

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

U.S. Application Serial No. 79264254

Mark:

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RUSSIAN FED.

Applicant: Aktsionemoe obshchestvo; "Pervyj kanal. ETC.

Reference/Docket No. N/A

Correspondence Email Address:

NONFINAL OFFICE ACTION

International Registration No. 1480185

Notice of Provisional Full Refusal

Deadline for responding. The USPTO must receive applicant's response **within six months of the "date on which the notification was sent to WIPO (mailing date)"** located on the WIPO cover letter, or the U.S. application will be abandoned. To confirm the mailing date, go to the USPTO's Trademark Status and Document Retrieval (TSDR) database, select "US Serial, Registration, or Reference No.," enter the U.S. application serial number in the blank text box, and click on "Documents." The mailing date used to calculate the response deadline is the "Create/Mail Date" of the "1st Refusal Note."

Respond to this Office action using the USPTO's Trademark Electronic Application System (TEAS). A link to the appropriate TEAS response form appears at the end of this Office action.

Discussion of provisional full refusal. This is a provisional full refusal of the request for extension of protection to the United States of the international registration, known in the United States as a U.S. application based on Trademark Act Section 66(a). *See* 15 U.S.C. §§1141f(a), 1141h(c).

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.

SEARCH OF OFFICE'S DATABASE OF MARKS

The trademark examining attorney has searched the Office's database of registered and pending marks and has found no conflicting marks that would bar registration under Trademark Act Section 2(d). TMEP §704.02; *see* 15 U.S.C. §1052(d).

SUMMARY OF ISSUES:

- Section 2(e)(1) refusal – merely descriptive.
- Identification.
- Information.
- Private U.S.-licensed attorney required.

SECTION 2(e)(1) REFUSAL - MERELY DESCRIPTIVE

Registration is refused because the applied-for mark merely describes a feature of applicant's services. Trademark Act Section 2(e)(1), 15 U.S.C. §1052(e)(1); *see* TMEP §§1209.01(b), 1209.03 *et seq.*

A mark is merely descriptive if it describes an ingredient, quality, characteristic, function, feature, purpose, or use of an applicant's goods and/or services. TMEP §1209.01(b); *see, e.g., In re TriVita, Inc.*, 783 F.3d 872, 874, 114 USPQ2d 1574, 1575 (Fed. Cir. 2015) (quoting *In re Oppedahl & Larson LLP*, 373 F.3d 1171, 1173, 71 USPQ2d 1370, 1371 (Fed. Cir. 2004)); *In re Steelbuilding.com*, 415 F.3d 1293, 1297, 75 USPQ2d 1420, 1421 (Fed. Cir. 2005) (citing *Estate of P.D. Beckwith, Inc. v. Comm'r of Patents*, 252 U.S. 538, 543 (1920)).

The determination of whether a mark is merely descriptive is made in relation to an applicant's goods and/or services, not in the abstract. *DuoProSS Meditech Corp. v. Inviro Med. Devices, Ltd.*, 695 F.3d 1247, 1254, 103 USPQ2d 1753, 1757 (Fed. Cir. 2012); *In re The Chamber of Commerce of the U.S.*, 675 F.3d 1297, 1300, 102 USPQ2d 1217, 1219 (Fed. Cir. 2012); TMEP §1209.01(b); *see, e.g., In re Polo Int'l Inc.*, 51 USPQ2d 1061, 1062-63 (TTAB 1999) (finding DOC in DOC-CONTROL would refer to the "documents" managed by applicant's software rather than the term "doctor" shown in a dictionary definition); *In re Digital Research Inc.*, 4 USPQ2d 1242, 1243-44 (TTAB 1987) (finding CONCURRENT PC-DOS and CONCURRENT DOS merely descriptive of "computer programs recorded on disk" where the relevant trade used the denomination "concurrent" as a descriptor of a particular type of operating system).

"Whether consumers could guess what the product [or service] is from consideration of the mark alone is not the test." *In re Am. Greetings Corp.*, 226 USPQ 365, 366 (TTAB 1985).

The foreign equivalent of a merely descriptive English term is also merely descriptive. *In re N. Paper Mills*, 64 F.2d 998, 998, 17 USPQ 492, 493 (C.C.P.A. 1933); *In re Highlights for Children, Inc.*, 118 USPQ2d 1268, 1270 (TTAB 2016) (quoting *In re Optica Int'l*, 196 USPQ 775, 777 (TTAB 1977)). Under the doctrine of foreign equivalents, marks with foreign terms from common, modern languages are translated into English to determine descriptiveness. *Palm Bay Imps., Inc. v. Veuve Clicquot Ponsardin Maison Fondée en 1772*, 396 F.3d 1369, 1377, 73 USPQ2d 1689, 1696 (Fed. Cir. 2005) (citing *In re Sarkli, Ltd.*, 721 F.2d 353, 354, 220 USPQ 111, 113 (Fed. Cir. 1983); *In re Am. Safety Razor Co.*, 2 USPQ2d 1459, 1460 (TTAB 1987)); *see* TMEP §1209.03(g).

Applicant's proposed mark is in Russian, which is a common, modern language in the United States. *In re Joint-Stock Co. "Baik"*, 80 USPQ2d 1305 (TTAB 2006) (Russian). The doctrine is applied when "the ordinary American purchaser" would "stop and translate" the foreign term into its English equivalent. *Palm Bay*, 396 F.3d at 1377, 73 USPQ2d at 1696 (quoting *In re Pan Tex Hotel Corp.*, 190 USPQ 109, 110 (TTAB 1976)); TMEP §1209.03(g). The ordinary American purchaser includes those proficient in the foreign language. *In re Spirits Int'l, N.V.*, 563 F.3d 1347, 1352, 90 USPQ2d 1489, 1492 (Fed. Cir. 2009); *see In re Highlights for Children, Inc.*, 118 USPQ2d at 1271. In this case, the ordinary American purchaser would likely stop and translate the mark because the Russian language is a common, modern language spoken by an appreciable number of consumers in the United States.

