ESTTA Tracking number: **ESTTA1268996**

Filing date: **03/01/2023**

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

Proceeding no.	92081402
Party	Defendant Wild Streak LLC
Correspondence address	WILD STREAK LLC 5575 S DURANGO DR STE 101 LAS VEGAS, NV 89113 UNITED STATES Primary email: wildstreakllc@wildstreakgaming.com 702-417-5376
Submission	Answer
Filer's name	/Joanna M. Myers/
Filer's email	jmm@h2law.com, jwf@h2law.com, ipdocket@h2law.com, aga-lenski@howardandhoward.com, aor@h2law.com
Signature	/Joanna M. Myers/
Date	03/01/2023
Attachments	2023.02.28 - Answer to Petition to Cancel - FINAL.pdf(162041 bytes) Exhibit A - TSDR Record for Petitioners First App.pdf(28479 bytes) Exhibit B - Office Action.pdf(2110699 bytes) Exhibit C - TSDR for Petitioner logo.pdf(131604 bytes) Exhibit D - Petitioner Specimen.pdf(1625101 bytes) Exhibit E - July 20 2022 Office Action.pdf(4144692 bytes) Exhibit F - Petitioner Reponse to July 20 22 Office Action.pdf(654254 bytes) Exhibit G - Screenshot of Petitioner website.pdf(1650776 bytes) Exhibit H - screencapture-playngo-latest-news-2023-01-31-16_39_55.pdf (1826710 bytes) Exhibit I - screencapture-playngo-news-playngo-enter-north-america-ma rket-2023-01-31-16_51_09.pdf(2710689 bytes)

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

PLAY'N GO MARKS LTD, Petitioner, v. WILD STREAK LLC, Registrant.	Cancellation No. 92081402 **ANSWER TO PETITION FOR CANCELLATION AND AFFIRMATIVE DEFENSES AND AMPLIFYING DENIALS**

Registrant, Wild Streak, LLC ("Wild Streak"), by and through its undersigned counsel of record, hereby provides its Answer and Affirmative Defenses and Amplifying Denials to the Petition for Cancellation filed by Petitioner Play'n GO Marks Ltd. ("PNG") as follows:

1. In response to Paragraph 1 of the Petition for Cancellation, insofar as Petitioner has filed a trademark application, Wild Streak states the document speaks for itself. Wild Streak is otherwise without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 1 of the Petition for Cancellation, and therefore denies the same.

2. Wild Streak is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 2 of the Petition for Cancellation, and therefore denies the same.

3. Wild Streak is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 3 of the Petition for Cancellation, and therefore denies the same.

4. Wild Streak denies Paragraph 4 of the Petition for Cancellation.

5. Wild Streak denies Paragraph 5 of the Petition for Cancellation.

6. Wild Streak denies Paragraph 6 of the Petition for Cancellation.

Wild Streak denies that Petitioner is entitled to any of the relief requested in the Petition for Cancellation.

GENERAL DENIAL

Except as specifically admitted herein, Wild Streak denies each and every allegation contained in the Petition for Cancellation.

AFFIRMATIVE DEFENSES AND AMPLIFYING DENIALS

Wild Streak asserts the following affirmative defenses to the Petition for Cancellation and the claims asserted therein. Wild Streak specifically incorporates into these Affirmative Defenses and Amplifying Denials the responses to the preceding paragraphs as fully if set forth herein.

FIRST AFFIRMATIVE DEFENSE

Petitioner's Petition for Cancellation fails to state a claim upon which relief may be granted.

SECOND AFFIRMATIVE DEFENSE

Petitioner's claims are barred by the doctrine of unclean hands.

THIRD AFFIRMATIVE DEFENSE

Petitioner's claims are barred by the doctrine of laches.

FOURTH AFFIRMATIVE DEFENSE

Petitioner's claims are barred by the doctrines of waiver and/or acquiescence.

FIFTH AFFIRMATIVE DEFENSE

Petitioner's trademark rights, if any, have been abandoned due to Petitioner's failure to police its mark.

/ / /

SIXTH AFFIRMATIVE DEFENSE

For reasons similar to those set forth in relation to Petitioner's laches, acquiescence and/or waiver, Petitioner's claims for relief are barred by the doctrine of equitable estoppel.

RESERVATION OF RIGHTS

In accordance with the provisions of TBMP § 318 and Fed. R. Civ. P. 11, at the time of the filing of this Answer and Affirmative Defenses and Amplifying Denials, all possible affirmative defenses may not have been alleged inasmuch as sufficient facts and relevant information has not been available after reasonable inquiry under the circumstances, and therefore, Wild Streak reserves the right to amend this Answer and Affirmative Defenses to allege additional affirmative defenses if subsequent investigation and discovery so warrants.

AMPLIFYING DENIALS

FURTHERMORE, pursuant to TBMP § 311.02(d), Wild Streak sets forth the following affirmative pleadings in order to amplify its denials, the affirmative defenses set forth above, and Wild Streak's other defenses:

A. On January 19, 2017, Wild Streak filed its application for CANDY, CATS AND CASH in Class 9 for "Computer software and firmware for playing games of chance on any computerized platform, including dedicated gaming consoles, video based slot machines, reel based slot machines, and video lottery terminals" ("Registered Mark"). The application for the Registered Mark was assigned Ser. No. 87307510, was published on June 27, 2017, and proceeded to registration on February 13, 2018.

B. Wild Streak has continuously used the Registered Mark in commerce since at least as early as September 1, 2017.

C. The Registered Mark has garnered fame and become exclusively associated with

Wild Streak's game-related services, which are immediately identified by consumers as originating from Wild Streak.

D. On September 18, 2020, Petitioner filed a trademark application for the word mark CATS AND CASH on an *intent-to-use basis*, which was assigned U.S. Ser. No. 90191383 ("Petitioner's First Application"). *See* a true and correct copy of the TSDR record for Petitioner's First Application attached hereto as **Exhibit A**.

E. On February 2, 2021, Petitioner's First Application received an Office Action, refusing registration, in part, based on a likelihood of consumer confusion with Registrant's Mark. *See* a true and correct copy of the February 2, 2021, Office Action attached hereto as **Exhibit B**.

F. Notably, Petitioner did not respond to the Office Action, and Petitioner's First Application was abandoned on August 3, 2021.

G. On October 13, 2021, Petitioner filed a new application in Classes 9 and 41 for the logo shown below:

("Petitioner's Mark"). *See* a true and correct copy of the TSDR records for Petitioner's Mark attached hereto as **Exhibit C**.

H. In connection with its application, Petitioner submitted a specimen of use, consisting of a screen shot purportedly showing the mark in use for the services identified in the application. *See* a true and correct copy of the specimen submitted with Petitioner's application

for Petitioner's Mark attached hereto as **Exhibit D**.

I. On July 20, 2022, Petitioner's application for Petitioner's Mark received an Office Action, again refusing registration, in part, based on a likelihood of confusion with the Wild Streak Mark. Additionally, Petitioner's application was refused for failure to submit a specimen demonstrating use of the mark in Class 9. *See* a true and correct copy of the July 20, 2022, Office Action is attached hereto as **Exhibit E.**

J. On January 20, 2023, the deadline to respond to the Office Action, Petitioner filed a six-paragraph Petition for Cancellation initiating the instant proceeding and asserting it has priority of use over Wild Streak and seeking cancellation of the Wild Streak Mark on that basis.

K. That same day, Petitioner responded to the Office Action requesting a suspension of the examination of its application for Petitioner's Mark. *See* a true and correct copy of Petitioner's response to the July 20, 2022, Office Action is attached hereto as **Exhibit F**.

L. Notably, Petitioner's Office Action response did not include submission of a specimen for Class 9, but rather, Petitioner deleted the entirety of Class 9 from its application. *Id.*

M. Wild Streak is informed and believes, and thereupon alleges, that Petitioner deleted Class 9 from its application because it was not using the mark in commerce in the United States for the goods identified in its application.

N. The specimen of use submitted with Petitioner's application on October 13, 2021, indicates a product release date of October 15, 2018. **Exhibit D**.

O. Petitioner's website available at www.playngo.com/games/cats-cash indicates a product release date of July 4, 2018. *See* a true and accurate screenshot of Petitioner's website attached hereto as **Exhibits G and H.**

P. In a press release posted by Petitioner to Petitioner's website dated April 4, 2022,

Petitioner's Chief Commercial Officer states "I can confirm that [Petitioner] will be entering America for the first time, very soon…The US, in particular, has been fascinating to watch from afar." *See* a true and correct copy of the April 4, 2022, press release attached hereto as **Exhibit I**.

Q. Accordingly, Wild Streak is informed and believes that Petitioner does not have priority of use in the United States and its Petition for Cancellation must be denied in its entirety.

Dated: February 28, 2023

HOWARD & HOWARD ATTORNEYS PLLC

/Joanna M. Myers/

Joanna M. Myers, Esq.
Jonathan W. Fountain, Esq.
3800 Howard Hughes Pkwy, STE 1000
Las Vegas, Nevada 89169
Tel: 702-667-4823
Fax: 702-567-1568

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the forgoing **ANSWER TO PETITION FOR CANCELLATION AND AFFIRMATIVE AND AMPLIFYING DENIALS** is being served on opposing counsel of record by forwarding said copy on February 28, 2023 via electronic mail addressed to:

GREGORY J. CHINLUND
MARSHALL, GERSTEIN & BORUN LLP
233 S. WACKER DRIVE, #6300
CHICAGO, IL 60606
gchinlund@marshallip.com; mgbtmlitdocket@marshallip.com;
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/ Joanna M. Myers, Esq./
An employee of Howard & Howard

Generated on: This page was generated by TSDR on 2023-02-28 01:29:45 EST

Mark: CATS AND CASH

CATS AND CASH

US Serial Number: 90191383

Application Filing Date: Sep. 18, 2020

Register: Principal

Mark Type: Trademark, Service Mark

TM5 Common Status Descriptor:

DEAD/APPLICATION/Refused/Dismissed or Invalidated

This trademark application was refused, dismissed, or invalidated by the Office and this application is no longer active.

Status: Abandoned because the applicant failed to respond or filed a late response to an Office action. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

Status Date: Aug. 23, 2021

Date Abandoned: Aug. 03, 2021

Mark Information

Mark Literal Elements: CATS AND CASH

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

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Goods and Services

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

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

For: Downloadable computer game software and video games software, namely, software for slot machine games, betting and wagering games, video slot games, casino games and bingo games playable on any computerized platform, including arcade game consoles, personal computers, handheld devices and mobile phones; downloadable software for slot machine games, betting and wagering games, video slot games, casino games and bingo games playable on any computerized platform including arcade games consoles, personal computers and handheld devices

International Class(es): 009 - Primary Class

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

Class Status: ACTIVE

Basis: 1(b)

For: Games services provided via computer networks, namely, providing slot machine games, betting and wagering games, video slot games, casino games and bingo games, playable via local or global computer networks; online electronic gaming services; entertainment services, namely, conducting a game of chance simultaneously at multiple, independent gaming establishments; entertainment services, hereunder providing online computer games; prize draws in the nature of operating lotteries; organizing and conducting lotteries; entertainment services, namely, operating computerized bingo

International Class(es): 041 - Primary Class

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

Class Status: ACTIVE

Basis: 1(b)

Basis Information (Case Level)

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

Current Owner(s) Information

Owner Name:	Play'n GO Marks Ltd
Owner Address:	Level 4, The Centre Pjazza Tigné Tigné Point Sliema MALTA SLM1022
Legal Entity Type:	LIMITED LIABILITY COMPANY
State or Country Where Organized:	MALTA

Attorney/Correspondence Information

Attorney of Record

Attorney Name:	Gregory J. Chinlund	**Docket Number:**	32185/61137
Attorney Primary Email Address:	docket@marshallip.com	**Attorney Email Authorized:**	Yes

Correspondent

Correspondent Name/Address:	GREGORY J. CHINLUND MARSHALL, GERSTEIN & BORUN LLP 233 SOUTH WACKER DRIVE, SUITE 6300 CHICAGO, ILLINOIS UNITED STATES 60606		
Phone:	312-474-6300	**Fax:**	312-474-0448
Correspondent e-mail:	docket@marshallip.com	**Correspondent e-mail Authorized:**	Yes

Domestic Representative

Domestic Representative Name:	Gregory J. Chinlund	**Phone:**	312-474-6300
Fax:	312-474-0448		
Domestic Representative e-mail:	docket@marshallip.com	**Domestic Representative e-mail Authorized:**	Yes

Prosecution History

Date	Description	Proceeding Number
Aug. 23, 2021	ABANDONMENT NOTICE E-MAILED - FAILURE TO RESPOND	
Aug. 23, 2021	ABANDONMENT - FAILURE TO RESPOND OR LATE RESPONSE	
Feb. 02, 2021	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Feb. 02, 2021	NON-FINAL ACTION E-MAILED	6325
Feb. 02, 2021	NON-FINAL ACTION WRITTEN	74887
Jan. 27, 2021	ASSIGNED TO EXAMINER	74887
Oct. 27, 2020	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED	
Sep. 22, 2020	NEW APPLICATION ENTERED	

TM Staff and Location Information

TM Staff Information

TM Attorney:	CAPSHAW, DANIEL	**Law Office Assigned:**	LAW OFFICE 110

File Location

Current Location:	TMO LAW OFFICE 110 - EXAMINING	**Date in Location:**	Aug. 23, 2021

ATTORNEY ASSIGNED

To:	Play'n GO Marks Ltd (docket@marshallip.com)
Subject:	U.S. Trademark Application Serial No. 90191383 - CATS AND CASH - 32185/61137
Sent:	February 02, 2021 12:49:04 PM
Sent As:	ecom110@uspto.gov
Attachments:	Attachment - 1 Attachment - 2 Attachment - 3 Attachment - 4 Attachment - 5 Attachment - 6 Attachment - 7 Attachment - 8 Attachment - 9 Attachment - 10 Attachment - 11 Attachment - 12 Attachment - 13 Attachment - 14 Attachment - 15 Attachment - 16

United States Patent and Trademark Office (USPTO)
Office Action (Official Letter) About Applicant's Trademark Application

U.S. Application Serial No. 90191383

Mark: CATS AND CASH

Correspondence Address:
GREGORY J. CHINLUND
MARSHALL, GERSTEIN & BORUN LLP
233 SOUTH WACKER DRIVE, SUITE 6300
CHICAGO, IL 60606

Applicant: Play'n GO Marks Ltd

Reference/Docket No.
32185/61137

Correspondence Email Address:

docket@marshallip.com

NONFINAL OFFICE ACTION

The USPTO must receive applicant's response to this letter within six months of the issue date below or the application will be **abandoned**. Respond using the Trademark Electronic Application System (TEAS). A link to the appropriate TEAS response form appears at the end of this Office action.

Issue date: February 02, 2021

The referenced application has been reviewed by the assigned trademark examining attorney. Applicant must respond timely and completely to the issue(s) below. 15 U.S.C. §1062(b); 37 C.F.R. §§2.62(a), 2.65(a); TMEP §§711, 718.03.

SUMMARY OF ISSUES:

- Unsigned Application
- Description of Services
- Disclaimer
- Likelihood of Confusion

Likelihood of Confusion

Registration of the applied-for mark is refused because of a likelihood of confusion with the mark in U.S. Registration No. 5403060. Trademark Act Section 2(d), 15 U.S.C. §1052(d); *see* TMEP §§1207.01 *et seq.* See the enclosed registration.

Trademark Act Section 2(d) bars registration of an applied-for mark that is so similar to a registered mark that it is likely consumers would be confused, mistaken, or deceived as to the commercial source of the goods and/or services of the parties. *See* 15 U.S.C. §1052(d). Likelihood of confusion is determined on a case-by-case basis by applying the factors set forth in *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 1361, 177 USPQ 563, 567 (C.C.P.A. 1973) (called the "*du Pont* factors"). *In re i.am.symbolic, llc*, 866 F.3d 1315, 1322, 123 USPQ2d 1744, 1747 (Fed. Cir. 2017). Any evidence of record related to those factors need be considered; however, "not all of the *DuPont* factors are relevant or of similar weight in every case." *In re Guild Mortg. Co.*, 912 F.3d 1376, 1379, 129 USPQ2d 1160, 1162 (Fed. Cir. 2019) (quoting *In re Dixie Rests., Inc.*, 105 F.3d 1405, 1406, 41 USPQ2d 1531, 1533 (Fed. Cir. 1997)).

Although not all *du Pont* factors may be relevant, there are generally two key considerations in any likelihood of confusion analysis: (1) the similarities between the compared marks and (2) the relatedness of the compared goods and/or services. *See In re i.am.symbolic, llc*, 866 F.3d at 1322, 123 USPQ2d at 1747 (quoting *Herbko Int'l, Inc. v. Kappa Books, Inc.* , 308 F.3d 1156, 1164-65, 64 USPQ2d 1375, 1380 (Fed. Cir. 2002)); *Federated Foods, Inc. v. Fort Howard Paper Co.*, 544 F.2d 1098, 1103, 192 USPQ 24, 29 (C.C.P.A. 1976) ("The fundamental inquiry mandated by [Section] 2(d) goes to the cumulative effect of differences in the essential characteristics of the goods [or services] and differences in the marks."); TMEP §1207.01.

Here, the marks are:

CANDY, CATS AND CASH
CATS AND CASH

Applicant's entire mark is included in the registered mark. Incorporating the entirety of one mark within another does not obviate the similarity between the compared marks, as in the present case, nor does it overcome a likelihood of confusion under Section 2(d). *See Wella Corp. v. Cal. Concept Corp.*, 558 F.2d 1019, 1022, 194 USPQ 419, 422 (C.C.P.A. 1977) (finding CALIFORNIA CONCEPT and surfer design and CONCEPT confusingly similar); *Coca-Cola Bottling Co. v. Jos. E. Seagram & Sons, Inc.*, 526 F.2d 556, 557, 188 USPQ 105, 106 (C.C.P.A. 1975) (finding BENGAL LANCER and design and BENGAL confusingly similar); *In re Integrated Embedded*, 120 USPQ2d 1504, 1513 (TTAB 2016) (finding BARR GROUP and BARR confusingly similar); *In re Mr. Recipe, LLC*, 118 USPQ2d 1084, 1090 (TTAB 2016) (finding JAWS DEVOUR YOUR HUNGER and JAWS confusingly similar); TMEP §1207.01(b)(iii). In the present case, the marks are identical in part and highly similar overall because of the shared wording CATS AND CASH.

Next, the goods/services are identical in part and otherwise highly related. The compared goods and/or services need not be identical or even competitive to find a likelihood of confusion. *See On-line Careline Inc. v. Am. Online Inc.*, 229 F.3d 1080, 1086, 56 USPQ2d 1471, 1475 (Fed. Cir. 2000); *Recot, Inc. v. Becton*, 214 F.3d 1322, 1329, 54 USPQ2d 1894, 1898 (Fed. Cir. 2000); TMEP §1207.01(a)(i). They need only be "related in some manner and/or if the circumstances surrounding their marketing are such that they could give rise to the mistaken belief that [the goods and/or services] emanate from the same source." *Coach Servs., Inc. v. Triumph Learning LLC*, 668 F.3d 1356, 1369, 101 USPQ2d 1713, 1722 (Fed. Cir. 2012) (quoting *7-Eleven Inc. v. Wechsler*, 83 USPQ2d 1715, 1724 (TTAB 2007)); TMEP §1207.01(a)(i).

Registrant provides "Computer software and firmware for playing games of chance on any computerized platform, including dedicated gaming consoles, video based slot machines, reel based slot machines, and video lottery terminals."

Applicant also provides gaming software. Thus, the goods are identical in class 9. Further, registrant's gaming software is highly related to applicant's class 41 gaming services as it is common for providers of gaming software in class 9 to also provide online games and game services such as provided by applicant under the same marks and through the same channels of trade. See the attached third party registrations.

The marks are highly similar. The goods/services are identical in part and otherwise highly related. Thus, there is a likelihood of confusion and registration must be denied.

Although applicant's mark has been refused registration, applicant may respond to the refusal(s) by submitting evidence and arguments in support of registration.

If applicant responds to the refusal(s), applicant must also respond to the requirement(s) set forth below.

