

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: miHoYo Co., Ltd.

Christina Calloway

Serial No.: 88961718

Examining Attorney

Mark: Honkai Impact 4th: GALAXIA

Law Office 122

Filing Date: June 12, 2020

RESPONSE TO OFFICE ACTION

This is in response to the Office Action issued on September 17, 2020.

The Application is refused registration due to a potential conflict with pending U.S. Serial No. 87924692. The applicant decides to delete all the goods that might be related with the prior-filed mark and thus no likelihood of confusion is likely. The amendment to the goods is as the following:

Class 09: Video game cartridges; Downloadable computer game programs; Downloadable computer game software; ~~Downloadable electronic publications in the nature of e-books, newsletters, pamphlets, and articles in the field of computer games;~~ Recorded computer game software; Computer peripheral devices; ~~Downloadable image file containing text, audio, video, games and Internet Web links;~~ Mouse pads being computer peripheral; Time recording apparatus; Video telephones; Sound transmitting apparatus; Headphones; Cameras; ~~Video disks and video tapes with recorded animated cartoons;~~ Eyeglasses.

The applicant submits that after above amendment, there is no likelihood of confusion between the application and the pending U.S. Serial No. 87924692. Therefore, the registration of this application should not be influenced by the status of U.S. Serial No.87924692. The reasons are as the following: (i) Difference in appearance, pronunciation and commercial impression of the marks; (ii) Difference between channels of trade and nature of the applicant's goods and the pending application's goods and services.;(iii) The scope of the rights enjoyed by the owners of the prior-filed mark is weak due to heavy Co-Existence of "Galaxy" Marks in Class 41.

- Difference in appearance, pronunciation and commercial impression of the marks

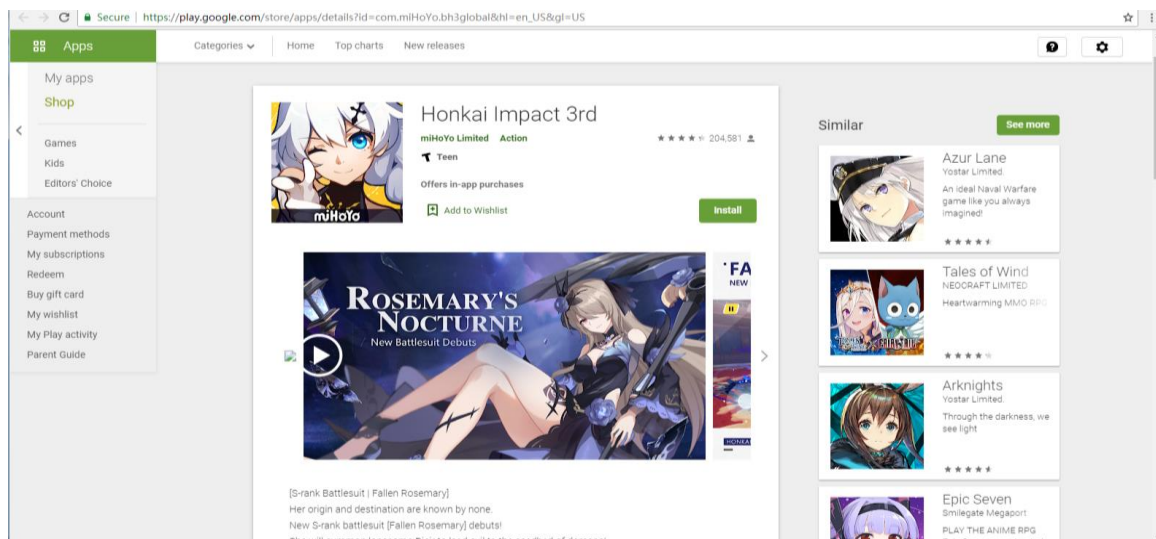
Commercial impressions

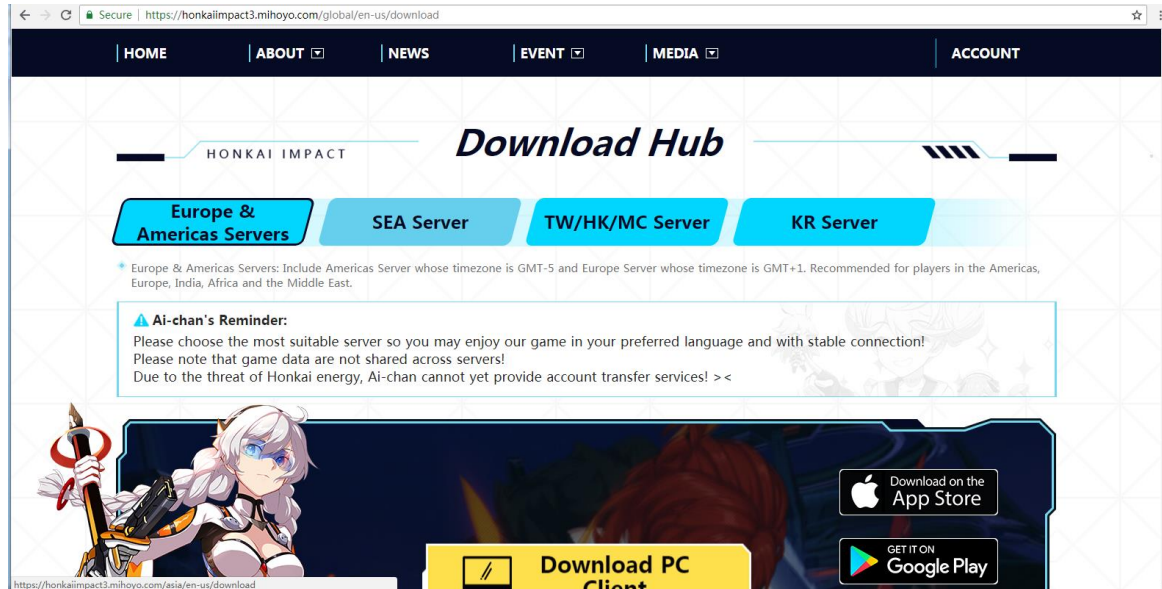
Though both of the marks contain the wording “GALAXIA”, however, the applicant’s mark has the wording “HONKAI IMPACT 4TH” ahead of the common part.