Applicant has applied to register the proposed mark in Russian that translates to HOUSE OF CINEMA PREMIUM in English for:

Arranging subscriptions to telecommunication services for others; commercial information agency services; advertising agency services; rental of advertising space; demonstration of goods; opinion polling; market studies; business information; commercial information and advice for consumers; business investigations; business research; marketing research; layout services for advertising purposes; marketing; business management of performing artists; news clipping services; updating and maintenance of data in computer databases; organization of exhibitions for commercial or advertising purposes; organization of trade fairs for commercial or advertising purposes; providing business information via a web site; presentation of goods on communication media, for retail purposes; auctioneering; sales promotion for others; production of television commercials; production of advertising films; rental of advertising time on communication media; publicity material rental; rental of sales stands; publication of publicity texts; outdoor advertising; dissemination of advertising matter; on-line advertising on a computer network; television advertising; compilation of statistics; compilation of information into computer databases; telemarketing services; business project management services for construction projects; price comparison services; pay per click advertising in International Class 35;

Wireless broadcasting; television broadcasting; cable television broadcasting; electronic bulletin board services [telecommunications services]; providing access to databases; providing Internet chatrooms; providing telecommunication channels for teleshopping services; computer aided transmission of messages and images; transmission of digital files; providing online forums; rental of telecommunication equipment; communications by computer terminals in International Class 38; and

Teaching; providing of training; entertainment services; sporting and cultural activities; booking of seats for shows; videotaping; dubbing; publication of books; education information; entertainment information; movie studio services; videotape editing; production of radio and television programmes; game services provided on-line from a computer network; providing online electronic publications; correspondence courses; practical training [demonstration]; organization of exhibitions for cultural or educational purposes; arranging and conducting of concerts; arranging and conducting of workshops [training]; arranging and conducting of seminars; organization of competitions [education or entertainment]; organization of lotteries; vocational guidance; television entertainment; providing online music and videos, not downloadable; presentation of live performances; film production, other than advertising films; videotape film production, other than advertising films; rental of audio equipment; rental of video cameras; rental of video cassette recorders; rental of motion pictures; rental of show scenery; toy rental; rental of cinematographic apparatus; rental of TV programs; games equipment rental; rental of lighting apparatus for theatrical sets or television studios; rental of television receivers; on-line publication of electronic books and journals; publication of texts, other than publicity texts; radio entertainment; news reporters services; subtitling; club services; educational services; scriptwriting, other than for advertising purposes; ticket agency services [entertainment]; coaching [training]; recording studio services; photographic reporting; production of shows; production of films in International Class 41.

The attached dictionary definitions defines HOUSE as "[a] commercial firm," CINEMA as "[m]ovies collectively, especially when considered as an art form," and PREMIUM^[1] as "[o]f superior quality or value." The attached internet evidence shows that the wording at issue has a merely descriptive meaning in relation to the applicant's services and/or in the relevant trade or industry. For purposes of evaluating a trademark, material obtained from the

Internet is generally accepted as competent evidence. See *In re Bayer Aktiengesellschaft*, 488 F.3d 960, 966, 82 USPQ2d 1828, 1833 (Fed. Cir. 2007); *In re Reed Elsevier Props., Inc.*, 482 F.3d 1376, 1380, 82 USPQ2d 1378, 1381 (Fed. Cir. 2007); TBMP §1208.03; TMEP §710.01(b).

The attached third party registration(s) also shows that the proposed mark, and/or the wording therein, is merely descriptive of the applicant's services. Third-party registrations featuring goods and/or services the same as or similar to applicant's goods and/or services are probative evidence on the issue of descriptiveness where the relevant word or term is disclaimed, registered under Trademark Act Section 2(f) based on acquired distinctiveness, or registered on the Supplemental Register. E.g., *In re Morinaga Nyugyo Kabushiki Kaisha*, 120 USPQ2d 1738, 1745 (TTAB 2016) (quoting *Inst. Nat'l des Appellations D'Origine v. Vintners Int'l Co.*, 958 F.2d 1574, 1581-82, 22 USPQ2d 1190, 1196 (Fed. Cir. 1992)); *In re Box Solutions Corp.*, 79 USPQ2d 1953, 1955 (TTAB 2006).

Therefore, the proposed mark HOUSE OF CINEMA PREMIUM, as applied to the identified services, merely describes a feature of the applicant's services. Accordingly, the applied-for mark is merely descriptive and registration is refused on the Principal Register under Section 2(e)(1).

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 the applicant responds to the refusal(s) above, then the applicant must also respond to the refusal(s) and/or requirement(s) below.

IDENTIFICATION OF GOODS AND/OR SERVICES

The identification of goods and/or services is indefinite and must be clarified. See 37 C.F.R. §2.32(a)(6); TMEP §1402.01. The applicant must identify the goods and/or services specifically to provide public notice to the average person who does not have an in-depth knowledge of the relevant field(s) and to enable the USPTO to classify the goods and/or services properly and to reach informed judgments concerning likelihood of confusion under 15 U.S.C. §1052(d).