Identification of Services—Class 41

The class 9 description of goods is acceptable. However, certain wording in the identification of services in class 41 is indefinite and must be clarified. *See* 37 C.F.R. §2.32(a)(6); TMEP §1402.01. Applicant must amend the identification to specify the common commercial or generic name of the services. *See* TMEP §1402.01. If the services have no common commercial or generic name, applicant must describe or explain the nature of the services using clear and succinct language. *See id.* The game service must be defined as provided online. The wording "online electronic gaming services" in class 41 must be amended to indicate the specific type of online gaming services. The wording "hereunder" is confusing in this context and should be changed to "namely." The nature of the bingo services must be defined further.

Applicant may adopt the following wording, if accurate:

Games services provided **online** via computer networks namely, providing slot machine games, betting and wagering games, video slot games, casino games and bingo games, playable via local or global computer networks; online electronic gaming services **namely, online casino gaming services**; entertainment services, namely, conducting a game of chance simultaneously at multiple, independent gaming establishments; entertainment services, **namely**, providing online computer games; prize draws in the nature of operating lotteries; organizing and conducting lotteries; entertainment services, namely, operating **online** computerized bingo games.

Applicant's goods and/or services may be clarified or limited, but may not be expanded beyond those originally itemized in the application or as acceptably amended. *See* 37 C.F.R. §2.71(a); TMEP §1402.06. Applicant may clarify or limit the identification by inserting qualifying language or deleting items to result in a more specific identification; however, applicant may not substitute different goods and/or services or add goods and/or services not found or encompassed by those in the original application or as acceptably amended. *See* TMEP §1402.06(a)-(b). The scope of the goods and/or services sets the outer limit for any changes to the identification and is generally determined by the ordinary meaning of the wording in the identification. TMEP §§1402.06(b), 1402.07(a)-(b). Any acceptable changes to the goods and/or services will further limit scope, and once goods and/or services are deleted, they are not permitted to be reinserted. TMEP §1402.07(e).

For assistance with identifying and classifying goods and services in trademark applications, please see the USPTO's online searchable *U.S. Acceptable Identification of Goods and Services Manual*. *See* TMEP §1402.04.

Disclaimer

Applicant must disclaim the wording "CASH" because it is merely descriptive of an ingredient, quality, characteristic, function, feature, purpose, or use of applicant's goods and/or services. *See* 15 U.S.C. §1052(e)(1); *DuoProSS Meditech Corp. v. Inviro Med. Devices, Ltd.*, 695 F.3d 1247, 1251, 103 USPQ2d 1753, 1755 (Fed. Cir. 2012); TMEP §§1213, 1213.03(a).

Here, "cash" means money and describes the goods/services as including gaming and wagering for money/cash. See attached dictionary page.

Applicant may respond to this issue by submitting a disclaimer in the following format:

> **No claim is made to the exclusive right to use "CASH" apart from the mark as shown.**

For an overview of disclaimers and instructions on how to provide one using the Trademark Electronic Application System (TEAS), see the Disclaimer webpage.

Unsigned Application

The application was unsigned, resulting in the application not being properly verified. *See* TMEP §804. Applicant must properly sign and therefore verify the application in an affidavit or signed declaration under 37 C.F.R. §2.20. *See* 37 C.F.R. §§2.2(n), 2.33(a), (b)(2)-(c), 2.34(a)(2), (a)(3)(i), (a)(4)(ii); TMEP §804.02.

The following statements must be verified: That applicant has a bona fide intention to use the mark in commerce and had a bona fide intention to use the mark in commerce as of the application filing date; that applicant believes applicant is entitled to use the mark in commerce on or in connection with the goods or services specified in the application; that to the best of the signatory's knowledge and belief, no other persons, except, if applicable, 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 of such other persons, to cause confusion or mistake, or to deceive; and that the facts set forth in the application are true. 37 C.F.R. §§2.33(b)(2), (c), 2.34(a)(2), (a)(3)(i), (a)(4)(ii).

For more information about the verified statement and instructions on providing one using the online Trademark Electronic Application System (TEAS) response form, see the Verified statement webpage.

If applicant has questions regarding this Office action, please telephone or e-mail the assigned trademark examining attorney. All relevant e-mail communications will be placed in the official application record; however, an e-mail communication will not be accepted as a response to this Office action and will not extend the deadline for filing a proper response. *See* 37 C.F.R. §2.191; TMEP §§709.04-.05. Further, although the trademark examining attorney may provide additional explanation pertaining to the refusal(s) and/or requirement(s) in this Office action, the trademark examining attorney may not provide legal advice or statements about applicant's rights. *See* TMEP §§705.02, 709.06.

How to respond. Click to file a response to this nonfinal Office action.

/Daniel F. Capshaw/
Daniel F. Capshaw
Examining Attorney
Law Office 110
571-272-9356
daniel.capshaw@uspto.gov

RESPONSE GUIDANCE

- **Missing the response deadline to this letter will cause the application to abandon.** A response or notice of appeal must be received by the USPTO before midnight **Eastern Time** of the last day of the response period. TEAS and ESTTA maintenance or unforeseen circumstances could affect an applicant's ability to timely respond.

- **Responses signed by an unauthorized party** are not accepted and can **cause the application to abandon.** If applicant does not have an attorney, the response must be signed by the individual applicant, all joint applicants, or someone with legal authority to bind a juristic applicant. If applicant has an attorney, the response must be signed by the attorney.

- If needed, **find contact information for the supervisor** of the office or unit listed in the signature block.

DESIGN MARK

Serial Number
87307510

Status
REGISTERED

Word Mark
CANDY, CATS AND CASH

Standard Character Mark
Yes

Registration Number
5403060

Date Registered
2018/02/13

Type of Mark
TRADEMARK

Register
PRINCIPAL

Mark Drawing Code
(4) STANDARD CHARACTER MARK

Owner
Wild Streak LLC DBA Wild Streak Gaming LIMITED LIABILITY COMPANY NEVADA 5575 S Durango Dr Ste 101 Las Vegas NEVADA 89113

Goods/Services
Class Status -- ACTIVE. IC 009. US 021 023 026 036 038. G & S: Computer software and firmware for playing games of chance on any computerized platform, including dedicated gaming consoles, video based slot machines, reel based slot machines, and video lottery terminals. First Use: 2017/01/15. First Use In Commerce: 2017/09/01.

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

Filing Date
2017/01/19

Examining Attorney
LIEBL, ALEXANDRA SUARE

CANDY, CATS AND CASH

cash [1] (kăsh)

Share: Tweet

n.
1. Money in the form of bills or coins; currency.
2. Liquid assets including bank deposits and marketable securities.
3. Money paid in currency or by check: paid in cash.

tr.v. **cashed**, **cash·ing**, **cash·es**
To exchange for or convert into ready money: cash a check; cash in one's gambling chips.

Phrasal Verbs:

cash in
1. To withdraw from a venture by or as if by settling one's account.
2. *Informal* To obtain a profit or other advantage by timely exploitation: *Profiteers cashed in during the gasoline shortage.*
3. *Slang* To die.

cash out
To dispose of a long-held asset for profit: *Hard-pressed farmers are tempted to cash out by selling their valuable land.*

Idiom:

cash on the barrelhead
Immediate payment: You must pay cash on the barrelhead; we don't offer credit.

[Obsolete French casse, money box (from Norman French; see case[2]) or from Italian cassa (from Latin capsa, case).]

cash less *adj.*

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cash [2] (kăsh)

Share: Tweet

HOW TO USE THE DICTIONARY

To look up an entry in *The American Heritage Dictionary of the English Language*, use the search window above. For best results, after typing in the word, click on the "Search" button instead of using the "enter" key.

Some compound words (like *bus rapid transit*, *dog whistle*, or *identity theft*) don't appear on the drop-down list when you type them in the search bar. For best results with compound words, place a quotation mark before the compound word in the search window.

GUIDE TO THE DICTIONARY

THE USAGE PANEL

The Usage Panel is a group of nearly 200 prominent scholars, creative writers, journalists, diplomats, and others in occupations requiring mastery of language. Annual surveys have

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THE PANELISTS

NEED HELP SOLVING A CROSSWORD PUZZLE?

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n. pl. **cash**
Any of various Asian coins of small denomination, especially a copper and lead coin with a square hole in its center.

[Portuguese caixa, from Tamil kācu, a small coin.]

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Cash (kăsh), **John** Known as **"Johnny."** 1932-2003.

Share: Tweet

American country and western singer and songwriter best known for his songs about poverty and the downtrodden, including "Folsom Prison Blues" (1956).

(click for a larger image)
Johnny Cash
photographed c. 1994

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Indo-European & Semitic Roots Appendices

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Indo-European Roots

Semitic Roots

The Indo-European appendix covers nearly half of the Indo-European roots that have left their mark on English words. A more complete treatment of Indo-European roots and the English words derived from them is available in our **Dictionary of Indo-European Roots**.

This website is best viewed in Chrome, Firefox, Microsoft Edge, or Safari. Some characters in pronunciations and etymologies cannot be displayed properly in Internet Explorer.

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DESIGN MARK

Serial Number
88068439

Status
REGISTERED

Word Mark
VALKYRIE FIRE

Standard Character Mark
Yes

Registration Number
5904581

Date Registered
2019/11/05

Type of Mark
TRADEMARK; SERVICE MARK

Register
PRINCIPAL

Mark Drawing Code
(4) STANDARD CHARACTER MARK

Owner
SG GAMING, INC. CORPORATION NEVADA 6601 BERMUDA ROAD LAS VEGAS NEVADA 89119

Goods/Services
Class Status -- ACTIVE. IC 009. US 021 023 026 036 038. G & S: Software for games of chance; gaming software that generates or displays wager outcomes. First Use: 2018/09/25. First Use In Commerce: 2018/09/25.

Goods/Services
Class Status -- ACTIVE. IC 041. US 100 101 107. G & S: Entertainment services, namely, providing online games of chance and wagering games. First Use: 2018/09/25. First Use In Commerce: 2018/09/25.

Filing Date
2018/08/07

Examining Attorney
COLLIER, DAVID

Attorney of Record
JEFF MICHEL

VALKYRIE FIRE

DESIGN MARK

Serial Number
88084410

Status
REGISTERED

Word Mark
BETLUCKY

Standard Character Mark
Yes

Registration Number
5904685

Date Registered
2019/11/05

Type of Mark
TRADEMARK; SERVICE MARK

Register
PRINCIPAL

Mark Drawing Code
(4) STANDARD CHARACTER MARK

Owner
Delaware North Companies Gaming & Entertainment, Inc. CORPORATION DELAWARE 250 Delaware Avenue, Suite 1000 Buffalo NEW YORK 14202

Goods/Services
Class Status -- ACTIVE. IC 009. US 021 023 026 036 038. G & S: Computer software for betting, gaming, and sports wagering; computer software platforms for providing access to betting, gaming, gambling, and sports wagering services via global or other wide area computer networks; computer gaming software for gambling; downloadable mobile applications for betting, gaming, gambling, and sports wagering. First Use: 2018/12/27. First Use In Commerce: 2018/12/27.

Goods/Services
Class Status -- ACTIVE. IC 041. US 100 101 107. G & S: Providing gaming and wagering services; entertainment services, namely, providing online computer games; Entertainment services, namely, providing games of chance via the Internet; entertainment services, namely, providing a website for on-line gambling; providing on-line non-downloadable gaming software for playing games via a global computer network; entertainment services, namely, conducting a game of chance simultaneously, via the Internet, from multiple, independent

gaming establishments; entertainment services in the form of online contests; Entertainment services, namely, conducting contests. First Use: 2017/12/28. First Use In Commerce: 2017/12/28.

Filing Date
2018/08/20

Examining Attorney
SWAIN, MICHELE

Attorney of Record
Anne F. Downey

BetLucky

DESIGN MARK

Serial Number
88248309

Status
REGISTERED

Word Mark
STAY SHARP

Standard Character Mark
Yes

Registration Number
6070385

Date Registered
2020/06/02

Type of Mark
TRADEMARK; SERVICE MARK

Register
PRINCIPAL

Mark Drawing Code
(4) STANDARD CHARACTER MARK

Owner
Pointsbet Pty Limited proprietary limited company (p/l or pty. ltd.) AUSTRALIA 155 Cremorne Street Cremorne, VIC AUSTRALIA 3121

Goods/Services
Class Status -- ACTIVE. IC 041. US 100 101 107. G & S: Betting services; Gambling services; Gaming services in the nature of wagering on sports events; Entertainment services in the nature of fantasy sports leagues and sports gambling; Wagering services. First Use: 2018/12/17. First Use In Commerce: 2018/12/17.

Goods/Services
Class Status -- ACTIVE. IC 009. US 021 023 026 036 038. G & S: Downloadable computer software for gambling. First Use: 2019/03/22. First Use In Commerce: 2020/03/11.

Filing Date
2019/01/03

Examining Attorney
ADEBAYO, OMOLAYO E

Attorney of Record
Marc Edelman

STAY SHARP

DESIGN MARK

Serial Number
90009234

Status
REGISTERED

Word Mark
TRADEBAIT

Standard Character Mark
No

Registration Number
6249648

Date Registered
2021/01/19

Type of Mark
TRADEMARK; SERVICE MARK

Register
PRINCIPAL

Mark Drawing Code
(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM

Owner
Carrington, Don INDIVIDUAL UNITED STATES 11081 103rd Terrace, N Largo FLORIDA 33778

Goods/Services
Class Status -- ACTIVE. IC 009. US 021 023 026 036 038. G & S: Downloadable game software; Downloadable mobile applications for gaming. First Use: 2018/12/00. First Use In Commerce: 2018/12/00.

Goods/Services
Class Status -- ACTIVE. IC 041. US 100 101 107. G & S: Providing a website featuring non-downloadable game software; Entertainment services, namely, providing a website featuring games and puzzles. First Use: 2018/12/00. First Use In Commerce: 2018/12/00.

Colors Claimed
Color is not claimed as a feature of the mark.

Filing Date
2020/06/18

Examining Attorney

BUTLER, ANDREA

tradebait

To:	Play'n GO Marks Ltd (docket@marshallip.com)
Subject:	U.S. Trademark Application Serial No. 90191383 - CATS AND CASH - 32185/61137
Sent:	February 02, 2021 12:49:05 PM
Sent As:	ecom110@uspto.gov
Attachments:	

United States Patent and Trademark Office (USPTO)

USPTO OFFICIAL NOTICE

Office Action (Official Letter) has issued
on **February 02, 2021** for
U.S. Trademark Application Serial No. 90191383

Your trademark application has been reviewed by a trademark examining attorney. As part of that review, the assigned attorney has issued an official letter that you must respond to by the specified deadline or your application will be abandoned. Please follow the steps below.

(1) Read the official letter.

(2) Direct questions about the contents of the Office action to the assigned attorney below.

/Daniel F. Capshaw/
Daniel F. Capshaw
Examining Attorney
Law Office 110
571-272-9356
daniel.capshaw@uspto.gov

Direct questions about navigating USPTO electronic forms, the USPTO website, the application process, the status of your application, and/or whether there are outstanding deadlines or documents related to your file to the Trademark Assistance Center (TAC).

(3) Respond within 6 months (or earlier, if required in the Office action) from **February 02, 2021**, using the Trademark Electronic Application System (TEAS). The response must be received by the USPTO before midnight **Eastern Time** of the last day of the response period. See the Office action for more information about how to respond

GENERAL GUIDANCE

- **Check the status of your application periodically** in the Trademark Status & Document Retrieval (TSDR) database to avoid missing critical deadlines.
- **Update your correspondence email address**, if needed, to ensure you receive important USPTO notices about your application.
- **Beware of misleading notices sent by private companies about your application.** Private companies not associated with the USPTO use public information available in trademark registrations to mail and email trademark-related offers and notices – most of which require fees. All **official USPTO correspondence** will only be **emailed from the domain "@uspto.gov."**

Generated on: This page was generated by TSDR on 2023-02-28 01:37:05 EST

Mark: CATS AND CASH

US Serial Number: 97072853

Application Filing Date: Oct. 13, 2021

Register: Principal

Mark Type: Service Mark

TM5 Common Status Descriptor:

LIVE/APPLICATION/Under Examination

The trademark application has been accepted by the Office (has met the minimum filing requirements) and that this application has been assigned to an examiner.

Status: An Office action suspending further action on the application has been sent (issued) to the applicant. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

Status Date: Feb. 02, 2023

Mark Information

Mark Literal Elements: CATS AND CASH

Standard Character Claim: No

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

Description of Mark: The mark consists of the stylized wording "CATS AND CASH" in yellow appearing inside a rectangle with rounded corners. The rectangle is purple with a gold and white border containing circles. A yellow line appears above and below the word "AND". A stylized smiling cat appears above the rectangle and in front of an incomplete red circle with a gold and white border containing ten circles. The stylized smiling cat is yellow, brown and white, with white and blue eyes, white teeth, white whiskers, brown eyebrows, and a red and yellow nose. The stylized cat appears from the waist up, wearing a red shirt, purple tie, and a purple and gold suit with a white handkerchief in the suit pocket. A white sparkling effect design appears around the suit. The stylized cat's right hand points straight ahead and is yellow and outlined in black. The stylized cat's left hand is yellow and holding a silver and black microphone.

Color Drawing: Yes

Color(s) Claimed: The color(s) yellow, gold, purple, red, brown, white, blue, silver, and black is/are claimed as a feature of the mark.

Design Search Code(s):
03.01.04 - Cats in the nature of housecats; Domestic cats; Kittens
03.01.21 - Stylized felines, including cats of any size
03.01.24 - Costumed felines and those with human attributes, including cats of all sizes
03.01.26 - Costumed bears and those with human attributes
09.03.03 - Suits, men's
16.01.07 - Microphones; Headsets; Headphones; Head phones
26.01.03 - Incomplete circles (more than semi-circles); Circles, incomplete (more than semi-circles)
26.01.21 - Circles that are totally or partially shaded.
26.01.31 - Five or more circles; Circles - five or more
26.11.14 - Rectangles (three or more rectangles); Three or more rectangles
26.11.21 - Rectangles that are completely or partially shaded
26.17.01 - Bars, straight; Lines, straight; Straight line(s), band(s) or bar(s); Bands, straight
26.17.05 - Lines, horizontal; Horizontal line(s), band(s) or bar(s); Bars, horizontal; Bands, horizontal
26.17.13 - Underlined words or letters; Overlined words or letters; Letters or words underlined and/or overlined by one or more strokes or lines

Goods and Services

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

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

For: Games services provided via computer networks, namely, providing slot machine games, betting and wagering games, video slot games, casino games and bingo games, playable via local or global computer networks; online electronic gaming services; entertainment services, namely, conducting a game of chance simultaneously at multiple, independent gaming establishments; entertainment services, namely, providing online computer games; prize draws in the nature of operating lotteries; organizing and conducting lotteries; entertainment services, namely, operating computerized bingo

International Class(es): 041 - Primary Class

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

Class Status: ACTIVE

Basis: 1(a)

First Use: Apr. 15, 2015

Use in Commerce: Apr. 15, 2015

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Filed ITU: No

Currently ITU: No

Filed 44D: No

Currently 44E: No

Filed 44E: No

Currently 66A: No

Filed 66A: No

Currently No Basis: No

Filed No Basis: No

Current Owner(s) Information

Owner Name: Play'n GO Marks Ltd

Owner Address: Level 4, the Centre, Pjazza Tigné
Tigné Point
Sliema MALTA TP01

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: MALTA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Gregory J. Chinlund

Docket Number: 33384/61195

Attorney Primary Email Address: docket@marshallip.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Gregory J. Chinlund
MARSHALL, GERSTEIN & BORUN LLP
233 S. WACKER DR, SUITE 6300
CHICAGO, ILLINOIS UNITED STATES 60606

Phone: 312-474-6300

Fax: 312-474-0448

Correspondent e-mail: docket@marshallip.com

Correspondent e-mail Authorized: Yes

Domestic Representative

Domestic Representative Name: Gregory J. Chinlund

Phone: 312-474-6300

Fax: 312-474-0448

Domestic Representative e-mail: docket@marshallip.com

Domestic Representative e-mail Authorized: Yes

Prosecution History

Date	Description	Proceeding Number
Feb. 02, 2023	NOTIFICATION OF LETTER OF SUSPENSION E-MAILED	
Feb. 02, 2023	LETTER OF SUSPENSION E-MAILED	
Feb. 02, 2023	SUSPENSION LETTER WRITTEN	96784
Jan. 21, 2023	TEAS/EMAIL CORRESPONDENCE ENTERED	88889

