

Voluntary Amendment

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	85480792
LAW OFFICE ASSIGNED	LAW OFFICE 111
MARK SECTION	
MARK	http://tess2.uspto.gov/ImageAgent/ImageAgentProxy?getImage=85480792
LITERAL ELEMENT	EXPRESS
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font style, size or color.
ADDITIONAL STATEMENTS SECTION	
MISCELLANEOUS STATEMENT	
MISCELLANEOUS FILE NAME(S)	
ORIGINAL PDF FILE	mis-16619019859-235803757_. 85480792_Response_091712.pdf
CONVERTED PDF FILE(S) (2 pages)	\\TICRS\EXPORT16\IMAGEOUT16\854\807\85480792\xml1\PRA0002.JPG
	\\TICRS\EXPORT16\IMAGEOUT16\854\807\85480792\xml1\PRA0003.JPG
SIGNATURE SECTION	
RESPONSE SIGNATURE	/Jeffrey Volk/
SIGNATORY'S NAME	Jeffrey Volk
SIGNATORY'S POSITION	Founder
SIGNATORY'S PHONE NUMBER	8055420738
DATE SIGNED	09/20/2012
AUTHORIZED SIGNATORY	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Fri Sep 21 00:04:40 EDT 2012
TEAS STAMP	USPTO/PRA-XX.XXX.XXX.XXX- 20120921000440255471-8548 0792-490545f429ad2caf0c9a 840d3eacf4de7-N/A-N/A-201 20920235803757548

Voluntary Amendment

To the Commissioner for Trademarks:

Application serial no. **85480792** EXPRESS(Standard Characters, see <http://tess2.uspto.gov/ImageAgent/ImageAgentProxy?getImage=85480792>) has been amended as follows:

ADDITIONAL STATEMENTS

Miscellaneous Statement

Original PDF file:

[mis-16619019859-235803757_.85480792_Response_091712.pdf](#)

Converted PDF file(s) (2 pages)

[Miscellaneous File1](#)

[Miscellaneous File2](#)

SIGNATURE(S)

Voluntary Amendment Signature

Signature: /Jeffrey Volk/ Date: 09/20/2012

Signatory's Name: Jeffrey Volk

Signatory's Position: Founder

Signatory's Phone Number: 8055420738

The signatory has confirmed that he/she is not represented by either an authorized attorney or Canadian attorney/agent, and that he/she is either (1) the applicant or (2) a person(s) with legal authority to bind the applicant; and if an authorized U.S. attorney or Canadian attorney/agent previously represented him/her in this matter, either he/she has filed a signed revocation of power of attorney with the USPTO or the USPTO has granted the request of his/her prior representative to withdraw.

Serial Number: 85480792

Internet Transmission Date: Fri Sep 21 00:04:40 EDT 2012

TEAS Stamp: USPTO/PRA-XX.XXX.XXX.XXX-201209210004402

55471-85480792-490545f429ad2caf0c9a840d3

eacf4de7-N/A-N/A-20120920235803757548

09/17/12

To: USPTO Attorney Nakia Henry

Subject: Response to refusal of U.S. T.M. APPLICATION NO. 85480792 - EXPRESS

APPLICATION SERIAL NO. 85480792

MARK: EXPRESS

Registration of the applied-for mark- "Express" for "Devices capable of storing/producing/computing, transmitting, receiving, data/signals including sound, images/video, and text, namely: **transceivers**, personal computers, lap-tops, tablet computers, tablet mobile phones, telephones, cellular/mobile telephones, sold as integrated components and separate components. Accessories for the aforementioned goods, namely, internal and external components, namely, antennas, battery chargers, batteries, hands-free headsets, vehicle mountings, housings/face plates, carrying cases/pouches/holsters

Thank You for your Office Action dated 03/17/12; your Office Action review was very comprehensive, and I need more time to research the marks which were cited in the Office Action, however I have a preliminary response and I have made notes next to the marks which were cited; the following marks:

U.S. Registration No.3922364 "Channel Express" for "transceivers"[owned by Ranger Electronic Communications](We filed a Leter Of Protest against this mark, which was granted, this mark should of never been allowed to be register, however, this mark is for a button on a CB Radio, we have removed transceivers from this application list of goods)

3950050 "ExpressMaps" for the relevant goods, computers [owned by Spot Image](This mark is for a satelite map website, however it appears they have never used the mark.

3916159 "Xpressradio" for the relevant goods, namely mobile telephones and accessories for mobile telephones, namely batteries, battery chargers, headsets [owned by Nokia](We filed a Leter Of Protest against this mark, which was granted, this mark should of never been allowed to be register, however it appears they have never used the mark.

79048130 "Rittal Express" plus a design for the relevant goods, namely "adapted housings for the accommodation of electrical installations, in the fields of computers for [putting] up electrical installations[owned by Rittal GmbH](This mark is for large locker size cabinets for electonics, and not housings/covers/face plates for mobile devices)

3524420 "Nasuba Express"[owned by LCS Media] (This mark has a list of "everything under the sun" electonics except mobile phones and tablets, however it appears they have never used the mark.

2931609 "Express Fast Charger" and 3430696 "Express" [owned by ESRMCO Corp.] (These marks are for Industrial heavy equipment batteries and chargers for large equipment such as fork-lifts, and not mobile phones and tablets)

3681466 "Think Express" and 3681462 "Express"[both owned by International Business Machines] (These marks are for Mainframe Business Computers, and not mobile phones and tablets)

3476179 "Express Gate" [owned by Asustek Computer Inc.](This mark is for an software that is for access to internet and e-mail and not mobile phones and tablets)

2496915 "Neax Express" for the relevant goods "computers"

[owned by NEC Infrontia Corp](This mark was cancelled on 05/12/12/2112)

1529489 "Bowler Express" with a design for the relevant goods, namely computers [Computer Sports Systems, Inc.](This mark is for Bowling Alley systems, and not mobile phones and tablets)

1606164 "Callxpress" for the relevant goods, computers[Applied Voice & Speech](This mark is for mainframe voicemail systems, and not mobile phones and tablets)

Here, the proposed mark is "Express" and the registrants' marks contain Express or variations of Express which are phoenetically similar but they also contain additional terms which "stand out", which will likely obviate the similarity between the marks and eliminate likelihood of confusion.

In "Channel Express" (Channel stands out more than Express)

"ExpressMaps" (Maps stands out)

"Xpressradio" (Radio stands out)

"Rittal Express"(Rittal stands out)

"Nasuba Express"(Nasuba stands out)

"Express Fast Charger" (Fast charger stands out)

"Express Gate"(Gate stands out)

"Micro Express"(Micro stands out)

"Bowler Express"(Bowler stands out)

"Callxpress"(Call stands out)

The effective filing date of pending Application Serial No. 85409403 precedes applicant's filing date, however, our chief Trademark Registration 3026855 pre-dates application 85409403, we filed a letter of protest which was granted, application 85409403 should of never been approved according to many trademark rules. We are in the process of negotiating a resolution with this applicant, to include a voluntary abandonment of their registration.

Applicant adopts the following identification of goods:

Class 009: Devices capable of storing and producing and computing, transmitting, receiving, data and signals including sound, images and video, and text, namely: personal computers, lap-tops, tablet computers, tablet mobile phones, telephones, cellular and mobile telephones, sold as integrated components and separate components. Accessories for the aforementioned goods, namely, internal and external components, namely, antennas, battery chargers, batteries, hands-free headsets, vehicle mountings, housings: **decorative** face plates, carrying cases and pouches

Respectfully submitted, thanks,

Jeff Volk
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