audio tapes, portable computers, antennas, phonographic record players, audio recording equipment, and the cables associated with all of the foregoing equipment; CD Drives for computers; Children's video tapes; Computer backup and storage systems with multiple removable RAID cartridges; Computer bags; Computer game cartridges; Computer game cartridges and discs; Computer game cassettes; Computer game discs; Computer game programmes; Computer game programmes downloadable via the Internet; Computer game programs; Computer game programs, cartridges, and cassettes; Computer game software; Computer game software downloadable from a global computer</p>



network; Computer game software focusing on achieving a set of goals, positions, ownership, and credentials, and professional and social status, and good fortune necessary to succeed professionally and personally, and not referring either to a group of software for use in commerce or to a group of offices; Computer game software for gaming machines including slot machines or video lottery terminals; Computer game software for gaming machines, namely, slot machines and video lottery terminals; Computer game software for personal computers and home video game consoles; Computer game software for use on mobile and cellular phones; Computer game software for use with personal computers, home video game consoles used with televisions and arcade-based video game consoles; Computer game tapes; Computer hardware and computer software programs for the integration of text, audio, graphics, still images and moving pictures into an interactive delivery for multimedia applications; Computer joysticks; Computer keyboards; Computer keypads; Computer mice; Computer monitor frames; Computer monitors; Computer mouse; Computer mouse in the nature of a trackpad; Computer mouse, namely, touchpads; Computer mouse, namely, trackballs; Computer programs for editing images, sound and video; Computer programs for pre-recorded games; Computer programs for video and computer games; Computer software and computer hardware for use in language localization, by means of language translation, subtitling, dubbing, closed captioning and teletext for feature films, television programs, videos and digital media in general; 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; Computer software featuring musical sound recordings and musical video recordings; Computer software for use in relation to digital animation and special effects of images; Computer software for use in the safeguarding of digital files, including audio, video, text, binary, still images, graphics and multimedia files; Computer software for **Children's and Family Book Series** that may be downloaded from a global computer network; Computer software to enhance the audio-visual capabilities of multimedia applications, namely, for the integration of text, audio, graphics, still images and moving pictures; Computer software, namely, game engine software for video game development and operation; Computer-gaming software; Consumer electronic products, namely, audio amplifiers, audio speakers, audio receivers, electrical audio and speaker cables and connectors, audio decoders, video decoders, speakers, power conversion devices, power converters, and power inverters; Digital media, namely, pre-recorded DVDs, downloadable audio and video recordings, and CDs featuring and promoting **Children and Family Fiction Book Series**; 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 **Children and Family Fiction Animated Series based on Book Series**; Distribution amplifiers for audio and video signals; Downloadable cloud computer software for **Children's and Family Book Series**; Downloadable computer game programs; Downloadable computer game software via a global computer network and wireless devices; Downloadable computer programs featuring positionable game piece figures for use in the field of computer games;



**\*IDENTIFICATION**

Downloadable electronic game programs; Downloadable electronic game software for use on **mobile and cellular phones; mouse pads; computer mice; game controllers for computer games; cell phone covers; face plates for video game consoles for use with external monitors**; Downloadable films and movies featuring **action, adventure, drama, comedy, romance, science fiction, animation and/or documentary themes; motion picture films for broadcast on television featuring action, adventure, drama, comedy, romance, science fiction, animation and/or documentary themes** provided via a video-on-demand service; Downloadable films and television programs featuring **action, adventure, drama, comedy, romance, science fiction, animation and/or documentary themes; motion picture films for broadcast on television featuring action, adventure, drama, comedy, romance, science fiction, animation and/or documentary themes** provided via a video-on-demand service; Downloadable motion pictures and television shows about **animation adapted from a book series; Motion picture films in the field of animation adapted from a book series .**; Downloadable multimedia file containing artwork, text, audio, video, games, and Internet Web links relating to **NAMELY, MUSIC, GRAPHICS, AUDIO AND VIDEO RECORDINGS FEATURING EDUCATIONAL THEMES AND ENTERTAINMENT DIRECTED TO CHILDREN, PARENTS AND FAMILIES, INTERACTIVE GAMES**; Downloadable multimedia file containing video relating to **NAMELY, MUSIC, GRAPHICS, AUDIO AND VIDEO RECORDINGS FEATURING EDUCATIONAL THEMES AND ENTERTAINMENT DIRECTED TO CHILDREN, PARENTS AND FAMILIES, INTERACTIVE GAMES**; Downloadable ring tones, graphics and music via a global computer network and wireless devices; Downloadable series of fiction books; Downloadable video recordings featuring **PRE-RECORDED DVDS, DIGITAL VERSATILE DISCS AND DIGITAL VIDEO DISCS FEATURING LIVE ACTION AND ANIMATED ENTERTAINMENT, MOTION PICTURE FILMS, AND TELEVISION SHOWS; MOTION PICTURE FILMS FEATURING LIVE- ACTION AND ANIMATED ENTERTAINMENT**; Downloadable virtual goods, namely, computer programs featuring **Children's and Family Book Series** for use in online virtual worlds; Downloadable **Books, audio and visual recordings featuring live-action entertainment, music, stories; audio and visual recordings featuring animation; pre-recorded audio discs, compact discs featuring music, stories and games** via the internet and wireless devices; E-books featuring **Children and Family Fiction Book Series** recorded on computer media; Electronic books featuring **Children and Family Book Series** recorded on computer media; Electronic game programs; Electronic game software; Electronic game software for cellular telephones; Electronic game software for handheld electronic devices; Electronic game software for wireless devices; Electronic publications, namely, **in the Nature of Children** featuring **Family Fiction Series of Books** recorded on computer media; Eye glass cases; Eye glasses; Game software; Handheld computers; Handheld personal computers; Interactive game programs; Interactive game software; Interactive multimedia computer game programs; Interactive multimedia computer program for **Children's and Family Book Series**; Interactive multimedia software featuring audio and video information for dentists on the subject of treatments, procedures and alternatives related to



dentistry; Interactive multimedia software featuring audio and video information for patients on the subject of treatments, procedures and alternatives related to dentistry; Interactive video game programs; Jackets for video cassettes; Keyboard covers; Laboratory apparatus and computer systems for use in protein purification; Laptop computer cooling pads; Laptop computers; Laptops; Memory cards; Memory cards for video game machines; Motion picture films about **animation adapted from a book series; Motion picture films in the field of animation adapted from a book series .;** Motion picture films and films for television featuring children's entertainment; Notebook and laptop computers; Notebook computer carrying cases; Notebook computer cooling pads; Notebook computers; Optical apparatus, namely, a non-lethal security device that uses a light source to detect, warn, repel, temporarily blind, disorient, nauseate, disable, confuse, debilitate, stun, subdue, stop, or incapacitate persons or animals; Pre-recorded digital video discs featuring **children's entertainment; downloadable television programs featuring children's entertainment; downloadable audio-video digital recordings featuring children's entertainment .;** Pre-recorded video discs, video recording and video tapes featuring **children's entertainment; downloadable television programs featuring children's entertainment; downloadable audio-video digital recordings featuring children's entertainment .;** Prerecorded digital video disks featuring **children's entertainment; downloadable television programs featuring children's entertainment; downloadable audio-video digital recordings featuring children's entertainment .;** Prerecorded video cassettes featuring music; Prerecorded video cassettes featuring **children's entertainment; downloadable television programs featuring children's entertainment; downloadable audio-video digital recordings featuring children's entertainment .;** Prerecorded video tapes featuring music; Prerecorded video tapes featuring **children's entertainment; downloadable television programs featuring children's entertainment; downloadable audio-video digital recordings featuring children's entertainment .;** Reading glasses; Ski glasses; Sports glasses; Sports' glasses; Sun glasses; Theatre glasses; Video and computer game programs; Video baby monitors; Video cassette recorders; Video cassette recorders and players, compact disc players, digital audio tape recorders and players, electronic diaries; Video disc players; Video discs featuring **children's entertainment; downloadable television programs featuring children's entertainment; downloadable audio-video digital recordings featuring children's entertainment .;** Video disk players; Video disks and video tapes with recorded animated cartoons; Video disks featuring **children's entertainment; downloadable television programs featuring children's entertainment; downloadable audio-video digital recordings featuring children's entertainment .;** Video display cards; Video displays mounted in eyeglasses; Video displays that may be worn on the body; Video game cartridges; Video game cartridges and cassettes; Video game cartridges and discs; Video game discs; Video game software; Video game tape cassettes; Video magazine recorded on electronic media featuring **children's entertainment; downloadable television programs featuring children's entertainment; downloadable audio-video digital recordings featuring children's entertainment .;** Video recordings featuring **children's**