“HONKAI IMPACT 4TH” with a colon following it makes it clear that “GALAXIA” is subject to “HONKAI IMPACT 4TH” and delivers a commercial impression that the “GALAXIA” in applicant’s mark does not convey a common meaning of “galaxia”, but “GALAXIA” as part of the “HONKAI IMPACT” series.

“HONKAI IMPACT” is a famous and popular role play mobile game that owned by applicant. The game “pull in over 350,000 pre-registered users in the US and Europe before its worldwide launch on iOS and Android March 28th.” as stated by the game developer. The full article is attached as Exhibit A.

The game is now available for download at Google Play and other website for U.S. players. The full page is attached as Exhibit B.





With a previous serious “Honkai Impact 3rd” launched on December 26, 2019 that has already obtained large attention and downloads, and with promotion of the game on Facebook, and various game center, the “Honkai Impact ” game has obtained significant fame and can be recognized by the public. **Attached Exhibit C** please find the promotion and advertisement for the “Honkai Impact” game. The success and large promotion of the previous serious “Honkai Impact 3rd” makes “HONKAI IMPACT 4TH” a strong word to identify the source of the products.

“The variable element in Applicant's mark here (a state name or Puerto Rico), while geographically descriptive, alters the characteristics of the purported mark SHAPE XXXX, resulting in the **commercial impression** of multiple marks. The differences in the variable elements are more than minor variations or inconsequential modifications of the basic mark. For example, SHAPE MICHIGAN signifies educational services emanating from Michigan while SHAPE OHIO signifies educational services emanating from OHIO. The distinction is important in this case where geographic terms are capable of acquiring distinctiveness, which would further distinguish the marks. Compare *O-M Bread Inc. v. U.S. Olympic Comm.*, 65 F.2d 933, 36 USPQ2d 1041, 1045 (Fed. Cir. 1995) (OLYMPIC KIDS creates a **different commercial impression** than OLYMPIC, notwithstanding the disclaimer of KIDS and its lack of strong trademark significance); *Institut Nat'l des Appellations d'Origine v. Brown-Forman Corp.*, 47 USPQ2d 1875, 1895 (TTAB 1998) (for purposes of claim preclusion analysis, applicant's MIST AND COGNAC mark involved in a prior opposition is a different mark from CANADIAN MIST AND COGNAC because one mark includes the word “Canadian”); *Edison Bros. Stores, Inc. v. Brutting E.B. Sport-Int'l GmbH*, 230 USPQ 530, 534 (TTAB 1986) (for purposes of a prior registration affirmative defense, the Board held that EB is **materially different** than EB SPORT INTERNATIONAL) .

Here, the wording “HONKAI IMPACT 4TH” is unique and adds a different commercial impression to applicant’s mark, just like “CANADIAN MIST AND COGNAC” is different from “MIST AND COGNAC”. Like stated above, “HONKAI IMPACT 4TH” is a strong word and can identify the source of applicant’s goods. And because the game is set in an alternate version of Earth, plagued by catastrophes resulting from "Honkai" (in Chinese translates as "Chaos", while in Japanese, it is said "Houkai".) Therefore, the “galaxia” in applicant’s mark indicates the Galaxy in the Honkai world. The initial phrases “HONKAI IMPACT 4 TH” not only works as a separate identifier of source, but changes the original meaning of “GALAXIA”, and makes the wording no longer delivers the same meaning as the “GALAXIA” in prior-filed application.

Initial wording

It should not be ignored that “HONKAI IMPACT 4TH” is also the initial part of the mark.

The Trademark Trial and Appeal Board (TTAB) has held that the first word, prefix, or syllable in a mark is typically the dominant portion. *Presto Products v. Nice-Pak Products, Inc.*, 9 U.S.P.Q.2d 1895, 1897 (TTAB 1998) (“[i]t is often the first part of a mark which is most likely to be impressed upon the mind of a purchaser and remembered when making purchasing decisions.”)

When encounters the applicant’s mark, the customer would first perceive and read the wording “HONKAI IMPACT 4TH”, which as stated above, clearly indicates the source of the applicant’s goods and makes the wording GALAXIA in applicant’s mark has a special meaning of “galaxy in the world of Honkai”.

Pronunciation and overall appearance

It is also clear that when viewed as a whole, the two parties’ marks appearance and pronunciation are all very different.

As a general matter, “[t]he basic principle in determining confusion between marks is that marks must be compared in their entirety It follows from that principle that likelihood of confusion cannot be predicated on dissection of a mark, that is, on only part of a mark.” TMEP § 1207.01(b) (quoting *In re Nat’l Data Corp.*, 224 U.S.P.Q. 749, 750-51 (Fed. Cir.1985)). Marketplace consumers will encounter the parties’ respective marks in their entirety, and the impressions that are created will be derived from the marks’ overall presentations. See e.g., *Keebler Co. v. Murray Bakery Products*, 9 U.S.P.Q.2d 1736 (Fed. Cir. 1989) (holding no likelihood of confusion between PECAN SANDIES and PECAN SHORTIES both for cookies).

It is not appropriate to dissect the mark and only focus on the common part.