In an identification, an applicant must use the common commercial or generic name for the goods and/or services, be specific and all-inclusive, and avoid using indefinite words or phrases. TMEP §§1402.01, 1402.03(a). If the goods have no common commercial or generic name, applicant must describe the product, its main purpose, and its intended uses. See *id.* 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.* If applicable, open-ended terms (e.g., "including," "such as") must be deleted and replaced with a definite term, such as "namely," "consisting of," "particularly," or "in particular." See 37 C.F.R. §2.32(a)(6); TMEP §§1402.01, 1402.03(a).

The applicant should describe the goods and/or services using wording that would be generally understood by the average person. See *Schenley Indus., Inc. v. Battistoni*, 112 USPQ 485, 486 (Comm'r Pats. 1957); *Cal. Spray-Chem. Corp. v. Osmose Wood Pres. Co. of Am.*, 102 USPQ 321, 322 (Comm'r Pats. 1954); TMEP §1402.01. "[T]echnical, high-sounding verbiage" should be avoided. *Id.*, 102 USPQ at 322.

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.

The identification of goods and/or services contains brackets. Generally, applicants should *not* use parentheses and brackets in identifications in their applications so as to avoid confusion with the USPTO's practice of using parentheses and brackets in registrations to indicate goods and/or services that have been deleted from registrations or in an affidavit of incontestability to indicate goods and/or services not claimed. See TMEP §1402.12. The only exception is that parenthetical information is permitted in identifications in an application if it serves to explain or translate the matter immediately preceding the parenthetical phrase in such a way that it does not affect the clarity or scope of the identification, e.g., "fried tofu pieces (abura-age)." *Id.* Therefore, applicant must remove the brackets from the identification and incorporate any bracketed information into the description of the services.

The applicant must also clarify the nature of some of the services as noted below.

Applicant may adopt the following identification if accurate [changes in bold text]:

Arranging subscriptions to telecommunication services for others; commercial information agency services; advertising agency services; rental of advertising space; demonstration of goods; opinion polling, **namely, [list the common commercial or generic name of the services, e.g., conducting public opinion polls. If there is no common commercial or generic name for the services, the applicant must describe the services and indicate their nature.]**; market research studies; **providing** business information; commercial information and advice for consumers, **namely, [list the common commercial or generic name of the services, e.g., provision of information and advice to consumers regarding the selection of products and items to be purchased. If there is no common commercial or generic name for the services, the applicant must describe the services and indicate their nature.]**; business investigations; business research; marketing research; layout services for advertising purposes; marketing; business management of performing artists; news clipping services; updating and maintenance of data in computer databases; organization of exhibitions for commercial or advertising purposes; organization of trade fairs for commercial or advertising purposes; providing business information via a web site; presentation of goods on communication media, for retail purposes, **namely, [list the common commercial or generic name of the services, e.g., organization and conducting of product presentations. If there is no common commercial or generic name for**

the services, the applicant must describe the services and indicate their nature.]; auctioneering; sales promotion for others; production of television commercials; production of advertising films; rental of advertising time on communication media; publicity material rental; rental of sales stands; publication of publicity texts; outdoor advertising; dissemination of advertising matter; on-line advertising on a computer network; television advertising; compilation of statistics; compilation of information into computer databases; telemarketing services; business project management services for construction projects; price comparison services; pay per click advertising in International Class 35;

Wireless broadcasting; television broadcasting; cable television broadcasting; **telecommunications services, namely**, electronic bulletin board services; providing access to databases; providing Internet chatrooms; providing telecommunication channels for teleshopping services; computer aided transmission of messages and images; transmission of digital files; providing online forums for {indicate field or subject of forum}; rental of telecommunication equipment; communications by computer terminals in International Class 38; and

Teaching in the field of {indicate specific field, e.g. music, remedial reading}; providing of training services in the field of {indicate field or subject matter}; entertainment services, namely, [list the common commercial or generic name of the services, e.g., a continuing {indicate type, e.g. variety, news, comedy} show broadcast over television, satellite, audio, and video media. If there is no common commercial or generic name for the services, the applicant must describe the services and indicate their nature.]; sporting and cultural activities, namely, [list the common commercial or generic name of the services, e.g., organization of cultural shows. If there is no common commercial or generic name for the services, the applicant must describe the services and indicate their nature.]; booking of seats for shows; videotaping; dubbing; publication of books; providing information about education; entertainment information; movie studio services; videotape editing; production of radio and television programmes; entertainment services, namely, providing on-line computer games from a computer network; providing online non-downloadable electronic publications in the nature of [specify the nature of the publication, e.g., books] in the field of {indicate subject matter}; providing education in the field of {indicate specific field, e.g., computers, music, art} rendered through correspondence courses; practical training via demonstration, namely, [list the common commercial or generic name of the services, e.g., training in the use and operation of {indicate specific type of equipment, e.g. computers, data processors}. If there is no common commercial or generic name for the services, the applicant must describe the services and indicate their nature.]; organization of exhibitions for cultural or educational purposes; arranging and conducting of concerts; arranging and conducting of training workshops in the field of {indicate field or subject matter}; arranging and conducting of seminars; organization of education or entertainment competitions; organization of lotteries; vocational guidance; television entertainment, namely, [list the common commercial or generic name of the services, e.g., ongoing television programs in the field of {indicate specific field, e.g., news, comedy, variety}. If there is no common commercial or generic name for the services, the applicant must describe the services and indicate their nature.]; providing non-downloadable online music and videos featuring {indicate subject matter e.g., music, mathematics instruction, etc.}; presentation of live show performances; film production, other than advertising films; videotape film production, other than advertising films; rental of audio equipment; rental of video cameras; rental of video cassette recorders; rental of motion pictures; rental of show scenery; toy rental; rental of cinematographic apparatus; rental of TV programs; games equipment rental; rental of lighting apparatus for theatrical sets or television studios; rental of television receivers; on-line publication of electronic books and journals; publication of texts, other than publicity texts; radio entertainment, namely, [list the common commercial or generic name of the services, e.g., a continuing radio program about {indicate subject matter}. If there is no common commercial or generic name for the services, the applicant must describe the services and indicate their nature.]; news reporters services; subtitling; club services, namely, [list the common commercial or generic name of the services, e.g., dance club services. If there is no common commercial or generic name for the services, the applicant must describe the services and indicate their nature.]; educational services, namely, [list the common commercial or generic name of the services, e.g., conducting {indicate specific modes of instruction, e.g., classes, seminars, conferences, workshops} in the field of {indicate specific field, e.g., pet care, math} and distribution of course material in connection therewith. If there is no common commercial or generic name for the services, the applicant must describe the services and indicate their nature.]; scriptwriting, other than for advertising purposes; ticket agency services for entertainment events; training, namely, personal coaching services in the field of {indicate field or subject matter}; recording studio services; photographic reporting; production of shows, namely, [list the common commercial or generic name of the services, e.g., production of {indicate specific type of activity, e.g. operas, television shows, plays}. If there is no common commercial or generic name for the services, the applicant must describe the services and indicate their nature.]; production of films in International Class 41.