	<b>entertainment; downloadable television programs featuring children's entertainment; downloadable audio-video digital recordings featuring children's entertainment .;</b> Video tapes featuring <b>children's entertainment; downloadable television programs featuring children's entertainment; downloadable audio-video digital recordings featuring children's entertainment .;</b> Videotapes and video disks recorded with animation; Visual recordings and audiovisual recordings featuring music and animation; Wireless communication device featuring voice, data and image transmission including voice, text and picture messaging, a video and still image camera, also functional to purchase music, games, video and software applications over the air for downloading to the device; Wireless computer peripherals
<b>*FILING BASIS</b>	SECTION 1(a)
<b>FIRST USE ANYWHERE DATE</b>	At least as early as 12/01/2012
<b>FIRST USE IN COMMERCE DATE</b>	At least as early as 05/26/2014
<b>SPECIMEN FILE NAME(S)</b>	
<b>ORIGINAL PDF FILE</b>	<u>SPE0-108875888-124430606 . CIADODAnimaSeries.pages.pdf</u>
<b>CONVERTED PDF FILE(S) (3 pages)</b>	<u>\\TICRS\EXPORT16\IMAGEOUT16\862\934\86293474\xml2\FTK0003.JPG</u>
	<u>\\TICRS\EXPORT16\IMAGEOUT16\862\934\86293474\xml2\FTK0004.JPG</u>
	<u>\\TICRS\EXPORT16\IMAGEOUT16\862\934\86293474\xml2\FTK0005.JPG</u>
<b>SPECIMEN DESCRIPTION</b>	Use of Trademark in Commerce. A sales page with two enlarge samples from the sales to show Trademark in use.
<b>ADDITIONAL STATEMENTS INFORMATION</b>	
<b>*TRANSLATION (if applicable)</b>	
<b>*TRANSLITERATION (if applicable)</b>	
<b>*CLAIMED PRIOR REGISTRATION (if applicable)</b>	
<b>*CONSENT (NAME/ LIKENESS) (if applicable)</b>	
<b>*CONCURRENT USE CLAIM (if applicable)</b>	
<b>CORRESPONDENCE INFORMATION</b>	
<b>*NAME</b>	Christophe, Jack



*STREET	P.O. Box 3543
*CITY	Beverly Hills
*STATE (Required for U.S. applicants)	California
*COUNTRY	United States
*ZIP/POSTAL CODE	90212
*EMAIL ADDRESS	jack@themonasteryph.com
*AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
<b>FEE INFORMATION</b>	
NUMBER OF CLASSES	1
FEE PER CLASS	275
*TOTAL FEE PAID	275
<b>SIGNATURE INFORMATION</b>	
* SIGNATURE	/Jack Christophe/
* SIGNATORY'S NAME	Jack Christophe
* SIGNATORY'S POSITION	Owner
* DATE SIGNED	05/28/2014

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## **Trademark/Service Mark Application, Principal Register**

### **TEAS Plus Application**

**Serial Number: 86293474**

**Filing Date: 05/28/2014**

#### **To the Commissioner for Trademarks:**

**MARK:** THE CATS IN ACTION TEAM (CIA) A DIVISION OF THE DEPARTMENT OF DOGS (DOD) (Standard Characters, see [mark](#))

The literal element of the mark consists of THE CATS IN ACTION TEAM (CIA) A DIVISION OF THE DEPARTMENT OF DOGS (DOD).

The mark consists of standard characters, without claim to any particular font, style, size, or color.

The applicant, Jack Christophe, a citizen of United States, having an address of  
P.O. Box 3543  
Beverly Hills, California 90212  
United States

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

#### **For specific filing basis information for each item, you must view the display within the Input Table.**

International Class 009: Audio and video cassette recorders; Audio and video recordings featuring music and artistic performances; Audio and video recordings featuring fiction; Digital book readers; Downloadable fiction books on a variety of topics; Downloadable non-fiction books on a variety of topics; Downloadable series of fiction books .; Audio books in the nature of novels; Audio books in the nature of Children and Family Fiction Series of Books ; Blank CD-ROMs for sound or video recording; Blank computer discs; Blank discs for computers; Blank floppy computer discs; Blank magnetic computer tapes; Blank tapes for storage of computer data; Blank video cassettes; Blank video tapes; Briefcases specially adapted for holding laptop computers; Broadband power line communication systems for transferring broadband data over electrical power lines, comprised of computer hardware, software and modems; Calculating machines, data processing equipment and computers; Calculating machines, data-processing equipment and computers; Carrying cases for mobile computers; Carrying cases specially adapted for electronic equipment, namely, Featuring Children's and Family Book Series; Carrying cases, holders, protective cases and stands featuring power supply connectors, adaptors, speakers and battery charging devices, specially adapted for use with handheld digital electronic devices, namely, Featuring Children's and Family Book Series; Cases adapted for computers; Cases for music, audio and related electronic equipment, namely, cases for audio tuners, audio receivers, amplifiers, tape players, compact disc players, MP3 controllers/players, audio mixers, audio speakers in the nature of music studio monitors, microphones, audio speakers, compact discs, audio tapes, portable computers, antennas, phonographic record players, audio recording equipment, and the cables associated with all of the foregoing equipment;



CD Drives for computers; Children's video tapes; Computer backup and storage systems with multiple removable RAID cartridges; Computer bags; Computer game cartridges; Computer game cartridges and discs; Computer game cassettes; Computer game discs; Computer game programmes; Computer game programmes downloadable via the Internet; Computer game programs; Computer game programs, cartridges, and cassettes; Computer game software; Computer game software downloadable from a global computer network; Computer game software focusing on achieving a set of goals, positions, ownership, and credentials, and professional and social status, and good fortune necessary to succeed professionally and personally, and not referring either to a group of software for use in commerce or to a group of offices; Computer game software for gaming machines including slot machines or video lottery terminals; Computer game software for gaming machines, namely, slot machines and video lottery terminals; Computer game software for personal computers and home video game consoles; Computer game software for use on mobile and cellular phones; Computer game software for use with personal computers, home video game consoles used with televisions and arcade-based video game consoles; Computer game tapes; Computer hardware and computer software programs for the integration of text, audio, graphics, still images and moving pictures into an interactive delivery for multimedia applications; Computer joysticks; Computer keyboards; Computer keypads; Computer mice; Computer monitor frames; Computer monitors; Computer mouse; Computer mouse in the nature of a trackpad; Computer mouse, namely, touchpads; Computer mouse, namely, trackballs; Computer programs for editing images, sound and video; Computer programs for pre-recorded games; Computer programs for video and computer games; Computer software and computer hardware for use in language localization, by means of language translation, subtitling, dubbing, closed captioning and teletext for feature films, television programs, videos and digital media in general; 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; Computer software featuring musical sound recordings and musical video recordings; Computer software for use in relation to digital animation and special effects of images; Computer software for use in the safeguarding of digital files, including audio, video, text, binary, still images, graphics and multimedia files; Computer software for Children's and Family Book Series that may be downloaded from a global computer network; Computer software to enhance the audio-visual capabilities of multimedia applications, namely, for the integration of text, audio, graphics, still images and moving pictures; Computer software, namely, game engine software for video game development and operation; Computer-gaming software; Consumer electronic products, namely, audio amplifiers, audio speakers, audio receivers, electrical audio and speaker cables and connectors, audio decoders, video decoders, speakers, power conversion devices, power converters, and power inverters; Digital media, namely, pre-recorded DVDs, downloadable audio and video recordings, and CDs featuring and promoting Children and Family Fiction Book Series; 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 Children and Family Fiction Animated Series based on Book Series; Distribution amplifiers for audio and video signals; Downloadable cloud computer software for Children's and Family Book Series; Downloadable computer game programs; Downloadable computer game software via a global computer network and wireless devices; Downloadable computer programs featuring positionable game piece figures for use in the field of computer games; Downloadable electronic game programs; Downloadable electronic game software for use on mobile and cellular phones; mouse pads; computer mice; game controllers for computer games; cell phone covers; face plates for video game consoles for use with external monitors; Downloadable films and movies featuring action, adventure, drama, comedy, romance, science fiction, animation and/or documentary themes; motion picture films for broadcast on television featuring action, adventure, drama, comedy, romance, science fiction, animation and/or documentary themes provided via a video-on-demand service; Downloadable films and television programs featuring action, adventure, drama, comedy, romance, science fiction, animation and/or documentary themes; motion picture films for broadcast on television featuring action, adventure, drama, comedy, romance, science fiction, animation and/or documentary themes provided via a video-on-demand