When viewed in its entirety, the pronunciation and overall appearance are all very different from the prior-filed mark. The first impression without carefully identify the wording contained in the two parties marks, is that the length of the marks are different, as applicant's mark contains three more wording than the prior-filed mark.

- Difference between channels of trade and difference between the nature of the goods and services

After the amendment to the Identification of Goods, the goods remained in the application are as the following:

Class 09: Video game cartridges; Downloadable computer game programs; Downloadable computer game software; Recorded computer game software; Computer peripheral devices; Mouse pads being computer peripheral; Time recording apparatus; Video telephones; Sound transmitting apparatus; Headphones; Cameras; Eyeglasses.

In sum, the applicant's goods consist of:

- Video game, computer game and the related software and program
- Computer peripherals
- Ordinary electronic devices like Headphones, Cameras, video telephones
- Time recording apparatus; Sound transmitting apparatus
- Eyeglasses

On the other hand, the prior-filed application consists of, in sum:

Class 26: garment accessory.

Class 41: television, radio and film related services; education and training services in various field; publication of electronic books and journals on-line; multimedia production services, organizing, arranging, and hosting social entertainment events, presenting live musical performances.

Class 44: booking services, hotel, restaurant and café services and child care services.

Class 45: legal services, intelligent property services, rental services and other miscellaneous services.

After the deletion of "Downloadable electronic publications in the nature of e-books, newsletters, pamphlets, and articles in the field of computer games; Downloadable image file containing text, audio, video, games and Internet Web links; Video disks and video tapes with recorded animated cartoons", none of the applicant's remaining goods might be related to the goods and services under the prior-filed application. They are not overlapped, not competitive and will not be used in combination. And with such a difference in nature, even take the reasonable business

expansion into account, there would be no relatedness in the future of the two parties' business.

The applicant's game and game related products can be obtained online through App store or other on-line game center. Applicant's other products can be obtained from ordinary electronics stores or large shopping center.

The prior-filed application's only goods are garment accessory in class 26, which is so unrelated to applicant's products and usually is sold at specialized shops. And the potential customer for garment accessory as applied by prior-filed application would usually be sewing enthusiast, if not clothing manufacturer. This is a small group within a certain scope.

The prior-filed application's services in Class 44 and 45 are either too professional that requires special education background or services specialized in certain field like funeral arrangement services, baby sitting and etc. These services request the provision of professional advice or certain kind of labor. And none of these services related to game software or the products sold by applicant under class 09. The rental services under the prior-filed application, is in the field of clothing and fire alarm, which also has no relationship to applicant's goods in class 09.

As to the prior-filed application's services in Class 41, besides the publication services, which the applicant has already deleted the overlapped "Downloadable electronic publications" from its application, are in general entertainment services in the field of television, radio and film. As a fully developed industry, applicant's gaming product is entirely independent to the more traditional way of entertainment like television, radio and film. Computer and mobile game are facing certain group of teenagers, who are obsessed with electronic games and consider the gaming world as a separate and unique world that is different from the other part of the reality. Not to say the unique and limited channel of trade that electronic games are usually obtained. Like the famous Playstation, Gamastura, websites, the game industry are kind of independent will not be blended with the other way of entertainment. Please refer to Exhibit D. Not to mention the television, radio and film related services and the multimedia production services requires the corresponding qualifications that most of computer gaming companies do not have.

The TMEP states that ". . . if the goods or services in question are not related or marketed in such a way that they would be encountered by the same persons in situations that would create the incorrect assumption that they originate from the same source, then even if the marks are identical, confusion is not likely." § 1207.01(a)(i). The fundamental inquiry in the likelihood of confusion analysis goes to "the cumulative effect or differences in the essential characteristics of the goods and the differences in the marks." *Federated Foods, Inc. v. Fort Howard Paper Co.*, 192 U.S.P.Q. 24, 29 (C.C.P.A. 1976). Therefore, the proper analysis must look to the

particular facts and circumstances presented. In *Interstate Brands Corp. v. Celestial Seasonings, Inc.*, 198 U.S.P.Q. 151 (C.C.P.A. 1978), the Court held that RED ZINGER for herbal tea was not confusingly similar to ZINGERS for snack cakes, because an analysis of the actual relationship of the goods based on their individual characteristics is always required.

Consumers are also unlikely to be confused as to the source of goods and services if they travel in distinct trade channels. *M2 Software, Inc. v. M2 Commc'ns, Inc.*, 450 F.3d 1378, 1383, 78 U.S.P.Q.2d 1944, 1947–48 (Fed. Cir. 2006) (affirming Board's conclusion that there was no likelihood of confusion between M2 COMMUNICATIONS and M2 due to differences in the parties' goods, purchasers, and channels of trade). Thus, if goods "are not related or marketed in such a way that they would be encountered by the same persons in situations that would create the incorrect assumption that they originate from the same source, then, even if the marks are identical, confusion is not likely." TMEP § 1207.01(a)(i); see also *Borg-Wagner Corp. v. Pneumatic Hydraulic Development Co., Inc.*, 185 U.S.P.Q. 181 (T.T.A.B. January 29, 1975) (finding no likelihood of confusion between PHD for fluid power-actuating devices and PHD for monitoring and control apparatus for pumps and parts thereof based, in part, on the different classes of purchasers of the products of both parties).

Based on the above, the goods under the application are not related to the services under the registration. The nature of the two parties' goods and services are so different and none of them would travel the same channel of trade and appear in front of the customer at the same time.