Jan. 20, 2023	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Jan. 20, 2023	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jul. 20, 2022	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Jul. 20, 2022	NON-FINAL ACTION E-MAILED	6325
Jul. 20, 2022	NON-FINAL ACTION WRITTEN	96784
Jul. 14, 2022	ASSIGNED TO EXAMINER	96784
Jun. 14, 2022	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Jun. 14, 2022	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jun. 14, 2022	TEAS CHANGE OF DOMESTIC REPRESENTATIVES ADDRESS	
Jun. 14, 2022	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Jun. 14, 2022	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Jun. 14, 2022	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Nov. 04, 2021	NOTICE OF DESIGN SEARCH CODE E-MAILED	
Nov. 03, 2021	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED	
Oct. 16, 2021	NEW APPLICATION ENTERED	

TM Staff and Location Information

TM Staff Information

TM Attorney: PANDIT, ROHINI NMN

Law Office Assigned: LAW OFFICE 117

File Location

Current Location: LAW OFFICE 117 - EXAMINING ATTORNEY ASSIGNED

Date in Location: Feb. 02, 2023

Proceedings

Summary

Number of Proceedings: 1

Type of Proceeding: Cancellation

Proceeding Number: 92081402

Filing Date: Jan 20, 2023

Status: Pending

Status Date: Jan 20, 2023

Interlocutory Attorney: ANDREW P BAXLEY

Defendant

Name: Wild Streak LLC

Correspondent Address: WILD STREAK LLC
5575 S DURANGO DR STE 101
LAS VEGAS NV UNITED STATES , 89113

Correspondent e-mail: wildstreakllc@wildstreakgaming.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
CANDY, CATS AND CASH	Cancellation Pending	87307510	5403060

Plaintiff(s)

Name: Play'n GO Marks Ltd

Correspondent Address: GREGORY J. CHINLUND
MARSHALL, GERSTEIN & BORUN LLP
233 S. WACKER DRIVE, #6300
CHICAGO IL UNITED STATES , 60606

Correspondent e-mail: gchinlund@marshallip.com , mgbtmlitdocket@marshallip.com , kgordon@marshallip.com , tkey@marshallip.com

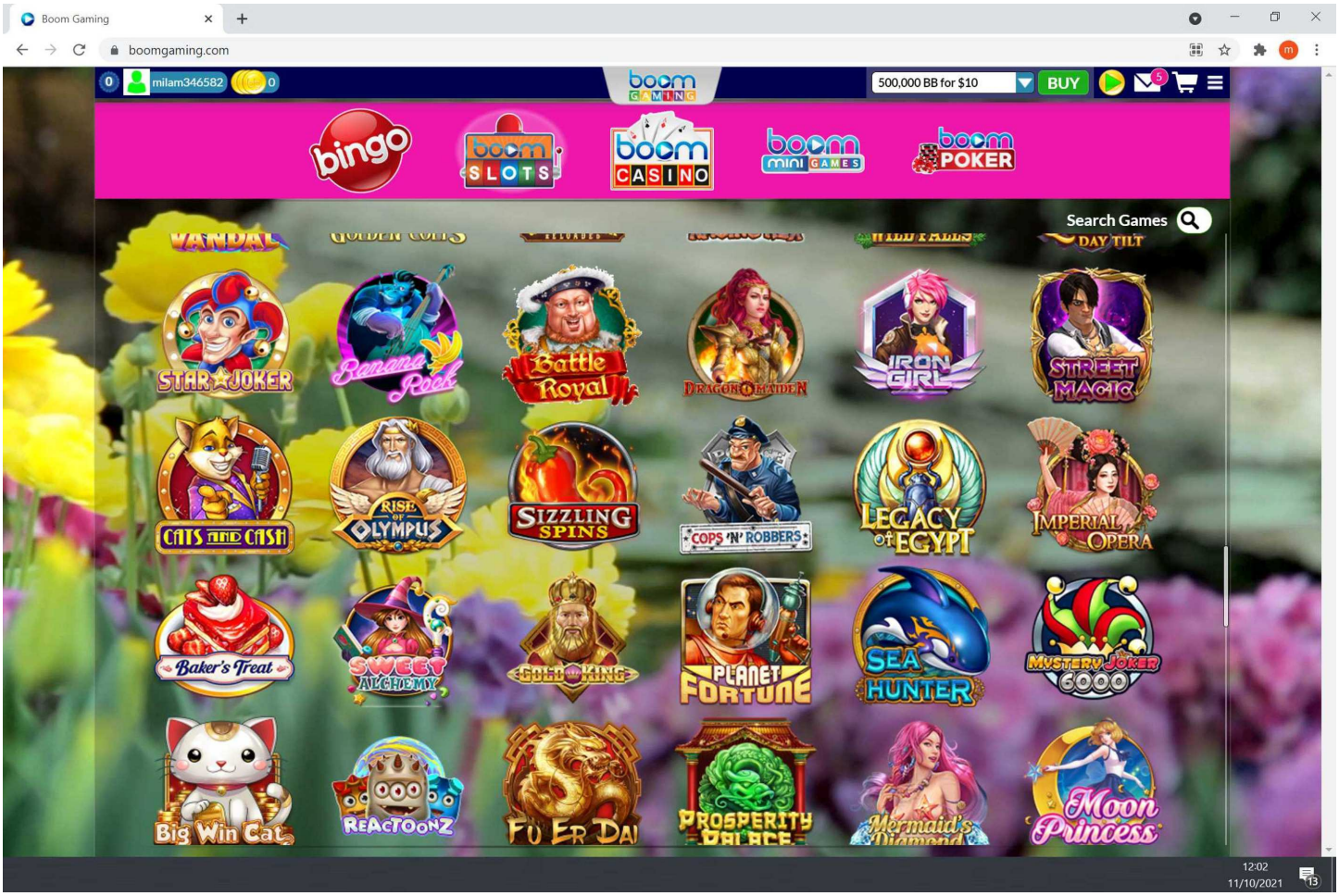
Associated marks

Mark	Application Status	Serial Number	Registration Number

CATS AND CASH	Suspension Letter - Mailed	97072853

Prosecution History

Entry Number	History Text	Date	Due Date
3	INSTITUTED	Jan 20, 2023	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jan 20, 2023	Mar 01, 2023
1	FILED AND FEE	Jan 20, 2023	


Boom Gaming
boomgaming.com
milam346582
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boom CASINO
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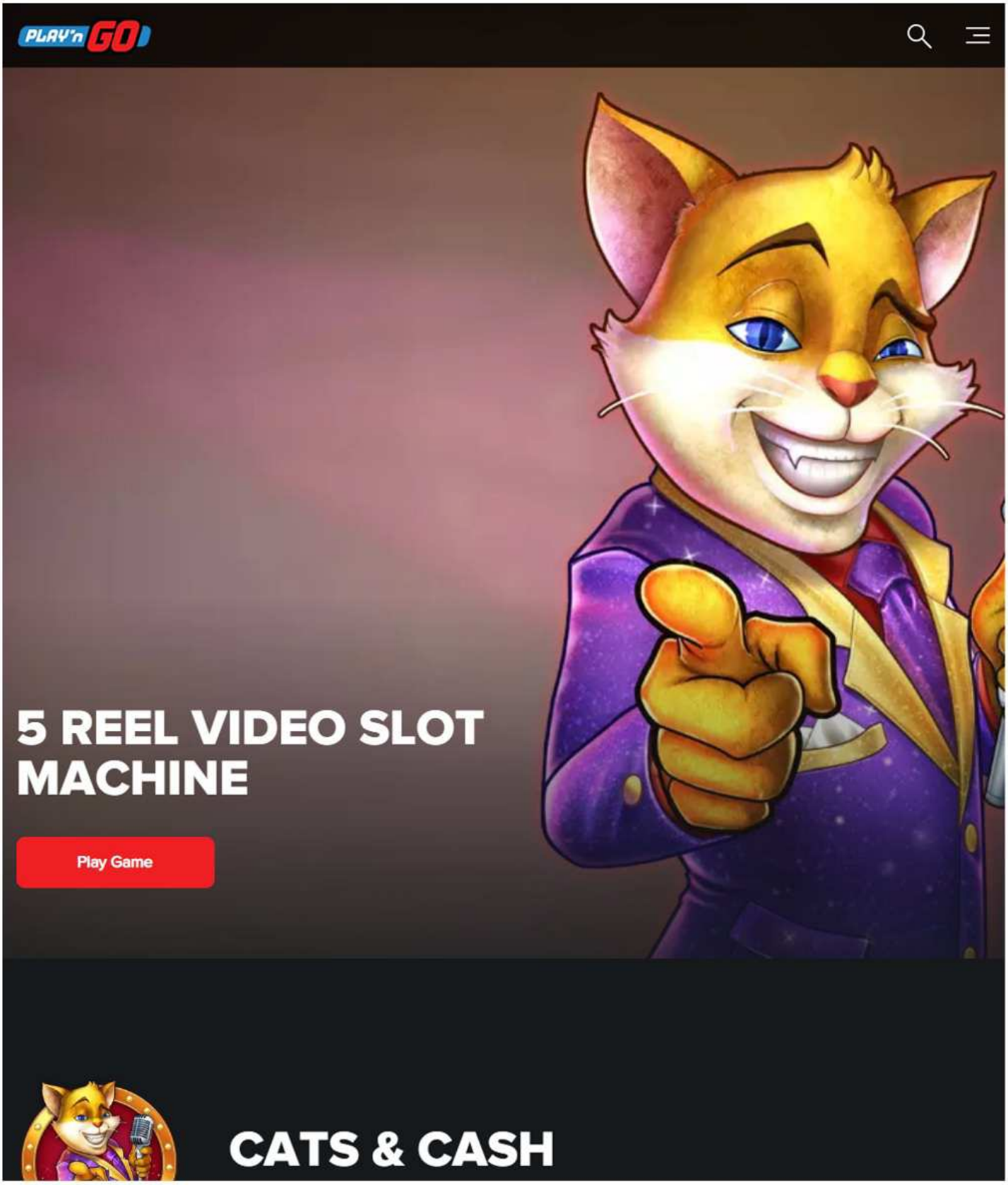
boom POKER
Search Games
STAR JOKER
Banana Rock
Battle Royal
DRAGON MAIDEN
IRON GIRL
STREET MAGIC
CATS AND CASH
RISE OF OLYMPUS
SIZZLING SPINS
COPS 'N' ROBBERS
LEGACY OF EGYPT
IMPERIAL OPERA
Baker's Treat
SWEET ALCHEMY
GOLD KING
PLANET FORTUNE
SEA HUNTER
MYSTERY JOKER 6000
Big Win Cat
REACTOONZ
FU ER DAI
PROSPERITY PALACE
Mermaid's Diamond
Moon Princess
12:02
11/10/2021


PLAY'n GO
5 REEL VIDEO SLOT MACHINE
Play Game
CATS & CASH

CATS & CASH

5 Reel Video Slot Machine

ABOUT GAME

Cats & Cash includes a wild symbol (the Show host), a scatter symbol (the gold fish) and two bonus symbols (the wheel and the box).

The wild symbol substitutes for any of the other reel symbols except the gold fish, wheel and box and is used to comprise winning combinations.

A winning combination that includes a wild symbol pays double the normal prize. Two or more scatter symbols anywhere on the reels constitutes a win.

In Cats & Cash, three or more wheel symbols on any active line triggers the Wheel of Fortune bonus round. Three or more box symbols on any active line triggers the Pick A Box bonus round.

TEASER VIDEO

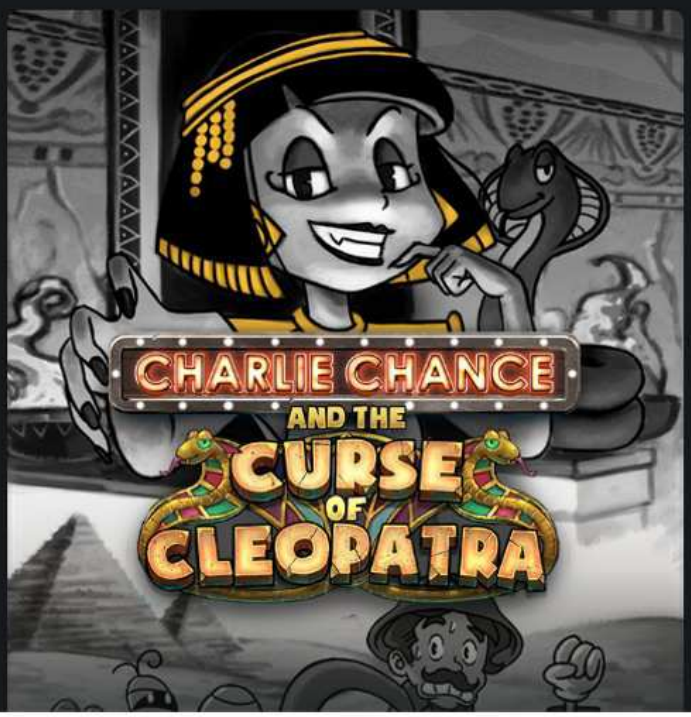
SPECIFICATIONS

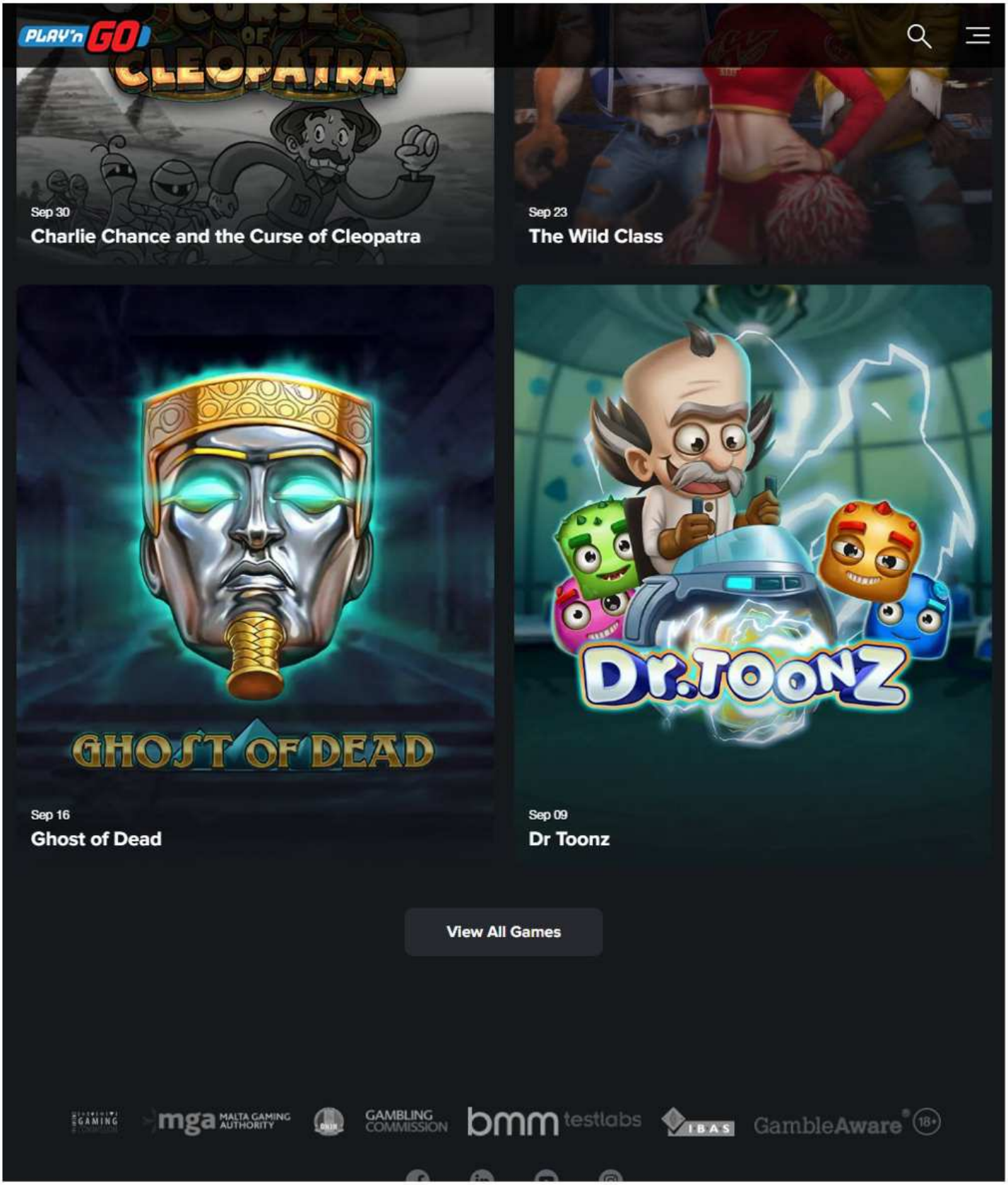
Release Date	15.10.2018
Game type	5-Reel Slot Machine
Mobile	Yes
RTP	96%
Recommended browser	
Game resolution	16:9
Supported Platform	
Paylines	1-15
Volatility	Medium
Maximum exposure	86,540

Paylines	1-15
Volatility	Medium
Maximum exposure	86,540
Supported OS	
Languages	

Play Game

RELATED GAMES




PLAY'n GO
Sep 30
Charlie Chance and the Curse of Cleopatra
Sep 23
The Wild Class
GHOST OF DEAD
Sep 16
Ghost of Dead
DR.TOONZ
Sep 09
Dr Toonz
View All Games
GAMING
mga MALTA GAMING AUTHORITY
GAMBLING COMMISSION
bmm testlabs
IBAS
GambleAware 18+

Sep 30

Charlie Chance and the Curse of Cleopatra

Sep 23

The Wild Class

Sep 16

Ghost of Dead

Sep 09

Dr Toonz

View All Games

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To:	Play'n GO Marks Ltd (docket@marshallip.com)
Subject:	U.S. Trademark Application Serial No. 97072853 - CATS AND CASH - 33384/61195
Sent:	July 20, 2022 01:16:37 PM
Sent As:	ecom302@uspto.gov
Attachments:	Attachment - 1 Attachment - 2 Attachment - 3 Attachment - 4 Attachment - 5 Attachment - 6 Attachment - 7 Attachment - 8 Attachment - 9 Attachment - 10 Attachment - 11 Attachment - 12 Attachment - 13 Attachment - 14

United States Patent and Trademark Office (USPTO)
Office Action (Official Letter) About Applicant's Trademark Application

U.S. Application Serial No. 97072853

Mark: CATS AND CASH

Correspondence Address:
Gregory J. Chinlund
MARSHALL, GERSTEIN & BORUN LLP
233 S. WACKER DR, SUITE 6300
CHICAGO IL 60606

Applicant: Play'n GO Marks Ltd

Reference/Docket No. 33384/61195

Correspondence Email Address:
docket@marshallip.com

NONFINAL OFFICE ACTION

The USPTO must receive applicant's response to this letter within six months of the issue date below or the application will be **abandoned**. Respond using the Trademark Electronic Application System (TEAS). A link to the appropriate TEAS response form appears at the end of this Office action.

Issue date: **July 20, 2022**

Introduction

The referenced application has been reviewed by the assigned trademark examining attorney. Applicant must respond timely and completely to the issue(s) below. 15 U.S.C. §1062(b); 37 C.F.R. §§2.62(a), 2.65(a); TMEP §§711, 718.03.

Summary of Issues

- Section 2(d) - Likelihood of Confusion Refusal
- Requirement for Acceptable Specimen – Partial Requirement (Class 009 Only)
- Requirement for Identification of Goods and Services
- Requirement for Color Claim and Mark Description
- Requirement for Disclaimer of Descriptive Wording
- Requirement for Signature

Section 2(d) - Likelihood of Confusion Refusal

Registration of the applied-for mark is refused because of a likelihood of confusion with the mark in U.S. Registration No. 5403060. Trademark Act Section 2(d), 15 U.S.C. §1052(d); *see* TMEP §§1207.01 *et seq.* See the attached registration.

Trademark Act Section 2(d) bars registration of an applied-for mark that is so similar to a registered mark that it is likely consumers would be confused, mistaken, or deceived as to the commercial source of the goods and/or services of the parties. *See* 15 U.S.C. §1052(d). Likelihood of confusion is determined on a case-by-case basis by applying the factors set forth in *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 1361, 177 USPQ 563, 567 (C.C.P.A. 1973) (called the "*du Pont* factors"). *In re i.am.symbolic, llc*, 866 F.3d 1315, 1322, 123 USPQ2d 1744, 1747 (Fed. Cir. 2017). Any evidence of record related to those factors need be considered; however, "not all of the *DuPont* factors are relevant or of similar weight in every case." *In re Guild Mortg. Co.*, 912 F.3d 1376, 1379, 129 USPQ2d 1160, 1162 (Fed. Cir. 2019) (quoting *In re Dixie Rests*., Inc., 105 F.3d 1405, 1406, 41 USPQ2d 1531, 1533 (Fed. Cir. 1997)).