service; Downloadable motion pictures and television shows about animation adapted from a book series; Motion picture films in the field of animation adapted from a book series .; Downloadable multimedia file containing artwork, text, audio, video, games, and Internet Web links relating to NAMELY, MUSIC, GRAPHICS, AUDIO AND VIDEO RECORDINGS FEATURING EDUCATIONAL THEMES AND ENTERTAINMENT DIRECTED TO CHILDREN, PARENTS AND FAMILIES, INTERACTIVE GAMES; Downloadable multimedia file containing video relating to NAMELY, MUSIC, GRAPHICS, AUDIO AND VIDEO RECORDINGS FEATURING EDUCATIONAL THEMES AND ENTERTAINMENT DIRECTED TO CHILDREN, PARENTS AND FAMILIES, INTERACTIVE GAMES; Downloadable ring tones, graphics and music via a global computer network and wireless devices; Downloadable series of fiction books; Downloadable video recordings featuring PRE-RECORDED DVDS, DIGITAL VERSATILE DISCS AND DIGITAL VIDEO DISCS FEATURING LIVE ACTION AND ANIMATED ENTERTAINMENT, MOTION PICTURE FILMS, AND TELEVISION SHOWS; MOTION PICTURE FILMS FEATURING LIVE- ACTION AND ANIMATED ENTERTAINMENT; Downloadable virtual goods, namely, computer programs featuring Children's and Family Book Series for use in online virtual worlds; Downloadable Books, audio and visual recordings featuring live-action entertainment, music, stories; audio and visual recordings featuring animation; pre-recorded audio discs, compact discs featuring music, stories and games via the internet and wireless devices; E-books featuring Children and Family Fiction Book Series recorded on computer media; Electronic books featuring Children and Family Book Series recorded on computer media; Electronic game programs; Electronic game software; Electronic game software for cellular telephones; Electronic game software for handheld electronic devices; Electronic game software for wireless devices; Electronic publications, namely, in the Nature of Children featuring Family Fiction Series of Books recorded on computer media; Eye glass cases; Eye glasses; Game software; Handheld computers; Handheld personal computers; Interactive game programs; Interactive game software; Interactive multimedia computer game programs; Interactive multimedia computer program for Children's and Family Book Series; Interactive multimedia software featuring audio and video information for dentists on the subject of treatments, procedures and alternatives related to dentistry; Interactive multimedia software featuring audio and video information for patients on the subject of treatments, procedures and alternatives related to dentistry; Interactive video game programs; Jackets for video cassettes; Keyboard covers; Laboratory apparatus and computer systems for use in protein purification; Laptop computer cooling pads; Laptop computers; Laptops; Memory cards; Memory cards for video game machines; Motion picture films about animation adapted from a book series; Motion picture films in the field of animation adapted from a book series .; Motion picture films and films for television featuring children's entertainment; Notebook and laptop computers; Notebook computer carrying cases; Notebook computer cooling pads; Notebook computers; Optical apparatus, namely, a non-lethal security device that uses a light source to detect, warn, repel, temporarily blind, disorient, nauseate, disable, confuse, debilitate, stun, subdue, stop, or incapacitate persons or animals; Pre-recorded digital video discs featuring children's entertainment; downloadable television programs featuring children's entertainment; downloadable audio-video digital recordings featuring children's entertainment .; Pre-recorded video discs, video recording and video tapes featuring children's entertainment; downloadable television programs featuring children's entertainment; downloadable audio-video digital recordings featuring children's entertainment .; Prerecorded digital video disks featuring children's entertainment; downloadable television programs featuring children's entertainment; downloadable audio-video digital recordings featuring children's entertainment .; Prerecorded video cassettes featuring music; Prerecorded video cassettes featuring children's entertainment; downloadable television programs featuring children's entertainment; downloadable audio-video digital recordings featuring children's entertainment .; Prerecorded video tapes featuring music; Prerecorded video tapes featuring children's entertainment; downloadable television programs featuring children's entertainment; downloadable audio-video digital recordings featuring children's entertainment .; Reading glasses; Ski glasses; Sports glasses; Sports' glasses; Sun glasses; Theatre glasses; Video and



computer game programs; Video baby monitors; Video cassette recorders; Video cassette recorders and players, compact disc players, digital audio tape recorders and players, electronic diaries; Video disc players; Video discs featuring children's entertainment; downloadable television programs featuring children's entertainment; downloadable audio-video digital recordings featuring children's entertainment .; Video disk players; Video disks and video tapes with recorded animated cartoons; Video disks featuring children's entertainment; downloadable television programs featuring children's entertainment; downloadable audio-video digital recordings featuring children's entertainment .; Video display cards; Video displays mounted in eyeglasses; Video displays that may be worn on the body; Video game cartridges; Video game cartridges and cassettes; Video game cartridges and discs; Video game discs; Video game software; Video game tape cassettes; Video magazine recorded on electronic media featuring children's entertainment; downloadable television programs featuring children's entertainment; downloadable audio-video digital recordings featuring children's entertainment .; Video recordings featuring children's entertainment; downloadable television programs featuring children's entertainment; downloadable audio-video digital recordings featuring children's entertainment .; Video tapes featuring children's entertainment; downloadable television programs featuring children's entertainment; downloadable audio-video digital recordings featuring children's entertainment .; Videotapes and video disks recorded with animation; Visual recordings and audiovisual recordings featuring music and animation; Wireless communication device featuring voice, data and image transmission including voice, text and picture messaging, a video and still image camera, also functional to purchase music, games, video and software applications over the air for downloading to the device; Wireless computer peripherals

In International Class 009, the mark was first used by the applicant or the applicant's related company or licensee predecessor in interest at least as early as 12/01/2012, and first used in commerce at least as early as 05/26/2014, and is now in use in such commerce. The applicant is submitting one(or more) specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods and/or services, consisting of a(n) Use of Trademark in Commerce. A sales page with two enlarge samples from the sales to show Trademark in use..

**Original PDF file:**

[SPE0-108875888-124430606 . CIADODAnimaSeries.pages.pdf](#)

**Converted PDF file(s) (3 pages)**

[Specimen File1](#)

[Specimen File2](#)

[Specimen File3](#)

**The applicant's current Correspondence Information:**

Christophe, Jack

P.O. Box 3543

Beverly Hills, California 90212

jack@themonasteryph.com (authorized)

A fee payment in the amount of \$275 has been submitted with the application, representing payment for 1 class(es).

**Declaration**

The signatory believes that: if the applicant is filing the application under 15 U.S.C. Section 1051(a), the applicant is the owner of the trademark/service mark sought to be registered; the applicant or the applicant's related company or licensee is using the mark in commerce on or in connection with the goods/services in the application, and such use by the applicant's related company or licensee inures to the benefit of the applicant; the specimen(s) shows the mark as used on or in connection with the goods/services in the application; and/or if the applicant filed an application under 15 U.S.C. Section 1051(b), Section 1126(d), and/or Section 1126(e), the applicant is entitled to use the mark in commerce; the applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the goods/services in the application. The signatory believes that to the best of the signatory's knowledge and belief, no other person has the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion or mistake, or to deceive. The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements and the like may jeopardize the validity of the application or any registration resulting therefrom, declares that all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

Signature: /Jack Christophe/ Date Signed: 05/28/2014

Signatory's Name: Jack Christophe

Signatory's Position: Owner

RAM Sale Number: 86293474

RAM Accounting Date: 05/29/2014

Serial Number: 86293474

Internet Transmission Date: Wed May 28 14:05:25 EDT 2014

TEAS Stamp: USPTO/FTK-108.87.58.88-20140528140525328

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CC-299-20140528124430606899

THE CATS IN ACTION TEAM  
(CIA)  
A DIVISION OF  
THE DEPARTMENT OF DOGS  
(DOD)





Books » All » CIA - DOD Series

Displaying 1- 2 of 2 results for keyword "**CIA , DOD Series**" books

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1.



**Operation Milkstorm**  
CIA - DOD Series

Author: Christophe, Jack  
ISBN: 978-0-9896299-6-6  
Book Format: Ebook  
List Price: **\$4.99**  
Publisher: The Monastery  
Publication Date: May 2014

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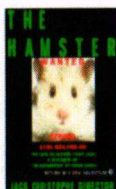
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2.