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 narrowed. See 37 C.F.R. §2.71(a); TMEP §§1402.06, 1904.02(c)(iv). 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 narrowed. 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). Additionally, for applications filed under Trademark Act Section 66(a), the scope of the identification for purposes of permissible amendments is limited by the international class assigned by the International Bureau of the World Intellectual Property Organization (International Bureau); and the classification of goods and/or services may not be changed from that assigned by the International Bureau. 37 C.F.R. §2.85(d); TMEP §§1401.03(d), 1904.02(b). Further, in a multiple-class Section 66(a) application, classes may not be added or goods and/or services transferred from one existing class to another. 37 C.F.R. §2.85(d); TMEP §1401.03(d).

INFORMATION ABOUT GOODS/SERVICES REQUIRED

To permit proper examination of the application, applicant must submit additional information about applicant's services. See 37 C.F.R. §2.61(b); TMEP §§814, 1402.01(e). The information requested below is reasonably necessary to the examination of the application because it will provide a more in-depth understanding of the mark, goods and/or services, and/or issue(s) at hand. TMEP §814.

Factual information about the goods must clearly indicate how they operate, their salient features, and their prospective customers and channels of trade. Factual information about the services must clearly indicate what the services are and how they are rendered, their salient features, and their prospective customers and channels of trade. Conclusory statements will *not* satisfy this requirement for information.

Failure to comply with a request for information is grounds for refusing registration. *In re Harley*, 119 USPQ2d 1755, 1757-58 (TTAB 2016); TMEP §814.

Merely stating that information about the goods or services is available on applicant's website is an insufficient response and will not make the relevant information of record. *See In re Planalytics, Inc.*, 70 USPQ2d 1453, 1457-58 (TTAB 2004).

The applicant must *directly* answer the following question(s) and/or provide the information requested:

1. Does HOUSE, CINEMA, PREMIUM, HOUSE OF CINEMA, CINEMA PREMIUM, or HOUSE OF CINEMA PREMIUM have any significance as applied to the goods and/or services other than trademark and/or service mark significance?
2. Does HOUSE, CINEMA, PREMIUM, HOUSE OF CINEMA, CINEMA PREMIUM, or HOUSE OF CINEMA PREMIUM have any significance in the relevant trade or industry other than trademark and/or service mark significance?
3. If available, the applicant will provide a website address at which the goods and/or services are offered and/or the mark is used. If no website is available, then the applicant will state this fact for the record.
4. To permit proper examination of the application, applicant must submit additional information about applicant's services because the nature of such services is not clear from the present record. *See* 37 C.F.R. §2.61(b); TMEP §§814, 1402.01(e). The requested information should include fact sheets, brochures, and/or advertisements and promotional materials. If these materials are unavailable, applicant should submit similar documentation for services of the same type, explaining how its own services will differ. If the services feature new technology and no information regarding competing services is available, applicant must provide a detailed factual description of the services.

Factual information about the services must clearly indicate what the services are and how they are rendered, their salient features, and their prospective customers and channels of trade.

PRIVATE U.S.-LICENSED ATTORNEY REQUIRED

Applicant must be represented by a U.S.-licensed attorney. The application record indicates that applicant's domicile is outside of the United States in the Russian Federation, but no attorney who is an active member in good standing of the bar of the highest court of a U.S. State or territory has been appointed to represent the applicant in this matter. All applicants whose permanent legal residence or principal place of business is not within the United States or its territories must be represented by a U.S.-licensed attorney at the USPTO. 37 C.F.R. §2.2(o), 2.11(a). Thus, applicant is required to be represented by a U.S.-licensed attorney and must appoint one. 37 C.F.R. §2.11(a). This application will not proceed to registration without such appointment and representation. *See id.* *See* Hiring a U.S.-licensed trademark attorney for more information.