Although not all *du Pont* factors may be relevant, there are generally two key considerations in any likelihood of confusion analysis: (1) the similarities between the compared marks and (2) the relatedness of the compared goods and/or services. *See In re i.am.symbolic, llc,* 866 F.3d at 1322, 123 USPQ2d at 1747 (quoting *Herbko Int'l, Inc. v. Kappa Books, Inc.* , 308 F.3d 1156, 1164-65, 64 USPQ2d 1375, 1380 (Fed. Cir. 2002)); *Federated Foods, Inc. v. Fort Howard Paper Co.*, 544 F.2d 1098, 1103, 192 USPQ 24, 29 (C.C.P.A. 1976) ("The fundamental inquiry mandated by [Section] 2(d) goes to the cumulative effect of differences in the essential characteristics of the goods [or services] and differences in the marks."); TMEP §1207.01.

Applicant has applied to register the mark CATS AND CASH in stylized text with a design for the following goods and services:

- International Class 009: Computer games and video games (apps and software), hereunder apps and software for slot machine games, betting and wagering games, video slot games, casino games, games of chance and bingo games provided online and via computer networks and playable on any type of computing device including arcade games, personal computers, handheld devices and mobile phones; apps and software for games with monetary or non-monetary prizes; software for slot machine games, betting and wagering games, video slot games, casino games, games of chance and bingo games provided online and via computer networks and playable on any type of computing device including arcade games, personal computers, handheld devices and mobile phones

- International Class 041: Games services provided online (via computer networks), hereunder providing slot machine games, betting and wagering games, video slot games, casino games, games of chance, games with monetary or non-monetary prizes and bingo games, playable via local or global computer networks; online gaming services; entertainment services, namely, conducting a game of chance simultaneously at multiple, independent gaming establishments; entertainment services, hereunder providing online computer games; prize draws (lotteries); organizing and conducting lotteries; Services for the operation of computerized bingo

Registrant's mark is CANDY, CATS AND CASH in standard characters for " Computer software and firmware for playing games of chance on any computerized platform, including dedicated gaming consoles, video based slot machines, reel based slot machines, and video lottery terminals" in International Class 009.

Similarity of the Marks

Marks are compared in their entireties for similarities in appearance, sound, connotation, and commercial impression. *Stone Lion Capital Partners, LP v. Lion Capital LLP*, 746 F.3d 1317, 1321, 110 USPQ2d 1157, 1160 (Fed. Cir. 2014) (quoting *Palm Bay Imps., Inc. v. Veuve Clicquot Ponsardin Maison Fondee En* 1772, 396 F.3d 1369, 1371, 73 USPQ2d 1689, 1691 (Fed. Cir. 2005)); TMEP §1207.01(b)-(b)(v). "Similarity in any one of these elements may be sufficient to find the marks confusingly similar." *In re Inn at St. John's, LLC* , 126 USPQ2d 1742, 1746 (TTAB 2018) (citing *In re Davia*, 110 USPQ2d 1810, 1812 (TTAB 2014)), *aff'd per curiam* , 777 F. App'x 516, 2019 BL 343921 (Fed. Cir. 2019); TMEP §1207.01(b).

Here, applicant's mark, CATS AND CASH, is confusingly similar to the registered mark, CANDY, CATS AND CASH because these marks share the common wording CATS AND CASH, giving them a similar commercial impression.

In the present case, both marks contain the identical wording CATS AND CASH. Although applicant's mark does not contain the entirety of the registered mark, applicant's mark is likely to appear to prospective purchasers as a shortened form of registrant's mark. *See In re Mighty Leaf Tea*, 601 F.3d 1342, 1348, 94 USPQ2d 1257, 1260 (Fed. Cir. 2010) (quoting *United States Shoe Corp.*, 229 USPQ 707, 709 (TTAB 1985)). Thus, merely omitting some of the wording from a registered mark may not overcome a likelihood of confusion. *See In re Mighty Leaf Tea*, 601 F.3d 1342, 94 USPQ2d 1257; *In re Optica Int'l* , 196 USPQ 775, 778 (TTAB 1977); TMEP §1207.01(b)(ii)-(iii). In this case, applicant's mark does not create a distinct commercial impression from the registered mark because it contains some of the wording in the registered mark and does not add any wording that would distinguish it from that mark.

Although the applied-for mark consists of a word and design portion, when evaluating a composite mark consisting of words and a design, the word portion is normally accorded greater weight because it is likely to make a greater impression upon purchasers, be remembered by them, and be used by them to refer to or request the goods and/or services. *In re Aquitaine Wine USA, LLC*, 126 USPQ2d 1181, 1184 (TTAB 2018) (citing *In re Viterra Inc.*, 671 F.3d 1358, 1362, 101 USPQ2d 1905, 1908 (Fed. Cir. 2012)); TMEP §1207.01(c)(ii). Thus, although marks must be compared in their entireties, the word portion is often considered the dominant feature and is accorded greater weight in determining whether marks are confusingly similar, even where the word portion has been disclaimed. *In re Viterra Inc.*, 671 F.3d at 1366-67, 101 USPQ2d at 1911 (citing *Giant Food, Inc. v. Nation's Foodservice, Inc.* , 710 F.2d 1565, 1570-71, 218 USPQ2d 390, 395 (Fed. Cir. 1983)).

Moreover, the registered mark is in standard characters. A mark in typed or standard characters may be displayed in any lettering style; the rights reside in the wording or other literal element and not in any particular display or rendition. *See In re Viterra Inc.*, 671 F.3d 1358, 1363, 101 USPQ2d 1905, 1909 (Fed. Cir. 2012); *In re Mighty Leaf Tea*, 601 F.3d 1342, 1348, 94 USPQ2d 1257, 1260 (Fed. Cir. 2010); 37 C.F.R. §2.52(a); TMEP §1207.01(c)(iii). Thus, a mark presented in stylized characters and/or with a design element generally will not avoid likelihood of confusion with a mark in typed or standard characters because the word portion could be presented in the same manner of display. *See, e.g.*, *In re Viterra Inc.*, 671 F.3d at 1363, 101 USPQ2d at 1909; *Squirtco v. Tomy Corp.*, 697 F.2d 1038, 1041, 216 USPQ 937, 939 (Fed. Cir. 1983) (stating that "the argument concerning a difference in type style is not viable where one party asserts rights in no particular display"). Since the registered mark is in standard characters, it may be presented in a manner that is confusingly similar to the applied-for mark.

Because the marks look and sound similar and create the same commercial impression, the marks are considered similar for likelihood of confusion purposes.

Relatedness of the Goods and Services

Determining likelihood of confusion is based on the description of the goods and/or services stated in the application and registration at issue, not on extrinsic evidence of actual use. *See In re Detroit Athletic Co.*, 903 F.3d 1297, 1307, 128 USPQ2d 1047, 1052 (Fed. Cir. 2018) (citing *In re i.am.symbolic, llc*, 866 F.3d 1315, 1325, 123 USPQ2d 1744, 1749 (Fed. Cir. 2017)).

In this case, the registration uses broad wording to describe "Computer software and firmware for playing games of chance on any computerized platform, including dedicated gaming consoles, video based slot machines, reel based slot machines, and video lottery terminals" , which presumably encompasses all goods of the type described, including applicant's more narrow wording, "Computer games and video games (apps and software), hereunder apps and software for slot machine games, betting and wagering games, video slot games, casino games, games of chance and bingo games provided online and via computer networks and playable on any type of computing device including arcade games, personal computers, handheld devices and mobile phones; apps and software for games with monetary or non-monetary prizes; software for slot machine games, betting and wagering games, video slot games, casino games, games of chance and bingo games provided online and via computer networks and playable on any type of computing device including arcade games, personal computers, handheld devices and mobile phones" used in International Class 009. *See, e.g.*, *In re Solid State Design Inc.*, 125 USPQ2d 1409, 1412-15 (TTAB 2018); *Sw. Mgmt., Inc. v. Ocinomled, Ltd.*, 115 USPQ2d 1007, 1025 (TTAB 2015). Thus, applicant's and registrant's goods are legally identical. *See, e.g.*, *In re i.am.symbolic, llc*, 127 USPQ2d 1627, 1629 (TTAB 2018) (citing *Tuxedo Monopoly, Inc. v. Gen. Mills Fun Grp., Inc.*, 648 F.2d 1335, 1336, 209 USPQ 986, 988 (C.C.P.A. 1981); *Inter IKEA Sys. B.V. v. Akea, LLC*, 110 USPQ2d 1734, 1745 (TTAB 2014); *Baseball Am. Inc. v. Powerplay Sports Ltd.*, 71 USPQ2d 1844, 1847 n.9 (TTAB 2004)).

Additionally, the goods and/or services of the parties have no restrictions as to nature, type, channels of trade, or classes of purchasers and are "presumed to travel in the same channels of trade to the same class of purchasers." *In re Viterra Inc.*, 671 F.3d 1358, 1362, 101 USPQ2d 1905, 1908 (Fed. Cir. 2012) (quoting *Hewlett-Packard Co. v. Packard Press, Inc.*, 281 F.3d 1261, 1268, 62 USPQ2d 1001, 1005 (Fed. Cir. 2002)). Thus, applicant's and registrant's goods and/or services are related.

Moreover, the compared goods and/or services need not be identical or even competitive to find a likelihood of confusion. *See On-line Careline Inc. v. Am. Online Inc.*, 229 F.3d 1080, 1086, 56 USPQ2d 1471, 1475 (Fed. Cir. 2000); *Recot, Inc. v. Becton*, 214 F.3d 1322, 1329, 54 USPQ2d 1894, 1898 (Fed. Cir. 2000); TMEP §1207.01(a)(i). They need only be "related in some manner and/or if the circumstances surrounding their

marketing are such that they could give rise to the mistaken belief that [the goods and/or services] emanate from the same source." *Coach Servs., Inc. v. Triumph Learning LLC*, 668 F.3d 1356, 1369, 101 USPQ2d 1713, 1722 (Fed. Cir. 2012) (quoting *7-Eleven Inc. v. Wechsler*, 83 USPQ2d 1715, 1724 (TTAB 2007)); TMEP §1207.01(a)(i).

Applicant's services in International Class 041 are also closely related to registrant's goods " Computer software and firmware for playing games of chance on any computerized platform, including dedicated gaming consoles, video based slot machines, reel based slot machines, and video lottery terminals" because online games and downloadable games are commonly offered under the same mark.

The attached Internet evidence, consisting of *Shockwave, MSN Games*, and *Big Fish*, establishes that the same entity commonly manufactures, produces, or provides the relevant goods and/or services and markets the goods and/or services under the same mark, the relevant goods and/or services are sold or provided through the same trade channels and used by the same classes of consumers in the same fields of use/the goods and/or services are similar or complementary in terms of purpose or function. Thus, applicant's and registrant's goods and/or services are considered related for likelihood of confusion purposes. *See, e.g., In re Davey Prods. Pty Ltd.*, 92 USPQ2d 1198, 1202-04 (TTAB 2009); *In re Toshiba Med. Sys. Corp.*, 91 USPQ2d 1266, 1268-69, 1271-72 (TTAB 2009).

Accordingly, the goods and services are considered related for purposes of the likelihood of confusion analysis.

Conclusion

Because the marks are similar and the goods and services are related, there is a likelihood of confusion as to the source of applicant's goods and services, and registration is refused pursuant to Section 2(d) of the Trademark Act.

Response Options to Refusals

Although applicant's mark has been refused registration, applicant may respond to the refusals by submitting evidence and arguments in support of registration. However, if applicant responds to the refusals, applicant must also respond to the requirements set forth below.

Requirement for Acceptable Specimen – Partial Requirement (Class 009 Only)

THIS PARTIAL REQUIREMENT APPLIES TO CLASS 009 ONLY

Specimen is not an acceptable display for software. Registration is refused because the specimen in International Class 009 is not acceptable as a display associated with downloadable software and does not show the applied-for mark as actually used in commerce. Trademark Act Sections 1 and 45, 15 U.S.C. §§1051, 1127; 37 C.F.R. §§2.34(a)(1)(iv), 2.56(a), (b)(1); TMEP §§904, 904.03(e), (g), 904.07(a). An application based on Trademark Act Section 1(a) must include a specimen showing the applied-for mark as actually used in commerce for each international class of goods identified in the application or amendment to allege use. 15 U.S.C. §1051(a)(1); 37 C.F.R. §§2.34(a)(1)(iv), 2.56(a); TMEP §§904, 904.07(a).

A display specimen for downloadable software (1) must show use of the mark directly associated with the goods and (2) such use must be of a point-of-sale nature. 37 C.F.R. §2.56(b)(1). To show use of a point-of-sale nature, a specimen generally must provide sufficient information to enable the user to download or purchase the software from a website. *See* TMEP §904.03(e) (citing *In re Azteca Sys., Inc.*, 102 USPQ2d 1955, 1957 (TTAB 2012)).

In this case, the specimen does not create an association between the mark and the software or provide the means to enable the user to download or purchase the software from the website. *See In re Sones*, 590 F.3d 1282, 1286-89, 93 USPQ2d 1118, 1122-24 (Fed. Cir. 2009); *In re Azteca Sys., Inc.*, 102 USPQ2d at 1957; TMEP §904.03(e), (i). Specifically, applicant has submitted a webpage featuring the mark, however, it is not clear text or pictures appearing in the specimen that the type of goods being offered consist of software games. Moreover, a means to download the goods – for example, a download button – does not appear in the specimen.

Accordingly, such material is mere advertising, which is not acceptable as a specimen for goods. *See In re Yarnell Ice Cream, LLC*, 2019 USPQ2d 265039, at *15-16 (TTAB 2019) (quoting *In re Siny Corp.*, 920 F.3d 1331, 1336, 2019 USPQ2d 127099, at *2-3 (Fed. Cir. 2019)); *see also Avakoff v. S. Pac. Co.*, 765 F.2d 1097, 1098, 226 USPQ 435, 436 (Fed. Cir. 1985); TMEP §904.04(b), (c).

Examples of specimens. Specimens for downloadable software include instruction manuals or screen printouts from (1) webpages showing (a) the mark associated with the software and (b) ordering or purchasing information or information sufficient to download the software, (2) the actual program while running that shows the mark in the title bar, or (3) launch screens that show the mark in an introductory message box that appears after opening the program. *See* TMEP §904.03(e), (i), (j). Any webpage printout or screenshot submitted as a specimen must include the webpage's URL and the date it was accessed or printed on the specimen itself, within the TEAS form that submits the specimen, or in a verified statement under 37 C.F.R. §2.20 or 28 U.S.C. §1746 in a later-filed response. *See* 37 C.F.R. §2.56(c); TMEP §§904.03(i), 1301.04(a).

Response options. Applicant may respond to this refusal by satisfying one of the following for each applicable international class:

(1) Submit a different specimen (a verified "substitute" specimen) that (a) was in actual use in commerce at least as early as the filing date of the application or prior to the filing of an amendment to allege use and (b) shows the mark in actual use in commerce for the software identified in the application or amendment to allege use. A "verified substitute specimen" is a specimen that is accompanied by the following statement made in a signed affidavit or supported by a declaration under 37 C.F.R. §2.20: "The substitute (or new, or originally submitted, if appropriate) specimen(s) was/were in use in commerce at least as early as the filing date of the application or prior to the filing of the amendment to allege use." The substitute specimen cannot be accepted without this statement.

(2) Amend the filing basis to intent to use under Section 1(b) (which includes withdrawing an amendment to allege use, if one was filed), as no specimen is required before publication. This option will later necessitate additional fee(s) and filing requirements, including a specimen.

For an overview of the response options referenced above and instructions on how to satisfy these options using the online Trademark Electronic Application System (TEAS) form, see the Specimen webpage.

Requirement for Identification of Goods and Services

Applicant must remove the parentheses from the identification and incorporate any parenthetical information into the description of the goods and/or services. Generally, an applicant should *not* use parentheses and brackets, including curly brackets, in identifications in order to avoid confusion with the USPTO's practice of using parentheses and brackets in registrations to indicate (1) goods and/or services that have been deleted from registrations, (2) goods and/or services not claimed in an affidavit of incontestability, or (3) guidance to users of the USPTO's *U.S. Acceptable Identification of Goods and Services Manual* to draft an acceptable identification. *See* TMEP §§1402.04, 1402.12.

Furthermore, the wording "hereunder" is indefinite and applicant should replace such wording with definite language, such as, "namely". Applicant should also revise any typographical errors appearing in the identification as suggested below.

The following wording in the identification of goods and services is indefinite and must be clarified (See 37 C.F.R. §2.32(a)(6); TMEP §1402.01):

International Class 009

- The identification for software goods in International Class 009 is indefinite and too broad and must be clarified to specify whether the format is downloadable, recorded, or online non-downloadable. *See* 37 C.F.R. §2.32(a)(6); TMEP §§1402.03(d), 1402.11(a). Downloadable and recorded goods are in International Class 009, whereas providing their temporary, online non-downloadable use is a service in International Class 042. *See* TMEP §1402.03(d).

International Class 041:

- The wording "Games services provided online (via computer networks), hereunder providing slot machine games, betting and wagering games, video slot games, casino games, games of chance, games with monetary or non-monetary prizes and bingo games, playable via local or global computer networks; online gaming services" is indefinite and should be clarified to make clear the nature of the services being offered online.

- The wording "entertainment services, namely, conducting a game of chance simultaneously at multiple, independent gaming establishments…prizedraws (lotteries)…Services for the operation of computerized bingo" is indefinite and must be clarified. Applicant must amend this wording to specify the common commercial or generic name of the services. *See* TMEP §1402.01.

- The wording "conducting lotteries" is indefinite. Applicant must amend this wording to clarify that these services are being provided for others.

If accurate, applicant may amend the identification to the following:

International Class 009: **Downloadable computer game and video game software, namely,** computer applications and software for playing slot machine games, betting and wagering games, video slot games, casino games, games of chance, and bingo games, **downloadable via the Internet and from a global computer network,** and playable on any type of computing device including arcade games, personal computers, handheld devices and mobile phones; **Downloadable game software** for games with monetary or non-monetary prizes; **Downloadable game software** for slot machine games, betting and wagering games, video slot games, casino games, games of chance, and bingo games, **downloadable via the internet and from a global computer network** and playable on any type of computing device including arcade games, personal computers, handheld devices and mobile phones

International Class 041: **Entertainment services, namely, providing online computer games and video games, namely,** slot machine games, betting and wagering games, video slot games, casino games, games of chance, games with monetary or non-monetary prizes and bingo games, playable via local **and** global computer networks; Online gaming services **in the nature of ____*{specify, e.g., casino gambling, computer game tournaments, etc.}*; Entertainment services, namely, providing games of chance** simultaneously at multiple, independent gaming establishments **via the Internet;** Entertainment services, **namely,** providing **on-line** computer games; **operating lotteries, namely,** prize draws**;** organizing and conducting lotteries **for others**; **online gaming services in the nature of computerized bingo**

Applicant may amend the identification to clarify or limit the goods and/or services, but not to broaden or expand the goods and/or services beyond those in the original application or as acceptably amended. *See* 37 C.F.R. §2.71(a); TMEP §1402.06. Generally, any deleted goods and/or services may not later be reinserted. *See* TMEP §1402.07(e).

For assistance with identifying and classifying goods and services in trademark applications, please see the USPTO's online searchable *U.S. Acceptable Identification of Goods and Services Manual*. *See* TMEP §1402.04.

Requirement for Color Claim and Mark Description

Applicant must amend the color claim and description to identify all the colors in the drawing of the mark. *See* 37 C.F.R. §2.52(b)(1); TMEP §807.07(a)-(a)(ii). The following colors have been omitted from the color claim: brown, white, blue, silver, and black. In addition, the following colors have been omitted from the description: brown, white, blue, silver, and black.

A complete color claim must reference all the colors appearing in the drawing of the mark. *See* 37 C.F.R. §2.52(b)(1); TMEP §§807.07(a) *et seq.* Similarly, a complete description of a mark depicted in color must specify where the colors appear in the literal and design elements of the mark. *See* 37 C.F.R. §§2.37, 2.52(b)(1); TMEP §§807.07(a) *et seq.* If black, white, and/or gray represent background, outlining, shading, and/or transparent areas and are not part of the mark, applicant must so specify in the description. *See* TMEP §807.07(d).