**The Hamster**  
CIA - DOD Series

Author: Christophe, Jack  
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Book Format: Ebook  
List Price: **\$4.99**  
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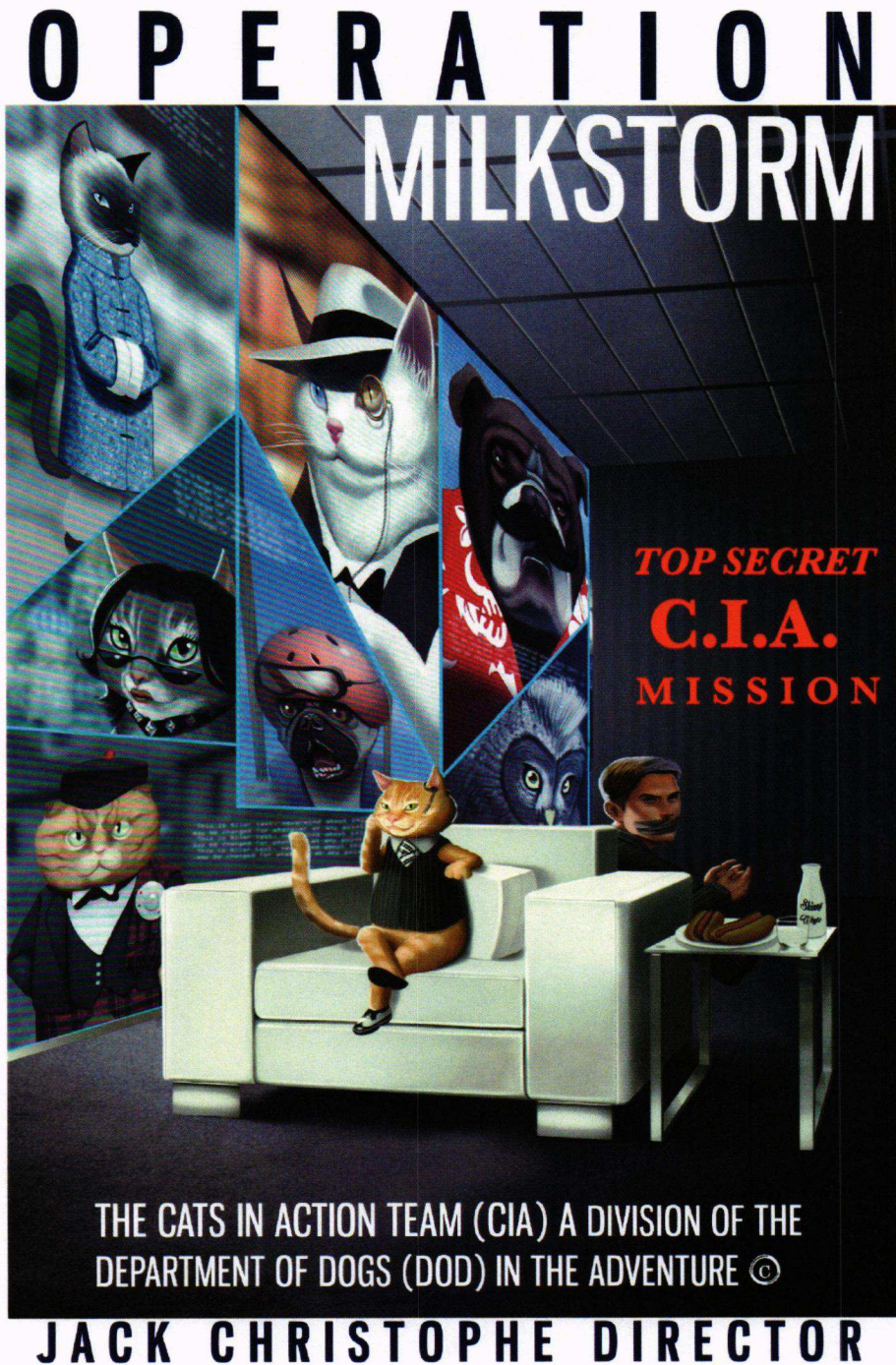
**You Can Date**

The first use of the Trademark phrase was on December 1st, 2012 to raise capital. The Trademark phrase is used for both the Novel and Film Series. We are enclosing two CHILDRENS novel titles from The Cats in Action Team (CIA) A Division of the Department of Dogs (DOD) series, in the adventures, "Operation Milkstorm" and "The Hamster." The Trademark phrase is listed on both titles. Please find enclosed the exact same book covers on Bookwire enlarged. The Bookwire sales page has limited characters for series name an acronym was used.

Jack Christophe, Children's Author, P.O. Box 3543 Beverly Hills, CA. 90212.  
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Jack Christophe, Children's Author, P.O. Box 3543 Beverly Hills, CA. 90212.  
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The Cats in Action Team (CIA) A Division of the Department of Dogs (DOD) Story #1






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The Cats in Action Team (CIA) A Division of the Department of Dogs (DOD) Story #2

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**THE CATS IN ACTION TEAM (CIA)**  
**A DIVISION OF**  
**THE DEPARTMENT OF DOGS (DOD)**

RETURN IN A NEW ADVENTURE ©

**JACK CHRISTOPHE DIRECTOR**

## **EXHIBIT B**



# United States of America

United States Patent and Trademark Office

## THE CATS IN ACTION TEAM (CIA) A DIVISION OF THE DEPARTMENT OF DOGS (DOD)

Reg. No. 4,684,194

Registered Feb. 10, 2015

CHRISTOPHE, JACK (UNITED STATES INDIVIDUAL)  
P.O. BOX 3543  
BEVERLY HILLS, CA 90212

Int. Cl.: 9

TRADEMARK

PRINCIPAL REGISTER



*Nichelle K. Lee*

Deputy Director of the United States  
Patent and Trademark Office

FOR: AUDIO AND VIDEO CASSETTE RECORDERS; AUDIO AND VIDEO RECORDINGS FEATURING MUSIC AND ARTISTIC PERFORMANCES; AUDIO AND VIDEO RECORDINGS FEATURING FICTION; DIGITAL BOOK READERS; DOWNLOADABLE SERIES OF FICTION BOOKS; AUDIO BOOKS IN THE NATURE OF NOVELS; AUDIO BOOKS IN THE NATURE OF CHILDREN AND FAMILY FICTION SERIES OF BOOKS; BLANK CD-ROMS FOR SOUND OR VIDEO RECORDING; BLANK COMPUTER DISCS; BLANK DISCS FOR COMPUTERS; BLANK FLOPPY COMPUTER DISCS; BLANK MAGNETIC COMPUTER TAPES; BLANK TAPES FOR STORAGE OF COMPUTER DATA; BLANK VIDEO CASSETTES; BLANK VIDEO TAPES; BRIEFCASES SPECIALLY ADAPTED FOR HOLDING LAPTOP COMPUTERS; BROADBAND POWER LINE COMMUNICATION SYSTEMS FOR TRANSFERRING BROADBAND DATA OVER ELECTRICAL POWER LINES, COMPRISED OF COMPUTER HARDWARE, SOFTWARE AND MODEMS; CALCULATING MACHINES, DATA PROCESSING EQUIPMENT AND COMPUTERS; CALCULATING MACHINES, DATA-PROCESSING EQUIPMENT AND COMPUTERS; CARRYING CASES FOR MOBILE COMPUTERS; CARRYING CASES SPECIALLY ADAPTED FOR ELECTRONIC EQUIPMENT, NAMELY, CELL PHONES, SMARTPHONES, TABLETS, E-READERS AND LAPTOP COMPUTERS; CARRYING CASES, HOLDERS, PROTECTIVE CASES AND STANDS FEATURING POWER SUPPLY CONNECTORS, ADAPTORS, SPEAKERS AND BATTERY CHARGING DEVICES, SPECIALLY ADAPTED FOR USE WITH HANDHELD DIGITAL ELECTRONIC DEVICES, NAMELY, CELL PHONES, SMARTPHONES, TABLETS, AND E-READERS; CASES ADAPTED FOR COMPUTERS; CASES FOR MUSIC, AUDIO AND RELATED ELECTRONIC EQUIPMENT, NAMELY, CASES FOR AUDIO TUNERS, AUDIO RECEIVERS, AMPLIFIERS, TAPE PLAYERS, COMPACT DISC PLAYERS, MP3 CONTROLLERS/PLAYERS, AUDIO MIXERS, AUDIO SPEAKERS IN THE NATURE OF MUSIC STUDIO MONITORS, MICROPHONES, AUDIO SPEAKERS, COMPACT DISCS, AUDIO TAPES, PORTABLE COMPUTERS, ANTENNAS, PHONOGRAPHIC RECORD PLAYERS, AUDIO RECORDING EQUIPMENT, AND THE CABLES ASSOCIATED WITH ALL OF THE FOREGOING EQUIPMENT; CD DRIVES FOR COMPUTERS; CHILDREN'S VIDEO TAPES; COMPUTER BACKUP AND STORAGE SYSTEMS WITH MULTIPLE REMOVABLE RAID CARTRIDGES; COMPUTER BAGS; COMPUTER GAME CARTRIDGES; COMPUTER GAME CARTRIDGES AND DISCS; COMPUTER GAME CASSETTES; COMPUTER GAME DISCS; COMPUTER GAME PROGRAMMES; COMPUTER GAME PROGRAMMES DOWNLOADABLE VIA THE INTERNET; COMPUTER GAME PROGRAMS; COMPUTER GAME PROGRAMS, CARTRIDGES, AND CASSETTES;