The scope of the rights enjoyed by the owners of the prior-filed mark is weak due to heavy Co-Existence of "Galaxy" Marks in Class 41

If evidence establishes the consuming public is exposed to third-party use of similar marks, it "is relevant to show that a mark is relatively weak and entitled to only a narrow scope of protection." TMEP § 1207(1)(d)(iii) (citing *Palm Bay Imps., Inc. v. Veuve Clicquot Ponsardin Maison Fondée en 1772*, 396 F.3d 1369, 1373-74, 73 U.S.P.Q.2d 1689, 1693 (Fed. Cir. 2005)). In fact, evidence of third-party use of similar marks "can show that customers have been educated to distinguish between different marks on the basis of minute distinctions." *Jack Wolfskin Ausrüstung Fur Draussen GmbH & Co. KGaA v. New Millennium Sports, S.L.U.*, 116 U.S.P.Q.2d 1129, 1136 (Fed. Cir. 2015) (finding that the Board erred in dismissing evidence of third-party registrations of similar marks for similar goods and noting such evidence is "powerful on its face").

Here, The USPTO has allowed applications and/or granted registration for a large number of third party marks that incorporate the word "GALAXY," in Class 41. The service under which are directly overlap with the prior-filed application in the field of

video and film. And all falls into the same entertainment services group. As “GALAXIA” in both application and prior-filed application has the meaning of “GALAXY” in English. If these marks can co-exist in the same area with each other and if under the “doctrine of foreign equivalent”, these marks would not be cited against the prior-filed application, applicant submits that the prior-filed application should also not be an obstacle to the application.

In addition, applicant is mindful of the Trademark Office’s oft-cited admonition that decisions of other Examining Attorneys are not binding. Nevertheless, as part of the Trademark Office’s 21st Century Strategic Plan, the Trademark office has undertaken an effort to provide better quality of examination through better consistency of examination. See United States Trademark Office – 2007 to 2012 Strategic Plan, <http://www.uspto.gov/web/offices/com/strat2007/stratplan2007-2012.pdf>. The consistency initiative has now become permanent. In the same vein, the Federal Circuit has also stated that it “encourages the PTO to achieve a uniform standard for assessing registrability of marks,” notwithstanding the rule that the Trademark Office is not bound by prior registrations when examining applications. See *In re Nett Designs, Inc.*, 236 F.3d 1339, 1342, 57 U.S.P.Q.2d 1564, 1566 (Fed. Cir. 2001). It has also been recognized, “[c]onsistency in the application of decisions is desirable and should, as far as possible, be practiced.” *In re Ralston Purina Co.*, 191 U.S.P.Q. 237 (T.T.A.B. 1976).

The marks in Class 41 that contains the wording “GALAXY” is as the following and their TESS records are attached as Exhibit E:

Mark	Disclaimer	Goods and Services	Owner
FROM DISTANT GALAXIES TO THE OCEAN DEPTHS ... AND EVERYWHERE IN BETWEEN Reg. No. 6172720	/	Class 41: Educational services provided in support of university and college innovation and research, namely, providing educational conferences, seminars, workshops, and programs in the fields of emerging technology, business development, science, innovation, and cybersecurity research	University of Hawai'i
LAVENDER GALAXY Reg. No. 6162716	/	Class 41: Providing online non-downloadable musical sound recordings including sound recordings featuring musical performances	Eric A. Remington
Gateway Galaxy Films Reg. No. 6132126	"FILMS"	Class 40: Development of photographic films; Processing of	McKenna, Kevin Brian

		<p>cinematographic films</p> <p>Class 41: Film and video film production; Film and video production consulting services; Film and video tape film production; Film directing, other than advertising films; Film distribution; Film editing; Film mastering services; Film production; Film production, other than advertising films; Film studios; Movie studio services; Distribution of motion picture films; Entertainment services, namely, displaying a series of films; Motion picture film production; Operating of film studios; Production and distribution of television shows and movies; Production of films; Production of movie special effects; Television, video and movie filming services</p>	
<p>GALAXY ONLINE Reg. No. 6088876</p>	<p>"ONLINE"</p>	<p>Class 09: Recorded computer game programs; Downloadable computer game programs; Recorded computer game software; Downloadable computer game software; Downloadable electronic game programs; Downloadable electronic game software; Downloadable computer operating programs; Computer peripheral devices; Downloadable interactive game programs; Computer programs recorded on data media designed for use in construction and automated manufacturing (cad/cam); Computers; Downloadable computer programs featuring positionable game piece figures for use in the field of computer games; Downloadable electronic publications in the nature</p>	<p>IGG Singapore Pte. Ltd.</p>

		<p>of magazines in the field of computer games</p> <p>Class 41: Entertainment services, namely, providing on-line computer games; Entertainment services, namely, providing online video games; Entertainment services, namely, providing online electronic games; Providing information on-line relating to computer games and computer enhancements for games; Entertainment services, namely, providing virtual environments in which users can interact for recreational, leisure or entertainment purposes; Electronic game services provided by means of the internet; Electronic publishing services, namely, publication of text and graphic works of others on-line featuring computer games</p>	
 <p>Reg. No. 6056220</p>	/	<p>Class 41: Virtual reality game services provided on-line from a computer network; Organization of fashion shows for entertainment purposes; Publishing of electronic publications; Multimedia publishing of books, magazines, journals, software, games, music, and electronic publications; Organization of electronic game competitions; Publication of books; Presentation of live show performances; Video production services; Production of radio and television programmes; Entertainment services, namely, providing online electronic games</p>	Zilong Game Limited
<p>The Southern Galaxy Reg. No. 6051954</p>	"SOUTHERN" N"	<p>Class 41: Desktop publishing for others; Educational services, namely, conducting classes, seminars, conferences, workshops,</p>	THE SOUTHERN GALAXY LLC