The following color claim and description are suggested, if accurate:

> Color claim: "**The colors yellow, gold, purple, red, brown, white, blue, silver, and black are claimed as a feature of the mark.**"
>
> Description: "**The mark consists of the stylized wording "CATS AND CASH" in yellow appearing inside a rectangle with rounded corners. The rectangle is purple with a gold and white border containing circles. A yellow line appears above and below the word "AND". A stylized smiling cat appears above the rectangle and in front of an incomplete red circle with a gold and white border containing ten circles. The stylized smiling cat is yellow, brown and white, with white and blue eyes, white teeth, white whiskers, brown eyebrows, and a red and yellow nose. The stylized cat appears from the waist up, wearing a red shirt, purple tie, and a purple and gold suit with a white handkerchief in the suit pocket. A white sparkling effect design appears around the suit. The stylized cat's right hand points straight ahead and is yellow and outlined in black. The stylized cat's left hand is yellow and holding a silver and black microphone.**"

Requirement for Disclaimer of Descriptive Wording

Applicant must disclaim the wording "CASH" in the mark because it is merely descriptive of an ingredient, quality, characteristic, function, feature, purpose, or use of applicant's goods and/or services. *See* 15 U.S.C. §1052(e)(1); *DuoProSS Meditech Corp. v. Inviro Med. Devices, Ltd.*, 695 F.3d 1247, 1251, 103 USPQ2d 1753, 1755 (Fed. Cir. 2012); TMEP §§1213, 1213.03(a).

The attached evidence from *Merriam-Webster* shows this wording means "money or its equivalent (such as a check) paid for goods or services at the time of purchase or delivery". Moreover, applicant has indicated in the application that it offers "apps and software for games with monetary or non-monetary prizes". Thus, the wording merely describes a feature of applicant's goods and/or services.

A "disclaimer" is a statement in the application record that an applicant does not claim exclusive rights to an unregistrable component of the mark. *See Schwarzkopf v. John H. Breck, Inc.*, 340 F.2d 978, 979-80, 144 USPQ 433, 433 (C.C.P.A. 1965); TMEP §1213. A disclaimer does not physically remove the disclaimed matter from the mark or otherwise affect the appearance of the mark. *See Schwarzkopf v. John H. Breck, Inc.*, 340 F.2d at 979, 144 USPQ2d at 433; TMEP §1213.

Applicant may respond to this issue by submitting a disclaimer in the following format:

No claim is made to the exclusive right to use "CASH" apart from the mark as shown.

If applicant does not provide the required disclaimer, the USPTO may refuse to register the entire mark. *See In re Stereotaxis Inc.*, 429 F.3d 1039, 1041, 77 USPQ2d 1087, 1089 (Fed. Cir. 2005); TMEP §1213.01(b).

For an overview of disclaimers and instructions on how to provide one using the Trademark Electronic Application System (TEAS), see the Disclaimer webpage.

Requirement for Signature

The application was unsigned, resulting in the application not being properly verified. *See* TMEP §804. Applicant must properly sign and therefore verify the application in an affidavit or signed declaration under 37 C.F.R. §2.20. *See* 37 C.F.R. §§2.2(n), 2.33(a)-(b)(1), (c), 2.34(a)(1)(i); TMEP §804.02.

The following statements must be verified: That applicant believes applicant is the owner of the mark; that the mark is in use in commerce and was in use in commerce as of the application filing date; that to the best of the signatory's knowledge and belief, no other persons, except, if applicable, 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 of such other persons, to cause confusion or mistake, or to deceive; that the specimen shows the mark as used on or in connection with the goods or services as of the application filing date; and that the facts set forth in the application are true. 37 C.F.R. §§2.33(b)(1), (c), 2.34(a)(1)(i), 2.59(a).

For more information about the verified statement and instructions on providing one using the online Trademark Electronic Application System (TEAS) response form, see the Verified statement webpage.

Response Guidelines

For this application to proceed, applicant must explicitly address each refusal and/or requirement in this Office action. For a refusal, applicant may provide written arguments and evidence against the refusal, and may have other response options if specified above. For a requirement, applicant should set forth the changes or statements. Please see "Responding to Office Actions" and the informational video "Response to Office Action" for more information and tips on responding.

Please call or email the assigned trademark examining attorney with questions about this Office action. Although an examining attorney cannot provide legal advice, the examining attorney can provide additional explanation about the refusal(s) and/or requirement(s) in this Office action. *See* TMEP §§705.02, 709.06.

The USPTO does not accept emails as responses to Office actions; however, emails can be used for informal communications and are included in the application record. *See* 37 C.F.R. §§2.62(c), 2.191; TMEP §§304.01-.02, 709.04-.05.

How to respond. Click to file a response to this nonfinal Office action.

/Rohini Pandit/
Rohini Pandit
Examining Attorney, Law Office 302
U.S. Patent and Trademark Office
rohini.pandit@uspto.gov
(571) 270-3494

RESPONSE GUIDANCE

- **Missing the response deadline to this letter will cause the application to abandon.** A response or notice of appeal must be received by the USPTO before midnight **Eastern Time** of the last day of the response period. TEAS and ESTTA maintenance or unforeseen circumstances could affect an applicant's ability to timely respond.

- **Responses signed by an unauthorized party** are not accepted and can **cause the application to abandon.** If applicant does not have an

attorney, the response must be signed by the individual applicant, all joint applicants, or someone with legal authority to bind a juristic applicant. If applicant has an attorney, the response must be signed by the attorney.

- If needed, **find contact information for the supervisor** of the office or unit listed in the signature block.

DESIGN MARK

Serial Number
87307510

Status
REGISTERED

Word Mark
CANDY, CATS AND CASH

Standard Character Mark
Yes

Registration Number
5403060

Date Registered
2018/02/13

Type of Mark
TRADEMARK

Register
PRINCIPAL

Mark Drawing Code
(4) STANDARD CHARACTER MARK

Owner
Wild Streak LLC DBA Wild Streak Gaming LIMITED LIABILITY COMPANY NEVADA 5575 S Durango Dr Ste 101 Las Vegas NEVADA 89113

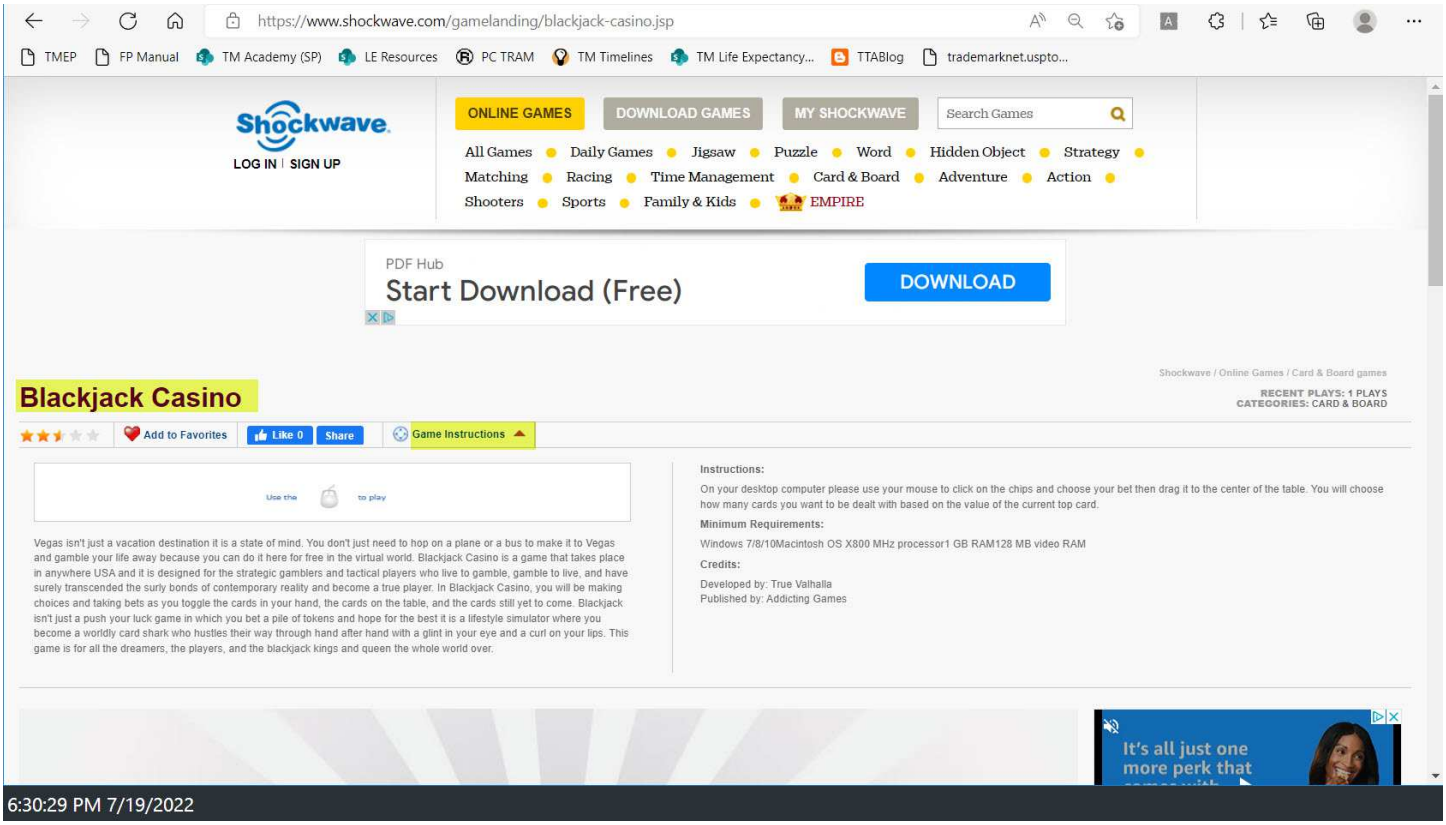
Goods/Services
Class Status -- ACTIVE. IC 009. US 021 023 026 036 038. G & S: Computer software and firmware for playing games of chance on any computerized platform, including dedicated gaming consoles, video based slot machines, reel based slot machines, and video lottery terminals. First Use: 2017/01/15. First Use In Commerce: 2017/09/01.