**Reg. No. 4,684,194** COMPUTER GAME SOFTWARE; COMPUTER GAME SOFTWARE DOWNLOADABLE FROM A GLOBAL COMPUTER NETWORK; COMPUTER GAME SOFTWARE FOCUSING ON ACHIEVING A SET OF GOALS, POSITIONS, OWNERSHIP, AND CREDENTIALS, AND PROFESSIONAL AND SOCIAL STATUS, AND GOOD FORTUNE NECESSARY TO SUCCEED PROFESSIONALLY AND PERSONALLY, AND NOT REFERRING EITHER TO A GROUP OF SOFTWARE FOR USE IN COMMERCE OR TO A GROUP OF OFFICES; COMPUTER GAME SOFTWARE FOR GAMING MACHINES INCLUDING SLOT MACHINES OR VIDEO LOTTERY TERMINALS; COMPUTER GAME SOFTWARE FOR GAMING MACHINES, NAMELY, SLOT MACHINES AND VIDEO LOTTERY TERMINALS; COMPUTER GAME SOFTWARE FOR PERSONAL COMPUTERS AND HOME VIDEO GAME CONSOLES; COMPUTER GAME SOFTWARE FOR USE ON MOBILE AND CELLULAR PHONES; COMPUTER GAME SOFTWARE FOR USE WITH PERSONAL COMPUTERS, HOME VIDEO GAME CONSOLES USED WITH TELEVISIONS AND ARCADE-BASED VIDEO GAME CONSOLES; COMPUTER GAME TAPES; COMPUTER HARDWARE AND COMPUTER SOFTWARE PROGRAMS FOR THE INTEGRATION OF TEXT, AUDIO, GRAPHICS, STILL IMAGES AND MOVING PICTURES INTO AN INTERACTIVE DELIVERY FOR MULTIMEDIA APPLICATIONS; COMPUTER JOYSTICKS; COMPUTER KEYBOARDS; COMPUTER KEYPADS; COMPUTER MICE; COMPUTER MONITOR FRAMES; COMPUTER MONITORS; COMPUTER MOUSE; COMPUTER MOUSE IN THE NATURE OF A TRACKPAD; COMPUTER MOUSE, NAMELY, TOUCHPADS; COMPUTER MOUSE, NAMELY, TRACKBALLS; COMPUTER PROGRAMS FOR EDITING IMAGES, SOUND AND VIDEO; COMPUTER PROGRAMS FOR PRE-RECORDED GAMES; COMPUTER PROGRAMS FOR VIDEO AND COMPUTER GAMES; COMPUTER SOFTWARE AND COMPUTER HARDWARE FOR USE IN LANGUAGE LOCALIZATION, BY MEANS OF LANGUAGE TRANSLATION, SUBTITLING, DUBBING, CLOSED CAPTIONING AND TELETXT FOR FEATURE FILMS, TELEVISION PROGRAMS, VIDEOS AND DIGITAL MEDIA IN GENERAL; 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; COMPUTER SOFTWARE FEATURING MUSICAL SOUND RECORDINGS AND MUSICAL VIDEO RECORDINGS; COMPUTER SOFTWARE FOR USE IN RELATION TO DIGITAL ANIMATION AND SPECIAL EFFECTS OF IMAGES; COMPUTER SOFTWARE FOR USE IN THE SAFEGUARDING OF DIGITAL FILES, INCLUDING AUDIO, VIDEO, TEXT, BINARY, STILL IMAGES, GRAPHICS AND MULTIMEDIA FILES; COMPUTER SOFTWARE FOR EDUCATION FEATURING INSTRUCTION IN THE FIELDS OF MATHEMATICS, LANGUAGES, MUSIC, SCIENCES AND ARTS THAT MAY BE DOWNLOADED FROM A GLOBAL COMPUTER NETWORK; COMPUTER SOFTWARE TO ENHANCE THE AUDIO-VISUAL CAPABILITIES OF MULTIMEDIA APPLICATIONS, NAMELY, FOR THE INTEGRATION OF TEXT, AUDIO, GRAPHICS, STILL IMAGES AND MOVING PICTURES; COMPUTER SOFTWARE, NAMELY, GAME ENGINE SOFTWARE FOR VIDEO GAME DEVELOPMENT AND OPERATION; COMPUTER-GAMING SOFTWARE; CONSUMER ELECTRONIC PRODUCTS, NAMELY, AUDIO AMPLIFIERS, AUDIO SPEAKERS, AUDIO RECEIVERS, ELECTRICAL AUDIO AND SPEAKER CABLES AND CONNECTORS, AUDIO DECODERS, VIDEO DECODERS, SPEAKERS, POWER CONVERSION DEVICES, POWER CONVERTERS, AND POWER INVERTERS; DIGITAL MEDIA, NAMELY, PRE-RECORDED DVDS, DOWNLOADABLE AUDIO AND VIDEO RECORDINGS, AND CDS FEATURING AND PROMOTING CHILDREN AND FAMILY FICTION BOOK SERIES; 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 CHILDREN AND FAMILY FICTION ANIMATED SERIES BASED ON BOOK SERIES; DISTRIBUTION AMPLIFIERS FOR AUDIO AND VIDEO SIGNALS; DOWNLOADABLE CLOUD COMPUTER SOFTWARE FOR EDUCATION FEATURING INSTRUCTION IN THE FIELDS OF MATHEMATICS, LANGUAGES, MUSIC, SCIENCES AND ARTS; DOWNLOADABLE COMPUTER GAME PROGRAMS; DOWNLOADABLE COMPUTER GAME SOFTWARE VIA A GLOBAL COMPUTER NETWORK AND WIRELESS DEVICES; DOWNLOADABLE COMPUTER PROGRAMS FEATURING POSITIONABLE GAME PIECE FIGURES FOR USE IN THE FIELD OF COMPUTER GAMES; DOWNLOADABLE ELECTRONIC GAME PROGRAMS; DOWNLOADABLE ELECTRONIC GAME SOFTWARE FOR USE ON MOBILE AND CELLULAR