To appoint or designate a U.S.-licensed attorney. To appoint an attorney, applicant should (1) submit a completed Trademark Electronic Application System (TEAS) Revocation, Appointment, and/or Change of Address of Attorney/Domestic Representative form and (2) promptly notify the trademark examining attorney that this TEAS form was submitted. Alternatively, if applicant has already retained an attorney, the attorney can respond to this Office action by using the appropriate TEAS response form and provide his or her attorney information in the form and sign it as applicant's attorney. *See* 37 C.F.R. §2.17(b)(1)(ii).

ADVISORY

The application include a description, translation, and transliteration in one section of the application. The aforementioned information was separated and modified as follows:

The mark consists of stylized Russian wording

The English translation of the Russian wording is "HOUSE OF CINEMA PREMIUM".

The transliteration of the non-Latin characters in the mark is "DOM KINO PREMEOOM".

The description term Cyrillic was replaced by Russian because Cyrillic does not denote the specific language used in the proposed mark; Cyrillic may refer to terms in various language that use a Cyrillic alphabet. The transliteration was changed from PREMIUM to PREMEOOM to more accurately reflect the sound of the Russian word and to distinguish it from the translation.

If the applicant objects to any of the changes, the applicant should state its objections for the record and propose amendments with an explanation of why its proposed amendments should be adopted.

If the applicant agrees with the changes, then no additional action on part of the applicant is required.

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.

The United States Patent and Trademark Office (USPTO) website provides information for those unfamiliar with the process of applying for federal trademark registration, such as an e-booklet about registering trademarks, FAQs, and more. Two tools on the USPTO’s website that are particularly helpful during the examination process are the (1) [informational videos](#) and (2) [application processing timelines](#). The videos provide information in a broadcast news format regarding a range of issues that arise during the examination of an application, such as specimens and goods and services. The application processing timelines provide information regarding the USPTO’s processing time for certain documents, as well as crucial legal deadlines.

The USPTO applies the following legal authority to a trademark application:

- [The Trademark Act of 1946](#) (15 U.S.C. §§1051 *et seq.*)
- [The Trademark Rules of Practice](#) (37 C.F.R. pts. 2, 3, 6, 7, 11)
- Precedential court and Trademark Trial and Appeal Board (TTAB) decisions
- [The Trademark Manual of Examining Procedure \(TMEP\)](#) is a manual written by USPTO trademark attorneys that explains the laws and procedures applicable to the trademark application, registration, and post-registration processes. The USPTO updates the TMEP periodically to reflect changes in law, policy, and procedure.
- [The Trademark Trial and Appeal Board Manual of Procedure \(TBMP\)](#)

BEWARE OF MISLEADING NOTICES SENT BY PRIVATE COMPANIES ABOUT YOUR APPLICATION

Private companies **not** associated with the USPTO often use public information provided in USPTO trademark applications to mail and email trademark-related offers and notices – most of which require fees. These companies often have names similar to the USPTO.

All official USPTO correspondence will only be emailed from the domain “[@uspto.gov](#).”

For a current list of companies the USPTO has received complaints about, information on how to identify these offers and notices, and what to do if you receive one, see the [misleading notices webpage](#).

QUESTIONS ABOUT THIS ACTION

If the applicant has **technical questions** about the TEAS response to Office action form, the applicant can review the electronic filing tips available online at http://www.uspto.gov/trademarks/teas/e_filing_tips.jsp and send technical questions to the TEAS Support Team at TEAS@uspto.gov via e-mail. Please include your name, telephone number, serial number and/or registration number, a description of the issue, including the name of the TEAS form you are having problems with (e.g., “Response to Office Action Form,” “Request for Extension of Time to File a Statement of Use,” etc.), and a screen shot of any error message that you are receiving. You should receive a response within two (2) hours if the e-mail message is submitted during normal business hours.

For **status inquiries or copies of documents**, an applicant may check the status of or view documents filed in the trademark and/or service mark application or registration twenty-four (24) hours a day, seven (7) days a week, using the Trademark Status and Document Retrieval (TSDR) database on the USPTO website at <http://tsdr.uspto.gov/>. To obtain this status or view these documents, enter the application serial number or registration number and click on “Status” or “Documents.” Do not attempt to check status until approximately four to five (4-5) days after submission of a filing, to allow sufficient time for all USPTO databases to be updated.

For **all other non-legal matters**, including petitions to revive or reinstate an application, please contact the Trademark Assistance Center (TAC). TAC may be reached by e-mail at TrademarkAssistanceCenter@uspto.gov or by telephone at (800) 786-9199. For non-technical matters, TAC is open from 8:30 a.m. to 8:00 p.m. Eastern Standard Time (EST), Monday through Friday, except on federal government holidays. A list of federal government holidays is available at the following website: <https://www.opm.gov/policy-data-oversight/snow-dismissal-procedures/federal-holidays/>.

If applicant has questions regarding the legal issues in this Office action, please call the assigned trademark examining attorney.

How to respond. [Click to file a response to this nonfinal Office action](#)

/Brian Pino/
Examining Attorney
Law Office 114
571.272.9209 Telephone
Brian.Pino2@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.