		<p>retreats, camps and field trips in the field of journalism and distribution of training material in connection therewith; Providing information, news, and commentary in the field of current events via the Internet; Providing online newsletters in the field of Southern culture lifestyle, namely, literature, food, music, history, art, news, entertainment and sports via e-mail; Providing a website featuring non-downloadable photographs in the field of Southern culture lifestyle, namely, literature, food, music, history, art, news, entertainment and sports; Providing a website featuring non-downloadable publications in the nature of articles, journals and magazines in the field of literature, food, music, history, art, news, entertainment and sports; Providing a website featuring blogs and non-downloadable publications in the nature of articles, journals and magazines in the field(s) of literature, food, music, history, art, news, entertainment and sports</p>	
<p>GALAXY CRITTERS Reg. No. 6044995</p>	<p>/</p>	<p>Class 41:Electronic games services provided by means of the internet; Entertainment services, namely, providing a website featuring games and puzzles; Entertainment services, namely, providing an on-line computer game; Entertainment services, namely, providing on-line computer games; Entertainment services, namely, providing online electronic games; Entertainment services, namely, providing online video games; Entertainment services, namely, providing temporary use of</p>	<p>Nguyen, Khanh H.</p>

		non-downloadable computer learning games; Entertainment services, namely, providing temporary use of non-downloadable electronic games; Entertainment services, namely, providing temporary use of non-downloadable interactive games; Providing a website featuring non-downloadable game software; Providing temporary use of non-downloadable game software	
JACKSON GALAXY Reg. No. 6036517	/	Class 41: Entertainment services, namely, audiovisual programs in the nature of non-downloadable podcasts and ongoing television programs featuring an animal behaviorist; Entertainment services, namely, providing non-downloadable podcasts in the field of animal welfare and animal behavior; providing audiovisual content in the nature of non-downloadable podcasts and ongoing television programs in the field of animal welfare and animal behavior via the internet and accessible via mobile electronic devices; providing ongoing television programs in the field of animal welfare and animal behavior; and providing speaking engagements, namely, the presentation of lectures and panel discussions in the field of animal welfare and animal behavior	Jackson Galaxy Enterprises, Inc.
 Reg. No. 5962892	"LITERACY"	Class 41: Developing educational lesson plans for others in the field of various subjects, namely, reading literary, elementary school level mathematics; Educational services, namely, conducting e- learning games lesson and activities for	The Literacy Galaxy

		<p>students in the field of classroom instruction, namely, providing online course of instruction in the field of reading literacy;</p> <p>Educational services, namely, developing curriculum for teachers;</p> <p>Educational services, namely, professional coaching of teachers in the field of educational resources for teachers provided on a real-time basis during classroom instruction;</p> <p>Entertainment services, namely, providing online video games;</p> <p>Providing educational demonstrations; Providing a website featuring non-downloadable articles in the field of education; Providing a web site featuring non-downloadable instructional videos in the field of education; Providing a web site that features information about online higher education resources;</p> <p>Providing on-line resource guides for relatives concerning children in the fields of education, recreation, and entertainment; Providing on-line non-downloadable articles in the field of education</p>	
<p>Code Galaxy Reg. No. 5946030</p>	<p>"CODE"</p>	<p>Class 41: Educational services, namely, providing classes, camps, tutoring in the fields of computer science, coding and technology;</p> <p>Providing educational information in the academic field of science for the purpose of academic study;</p> <p>Providing a website featuring information in the fields of education and entertainment for children; Providing information relating to education services;</p> <p>Providing information relating to education services for children;</p> <p>Providing science educational</p>	<p>Code IP, LLC</p>

		mentoring services and programs	
GALAXY GAMING Reg. No. 5901126	"GAMING"	Class 37: Installation and maintenance of casino gaming equipment; installation and maintenance of electronic gaming hardware systems Class 41: Entertainment services, namely, providing live table games of chance; entertainment services, namely, providing online table games of chance Class 42: Installation and maintenance of electronic gaming software	Galaxy Gaming, Inc.
Galaxy Mobile Reg. No. 6029443	"MOBILE"	Class 09: Computer game programs; Computer game software; interactive video game programs; Computer programs for pre-recorded games; Downloadable computer programs featuring positionable game piece figures for use in the field of computer games Class 41: Entertainment services, namely, providing online computer and electronic games and providing enhancements within online computer and electronic games; entertainment services, namely, providing online information relating to computer games; entertainment services, namely, providing virtual environments in which users can interact through social games for recreational, leisure or entertainment purposes	IGG Singapore Pte. Ltd.
STAR WARS GALAXY'S EDGE Reg. No. 5921409	/	Class 41: Amusement park services, theme park services	Lucasfilm Ltd. LLC
TWIN GALAXIES Reg. No. 5653824	/	Class 38: Provision of online forums for the discussion of video games and video game performances,	TWIN GALAXIES INTERNATIO