**Reg. No. 4,684,194** PHONES; MOUSE PADS; COMPUTER MICE; GAME CONTROLLERS FOR COMPUTER GAMES; CELL PHONE COVERS; FACE PLATES FOR VIDEO GAME CONSOLES FOR USE WITH EXTERNAL MONITORS; DOWNLOADABLE FILMS, MOVIES, AND TELEVISION PROGRAMS FEATURING ACTION, ADVENTURE, DRAMA, COMEDY, ROMANCE, SCIENCE FICTION, ANIMATION AND/OR DOCUMENTARY THEMES PROVIDED VIA A VIDEO-ON-DEMAND SERVICE; DOWNLOADABLE MOTION PICTURES AND TELEVISION SHOWS ABOUT ANIMATION ADAPTED FROM A BOOK SERIES; MOTION PICTURE FILMS IN THE FIELD OF ANIMATION ADAPTED FROM A BOOK SERIES; DOWNLOADABLE MULTIMEDIA FILE CONTAINING ARTWORK, TEXT, AUDIO, VIDEO, GAMES, AND INTERNET WEB LINKS RELATING TO EDUCATIONAL THEMES AND ENTERTAINMENT DIRECTED TO CHILDREN, PARENTS AND FAMILIES; DOWNLOADABLE RINGTONES, GRAPHICS AND MUSIC VIA A GLOBAL COMPUTER NETWORK AND WIRELESS DEVICES; DOWNLOADABLE SERIES OF FICTION BOOKS; DOWNLOADABLE VIDEO RECORDINGS FEATURING CHILDREN'S LIVE ACTION AND ANIMATED ENTERTAINMENT IN THE NATURE OF MOTION PICTURE FILMS AND TELEVISION SHOWS; DOWNLOADABLE VIRTUAL GOODS, NAMELY, COMPUTER PROGRAMS FEATURING EDUCATION FEATURING INSTRUCTION IN THE FIELDS OF MATHEMATICS, LANGUAGES, MUSIC, SCIENCES AND ARTS FOR USE IN ONLINE VIRTUAL WORLDS; DOWNLOADABLE BOOKS AND AUDIO AND VISUAL RECORDINGS FEATURING LIVE-ACTION ENTERTAINMENT, MUSIC, STORIES AND GAMES VIA THE INTERNET AND WIRELESS DEVICES; E-BOOKS FEATURING CHILDREN AND FAMILY FICTION BOOK SERIES RECORDED ON COMPUTER MEDIA; ELECTRONIC BOOKS FEATURING CHILDREN AND FAMILY BOOK SERIES RECORDED ON COMPUTER MEDIA; ELECTRONIC GAME PROGRAMS; ELECTRONIC GAME SOFTWARE; ELECTRONIC GAME SOFTWARE FOR CELLULAR TELEPHONES; ELECTRONIC GAME SOFTWARE FOR HANDHELD ELECTRONIC DEVICES; ELECTRONIC GAME SOFTWARE FOR WIRELESS DEVICES; ELECTRONIC PUBLICATIONS, NAMELY, BOOKS, MAGAZINES, COMICS, AND GAME MANUALS FEATURING CHILDREN AND FAMILY FICTION SERIES OF BOOKS RECORDED ON COMPUTER MEDIA; EYE GLASS CASES; EYE GLASSES; GAME SOFTWARE; HANDHELD COMPUTERS; HANDHELD PERSONAL COMPUTERS; INTERACTIVE GAME PROGRAMS; INTERACTIVE GAME SOFTWARE; INTERACTIVE MULTIMEDIA COMPUTER GAME PROGRAMS; INTERACTIVE MULTIMEDIA COMPUTER PROGRAM FOR EDUCATION FEATURING INSTRUCTION IN THE FIELDS OF MATHEMATICS, LANGUAGES, MUSIC, SCIENCES AND ARTS; INTERACTIVE MULTIMEDIA SOFTWARE FEATURING AUDIO AND VIDEO INFORMATION FOR DENTISTS ON THE SUBJECT OF TREATMENTS, PROCEDURES AND ALTERNATIVES RELATED TO DENTISTRY; INTERACTIVE MULTIMEDIA SOFTWARE FEATURING AUDIO AND VIDEO INFORMATION FOR PATIENTS ON THE SUBJECT OF TREATMENTS, PROCEDURES AND ALTERNATIVES RELATED TO DENTISTRY; INTERACTIVE VIDEO GAME PROGRAMS; JACKETS FOR VIDEO CASSETTES; KEYBOARD COVERS; LABORATORY APPARATUS AND COMPUTER SYSTEMS FOR USE IN PROTEIN PURIFICATION; LAPTOP COMPUTER COOLING PADS; LAPTOP COMPUTERS; LAPTOPS; MEMORY CARDS; MEMORY CARDS FOR VIDEO GAME MACHINES; MOTION PICTURE FILMS ABOUT ANIMATION ADAPTED FROM A BOOK SERIES; MOTION PICTURE FILMS IN THE FIELD OF ANIMATION ADAPTED FROM A BOOK SERIES; MOTION PICTURE FILMS AND FILMS FOR TELEVISION FEATURING CHILDREN'S ENTERTAINMENT; NOTEBOOK AND LAPTOP COMPUTERS; NOTEBOOK COMPUTER CARRYING CASES; NOTEBOOK COMPUTER COOLING PADS; NOTEBOOK COMPUTERS; OPTICAL APPARATUS, NAMELY, A NON-LETHAL SECURITY DEVICE THAT USES A LIGHT SOURCE TO DETECT, WARN, REPEL, TEMPORARILY BLIND, DISORIENT, NAUSEATE, DISABLE, CONFUSE, DEBILITATE, STUN, SUBDUE, STOP, OR INCAPACITATE PERSONS OR ANIMALS; PRE-RECORDED DIGITAL VIDEO DISCS, VIDEO DISCS, VIDEO RECORDING, VIDEO CASSETTES, AND VIDEO TAPES FEATURING CHILDREN'S ENTERTAINMENT; PRERECORDED VIDEO CASSETTES FEATURING MUSIC; PRERECORDED VIDEO TAPES FEATURING MUSIC; READING GLASSES; SKI GLASSES; SPORTS GLASSES; SPORTS' GLASSES; SUN GLASSES; THEATRE GLASSES; VIDEO AND COMPUTER GAME PROGRAMS; VIDEO BABY MONITORS; VIDEO CASSETTE RECORDERS; VIDEO CASSETTE RECORDERS AND PLAYERS, COMPACT DISC PLAYERS, DIGITAL AUDIO TAPE RECORDERS AND PLAYERS, ELECTRONIC DIARIES; VIDEO DISC PLAY-

**Reg. No. 4,684,194** ERS; VIDEO DISCS, VIDEO RECORDINGS, AND VIDEO TAPES FEATURING CHILDREN'S ENTERTAINMENT; VIDEO DISK PLAYERS; VIDEO DISKS AND VIDEO TAPES WITH RECORDED ANIMATED CARTOONS; VIDEO DISPLAY CARDS; VIDEO DISPLAYS MOUNTED IN EYEGLASSES; VIDEO DISPLAYS THAT MAY BE WORN ON THE BODY; VIDEO GAME CARTRIDGES; VIDEO GAME CARTRIDGES AND CASSETTES; VIDEO GAME CARTRIDGES AND DISCS; VIDEO GAME DISCS; VIDEO GAME SOFTWARE; VIDEO GAME TAPE CASSETTES; VIDEO MAGAZINE RECORDED ON ELECTRONIC MEDIA FEATURING CHILDREN'S ENTERTAINMENT; VIDEOTAPES AND VIDEO DISKS RECORDED WITH ANIMATION; VISUAL RECORDINGS AND AUDIOVISUAL RECORDINGS FEATURING MUSIC AND ANIMATION; WIRELESS COMMUNICATION DEVICE FEATURING VOICE, DATA AND IMAGE TRANSMISSION INCLUDING VOICE, TEXT AND PICTURE MESSAGING, A VIDEO AND STILL IMAGE CAMERA, ALSO FUNCTIONAL TO PURCHASE MUSIC, GAMES, VIDEO AND SOFTWARE APPLICATIONS OVER THE AIR FOR DOWNLOADING TO THE DEVICE; WIRELESS COMPUTER PERIPHERALS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 12-1-2012; IN COMMERCE 5-26-2014.

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

SER. NO. 86-293,474, FILED 5-28-2014.

PETER BODRI, EXAMINING ATTORNEY



**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 C**

Books » All » CIA - DOD Series

Displaying 1- 2 of 2 results for keyword "**CIA , DOD Series**" books

Sort by: Date (Asc) ▾

1.



**Operation Milkstorm**  
CIA - DOD Series

Author: Christophe, Jack  
ISBN: 978-0-9896299-6-6  
Book Format: Ebook  
List Price: **\$4.99**  
Publisher: The Monastery  
Publication Date: May 2014

Compare and ▸



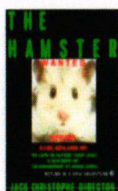
**Related Keywords**

operation . milkstorm .  
cia . dod . series .  
christophe . jack .

**Refine Options**

- ▾ Format
  - Ebook (2)
- ▾ Author
- ▾ Status
- ▾ List Price

2.