^[1] “[Words] that are merely laudatory and descriptive of the alleged merit of a product [or service] are . . . regarded as being descriptive” because “[s]elf-laudatory or puffing marks are regarded as a condensed form of describing the character or quality of the goods [or services].” *DuoProSS Meditech Corp. v. Inviro Med. Devices, Ltd.*, 695 F.3d 1247, 1256, 103 USPQ2d 1753, 1759 (Fed. Cir. 2012) (quoting *In re The Boston Beer Co.*, 198 F.3d 1370, 1373, 53 USPQ2d 1056, 1058 (Fed. Cir. 1999)); see *In re Nett Designs, Inc.*, 236 F.3d 1339, 1342, 57 USPQ2d 1564, 1566 (Fed. Cir. 2001) (holding THE ULTIMATE BIKE RACK merely laudatory and descriptive of applicant's bicycle racks being of superior quality); *In re The Boston Beer Co.*, 198 F.3d at 1373-74, 53 USPQ2d at 1058-59 (holding THE BEST BEER IN AMERICA merely laudatory and descriptive of applicant's beer and ale being of superior quality); TMEP §1209.03(k). In fact, “puffing, if anything, is *more* likely to render a mark merely descriptive, not less so.” *DuoProSS Meditech Corp. v. Inviro Med. Devices, Ltd.*, 695 F.3d at 1256, 103 USPQ2d at 1759.



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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 gauged the acceptability of particular usages and grammatical constructions.

[THE PANELISTS](#)



NEED HELP SOLVING A CROSSWORD PUZZLE?

house ^{hous} (hous)

Share: [Tweet](#)n. pl. **hous-es** (hou ziz, -siz)

1.
 - a. A structure serving as a dwelling for one or more persons, especially for a family.
 - b. A household or family.
 2. Something, such as a burrow or shell, that serves as a shelter or habitation for a wild animal.
 3. A dwelling for a group of people, such as students or members of a religious community, who live together as a unit: a sorority house.
 4.
 - a. A building that functions as the primary shelter or location of something: a carriage house; the lion house at the zoo.
 - b. A building devoted to a particular activity: a customs house; a house of worship.
 5.
 - a. A facility, such as a theater or restaurant, that provides entertainment or food for the public: a movie house; the specialty of the house.
 - b. The seating area in such an establishment: dimmed the lights in the house to signal the start of the show.
 - c. The audience or patrons of such an establishment: a full house.
 6.
 - a. A commercial firm: a brokerage house.
 - b. A publishing company: a house that specializes in cookbooks.
 - c. A gambling casino.
 - d. Slang A house of prostitution.
 7. A residential college within a university.
 8.
 - a. often **House** A legislative or deliberative assembly.
 - b. The hall or chamber in which such an assembly meets.
 - c. A quorum of such an assembly.
 9. often **House** A family line including ancestors and descendants, especially a royal or noble family: the House of Orange.
 10.
 - a. One of the 12 parts into which the heavens are divided in astrology.
 - b. The sign of the zodiac indicating the seat or station of a planet in the heavens. Also called *mansion*.
 11. House music.
- v. (houz) **housed**, **hous-ing**, **hous-es**
- v. tr.
1. To provide living quarters for; lodge: The cottage housed ten students.
 2. To shelter, keep, or store in a house or other structure: a library housing rare



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Go to our [Crossword Puzzle Solver](#) and type in the letters that you know, and the Solver will produce a list of possible solutions.

2. To shelter, keep, or store in a house or other structure. a nautical housing rate books.
3. To fit (something) into a socket or mortise.
4. Nautical To secure or stow safely.

v. intr.

1. To reside; dwell.
2. To take shelter.

Idioms:

like a house on fire (or afire) Informal

In an extremely speedy manner: ran away like a house on fire; tickets that sold like a house afire.

on the house

At the expense of the establishment; free: food and drinks on the house.

put (or set) (one's) house in order

To organize one's affairs in a sensible, logical way.

[Middle English hous, from Old English hūs.]

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House, Son Originally Eddie James House. 1902-1988.

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American singer and guitarist. During the 1940s he made many blues recordings for the Library of Congress.

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House, Edward Mandell Known as "**Colonel House.**" 1858-1938.

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American diplomat and adviser to President Woodrow Wilson. He organized US preparations for the Paris Peace Conference of 1919.

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cin·e·ma (sĭn ə-mə)

n.

1. A movie theater.
2. Movies collectively, especially when considered as an art form.

[French *cinéma*, short for *cinématographe*; see [CINEMATOGRAPH](#).]

cin'e-mat *ic* (sĭn'ə-măt ĭk) *adj.*

cin'e-mat *i-cal-ly* *adv.*

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pre·mi·um (prē mē-əm)

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n.

1. An amount paid or required, often as an installment payment, for an insurance policy.
2.
 - a. An amount paid to obtain a loan.
 - b. An interest payment, usually on a regular basis, on a loan.
3. A sum of money or bonus paid in addition to a regular price, salary, or other amount: Many people are willing to pay a premium to live near the ocean.
4.
 - a. The amount at which something, such as a security or a currency, is valued above its initial or nominal price.
 - b. The amount at which a securities option is bought or sold.
5.
 - a. Something offered free or at a reduced price as an inducement to buy something else: offered the backpack as a premium for students opening new bank accounts.
 - b. A prize or award.
6. An unusual or high value: Employers put a premium on honesty and hard work.
7. Archaic Payment for training in a trade or profession.

adj.

[Of superior quality or value](#): premium gasoline.

Idiom:

at a premium

More valuable than usual, as from scarcity: Fresh water was at a premium after the reservoir was contaminated.

[Latin *praemium*, inducement, reward : *prae-*, *pre-* + *emere*, to take, buy; see **em-** in the [Appendix of Indo-European roots](#).]

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New movie channel for Russia

APRIL 8, 2015 11:04 EUROPE/LONDON BY **CHRIS DZIADUL**

Russia's leading broadcaster First Channel has added a movie channel to its 'Digital TV Family' thematic portfolio.

Known as Dom Kino Premium (House of Cinema Premium), it is being offered to subscribers of Tricolor TV, the country's leading DTH platform, alongside the other channels in the portfolio, namely Telecafe, Time, Music First and House of Cinema.

