

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : Examiner: Lynn A. Luthey  
 Service Games, Inc. :  
 Mark: VEGA : Law Office 106  
 Class: 041 :  
 Serial No. 75/240322 : Filing Date: 2/11/97

ASSISTANT COMMISSIONER FOR TRADEMARKS  
 BOX 5  
 2900 CRYSTAL DRIVE  
 ARLINGTON, VA 22202-3513

RESPONSE TO SEPTEMBER 4, 1997 OFFICE ACTION

Sir:

Primarily Merely A Surname

Registration on the Principal Register was refused on grounds that the mark is primarily merely a surname. However, as is evident from the enclosed substitute specimens, the term VEGA as used by applicant refers not to any surname but to the star Vega (a star of the first magnitude that is the brightest in the constellation Lyra). The substitute specimens, which have been in use in commerce since at least as early as the filing date of the application, give an outer space presentation in which VEGA is displayed next to the phrase "The Bright Star Of The Internet" and also as part of the phrase "Vega Universe".

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LAW OFFICE 106

T.M.E.O.

the internet , and also as part of the phrase vega universe . The mark is used in another outer space presentation in the original specimens (see specimen sheet 3) , and the reference to the star is made explicit in the displayed phrase "Rocket Coaster To Star Vega's Entertainment Stations".

The primary significance of the mark to the purchasing public would therefore not be a surname, but rather as a reference to an outer space theme based upon the star Vega.

Recitation of Services

The recitation of services was found to be unacceptable as

indefinite. In response, kindly amend the description of services to the following:

A'gs "Entertainment and educational services, namely providing information in the field of video and arcade games and providing a computer game, all of which may be accessed network-wide by network users". 41/16

This conforms to the Examiner's suggestion for a new description of services.

#### Specimens

New specimens are enclosed which show the use of the mark VEGA as it appears in the drawing page. In these specimens the mark is highlighted by itself, with the trademark symbol "TM" appearing immediately next to it. The accompanying phrase "The Bright Star Of The Internet" is spaced from the mark, which is clearly emphasized as a separate trademark. The new specimens are accompanied by the declaration of applicant's president, which states that the specimens were in use in commerce at least as early as the filing date of the application.

#### Translation

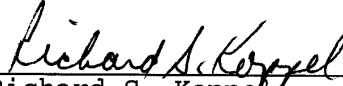
VEGA does not have any significance in the relevant trade, and no geographical significance other than the star Vega. Applicant is not aware of VEGA having any meaning in a foreign language.

All of the objections raised in the Office Action are now believed to be satisfied, and passage of the application to mark

believed to be satisfied, and passage of the application to publication is respectfully requested.

Respectfully submitted,

KOPPEL & JACOBS  
Attorneys for Applicant

  
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A10\770-41-004 Off.Act. Response

Docket No. 770-41-004

TRADEMARK

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Service Games, Inc.

Serial NO.: 75/240,322

Law Office : 106

Filed: February 11, 1997

Examiner: L.A. Luthey

Mark: VEGA

Assistant Commissioner for Trademarks  
Box 5  
2900 Crystal Drive  
Arlington, Virginia 22202-3513

**DECLARATION**

Sir:

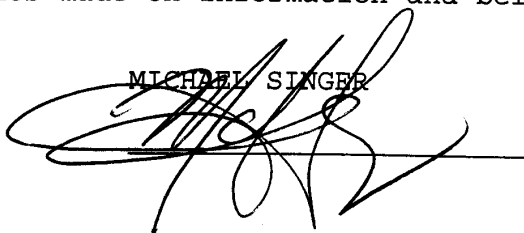
I, Michael Singer, President of applicant Service Games, Inc. in the above application, declare that the substitute specimens attached to this Declaration were in use in commerce at least as early as the filing date of the application.

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that he is properly authorized to execute this application on behalf of the applicant; he believes the applicant to be the owner of the service mark sought to be registered, or, if the application is being filed under 15 U.S.C. 1051(b) he believes applicant to be

entitled to use such mark in commerce; to the best of his knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his own knowledge are true and all statements made on information and belief are believed to be true.

Date 1/26/2004  
PTO-Sign. /sk  
A4\770-41-004-dec

MICHAEL SINGER

A large, stylized handwritten signature in black ink, appearing to read 'MICHAEL SINGER', written over a horizontal line.