**The Hamster**  
CIA - DOD Series

Author: Christophe, Jack  
ISBN: 978-0-9896299-7-3  
Book Format: Ebook  
List Price: **\$4.99**  
Publisher: The Monastery  
Publication Date: Nov 2014

Compare and ▸



**Featured Books**



**Left to Tell**  
Ilibagiza,  
Immaculée  
Paperback:  
**\$15.95**

You Can Date

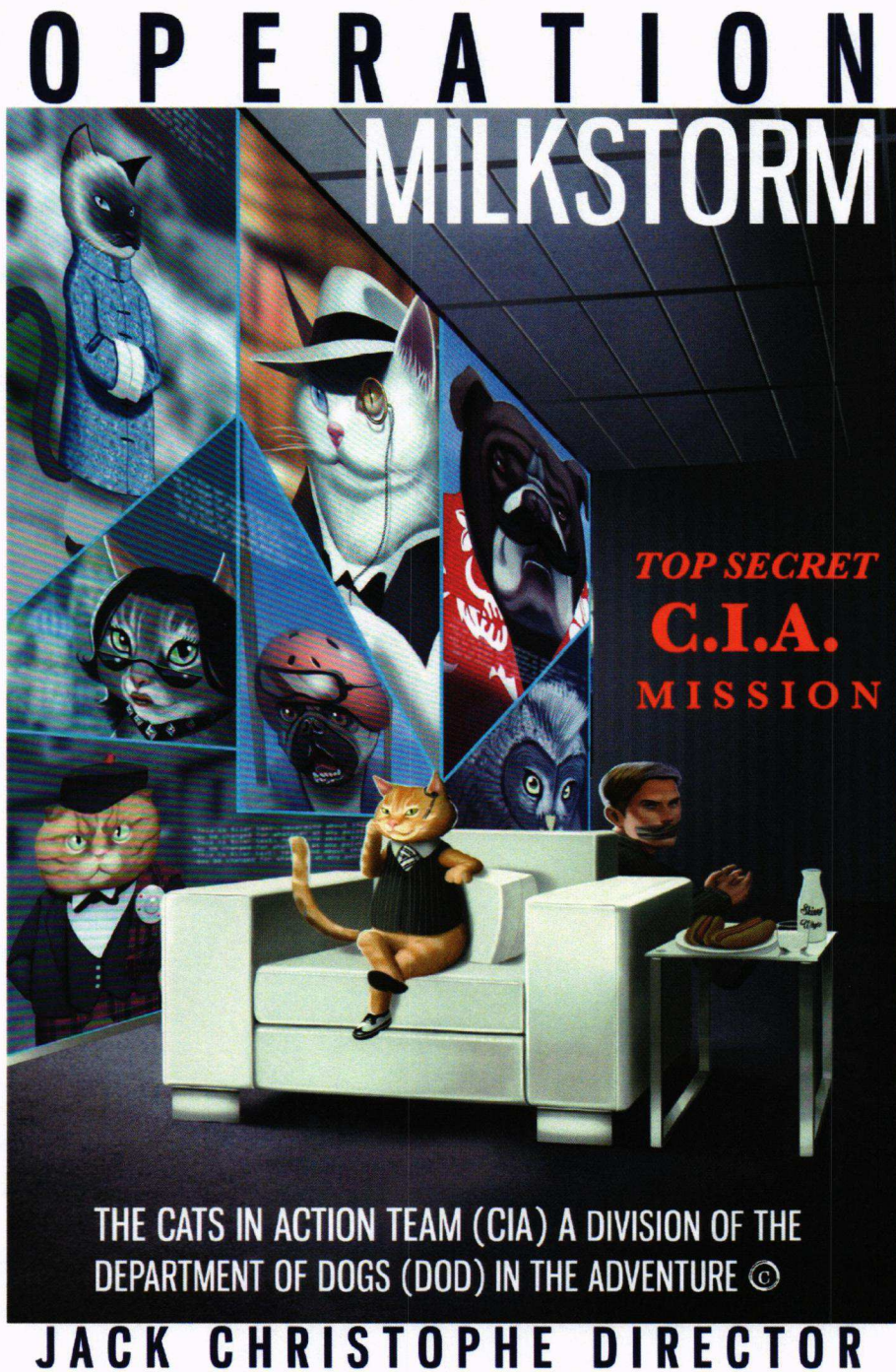
The first use of the Trademark phrase was on December 1st, 2012 to raise capital. The Trademark phrase is used for both the Novel and Film Series. We are enclosing two CHILDRENS novel titles from The Cats in Action Team (CIA) A Division of the Department of Dogs (DOD) series, in the adventures, "Operation Milkstorm" and "The Hamster." The Trademark phrase is listed on both titles. Please find enclosed the exact same book covers on Bookwire enlarged. The Bookwire sales page has limited characters for series name an acronym was used.

Jack Christophe, Children's Author, P.O. Box 3543 Beverly Hills, CA. 90212.  
[jack@themonasteryph.com](mailto:jack@themonasteryph.com)



Jack Christophe, Children's Author, P.O. Box 3543 Beverly Hills, CA. 90212.  
[jack@themonasteryph.com](mailto:jack@themonasteryph.com)

The Cats in Action Team (CIA) A Division of the Department of Dogs (DOD) Story #1






Jack Christophe, Children's Author, P.O. Box 3543 Beverly Hills, CA. 90212.  
[jack@themonasteryph.com](mailto:jack@themonasteryph.com)

The Cats in Action Team (CIA) A Division of the Department of Dogs (DOD) Story #2

**T H E  
H A M S T E R**

**WANTED**



**REWARD**

**\$100,000,000.00**

**THE CATS IN ACTION TEAM (CIA)**  
**A DIVISION OF**  
**THE DEPARTMENT OF DOGS (DOD)**

RETURN IN A NEW ADVENTURE ©

**JACK CHRISTOPHE DIRECTOR**

## **EXHIBIT D**

## Trademark/Service Mark Application, Principal Register

Serial Number: 86196227

Filing Date: 02/18/2014

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	86196227
MARK INFORMATION	
*MARK	<u>CATS IN ACTION</u>
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	CATS IN ACTION
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font, style, size, or color.
REGISTER	Principal
APPLICANT INFORMATION	
*OWNER OF MARK	Video Gaming Technologies, Inc.
*STREET	308 Mallory Station Road
*CITY	Franklin
*STATE (Required for U.S. applicants)	Tennessee
*COUNTRY	United States
*ZIP/POSTAL CODE (Required for U.S. applicants only)	37067
EMAIL ADDRESS	iptm@armstrongteasdale.com
LEGAL ENTITY INFORMATION	
TYPE	corporation
STATE/COUNTRY OF INCORPORATION	Tennessee
GOODS AND/OR SERVICES AND BASIS INFORMATION	
INTERNATIONAL CLASS	028



<b>*IDENTIFICATION</b>	gaming machines, namely, games of chance, games which accept a wager, slot machines, video gaming machines and bingo related games; video based slot machines, reel based slot machines, and gaming machines in the nature of video lottery terminals
<b>FILING BASIS</b>	SECTION 1(b)
<b>ATTORNEY INFORMATION</b>	
<b>NAME</b>	Tiffany L. Schwartz
<b>ATTORNEY DOCKET NUMBER</b>	T0290-001
<b>FIRM NAME</b>	Armstrong Teasdale LLP
<b>STREET</b>	7700 Forsyth Blvd., Suite 1800
<b>CITY</b>	Saint Louis
<b>STATE</b>	Missouri
<b>COUNTRY</b>	United States
<b>ZIP/POSTAL CODE</b>	63105
<b>PHONE</b>	314-621-5070
<b>FAX</b>	314-621-5065
<b>EMAIL ADDRESS</b>	iptm@armstrongteasdale.com
<b>AUTHORIZED TO COMMUNICATE VIA EMAIL</b>	Yes
<b>OTHER APPOINTED ATTORNEY</b>	Courtney Jackson
<b>CORRESPONDENCE INFORMATION</b>	
<b>NAME</b>	Tiffany L. Schwartz
<b>FIRM NAME</b>	Armstrong Teasdale LLP
<b>STREET</b>	7700 Forsyth Blvd., Suite 1800
<b>CITY</b>	Saint Louis
<b>STATE</b>	Missouri
<b>COUNTRY</b>	United States
<b>ZIP/POSTAL CODE</b>	63105
<b>PHONE</b>	314-621-5070
<b>FAX</b>	314-621-5065
<b>EMAIL ADDRESS</b>	iptm@armstrongteasdale.com

<b>AUTHORIZED TO COMMUNICATE VIA EMAIL</b>	Yes
<b>FEE INFORMATION</b>	
<b>NUMBER OF CLASSES</b>	1
<b>FEE PER CLASS</b>	325
<b>*TOTAL FEE DUE</b>	325
<b>*TOTAL FEE PAID</b>	325
<b>SIGNATURE INFORMATION</b>	
<b>SIGNATURE</b>	/Keith D Moore/
<b>SIGNATORY'S NAME</b>	Keith D. Moore
<b>SIGNATORY'S POSITION</b>	Director of IP
<b>DATE SIGNED</b>	02/18/2014

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## **Trademark/Service Mark Application, Principal Register**

**Serial Number: 86196227**

**Filing Date: 02/18/2014**

### **To the Commissioner for Trademarks:**

**MARK:** CATS IN ACTION (Standard Characters, see [mark](#))

The literal element of the mark consists of CATS IN ACTION.

The mark consists of standard characters, without claim to any particular font, style, size, or color.