The new channel offers Russian movies, some of which are premieres, and is available in both SD and HD.

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Thema has signed an agreement with Virgin France's IPTV service for the distribution of 47 channels addressing the main foreign communities from Arabic April 19, 2012
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TAGGED WITH: CHANNEL ONE, DOM KINO PREMIUM, RUSSIA
EDITED: APRIL 8, 2015 11:04

FEATURE



About Chris Dziadul

Chris is our Central & East Europe Editor. You can talk to Chris on Twitter [@chrisdziadul](#) or by email at cdziadul@broadbandtvnews.com



Q&A: Fahri Diner, Co-Founder & CEO, Plume

Following a series of service provider roll-outs, including Melita in Italy, Cablenet in Cyprus and a UK expansion with Virgin Media, Julian Clover caught up with Plume's

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Director Tel: +44 7590 522475

DESIGN MARK

Serial Number

85610141

Status

REGISTERED

Word Mark

DC HOUSE1

Standard Character Mark

No

Registration Number

4271252

Date Registered

2013/01/08

Type of Mark

SERVICE MARK

Register

PRINCIPAL

Mark Drawing Code

(3) DESIGN PLUS WORDS, LETTERS AND/OR NUMBERS

Owner

N and N Media, Inc. CORPORATION MARYLAND 10521 Alloway Drive Potomac
MARYLAND 20854

Goods/Services

Class Status -- ACTIVE. IC 038. US 100 101 104. G & S: Internet
radio broadcasting services; Internet radio services, namely,
transmission of audio material via the Internet; Streaming of audio
material on the Internet. First Use: 2012/04/01. First Use In
Commerce: 2012/04/01.

Disclaimer Statement

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FROM THE MARK AS SHOWN.

Description of Mark

The mark consists of the interlocking letters "D" and "C" in black
with the "C" further looking like a spinning record album with a black
and red center and red and white markings representing motion; to the
right of these letters is the word "House" in black and the number 1
in red.

Colors Claimed

The color(s) Black, Red, and White is/are claimed as a feature of the mark.

Filing Date

2012/04/27

Examining Attorney

MCPHERSON-RAYBURN, SHA

Attorney of Record

Kevin M. Goldberg



DESIGN MARK

Serial Number

85741989

Status

REGISTERED

Word Mark

HOUSE OF HOPE

Standard Character Mark

Yes

Registration Number

4386912

Date Registered

2013/08/20

Type of Mark

SERVICE MARK

Register

PRINCIPAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

National House of Hope, Inc. CORPORATION FLORIDA 2020 36th Street
Orlando FLORIDA 32839

Goods/Services

Class Status -- ACTIVE. IC 041. US 100 101 107. G & S: Educational services, namely, providing on-campus schooling for teens at grade levels 7-12 and at the junior college level. First Use: 1985/09/01. First Use In Commerce: 1985/09/01.

Goods/Services

Class Status -- ACTIVE. IC 043. US 100 101. G & S: Providing short and long-term faith-based residential services to troubled teenagers. First Use: 2001/05/01. First Use In Commerce: 2001/05/01.

Goods/Services

Class Status -- ACTIVE. IC 045. US 100 101. G & S: Providing counseling, advice and information in the field of improvement of parenting and life skills, as well as emotional, spiritual, and social growth for teens. First Use: 1985/09/01. First Use In Commerce: 1985/09/01.

Print: Aug 9, 2019

85741989

Prior Registration(s)

2563815

Disclaimer Statement

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Filing Date

2012/09/29

Examining Attorney

SNAPP, TINA L.

Attorney of Record

Amber N. Davis, Esquire

HOUSE OF HOPE

DESIGN MARK

Serial Number

85864824

Status

REGISTERED

Word Mark

FILMBOX ART HOUSE

Standard Character Mark

Yes

Registration Number

5133967

Date Registered

2017/01/31

Type of Mark

SERVICE MARK

Register

PRINCIPAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

SPI International B.V. LIMITED LIABILITY COMPANY NETHERLANDS Laan
Copes van Cattenburch 52 The Hague NETHERLANDS

Goods/Services

Class Status -- ACTIVE. IC 038. US 100 101 104. G & S:
Broadcasting of video programming over the Internet; broadcasting
television programs via a local and global computer network;
broadcasting of films and television programs via a video-on-demand
service; broadcasting video content provided via a video-on-demand
service via the Internet; interactive delivery of video over digital,
wireless, cellular and global computer networks; Internet broadcasting
services; Internet protocol television (IPTV) transmission services;
mobile media services in the nature of electronic transmission of
entertainment media content; pay-per-view television transmission
services; streaming of audiovisual material via a global computer
network; streaming audiovisual film and entertainment material on the
Internet; subscription television broadcasting; video on demand
transmissions; video streaming and pay-per-view film and television
services via the Internet; video-on-demand transmission services;
video-on-demand transmission services via the Internet, cellular and
wireless networks. First Use: 2015/11/30. First Use In Commerce:

2015/11/30.

Goods/Services

Class Status -- ACTIVE. IC 041. US 100 101 107. G & S: Provision of non-downloadable films and television programs via a video-on-demand service. First Use: 2016/04/30. First Use In Commerce: 2016/04/30.

