

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK EXAMINING DIVISION
LAW OFFICE 122

U.S. TRADEMARK APPLICATION SERIAL NUMBER: 88/503,703

APPLICANT: Aristocrat Technologies Australia Pty Ltd.

MARK: BIG SKY

EXAMINING ATTORNEY: Harini Ganesh

Miscellaneous Statement

The Examining Attorney has cited the prior-pending application for the mark BIG SKY COMPANY & Design, the subject of U.S. Trademark Application Serial No. 87/735,799 (the "Cited Mark"), as a potential obstacle to registration of Applicant's Mark. However, Applicant does not agree. The goods identified in the application for the Cited Mark are indoor and outdoor sporting goods and equipment. Those products are not identical to or closely related to Applicant's services. Applicant's Mark is used with services only available by first accessing Applicant's virtual casino services via mobile or computer device. On the entry screen for Applicant's services there is a notice advising that the player of Applicant's games must be 18+ years of age. See sample screenshot of mobile phone virtual casino entry point attached as Exhibit A. Upon entering the virtual casino customers can then choose among various electronic game titles. See sample screenshot of mobile phone virtual casino lobby attached as Exhibit B. Upon selecting the game title for play the customer enters another portal to play the selected game. See sample screenshot of game title access page attached as Exhibit C. Given the age requirement for Applicant's services and the controlled environment in which customers encounter and interact with Applicant's Mark, Applicant asserts that the customer, market and channels of trade for the sporting goods and equipment bearing the Cited Mark differ from the channels of trade in which Applicant's online services are provided. Moreover, those products are not subject to the same restrictions, regulations and testing as Applicant's services. For these reasons, Applicant respectfully asserts, Applicant's products are quite distinct from those which bear the Cited Mark. Due to the differences in the respective products and services, Applicant requests that the Cited Mark be withdrawn as a potential obstacle to registration of Applicant's Mark.