		<p>insights, strategies, techniques and culture</p> <p>Class 41:Entertainment and amusement services in the nature of organizing, hosting and conducting live video gaming events; organizing and conducting live or online electronic gaming, hybrid gaming and augmented-reality gaming tournaments involving opponents globally for recreational and competitive video game playing purposes; providing amusement and entertainment facilities for use as live or online gaming centers; entertainment services, namely, organizing, hosting and conducting e-sports leagues, competitions and events; entertainment services, namely, providing a website featuring information, articles and news relating to electronic gaming, hybrid gaming and augmented-reality gaming, gaming players, gaming viewers and gaming culture; provision of information relating to competitive electronic gaming, hybrid gaming and augmented-reality gaming, namely, leaderboards and rankings in accordance with gamer, viewer and user performance; entertainment services, namely, collecting, organizing and providing electronic gaming, hybrid gaming and augmented-reality gaming competition data and statistics</p> <p>Class 42:Provision of a comprehensive performance and legitimacy anti-cheating system for</p>	<p>NAL LLC</p>
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		<p>gaming players consisting of non-downloadable software for the authentication and verification of electronic gaming, hybrid gaming and augmented-reality gaming performance results and authentication of gaming performance results by artificial intelligence or manual review</p>	
<p>TWIN GALAXIES Reg. No. 5668984</p>	<p>/</p>	<p>Class38:Provision of online forums for the discussion of video games and video game performances, insights, strategies, techniques and culture</p> <p>Class 41:Entertainment and amusement services in the nature of organizing, hosting and conducting live video gaming events; organizing and conducting live or online electronic gaming, hybrid gaming and augmented-reality gaming tournaments involving opponents globally for recreational and competitive video game playing purposes; providing amusement and entertainment facilities for use as live or online gaming centers; entertainment services, namely, organizing, hosting and conducting e-sports leagues, competitions and events; entertainment services, namely, providing a website featuring information, articles and news relating to electronic gaming, hybrid gaming and augmented-reality gaming, gaming players, gaming viewers and gaming culture; provision of information relating to competitive electronic gaming, hybrid gaming and augmented-reality gaming, namely, leaderboards and rankings</p>	<p>TWIN GALAXIES INTERNATIONAL LLC</p>

		<p>in accordance with gamer, viewer and user performance; entertainment services, namely, collecting, organizing and providing electronic gaming, hybrid gaming and augmented-reality gaming competition data and statistics</p> <p>Class 42:Provision of a comprehensive performance and legitimacy anti-cheating system for gaming players consisting of non-downloadable software for the authentication and verification of electronic gaming, hybrid gaming and augmented-reality gaming performance results and authentication of gaming performance results by artificial intelligence or manual review</p>	
<p>Galaxy Pictures Reg. No. 5683644</p>	<p>"PICTURE S"</p>	<p>Class 41:Film and video film production; Film and video production; Film and video tape film production; Film distribution; Film editing; Film mastering services; Film production; Film production, other than advertising films; Film rental; Film studios; Movie studio services; Continuing public service programs in the field of comedy, drama, musicals, action, adventure, suspense, horror, westerns, detective stories, sports events, documentaries and animations produced and distributed over television, satellite, film, audio, video, internet, and 3-D virtual reality media; Distribution of motion picture films; Entertainment services in the nature of development, creation, production, distribution, and post-production of motion pictures;</p>	<p>Galaxy Studios, LLC.</p>

		<p>Entertainment services in the nature of development, creation, production, distribution, and post-production of multimedia entertainment content;</p> <p>Entertainment services, namely, displaying a series of films;</p> <p>Entertainment services, namely, planning and conducting a series of film festivals; Entertainment services, namely, production of special effects including model-making services, computer-generated imagery and computer-generated graphics for the production of motion pictures, videos, and movie trailers;</p> <p>Entertainment services, namely, providing advice and information for music, video and film concept and script development; Media production services, namely, video and film production; Motion picture film production;</p> <p>Multimedia entertainment services in the nature of development, production and post-production services in the fields of video and films; Multimedia entertainment services in the nature of recording, production and post-production services in the fields of music, video, and films; Music selection services for use in television, film, radio and video games; Operating of film studios; Organizing events in the field of films for cultural or educational purposes; Organizing exhibitions in the field of films for cultural or educational purposes; Organizing film festivals for cultural or entertainment purposes; Planning arrangement of showing movies, shows, plays or musical</p>	
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		<p>performances; Post-production editing services in the field of music, videos and film; Preparing subtitles for movies; Production and distribution of independent motion pictures; Production and distribution of monoscopic and stereoscopic, electronic, digital video and film; Production and distribution of motion pictures; Production and distribution of television shows and movies; Production and distribution of videos in the field of comedy, drama, musicals, action, adventure, suspense, horror, westerns, detective stories, sports events, documentaries and animations; Production of films; Production of movie special effects; Production of monoscopic and/or stereoscopic, electronic, digital video and/or film; Providing films, not downloadable, via video-on-demand transmission services; Providing facilities for movies, shows, plays, music or educational training; Providing facilities for producing video, cinema and photography productions; Providing information and articles in the field of film, filmmaking, and entertainment via a global computer network; Provision of information relating to distribution of television shows, motion picture film and radio shows; Provision of information relating to television, motion picture film, audio and radio production; Provision of non-downloadable films and movies via a video-on-demand service; Provision of</p>	
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		non-downloadable films and television programmes via a video-on-demand service; Rental of film production studios; Rental of film production studios for motion picture films; Rental of film projection equipment; Rental of films; Rental of cine-films; Rental of cinema films; Rental of cinematographic films; Rental of lighting apparatus for movie sets or film studios; Rental of motion picture films; Rental of photographic equipment; Screenplay writing; Special effects animation services for film and video; Teleprompting services provided to film and television and corporate public speaking; Television, video and movie filming services; Video tape film production.	
GALAXY BRAIN AND THERAPY CENTER Reg. No. 5633390	"BRAIN AND THERAPY CENTER"	Class 41:Medical training and teaching	Lifeskills Community Rehabilitation and Associates, LLC
Galaxy Visuals Reg. No. 5599163	"VISUALS"	Class 41:Video Production Agency, namely, video production services for clients	Galaxy Visuals, LLC
The GALAXY Band Reg. No. 4219184	"BAND"	Class 41: Entertainment in the nature of live performances by a musical band	Jack T. Howerton, P.A
SLOT GALAXY Reg.No. 4357425	"SLOT"	Class 41: Providing online games	TAP SLOTS INC.
GUARDIANS OF THE GALAXY Reg.No. 4716788	/	Class 41:entertainment services, namely, providing online non-downloadable comic books and graphic novels featuring fictional action adventure stories and characters; production, distribution, and rental of motion picture films; production and rental	Marvel Characters, Inc.