Prior Registration(s)

3940068;4040437;4196323;4485897;AND OTHERS

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Filing Date

2013/03/01

Examining Attorney

MCDOWELL, MATTHEW

Attorney of Record

Zeynel Karcioglu

FILMBOX ART HOUSE

Print: Aug 9, 2019

86248531

DESIGN MARK

Serial Number

86248531

Status

REGISTERED

Word Mark

SHELE HOUSE

Standard Character Mark

Yes

Registration Number

4655687

Date Registered

2014/12/16

Type of Mark

SERVICE MARK

Register

PRINCIPAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

ED BARON & ASSOCIATES, INC. CORPORATION VIRGINIA PO Box 3203 Oakton
VIRGINIA 22124

Goods/Services

Class Status -- ACTIVE. IC 041. US 100 101 107. G & S: Educational services, namely, workshops and training in the fields of advertising, leadership, marketing, communications, management and business; educational services, namely, providing training in the field of advertising via computer-based. First Use: 1999/00/00. First Use In Commerce: 1999/00/00.

Disclaimer Statement

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Filing Date

2014/04/10

Examining Attorney

SPARER, ZACHARY ROBERT

Print: Aug 9, 2019

86248531

Attorney of Record
Erik M. Pelton

SHELE HOUSE

DESIGN MARK

Serial Number

86544716

Status

REGISTERED

Word Mark

ART HOUSE

Standard Character Mark

No

Registration Number

4921147

Date Registered

2016/03/22

Type of Mark

SERVICE MARK

Register

PRINCIPAL

Mark Drawing Code

(3) DESIGN PLUS WORDS, LETTERS AND/OR NUMBERS

Owner

Studio Art House, Inc. CORPORATION TEXAS 2608 Long Praire Road, Suite 205 Flower Mound TEXAS 75022

Goods/Services

Class Status -- ACTIVE. IC 041. US 100 101 107. G & S: Educational services, namely, providing classes, workshops and camps in the field of art. First Use: 2005/11/16. First Use In Commerce: 2005/11/16.

Disclaimer Statement

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "ART HOUSE" APART FROM THE MARK AS SHOWN.

Description of Mark

The mark consists of the word "ART" in yellow over the word "house" in white with a black background with the bottom edge of the black background forming a stylized silhouette of a roofline and chimney. The bottom silhouette of the house does not appear in color

Colors Claimed

The color(s) black, yellow and white is/are claimed as a feature of the mark.

Print: Aug 9, 2019

86544716

Filing Date

2015/02/24

Examining Attorney

FLOWERS, JAY

Attorney of Record

Paul F. Gianni

ART

house



DESIGN MARK

Serial Number

87568534

Status

REGISTERED

Word Mark

MOBSTER HOUSE

Standard Character Mark

No

Registration Number

5558930

Date Registered

2018/09/11

Type of Mark

SERVICE MARK

Register

PRINCIPAL

Mark Drawing Code

(3) DESIGN PLUS WORDS, LETTERS AND/OR NUMBERS

Owner

Debra L. Bassett DBA Bassett Productions INDIVIDUAL UNITED STATES 125 Primrose Road Burlingame CALIFORNIA 94010

Goods/Services

Class Status -- ACTIVE. IC 041. US 100 101 107. G & S: Production of audio recording; Production of film studies; Production of films; Production of music; Production of musical videos; Production of television programs; Production of video cassettes; Animation production services; Augmented reality video production; Entertainment, namely, lighting production; Film production; Motion picture film production; Motion picture song production; Music production services; Music video production; Radio entertainment production; Record production; Television show production; Video production services; Videotape production. First Use: 2015/01/01. First Use In Commerce: 2015/01/01.

Disclaimer Statement

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Description of Mark

Print: Aug 9, 2019

87568534

The mark consists of the words "MOBSTER HOUSE" in red capital letters set against a black rectangular background. The "O" in "MOBSTER" has a black bullet in it and the "O" in "HOUSE" has a black cross in it.

Colors Claimed

The color(s) RED, BLACK is/are claimed as a feature of the mark.

Filing Date

2017/08/14

Examining Attorney

BIACHE, AUBREY ANNE

MOBSTER HOUSE

DESIGN MARK

Serial Number

87731644

Status

REGISTERED

Word Mark

BASEL HOUSE

Standard Character Mark

Yes

Registration Number

5534506

Date Registered

2018/08/07

Type of Mark

SERVICE MARK

Register

PRINCIPAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

Swarm Inc. CORPORATION FLORIDA 2308 NW 5th Ave Miami FLORIDA 33127

Goods/Services

Class Status -- ACTIVE. IC 041. US 100 101 107. G & S:
Entertainment services in the nature of art, music, food and fashion.
First Use: 2013/11/00. First Use In Commerce: 2013/11/00.

Disclaimer Statement

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MARK AS SHOWN.

Filing Date

2017/12/22

Examining Attorney

ANKRAH, NAAKWAMA

BASEL HOUSE

DESIGN MARK

Serial Number

88006494

Status

REGISTERED

Word Mark

HAPPENING HOUSE

Standard Character Mark

Yes

Registration Number

5674661

Date Registered

2019/02/12

Type of Mark

SERVICE MARK

Register

PRINCIPAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

Steel Owl, LLC LIMITED LIABILITY COMPANY PENNSYLVANIA 1804 East
Passyunk Ave PHILADELPHIA PENNSYLVANIA 19148

Goods/Services

Class Status -- ACTIVE. IC 041. US 100 101 107. G & S:
Entertainment services in the nature of an amusement center providing
attractions in a full sensory interactive experience. First Use:
2018/06/18. First Use In Commerce: 2018/06/19.

Disclaimer Statement

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MARK AS SHOWN.

Filing Date

2018/06/19

Examining Attorney

CHADAB, SETH W

Happening House