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

Filing Date
2017/01/19

Examining Attorney
LIEBL, ALEXANDRA SUARE

CANDY, CATS AND CASH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Hidden Object
Strategy
Matching
Racing
Time Management
Card & Board
Adventure
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CATEGORIES: CARD & BOARD
Add to Favorites
Like 0
Share
Game Instructions
Vegas isn't just a vacation destination it is a state of mind. You don't just need to hop on a plane or a bus to make it to Vegas and gamble your life away because you can do it here for free in the virtual world. Blackjack Casino is a game that takes place in anywhere USA and it is designed for the strategic gamblers and tactical players who live to gamble, gamble to live, and have surely transcended the surly bonds of contemporary reality and become a true player. In Blackjack Casino, you will be making choices and taking bets as you toggle the cards in your hand, the cards on the table, and the cards still yet to come. Blackjack isn't just a push your luck game in which you bet a pile of tokens and hope for the best it is a lifestyle simulator where you become a worldly card shark who hustles their way through hand after hand with a glint in your eye and a curl on your lips. This game is for all the dreamers, the players, and the blackjack kings and queen the whole world over.
Instructions:
On your desktop computer please use your mouse to click on the chips and choose your bet then drag it to the center of the table. You will choose how many cards you want to be dealt with based on the value of the current top card.
Minimum Requirements:
Windows 7/8/10Macintosh OS X800 MHz processor1 GB RAM128 MB video RAM
Credits:
Developed by: True Valhalla
Published by: Addicting Games
It's all just one more perk that
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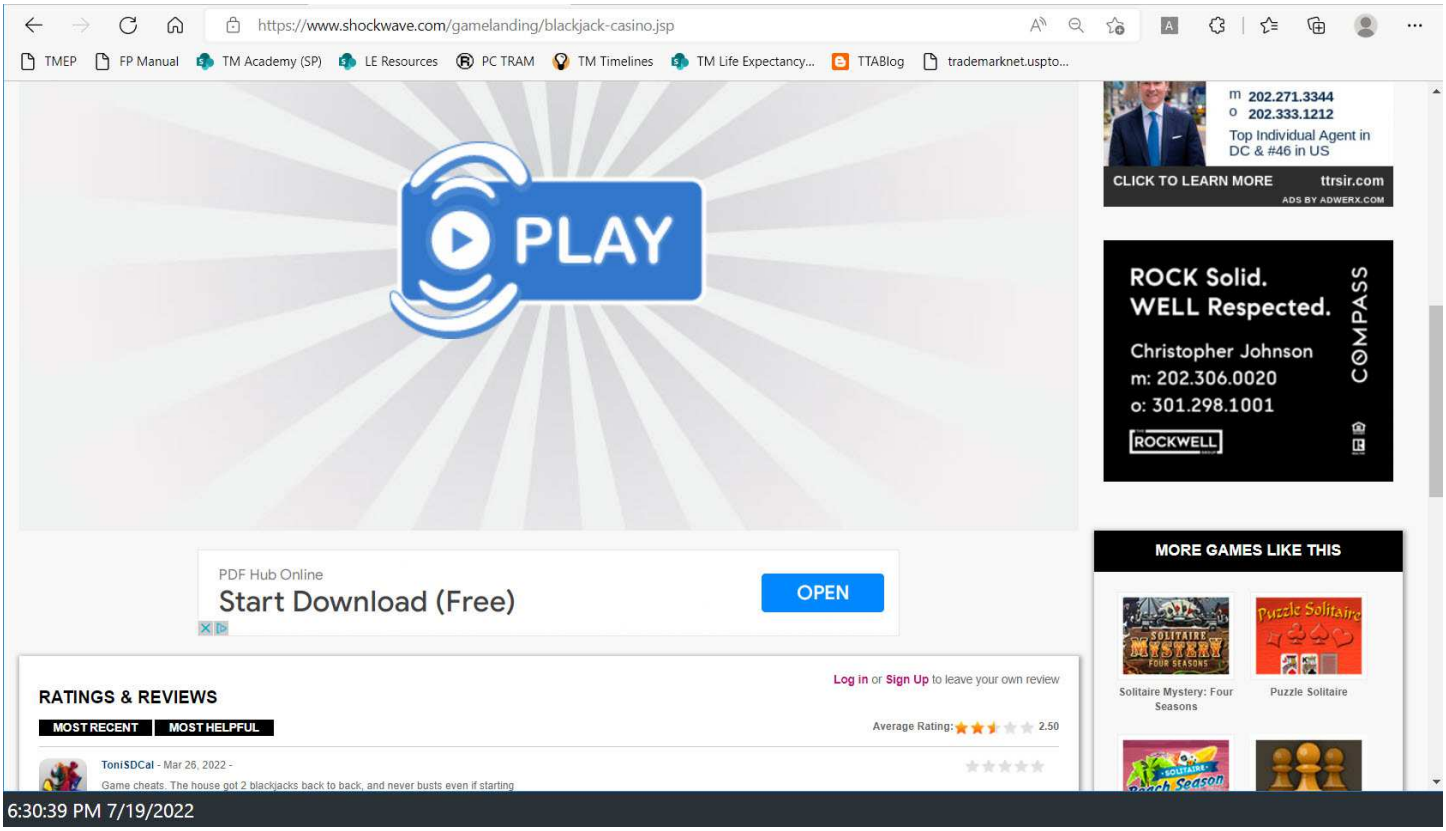
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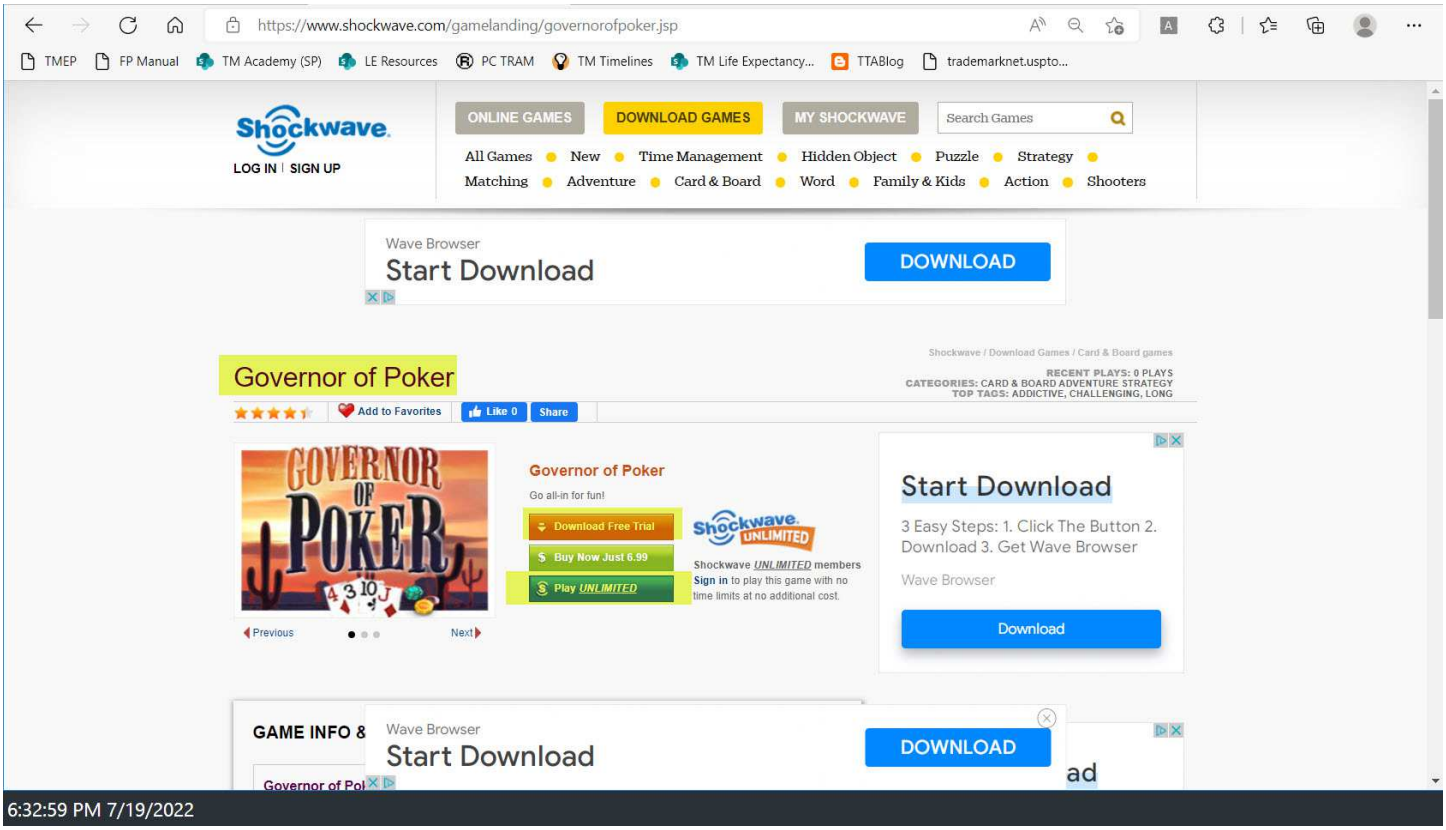
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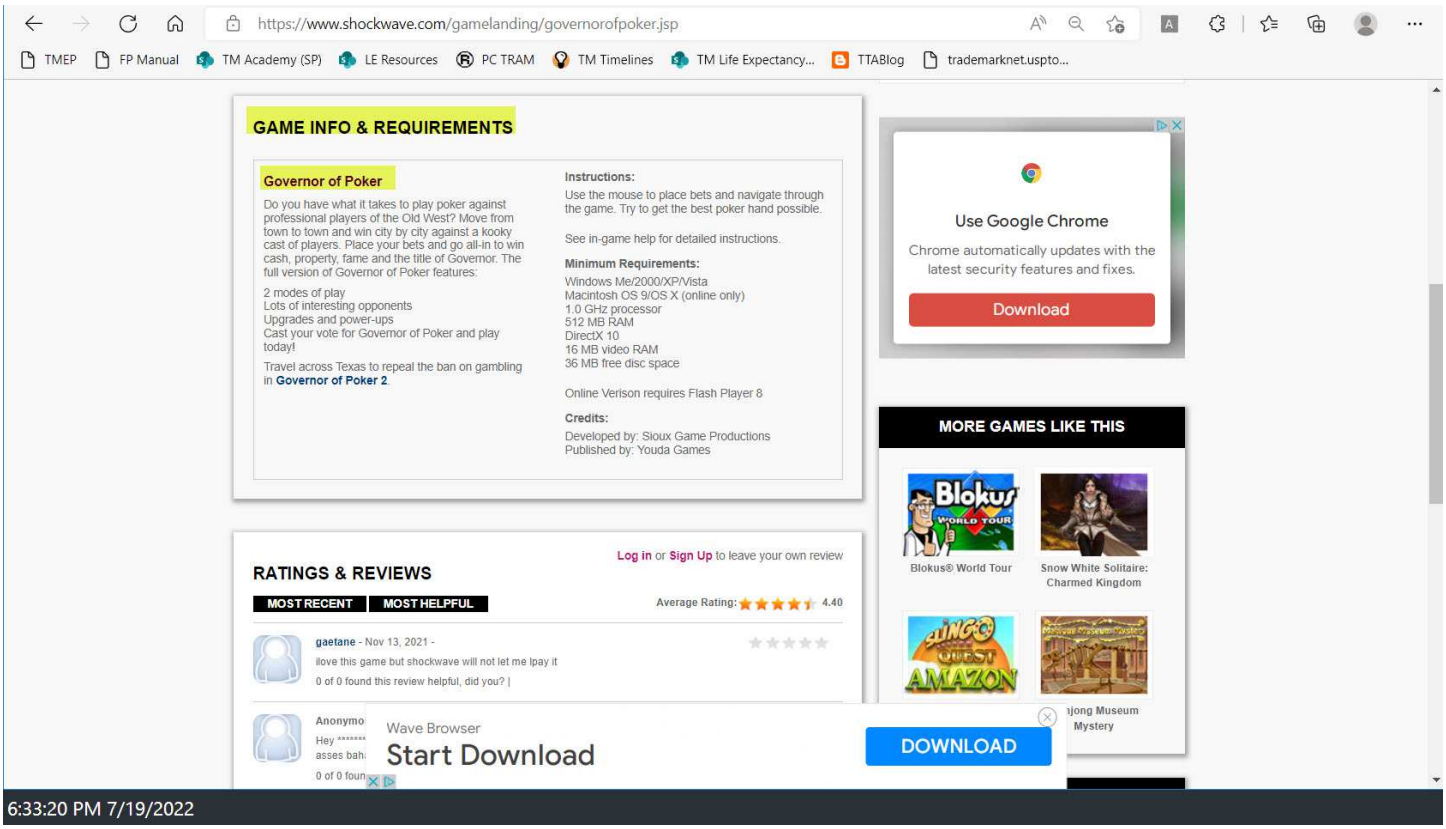
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GAME INFO & REQUIREMENTS
Governor of Poker
Do you have what it takes to play poker against professional players of the Old West? Move from town to town and win city by city against a kooky cast of players. Place your bets and go all-in to win cash, property, fame and the title of Governor. The full version of Governor of Poker features:
2 modes of play
Lots of interesting opponents
Upgrades and power-ups
Cast your vote for Governor of Poker and play today!
Travel across Texas to repeal the ban on gambling in Governor of Poker 2.
Instructions:
Use the mouse to place bets and navigate through the game. Try to get the best poker hand possible.
See in-game help for detailed instructions.
Minimum Requirements:
Windows Me/2000/XP/Vista
Macintosh OS 9/OS X (online only)
1.0 GHz processor
512 MB RAM
DirectX 10
16 MB video RAM
36 MB free disc space
Online Verison requires Flash Player 8
Credits:
Developed by: Sioux Game Productions
Published by: Youda Games
Use Google Chrome
Chrome automatically updates with the latest security features and fixes.
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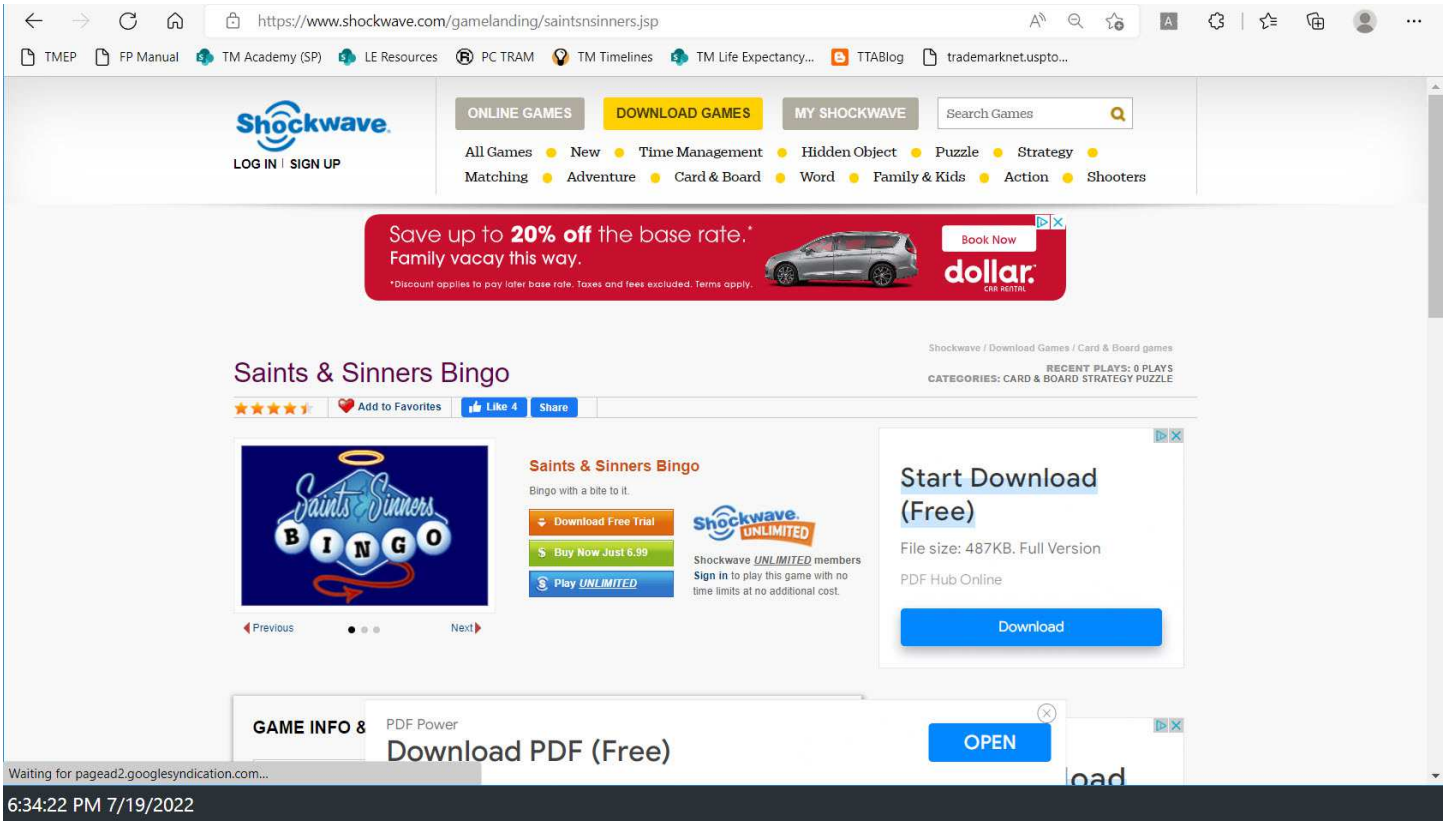
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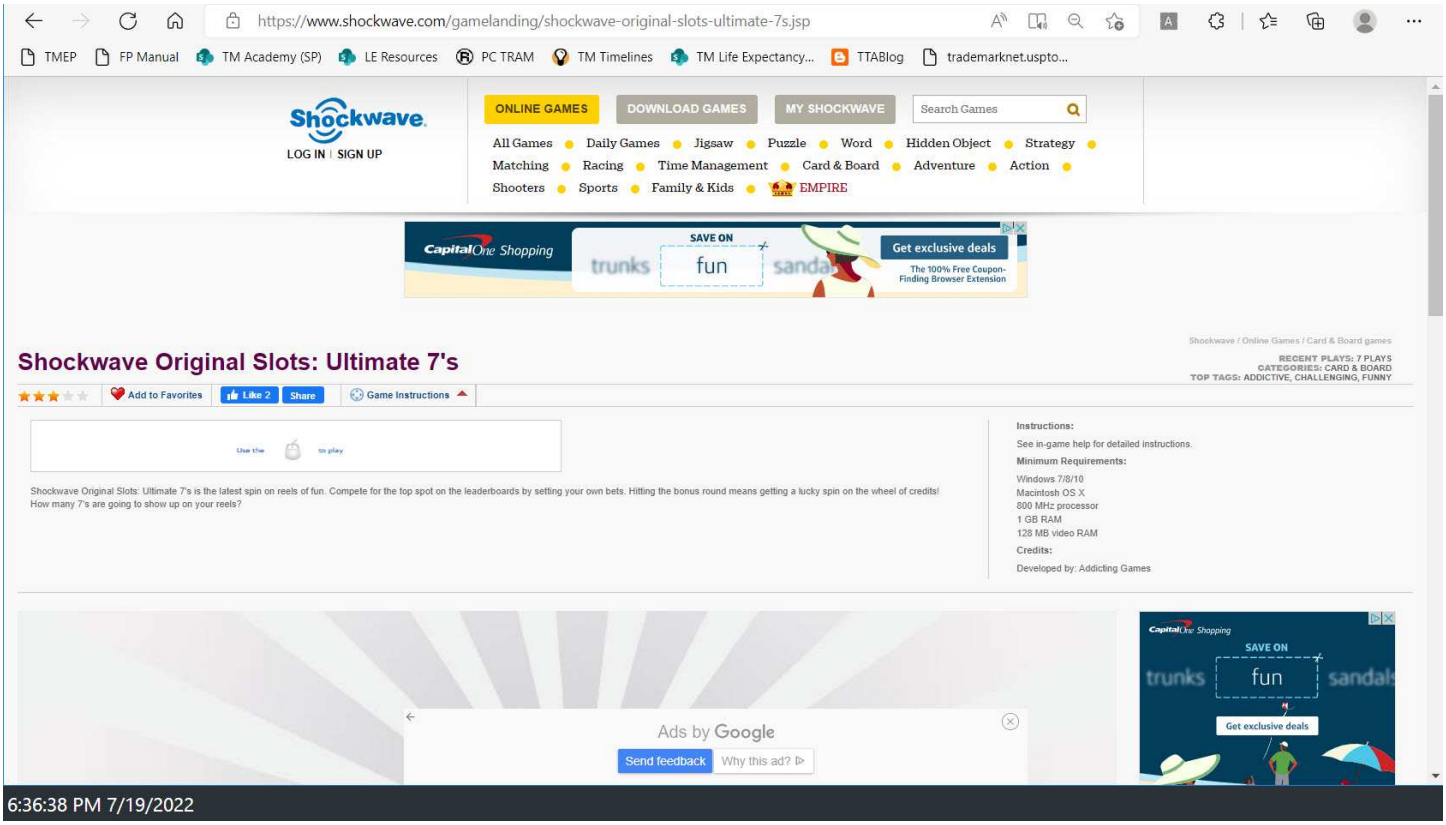
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Shockwave Original Slots: Ultimate 7's
Shockwave / Online Games / Card & Board games
RECENT PLAYS: 7 PLAYS
CATEGORIES: CARD & BOARD
TOP TAGS: ADDICTIVE, CHALLENGING, FUNNY
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Game Instructions
Use the to play
Shockwave Original Slots: Ultimate 7's is the latest spin on reels of fun. Compete for the top spot on the leaderboards by setting your own bets. Hitting the bonus round means getting a lucky spin on the wheel of credits! How many 7's are going to show up on your reels?
Instructions:
See in-game help for detailed instructions.
Minimum Requirements:
Windows 7/8/10
Macintosh OS X
800 MHz processor
1 GB RAM
128 MB video RAM
Credits:
Developed by: Addicting Games
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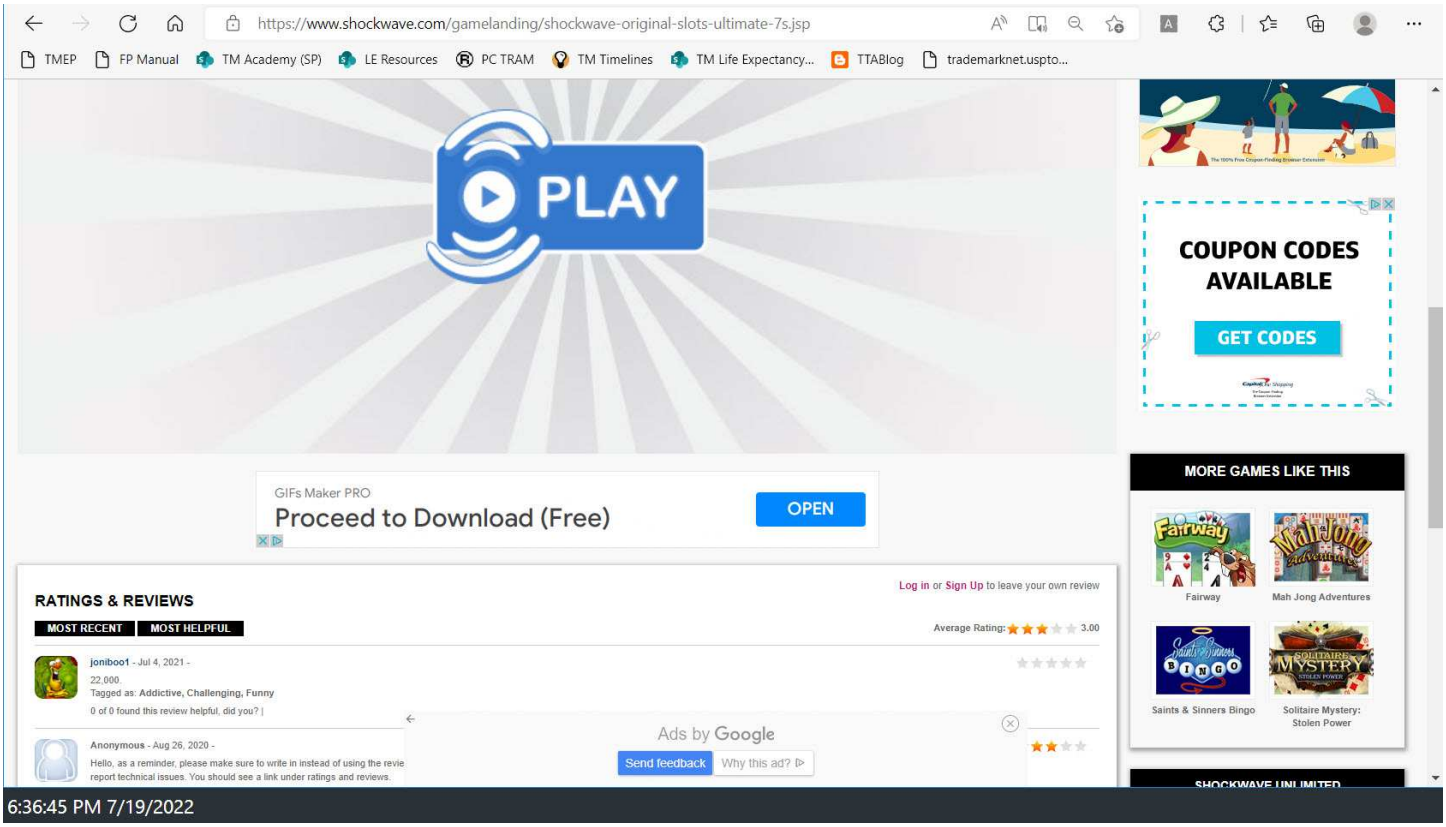
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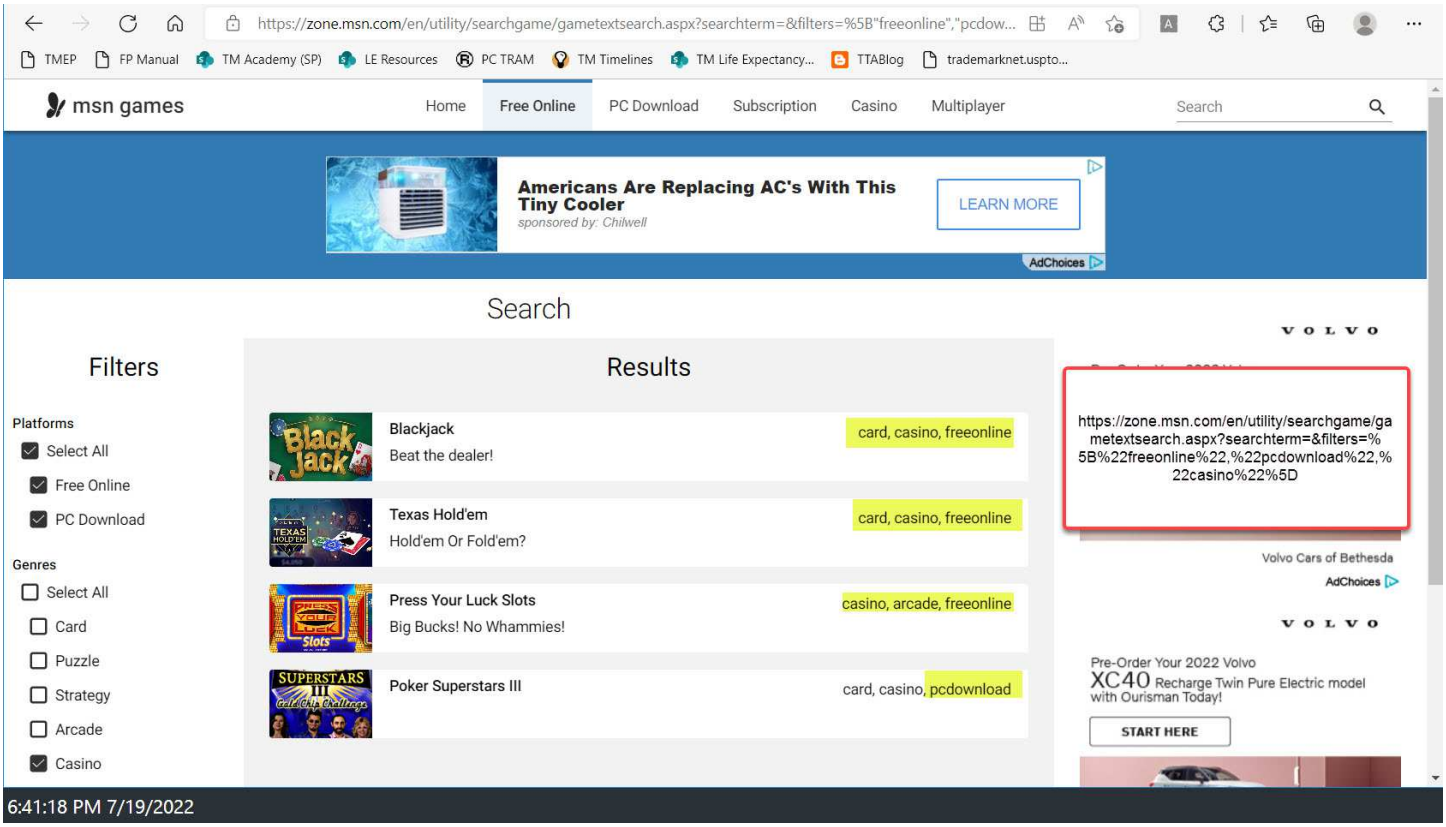
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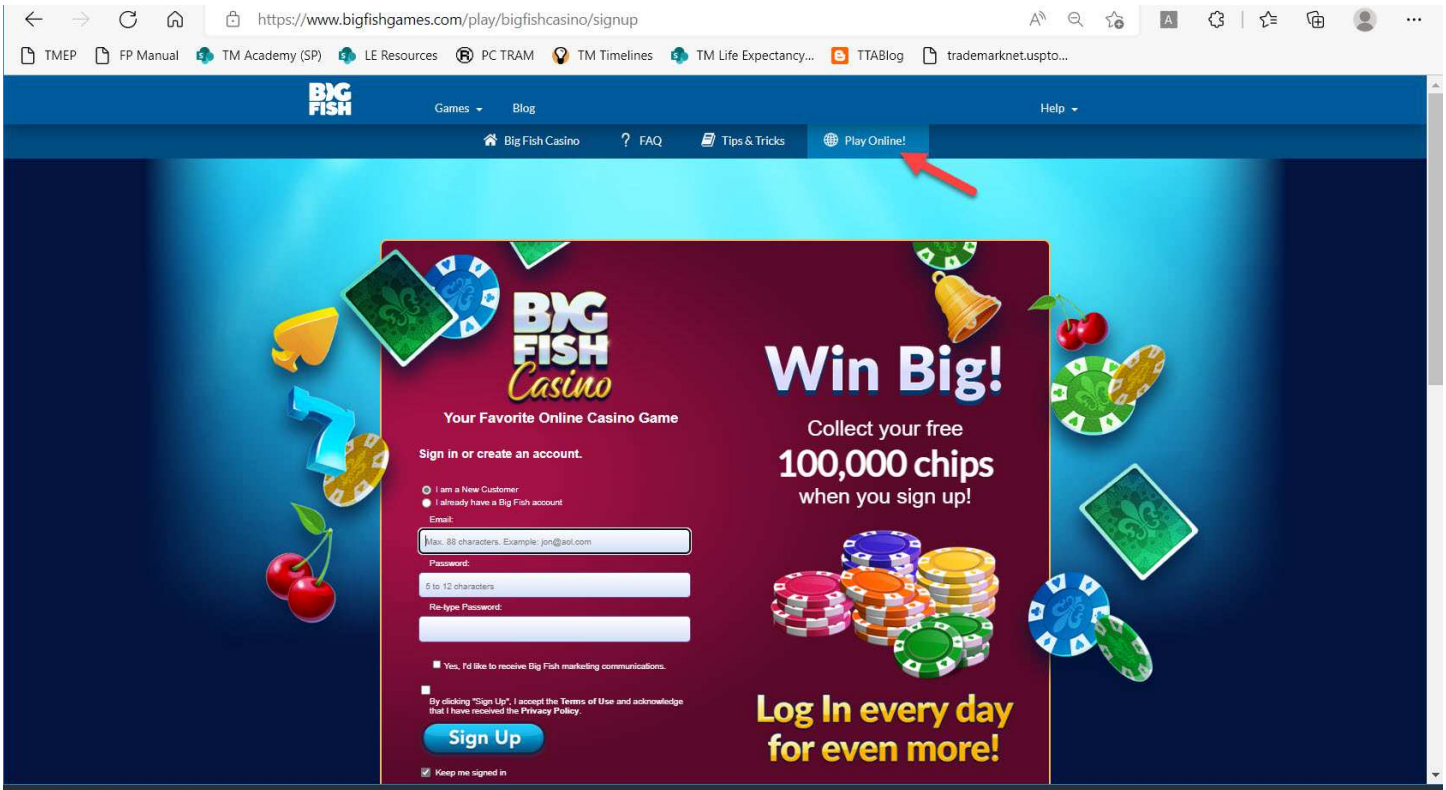