The applicant, Video Gaming Technologies, Inc., a corporation of Tennessee, having an address of  
308 Mallory Station Road  
Franklin, Tennessee 37067  
United States

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

International Class 028: gaming machines, namely, games of chance, games which accept a wager, slot machines, video gaming machines and bingo related games; video based slot machines, reel based slot machines, and gaming machines in the nature of video lottery terminals

Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

### **The applicant's current Attorney Information:**

Tiffany L. Schwartz and Courtney Jackson of Armstrong Teasdale LLP  
7700 Forsyth Blvd., Suite 1800  
Saint Louis, Missouri 63105  
United States

The attorney docket/reference number is T0290-001.

### **The applicant's current Correspondence Information:**

Tiffany L. Schwartz  
Armstrong Teasdale LLP  
7700 Forsyth Blvd., Suite 1800  
Saint Louis, Missouri 63105  
314-621-5070(phone)  
314-621-5065(fax)  
iptm@armstrongteasdale.com (authorized)



A fee payment in the amount of \$325 has been submitted with the application, representing payment for 1 class(es).

### **Declaration**

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

### **Declaration Signature**

Signature: /Keith D Moore/ Date: 02/18/2014

Signatory's Name: Keith D. Moore

Signatory's Position: Director of IP

RAM Sale Number: 86196227

RAM Accounting Date: 02/18/2014

Serial Number: 86196227

Internet Transmission Date: Tue Feb 18 12:27:28 EST 2014

TEAS Stamp: USPTO/BAS-208.82.148.120-201402181227283

68601-86196227-500fab2e82b9d24ed46e2e3ac

7b02dacb27a238b814b6f60121871b239fb7f12b

1-DA-14228-20140217174607507969

# CATS IN ACTION

## **EXHIBIT E**



## Trademark/Service Mark Statement of Use (15 U.S.C. Section 1051(d))

The table below presents the data as entered.

Input Field	Entered
<b>SERIAL NUMBER</b>	86196227
<b>LAW OFFICE ASSIGNED</b>	LAW OFFICE 119
<b>EXTENSION OF USE</b>	NO
<b>MARK SECTION</b>	
<b>MARK</b>	<a href="http://tmng-al.uspto.gov/resting2/api/img/86196227/large">http://tmng-al.uspto.gov/resting2/api/img/86196227/large</a>
<b>LITERAL ELEMENT</b>	CATS IN ACTION
<b>STANDARD CHARACTERS</b>	YES
<b>USPTO-GENERATED IMAGE</b>	YES
<b>MARK STATEMENT</b>	The mark consists of standard characters, without claim to any particular font style, size or color.
<b>OWNER SECTION</b>	
<b>NAME</b>	Video Gaming Technologies, Inc.
<b>STREET</b>	308 Mallory Station Road
<b>CITY</b>	Franklin
<b>STATE</b>	Tennessee
<b>ZIP/POSTAL CODE</b>	37067
<b>COUNTRY</b>	United States
<b>EMAIL</b>	iptm@armstrongteasdale.com
<b>GOODS AND/OR SERVICES SECTION</b>	
<b>INTERNATIONAL CLASS</b>	028
<b>CURRENT IDENTIFICATION</b>	gaming machines, namely, games of chance, games which accept a wager, slot machines, video gaming machines and bingo related games; video based slot machines, reel based slot machines, and gaming



	machines in the nature of video lottery terminals
<b>GOODS OR SERVICES</b>	KEEP ALL LISTED
<b>FIRST USE ANYWHERE DATE</b>	06/30/2015
<b>FIRST USE IN COMMERCE DATE</b>	06/30/2015
<b>SPECIMEN FILE NAME(S)</b>	<u>\\TICRS\EXPORT16\IMAGEOUT</u> <u>16\861\962\86196227\xml11 \SOU0002.JPG</u>
<b>SPECIMEN DESCRIPTION</b>	digital photo of the mark used in connection with the goods as they are sold in commerce
<b>REQUEST TO DIVIDE</b>	NO
<b>PAYMENT SECTION</b>	
<b>NUMBER OF CLASSES IN USE</b>	1
<b>SUBTOTAL AMOUNT [ALLEGATION OF USE FEE]</b>	100
<b>TOTAL AMOUNT</b>	100
<b>SIGNATURE SECTION</b>	
<b>DECLARATION SIGNATURE</b>	/Keith D. Moore/
<b>SIGNATORY'S NAME</b>	Keith D. Moore
<b>SIGNATORY'S POSITION</b>	Director of IP
<b>DATE SIGNED</b>	07/30/2015
<b>SIGNATORY'S PHONE NUMBER</b>	314-621-5070
<b>FILING INFORMATION</b>	
<b>SUBMIT DATE</b>	Fri Jul 31 15:32:59 EDT 2015
<b>TEAS STAMP</b>	USPTO/SOU-208.82.148.120- 20150731153259719892-8619 6227-5409accdfa458d7ea37 a576c5c3ed77188ebd3a9a6ed 62587c6040b0e0a1945580-DA -1975-2015073015585464431 4

## Trademark/Service Mark Statement of Use (15 U.S.C. Section 1051(d))

To the Commissioner for Trademarks:

**MARK:** CATS IN ACTION(Standard Characters, see <http://tmng-al.uspto.gov/resting2/api/img/86196227/large>)

**SERIAL NUMBER:** 86196227

The applicant, is submitting the following allegation of use information:

For International Class 028:

Current identification: gaming machines, namely, games of chance, games which accept a wager, slot machines, video gaming machines and bingo related games; video based slot machines, reel based slot machines, and gaming machines in the nature of video lottery terminals

The mark is in use in commerce on or in connection with all of the goods/services, or to indicate membership in the collective organization listed in the application or Notice of Allowance or as subsequently modified for this specific class.

The mark was first used by the applicant, or the applicant's related company, licensee, or predecessor in interest at least as early as 06/30/2015, and first used in commerce at least as early as 06/30/2015, and is now in use in such commerce. The applicant is submitting one specimen for the class showing the mark as used in commerce on or in connection with any item in the class, consisting of a(n) digital photo of the mark used in connection with the goods as they are sold in commerce.

[Specimen File1](#)

The applicant is not filing a Request to Divide with this Allegation of Use form.

A fee payment in the amount of \$100 will be submitted with the form, representing payment for the allegation of use for 1 class.

### Declaration

STATEMENTS: The signatory believes that: if the applicant is filing the amendment to allege use under 15 U.S.C. §1051(c) or a statement of use under 15 U.S.C. §1051(d), the applicant is the owner of the mark sought to be registered; the mark is in use in commerce; **for a trademark or service mark application**, the applicant is using the mark in commerce on or in connection with all the goods/services in the application or notice of allowance, or as subsequently modified; **for a collective trademark, collective service mark, collective membership mark application**, the applicant is exercising legitimate control over the use of the mark in commerce by members on or in connection with all the



goods/services/collective membership organization in the application or notice of allowance, or as subsequently modified; **for a certification mark application**, the applicant is exercising legitimate control over the use of the mark in commerce by authorized users on or in connection with the all goods/services in the application or notice of allowance, or as subsequently modified, and the applicant is not engaged in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods/services that meet the certification standards of the applicant; that to the best of the signatory's knowledge and belief, no other persons, except, if applicable, authorized users, members, and/or concurrent users, have the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services/collective membership organization of such other persons, to cause confusion or mistake, or to deceive; and the specimen(s) shows the mark as used on or in connection with the goods/services/collective membership organization in commerce.

DECLARATION: The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements and the like may jeopardize the validity of the application or submission or any registration resulting therefrom, declares that all statements made of his/her own knowledge are true and that all statements made on information and belief are believed to be true.

Signature: /Keith D. Moore/    Date Signed: 07/30/2015

Signatory's Name: Keith D. Moore

Signatory's Position: Director of IP

Signatory's Phone: 314-621-5070

RAM Sale Number: 86196227

RAM Accounting Date: 08/03/2015

Serial Number: 86196227

Internet Transmission Date: Fri Jul 31 15:32:59 EDT 2015

TEAS Stamp: USPTO/SOU-208.82.148.120-201507311532597

19892-86196227-5409accfdfa458d7ea37a576c

5c3ed77188ebd3a9a6ed62587c6040b0e0a19455

80-DA-1975-20150730155854644314





**FEE RECORD SHEET****Serial Number:** 86196227**RAM Sale Number:** 86196227**Total Fees:** \$100**RAM Accounting Date:** 20150803

<u>Transaction</u>	<u>Fee Code</u>	<u>Transaction Date</u>	<u>Fee per Class</u>	<u>Number of Classes</u>	<u>Total Fee</u>
Statement of Use (SOU)	7003	20150731	\$100	1	\$100

**Transaction Date:** 20150731