		<p>of sound and video recordings; entertainment services, namely, multimedia production of continuing entertainment, news, and current events information programs, which are all delivered via communication and computer networks; providing entertainment services via a global communication network in the nature of websites featuring a wide variety of general interest entertainment information relating to motion picture films, related film clips, photographs, and other multimedia materials; providing entertainment information via a website in the field of motion picture films; providing news and information in the field of entertainment relating to motion picture films over an electronic network; online computer games</p>	
<p>Kuder Galaxy Reg.No. 4630743</p>	/	<p>Class 35: Career counseling, namely, providing advice concerning career opportunities through the administration and scoring of assessment evaluations to determine appropriate career choice for individuals. Class 41: Providing educational assessment services to help individuals to determine appropriate career choices.</p>	<p>Kuder, Inc</p>
<p>GOG GALAXY Reg.No. 5736396</p>	/	<p>Class 09: Computer software, namely, software development tools used to facilitate the development and operation of computer games and video games; computer game software for use on mobile and cellular phones; downloadable computer game programs; computer software for the management, transmission,</p>	<p>GOG Spółka z ograniczona odpowiedzialnoscia spółka z ograniczona odpowiedzialnoscia (sp. z.o.o.)</p>

		<p>storage and sharing of computer game programs and electronically stored information across computer networks to users, for downloading and use of games by users;</p> <p>computer game software and computer programs for playing games, implemented on multiple computer software platforms; video games enhancers namely, computer game software with features for enhanced game playing ability, computer software for permitting in-game overlay of in-game notifications for players and use of non-game applications within game play environment of computer games, video games and online games; computer software development tools, namely, software libraries to use in video games, graphical user interface overlays accessible in video games; virtual reality software for playing computer games</p> <p>Class 16: Printed matter, namely, calendars, note books, greeting cards, paper place mats, postcards, books, catalogues, and magazines, all in the field of computer games and entertainment; stationery; posters; stickers</p> <p>Class 35: On-line retail store services featuring computer software namely, game software, video games, computer games, game programs, computer software tools and related merchandise</p> <p>Class 41: Entertainment services, namely, providing online electronic games; providing on-line electronic gaming services; electronic games services provided by means of the</p>	
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		software for others Class 45: Social networking services in the field of gaming provided via a website and web based services and mobile applications	
Galaxy Jam Reg.No. 4665242	/	Class 09:Application software for electronic information terminals featuring games; computer software for online games; downloadable computer game programs Class 41: Electronic game services provided by means of the internet and provision of information relating to electronic computer games provided via the internet	ninety nine percent Inc.
 Reg.No. 3255534	/	Class 41: Entertainment, namely, production of talent shows and of CD's, and theatrical booking agencies that book the talent show artists	Vision Productions, Inc
Galaxy Studios Reg No. 5388444	NO CLAIM IS MADE TO THE EXCLUSIV E RIGHT TO USE "STUDIOS" APART FROM THE MARK AS SHOWN	Class 41:Film production; Film production, other than advertising films; Film and video film production; Film and video production; Film and video production consulting services; Film and video tape film production; Film distribution; Production and distribution of monoscopic and stereoscopic, electronic, digital video and film; Production of film studies; Production of films; Production of monoscopic and/or stereoscopic, electronic, digital video and/or film; Distribution of motion picture films; Media production services, namely, video and film production; Motion picture film production; Multimedia entertainment services in the nature of development,	Galaxy Studios, LLC

		production and post-production services in the fields of video and films; Multimedia entertainment services in the nature of recording, production and post-production services in the fields of music, video, and films; Post-production editing services in the field of music, videos and film; Providing facilities for producing video, cinema and photography productions; Provision of information relating to television, motion picture film, audio and radio production; Rental of film production studios; Rental of film production studios for Editing; Rental of film production studios for Dubbing; Video tape film production	
Houston Galaxy Reg No. 5148306	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "HOUSTON" APART FROM THE MARK AS SHOWN	Class 41:Entertainment services in the nature of providing women's basketball games	Burse, Janell
NASTY GALAXY Reg No.5320042	/	Class 41:Providing a website featuring blogs in the fields of style, fashion, music, culture, and entrepreneurship	NASTY GAL LIMITED PRIVATE COMPANY LIMITED
GALAXY STUDIO Reg No.5077844	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "STUDIO" APART	Class35:Organization and conducting of product presentations; product demonstrations; demonstration of consumer electronic products; product demonstration services in shop windows by live models; provision of information and advice	Samsung Electronics Co., Ltd.