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Game System Requirements:
OS: Windows XP/Windows Vista/Windows 7/Windows 8

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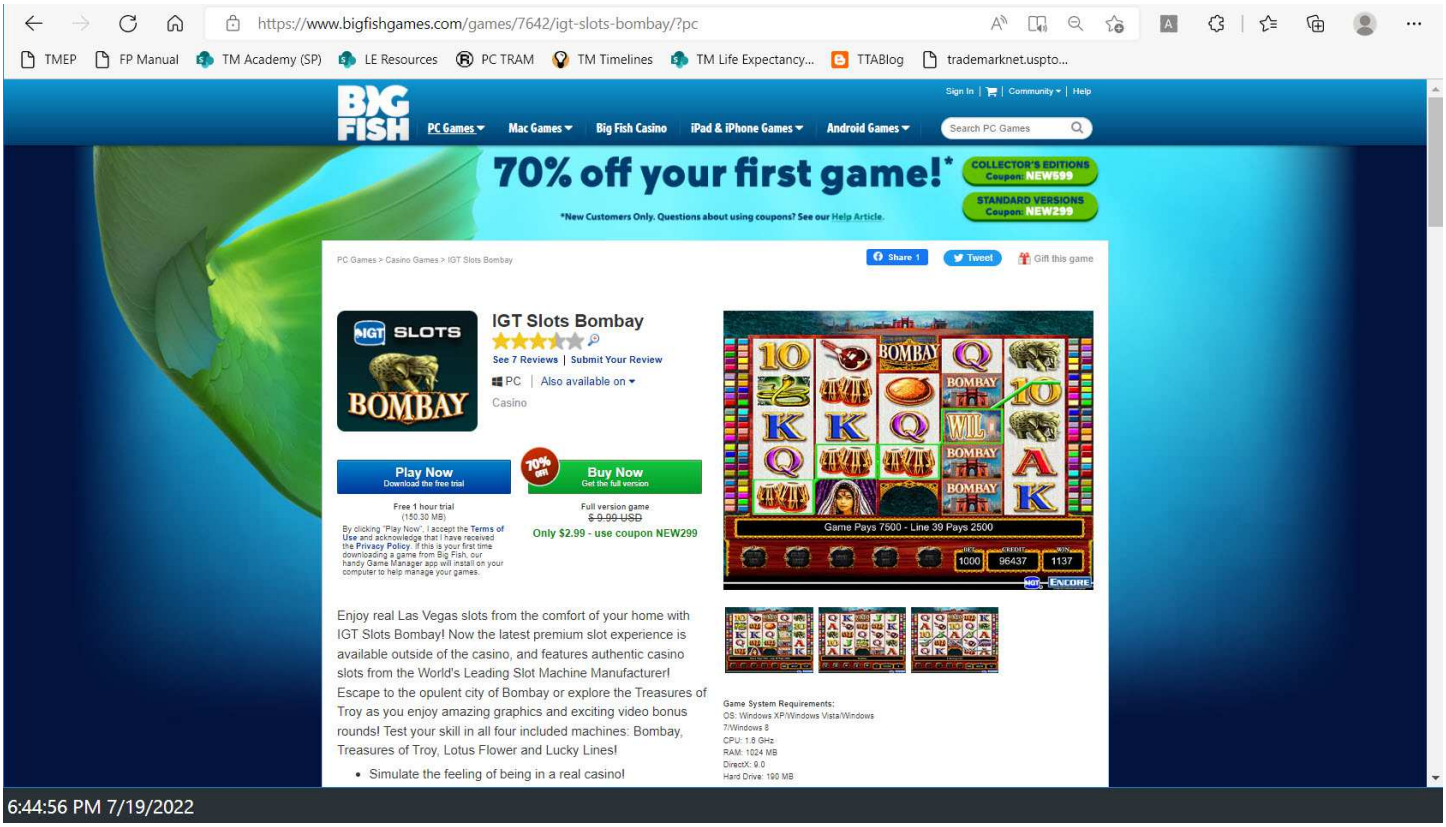
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Simulate the feeling of being in a real casino!
Game System Requirements:
OS: Windows XP/Windows Vista/Windows 7/Windows 8
CPU: 1.8 GHz
RAM: 1024 MB
DirectX: 9.0
Hard Drive: 190 MB
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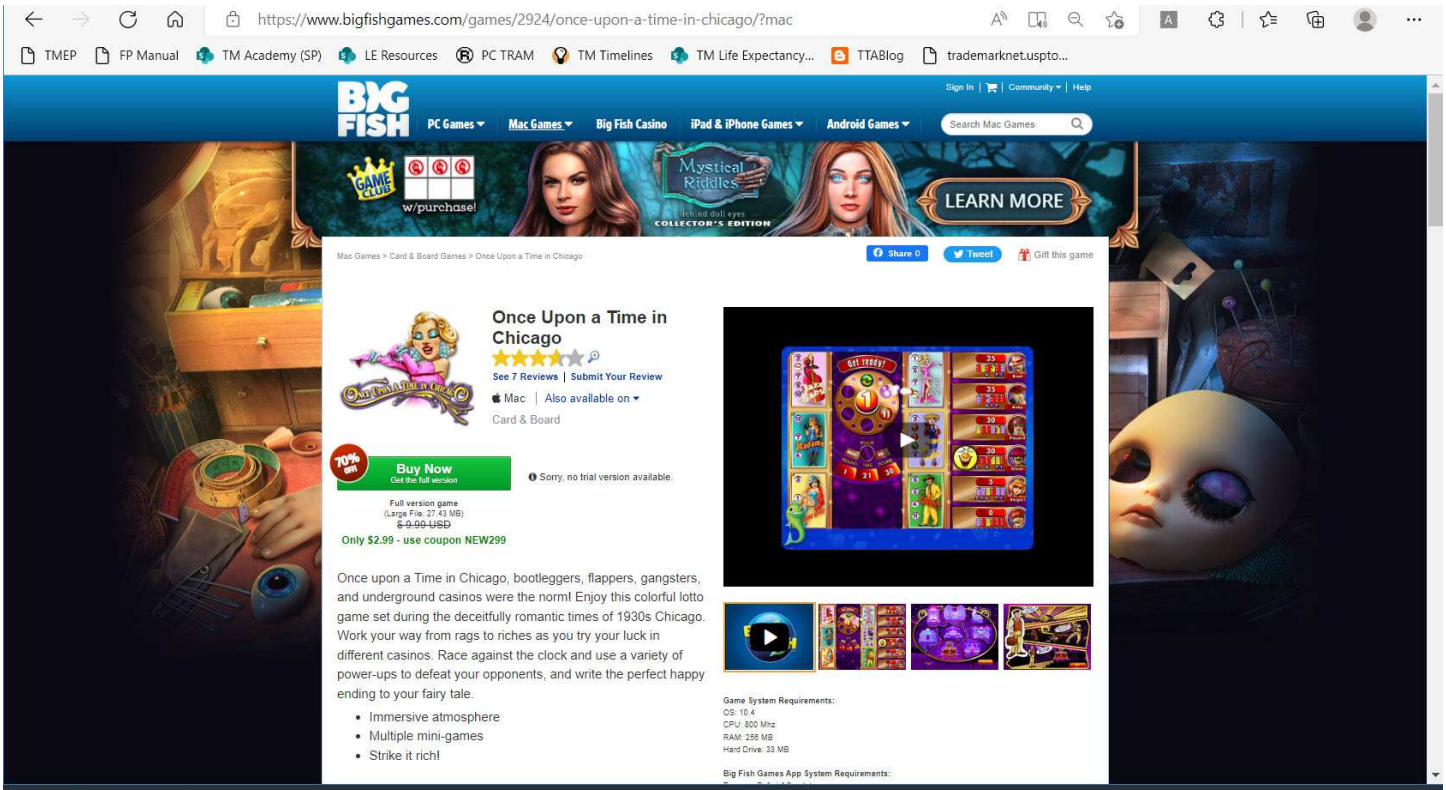

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To:	Play'n GO Marks Ltd (docket@marshallip.com)
Subject:	U.S. Trademark Application Serial No. 97072853 - CATS AND CASH - 33384/61195
Sent:	July 20, 2022 01:16:40 PM
Sent As:	ecom302@uspto.gov
Attachments:	

United States Patent and Trademark Office (USPTO)

USPTO OFFICIAL NOTICE

Office Action (Official Letter) has issued
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A USPTO examining attorney has reviewed your trademark application and issued an Office action. You must respond to this Office action in order to avoid your application abandoning. Follow the steps below.

(1) Read the Office action. This email is NOT the Office action.

(2) Respond to the Office action by the deadline using the Trademark Electronic Application System (TEAS). Your response must be received by the USPTO on or before 11:59 p.m. **Eastern Time** of the last day of the response period. Otherwise, your application will be abandoned. See the Office action itself regarding how to respond.

(3) Direct general questions about using USPTO electronic forms, the USPTO website, the application process, the status of your application, and whether there are outstanding deadlines to the Trademark Assistance Center (TAC).

After reading the Office action, address any question(s) regarding the specific content to the USPTO examining attorney identified in the Office action.

GENERAL GUIDANCE

- **Check the status of your application periodically** in the Trademark Status & Document Retrieval (TSDR) database to avoid missing critical deadlines.

- **Update your correspondence email address** to ensure you receive important USPTO notices about your application.

- **Beware of trademark-related scams.** Protect yourself from people and companies that may try to take financial advantage of you. Private companies may call you and pretend to be the USPTO or may send you communications that resemble official USPTO documents to trick you. We will never request your credit card number or social security number over the phone. And all official USPTO correspondence will only be emailed from the domain "@uspto.gov." Verify the correspondence originated from us by using your Serial Number in our database, TSDR, to confirm that it appears under the "Documents" tab, or contact the Trademark Assistance Center.

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Response to Office Action

The table below presents the data as entered.

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SERIAL NUMBER	97072853
LAW OFFICE ASSIGNED	LAW OFFICE 117
MARK SECTION	
MARK FILE NAME	https://tmng-al.uspto.gov/resting2/api/img/97072853/large
LITERAL ELEMENT	CATS AND CASH
STANDARD CHARACTERS	NO
USPTO-GENERATED IMAGE	NO
COLOR(S) CLAIMED (If applicable)	The color(s) yellow, gold, purple, and red is/are claimed as a feature of the mark.
DESCRIPTION OF THE MARK (and Color Location, if applicable)	The mark consists of a smiling yellow cat from the waist up wearing a purple and gold suit holding a microphone in the left hand and pointing straight ahead with the right hand in front of a red background encompassed in a gold, incomplete circular border with the literal element CATS AND CASH directly below in yellow with a purple background encompassed in a gold border.
ARGUMENT(S)	
Applicant submits the identifications as revised are acceptable and should be allowed to proceed to publication. Applicant has recently registered marks with identical or nearly identical identifications. See, e.g., RABBIT HOLE RICHES - AGENT OF HEARTS (Reg. No. 6824096; registered August 23, 2022); RABBIT HOLE RICHES - COURT OF HEARTS (Reg. No. 6823721; registered August 23, 2022); CAT WILDE (Reg. No. 6749808; registered June 7, 2022); THE PAYING PIANO CLUB (Reg. No. 6642667; registered February 15, 2022); RISE OF OLYMPUS (Reg. No. 6543220; registered November 2, 2021); COILS OF CASH (Reg. No. 6437194; registered August 3, 2021); HOLIDAY SPIRITS (Reg. No. 6431419; registered July 27, 2021). As a result of the foregoing and the Applicant's desire to keep its identifications consistent, the identifications as revised for Applicant's Mark should be approved for publication. Applicant filed a petition for cancellation of the cited mark on January 20, 2023. Applicant respectfully requests suspension of examination of its application pending the outcome of the petition for cancellation. See TMEP 716.02(a). The Examining Attorney requested that Applicant disclaim the term CASH in the Application. Applicant submits that Applicant?s Mark, CATS AND CASH has an alliterative lilting cadence, which encourages persons encountering it to perceive it as a whole. In re Kraft, Inc., 218 USPQ 571, 573 (TTAB 1983). Therefore, Applicant?s Mark is unitary and a disclaimer is not required. See In re EBS Data Processing, 212 USPQ 964, 966 (TTAB 1981). Applicant respectfully requests that the Examining Attorney withdraw the disclaimer requirement.	
GOODS AND/OR SERVICES SECTION (009)(class deleted)	
GOODS AND/OR SERVICES SECTION (041) (current)	
INTERNATIONAL CLASS	041
DESCRIPTION	
Games services provided online (via computer networks), hereunder providing slot machine games, betting and wagering games, video slot games, casino games, games of chance, games with monetary or non-monetary prizes and bingo games, playable via local or global computer networks; online gaming services; entertainment services, namely, conducting a game of chance simultaneously at multiple, independent gaming establishments; entertainment services, hereunder providing on-line computer games; prize draws (lotteries); organizing and conducting lotteries; Services for the operation of computerized bingo	
FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 04/15/2015

FIRST USE IN COMMERCE DATE	At least as early as 04/15/2015
GOODS AND/OR SERVICES SECTION (041) (proposed)	
INTERNATIONAL CLASS	041
TRACKED TEXT DESCRIPTION	
~~Games services provided online (via computer networks), hereunder providing slot machine games, betting and wagering games, video slot games, casino games, games of chance, games with monetary or non-monetary prizes and bingo games, playable via local or global computer networks~~; Games services provided via computer networks, namely, providing slot machine games, betting and wagering games, video slot games, casino games and bingo games, playable via local or global computer networks; ~~online gaming services~~; online electronic gaming services; entertainment services, namely, conducting a game of chance simultaneously at multiple, independent gaming establishments; ~~enterta inment services, hereunder providing on-line computer games~~; entertainment services, namely, providing online computer games; ~~prize draws (lotteries)~~; prize draws in the nature of operating lotteries; organizing and conducting lotteries; ~~Services for the operation of computerized bingo~~; entertainment services, namely, operating computerized bingo	
FINAL DESCRIPTION	
Games services provided via computer networks, namely, providing slot machine games, betting and wagering games, video slot games, casino games and bingo games, playable via local or global computer networks; online electronic gaming services; entertainment services, namely, conducting a game of chance simultaneously at multiple, independent gaming establishments; entertainment services, namely, providing online computer games; prize draws in the nature of operating lotteries; organizing and conducting lotteries; entertainment services, namely, operating computerized bingo	
FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 04/15/2015
FIRST USE IN COMMERCE DATE	At least as early as 04/15/2015
WEBPAGE URL	None Provided
WEBPAGE DATE OF ACCESS	None Provided
ADDITIONAL STATEMENTS SECTION	
COLOR(S) CLAIMED (If applicable)	The color(s) yellow, gold, purpole, red, brown, white, blue, silver, and black is/are claimed as a feature of the mark.
DESCRIPTION OF THE MARK (and Color Location, if applicable)	The mark consists of the stylized wording "CATS AND CASH" in yellow appearing inside a rectangle with rounded corners. The rectangle is purple with a gold and white border containing circles. A yellow line appears above and below the word "AND". A stylized smiling cat appears above the rectangle and in front of an incomplete red circle with a gold and white border containing ten circles. The stylized smiling cat is yellow, brown and white, with white and blue eyes, white teeth, white whiskers, brown eyebrows, and a red and yellow nose. The stylized cat appears from the waist up, wearing a red shirt, purple tie, and a purple and gold suit with a white handkerchief in the suit pocket. A white sparkling effect design appears around the suit. The stylized cat's right hand points straight ahead and is yellow and outlined in black. The stylized cat's left hand is yellow and holding a silver and black microphone.
CORRESPONDENCE INFORMATION (current)	
NAME	Gregory J. Chinlund
PRIMARY EMAIL ADDRESS FOR CORRESPONDENCE	docket@marshallip.com
SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES)	NOT PROVIDED
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CORRESPONDENCE INFORMATION (proposed)	
NAME	Gregory J. Chinlund
PRIMARY EMAIL ADDRESS FOR CORRESPONDENCE	docket@marshallip.com
SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES)	NOT PROVIDED

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SIGNATORY'S NAME	Hanna Nattfogel
SIGNATORY'S POSITION	Director
SIGNATORY'S PHONE NUMBER	3124746300
SIGNATURE METHOD	Handwritten
RESPONSE SIGNATURE	/Thomas S. Key/
SIGNATORY'S NAME	Thomas S. Key
SIGNATORY'S POSITION	Associate Attorney, Marshall, Gerstein & Borun LLP, Illinois bar member
SIGNATORY'S PHONE NUMBER	3124746300
DATE SIGNED	01/20/2023
ROLE OF AUTHORIZED SIGNATORY	Authorized U.S.-Licensed Attorney
SIGNATURE METHOD	Signed directly within the form
FILING INFORMATION SECTION	
SUBMIT DATE	Fri Jan 20 19:33:31 ET 2023
TEAS STAMP	USPTO/ROA-XX.XXX.XX.XXX-20230120193331950334-97072853-850a549e77859e4c99a73d63f9bcc72d561323497c81aab9b0ecbf69512b3978f-N/A-N/A-20230120192531720829

PTO- 1957
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Response to Office Action

To the Commissioner for Trademarks:

Application serial no. **97072853** CATS AND CASH (Stylized and/or with Design, see https://tmng-al.uspto.gov /resting2/api/img/970728533/large) has been amended as follows:

ARGUMENT(S)
In response to the substantive refusal(s), please note the following:

Applicant submits the identifications as revised are acceptable and should be allowed to proceed to publication. Applicant has recently registered marks with identical or nearly identical identifications. See, e.g., RABBIT HOLE RICHES - AGENT OF HEARTS (Reg. No. 6824096; registered August 23, 2022); RABBIT HOLE RICHES - COURT OF HEARTS (Reg. No. 6823721; registered August 23, 2022); CAT WILDE (Reg. No. 6749808; registered June 7, 2022); THE PAYING PIANO CLUB (Reg. No. 6642667; registered February 15, 2022); RISE OF OLYMPUS (Reg. No. 6543220; registered November 2, 2021); COILS OF CASH (Reg. No. 6437194; registered August 3, 2021); HOLIDAY SPIRITS (Reg. No. 6431419; registered July 27, 2021). As a result of the foregoing and the Applicant's desire to keep its identifications consistent, the identifications as revised for Applicant's Mark should be approved for publication. Applicant filed a petition for cancellation of the cited mark on January 20, 2023. Applicant respectfully requests suspension of examination of its application pending the outcome of the petition

for cancellation. See TMEP 716.02(a). The Examining Attorney requested that Applicant disclaim the term CASH in the Application. Applicant submits that Applicant?s Mark, CATS AND CASH has an alliterative lilting cadence, which encourages persons encountering it to perceive it as a whole. In re Kraft, Inc., 218 USPQ 571, 573 (TTAB 1983). Therefore, Applicant?s Mark is unitary and a disclaimer is not required. See In re EBS Data Processing, 212 USPQ 964, 966 (TTAB 1981). Applicant respectfully requests that the Examining Attorney withdraw the disclaimer requirement.

CLASSIFICATION AND LISTING OF GOODS/SERVICES

Applicant hereby deletes the following class of goods/services from the application.
Class 009 for Computer games and video games (apps and software), hereunder apps and software for slot machine games, betting and wagering games, video slot games, casino games, games of chance and bingo games provided online and via computer networks and playable on any type of computing device including arcade games, personal computers, handheld devices and mobile phones; apps and software for games with monetary or non-monetary prizes; software for slot machine games, betting and wagering games, video slot games, casino games, games of chance and bingo games provided online and via computer networks and playable on any type of computing device including arcade games, personal computers, handheld devices and mobile phones

Applicant proposes to amend the following:

Current:
Class 041 for Games services provided online (via computer networks), hereunder providing slot machine games, betting and wagering games, video slot games, casino games, games of chance, games with monetary or non-monetary prizes and bingo games, playable via local or global computer networks; online gaming services; entertainment services, namely, conducting a game of chance simultaneously at multiple, independent gaming establishments; entertainment services, hereunder providing on-line computer games; prize draws (lotteries); organizing and conducting lotteries; Services for the operation of computerized bingo
Filing Basis: Section 1(a), Use in Commerce: The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended. The mark was first used at least as early as 04/15/2015 and first used in commerce at least as early as 04/15/2015 , and is now in use in such commerce.

Proposed:

Tracked Text Description: ~~Games services provided online (via computer networks), hereunder providing slot machine games, betting and wagering games, video slot games, casino games, games of chance, games with monetary or non-monetary prizes and bingo games, playable via local or global computer networks~~; Games services provided via computer networks, namely, providing slot machine games, betting and wagering games, video slot games, casino games and bingo games, playable via local or global computer networks; ~~online gaming services~~; online electronic gaming services; entertainment services, namely, conducting a game of chance simultaneously at multiple, independent gaming establishments; ~~entertainment services, hereunder providing on-line computer games~~; entertainment services, namely, providing online computer games; ~~prize draws (lotteries)~~; prize draws in the nature of operating lotteries; organizing and conducting lotteries; ~~Services for the operation of computerized bingo~~; entertainment services, namely, operating computerized bingo

Class 041 for Games services provided via computer networks, namely, providing slot machine games, betting and wagering games, video slot games, casino games and bingo games, playable via local or global computer networks; online electronic gaming services; entertainment services, namely, conducting a game of chance simultaneously at multiple, independent gaming establishments; entertainment services, namely, providing online computer games; prize draws in the nature of operating lotteries; organizing and conducting lotteries; entertainment services, namely, operating computerized bingo
Filing Basis: Section 1(a), Use in Commerce: The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended. The mark was first used at least as early as 04/15/2015 and first used in commerce at least as early as 04/15/2015 , and is now in use in such commerce.

Webpage URL: None Provided
Webpage Date of Access: None Provided

ADDITIONAL STATEMENTS
Color Claim
The color(s) yellow, gold, purpole, red, brown, white, blue, silver, and black is/are claimed as a feature of the mark.

Description of mark
The mark consists of the stylized wording "CATS AND CASH" in yellow appearing inside a rectangle with rounded corners. The rectangle is purple with a gold and white border containing circles. A yellow line appears above and below the word "AND". A stylized smiling cat appears above the rectangle and in front of an incomplete red circle with a gold and white border containing ten circles. The stylized smiling cat is yellow, brown and white, with white and blue eyes, white teeth, white whiskers, brown eyebrows, and a red and yellow nose. The stylized cat

appears from the waist up, wearing a red shirt, purple tie, and a purple and gold suit with a white handkerchief in the suit pocket. A white sparkling effect design appears around the suit. The stylized cat's right hand points straight ahead and is yellow and outlined in black. The stylized cat's left hand is yellow and holding a silver and black microphone.

Correspondence Information (current):
Gregory J. Chinlund
PRIMARY EMAIL FOR CORRESPONDENCE: docket@marshallip.com
SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES): NOT PROVIDED

The docket/reference number is 33384/61195.

Correspondence Information (proposed):
Gregory J. Chinlund
PRIMARY EMAIL FOR CORRESPONDENCE: docket@marshallip.com
SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES): NOT PROVIDED

The docket/reference number is 33384/61195.

Requirement for Email and Electronic Filing: I understand that a valid email address must be maintained by the owner/holder and the owner's/holder's attorney, if appointed, and that all official trademark correspondence must be submitted via the Trademark Electronic Application System (TEAS).

SIGNATURE(S)
Declaration Signature
Original PDF file:
HS_7613650133-192531720_._97072853_CATS_AND_CASH_D eclaration.pdf
Converted PDF file(s) (1 page) Signature File1
Signatory's Name: Hanna Nattfogel
Signatory's Position: Director
Signatory's Phone Number: 3124746300

Signature method: Handwritten

Response Signature
Signature: /Thomas S. Key/ Date: 01/20/2023
Signatory's Name: Thomas S. Key
Signatory's Position: Associate Attorney, Marshall, Gerstein & Borun LLP, Illinois bar member

Signatory's Phone Number: 3124746300 Signature method: Signed directly within the form

The signatory has confirmed that he/she is a U.S.-licensed attorney who is an active member in good standing of the bar of the highest court of a U.S. state (including the District of Columbia and any U.S. Commonwealth or territory); and he/she is currently the owner's/holder's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S.-licensed attorney not currently associated with his/her company/firm previously represented the owner/holder in this matter: the owner/holder has revoked their power of attorney by a signed revocation or substitute power of attorney with the USPTO; the USPTO has granted that attorney's withdrawal request; the owner/holder has filed a power of attorney appointing him/her in this matter; or the owner's/holder's appointed U.S.-licensed attorney has filed a power of attorney appointing him/her as an associate attorney in this matter.

Mailing Address: Gregory J. Chinlund
MARSHALL, GERSTEIN & BORUN LLP

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Serial Number: 97072853
Internet Transmission Date: Fri Jan 20 19:33:31 ET 2023
TEAS Stamp: USPTO/ROA-XX.XXX.XX.XXX-2023012019333195

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DocuSign Envelope ID: 692A15AE-04F9-42E6-B630-19BF8B4DD133

SIGNATURE(S)
Declaration Signature

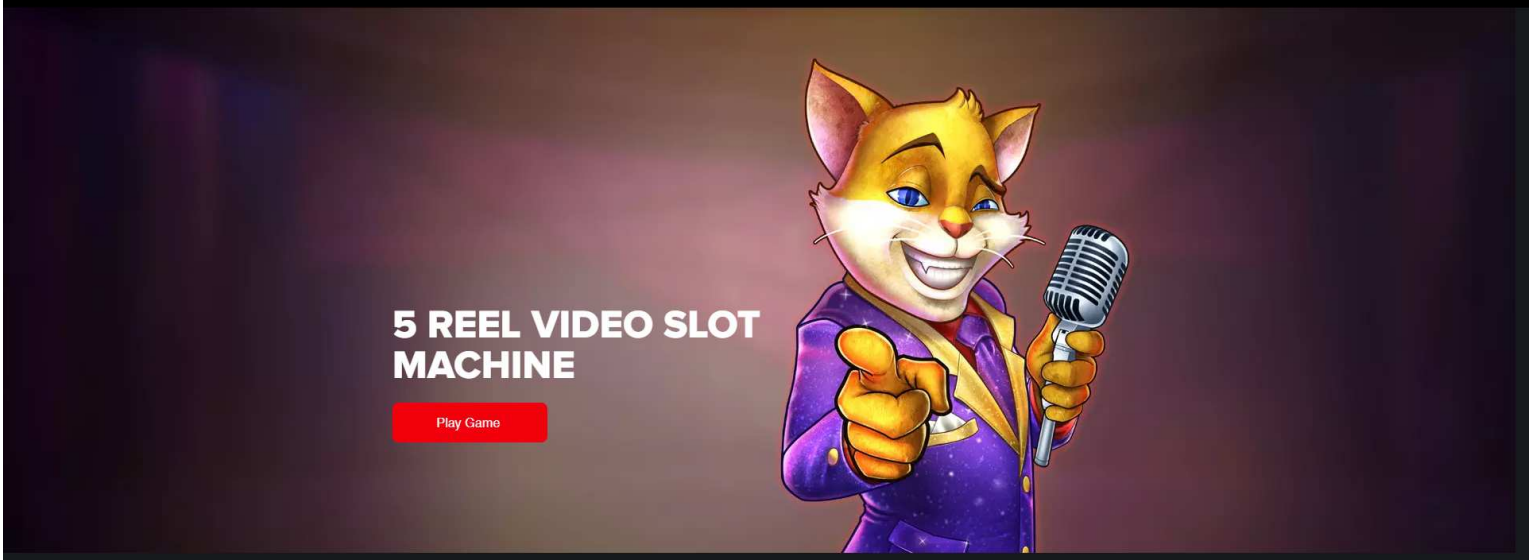
DECLARATION: The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements and the like may jeopardize the validity of the application or submission or any registration resulting therefrom, declares that, if the applicant submitted the application or allegation of use (AOU) unsigned, all statements in the application or AOU and this submission based on the signatory's own knowledge are true, and all statements in the application or AOU and this submission made on information and belief are believed to be true.

STATEMENTS FOR UNSIGNED SECTION 1(b)/SECTION 44 APPLICATION AND FOR SECTION 66(a) COLLECTIVE/CERTIFICATION MARK APPLICATION: If the applicant filed an unsigned application under 15 U.S.C. §§ 1051(b), 1126(d), and/or 1126(e), or filed a collective/certification mark application under 15 U.S.C. §1141f(a), the signatory additionally believes that: ***for a trademark or service mark application,*** the applicant is entitled to use the mark in commerce on or in connection with the goods/services specified in the application; the applicant has a bona fide intention to use the mark in commerce and had a bona fide intention to use the mark in commerce as of the application filing date; ***for a collective trademark, collective service mark, collective membership mark, or certification mark application,*** the applicant has a bona fide intention, and is entitled, to exercise legitimate control over the use of the mark in commerce and had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce as of the application filing date; the signatory is properly authorized to execute the declaration on behalf of the applicant; ***for a certification mark application,*** the applicant will not engage 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. **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.**

Signature Section:

Signature: DocuSigned by: /Hanna Nattfogel/ F6081D166D9F4F3...
Signatory's Name: Hanna Nattfogel
Signatory's Position: Director
Signatory's Phone Number: 0046-733-456170

Date Signed: 18/1/2023



CATS AND CASH

5 Reel Video Slot Machine

ABOUT GAME

Cats & Cash includes a wild symbol (the Show host), a scatter symbol (the gold fish) and two bonus symbols (the wheel and the box).

The wild symbol substitutes for any of the other reel symbols except the gold fish, wheel and box and is used to comprise winning combinations.

A winning combination that includes a wild symbol pays double the normal prize. Two or more scatter symbols anywhere on the reels constitutes a win.

In Cats & Cash, three or more wheel symbols on any active line triggers the Wheel of Fortune bonus round. Three or more box symbols on any active line triggers the Pick A Box bonus round.

SPECIFICATIONS

Release Date	04 Jul 2018
Game Type	Video Slot

LIKE THIS? THEN YOU'LL LOVE...

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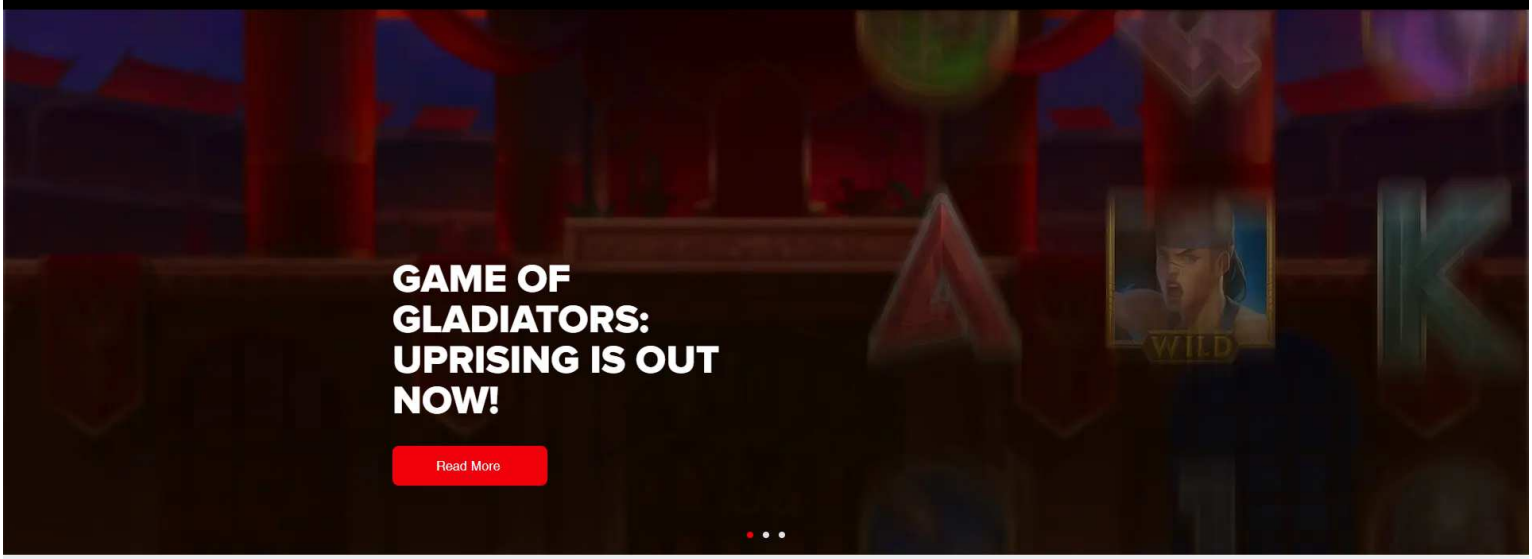
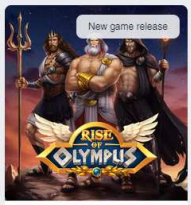


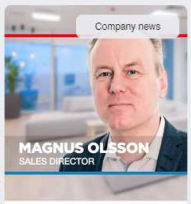
NEWS

29 Aug 2018
Play'n GO nominated for four industry awards

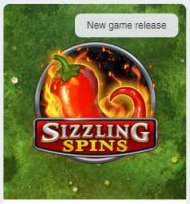


21 Aug 2018
Play'n GO unleash the Power of the Gods

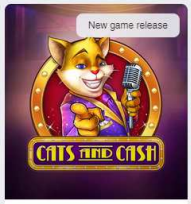
24 Jul 2018
We welcomed iGB to Malta



24 Jul 2018
Play'n GO announce restructuring to advance s...



23 Jul 2018
Cook up some fun! Satisfy your appetite



04 Jul 2018
Put some money in the kitty with Cats and Cas...

25 Jun 2018
Take Play'n GO's European Roulette Pro for a ...

24 Jun 2018
Are you hungry?

20 Jun 2018
Play'n GO 'Slots' Into 1st Place!

19 Jun 2018
Play'n GO participate at WiTech

14 Jun 2018
Play'n GO celebrates 'Sweet' PokerStars deal

14 Jun 2018
President of Malta visits Play'n GO office

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EN

Apr 4, 2022

Play'n GO enter North America market

As Play'n GO brings their leading content portfolio to Ontario's newly regulated market, and has its eyes set on the USA too, EGR NA sat down with their Chief Commercial Officer, Magnus Olsson, to find out how the company views the North American landscape and what tips for success can they share after supplying games for nearly two decades into some of Europe's largest markets.

EGR NA – Everyone is excited about the Ontario market opening this week. How do Play'n GO view the jurisdiction in short and long terms?

Magnus Olsson, Chief Commercial Officer at Play'n GO: North America is right at the top of Play'n GO's priority list for 2022, and Ontario is just the first step we plan to take.

I'm sure all of your readers will by now know the opportunity that Ontario presents – it's home to 40% of the entire population of Canada and we're confident that it's going to be a very strong market for our portfolio of world-leading games.

We design our titles to be fun and entertaining first and foremost, and I'm certain that our titles that are already top of the charts across regulated markets in Europe like Book of Dead, Rise of Olympus or Reactoonz, as well as new titles such as Raging Rex 2 and Def Leppard, will do very well in Ontario indeed.

With the new market opening there are certain to be a number of operators on both the sports betting and iGaming sides going for aggressive, and costly, acquisition strategies this week.

What we've seen from other regulated markets is that it might be a necessity in the very short term but burning through acquisition budgets won't be a successful long-term strategy.

Retention is the name of the game.

And the best way to retain players is to give them an entertaining experience, every time, through high quality content. Play'n GO has that in spades and we're looking forward to sharing our content with the North American market throughout 2022.

EGR NA – You mentioned Ontario being just the first step for you in North America. What's next? The USA? How do you view the development of iGaming in the US?

Magnus Olsson: Yes, I can confirm that Play'n GO will be entering America for the very first time, very soon.

It's a really exciting development for Play'n GO, of course, but also for operators in those states that currently offer iGaming. We have strong relationships with operators who are already live in a number of iGaming states, and the volume of requests for Play'n GO titles that we have been receiving has now become simply too loud to ignore.

Combined with our entrance into Ontario this week, Play'n GO are going to be one of, if not the, leading gaming entertainment suppliers in North America.

Our portfolio is unmatched in the industry, and our focus on regulated markets is unparalleled too. We have been watching the development and expansion of the North American gaming market with keen interest and believe that now is the time to bring our offering to the table.

The US, in particular, has been fascinating to watch from afar. iGaming might only be live in a handful of states right now, but I think you'd get very long odds for that number staying the same forever. Expansion is almost guaranteed.

Operators thinking for the long term can set themselves up for success now by paying particular attention to the hidden costs of working with too many suppliers.

Managing a plethora of suppliers isn't easy and costs a fair bit more than many assume. Keeping up with game certificates per jurisdiction, ensuring availability of content, invoicing and more impacts operators' ability to stay focused on their business goals.

Suppliers should be selected with care. Diversified content is a must, but so too is high uptime, stability in delivery, highly automated processes and compliance functions you can trust.

The industry has moved away a bit from the 'one hit wonder' phase and it's all about portfolio

value now. iGaming in the US will be no different.

Play'n GO is ready to enter North America.

This article originally appeared on EGR North America. You can read the full article here.

Interview

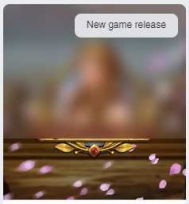
RELATED NEWS

3/10/2022

Play'n GO secures Ontario supplier licence

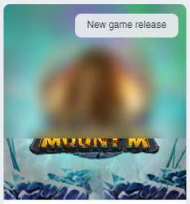
10/12/2022

It's a fishing frenzy in Play'n GO's Boat Bonanza!



9/14/2022

A legend begins at the Gates of Troy



9/7/2022

Will you reach the top of Mount M?

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