	FROM THE MARK AS SHOWN	to consumers regarding the selection of consumer electronic products to be purchased; providing consumer product information relating to consumer electronic products, namely, mobile phones, smart phones, tablet computers, computer and computer software products, entertainment products, smartwatches, tablet computers, handheld mobile digital electronic devices, wearable electronic devices, and accessories and peripherals for such products; providing an interactive web site featuring consumer product information about consumer electronic products; providing consumer product information via the Internet; retail store services of consumer electronic products, namely, mobile phones, smart phones, tablet computers, computer and computer software products, entertainment products, smartwatches, tablet computers, handheld mobile digital electronic devices, wearable electronic devices, and accessories and peripherals for such products; on-line retail store services featuring consumer electronic products, namely, mobile phones, smart phones, tablet computers, computers and computer software products, entertainment products, smartwatches, tablet computers, handheld mobile digital electronic devices, wearable electronic devices and accessories and peripherals for such products; electronic commerce services, namely, providing information about products via	
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		<p>telecommunication networks for advertising and sales purposes; commercial information and advice for consumers (consumer advice shop)</p> <p>Class 41: Education services, namely, providing workshops, demonstrations, instructions and training in the field of computers, computer software, consumer electronics, entertainment products, smart phones, smartwatches, tablet computers, handheld mobile digital electronic devices, wearable electronic devices, and accessories and peripherals for such products.</p>	
<p>School Galaxy Reg No.5915083</p>	"SCHOOL"	<p>Class 41: Computer network design for others, namely, designing school based intranets to improve educational services and the educational experience of students; Platform as a service (PAAS) featuring computer software platforms used by students, parents, teachers, educators, and school alumni to use for communicating, administrative tasks, managerial tasks, education, and calendaring.</p>	Edumite Inc.
<p>TWIN GALAXIES Reg No.4592783</p>	/	<p>Class 41:Entertainment and amusement services in the nature of organizing, conducting and hosting live video gaming events; conducting online video game tournaments with opponents globally</p>	TWIN GALAXIES INTERNATIONAL LLC LIMITED LIABILITY COMPANY
<p>GALAXY CATS Reg No.5101678</p>	/	<p>Class 41: Entertainment services, namely, a multimedia program series featuring comedy, action and adventure distributed via various platforms across multiple forms of transmission media.</p>	The Cartoon Network, Inc.
<p>Galaxy Reg No.4932614</p>	/	<p>Class 41:Entertainment in the nature of beauty pageants</p>	HARRIS, DEBBIE

Black Galaxy Entertainment Reg No.	"ENTERTAINMENT"	Class41:Media production services, namely, video and film production; photography services; production of sound and music video recordings; record production	Johnson, Devonderick
Galaxy Zero Reg No.	/	Class9 :video game software for mobile devices, personal computers, consoles, tablets; downloadable electronic game programs; video game programs; computer software platforms for social networking; downloadable computer game programs; computer game software; interactive game software; interactive game programs; computer game software; electronic game programs; game software for use on any computerized platform, including the internet, computers, media players, handheld electronic devices, electronic entertainment devices, telecommunications devices, mobile phones, cellular phones, electronic communication devices, wireless devices, portable and handheld electronic devices or personal digital assistant devices; downloadable interactive, computer, video and electronic game programs; downloadable electronic game programs and computer software platforms for social networking that may be accessed via any computerized platform, including the internet, computers, media players, handheld electronic devices, electronic entertainment devices, telecommunications devices, mobile phones, cellular phones, electronic communication devices, wireless devices, portable and handheld electronic devices or	FunPlus Interactive exempted company

		<p>personal digital assistant devices. class41:entertainment services, namely, providing online interactive, computer, video or electronic games via global computer networks and electronic communication networks for use in connection with the internet, computers, media players, handheld electronic devices, electronic entertainment devices, telecommunications devices, mobile phones, cellular phones, electronic communication devices, wireless devices, portable and handheld electronic devices or personal digital assistant devices; providing temporary use of non downloadable interactive, computer, video or electronic games through computer networks or television or other telecommunications networks; providing websites featuring entertainment and educational content and information in the field of online games, interactive game content, computer game content, video game content or electronic game content; providing online information relating to computer games and game enhancements via global computer networks and electronic communication networks for use in connection with the internet, computers, media players, handheld electronic devices, electronic entertainment devices, telecommunications devices, mobile phones, cellular phones, electronic communication devices, wireless devices, portable and handheld electronic devices or personal digital assistant devices;</p>	
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		providing an online entertainment information service featuring information regarding computer games, enhancements for computer games, online games, and game applications via global computer networks and electronic communication networks for use in connection with the internet, computers, media players, handheld electronic devices, electronic entertainment devices, telecommunications devices, mobile phones, cellular phones, electronic communication devices, wireless devices, portable and handheld electronic devices or personal digital assistant devices.	
GUNNISON GALAXY Reg No.	/	Class41: Entertainment media production services for motion pictures, television and Internet; Film and video film production; Film and video production; Film and video production consulting services; Film and video tape film production; Film production; Motion picture film production; Multimedia entertainment services in the nature of development, production and post-production services in the fields of video and films; Multimedia entertainment services in the nature of recording, production and post-production services in the fields of music, video, and films; Production of films; Providing a website featuring information in the field of art, art history, art culture and art appreciation.	Gunnison Galaxy, LLC LIMITED LIABILITY COMPANY
TICKET GALAXY Reg No.4707842	"TICKET"	Class41: Ticket agency services for entertainment events.	Eventvest, Inc.
CREATIVE GALAXY Reg No.4585658	/	Class 41: Entertainment services in the nature of a television children's	Amazon Technologies,

		series; Entertainment services, namely, an ongoing children's series provided through television, cable, the Internet and wireless communication networks.	Inc.
Galaxy Crusher Reg No.4602494	/	Class 41: Entertainment, namely, live performances by a musical band.	Kupcha, Zachary
 Reg No.4021912	/	Class35: Retail and online retail bookstore services, featuring, books and general giftware; promotional services, namely launch parties featuring book signings to introduce new books and authors; providing a website where users can post recommendations concerning books for commercial purposes. Class 41: Educational and entertainment services, namely, providing educational speakers in the field of literature and writing.	WORK IN PROGRESS BOOKSELLE RS, LLC LIMITED LIABILITY COMPANY
MYSTERIOUS GALAXY Reg No.4021899	/	Class 35:Retail and online retail bookstore services, featuring, books and general giftware; promotional services, namely, launch parties featuring book signings to introduce new books and authors; providing a website where users can post recommendations concerning books for commercial purposes. Class 41: Educational and entertainment services, namely, providing educational speakers in the field of literature and writing.	WORK IN PROGRESS BOOKSELLE RS, LLC LIMITED LIABILITY COMPANY

Conclusion

All issues having now been addressed, Applicant submits that the Application should not be affected by the status of prior-filed U.S. Serial No. 87924692.

