
EXHIBIT I

Response to Office Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	77772110
LAW OFFICE ASSIGNED	LAW OFFICE 112
MARK SECTION (no change)	
ARGUMENT(S)	
<p>With regard to the Section 1,2, 3 and 45 refusal, applicant submits a substitute specimen of use in class 41 which depicts the mark depicted in the drawing, in commerce for the identified services.</p> <p>With regard to Examiner's identification of prior pending application 77760348, applicant requests that this application be suspended.</p> <p>As noted, applicant agrees to Examiner's suggested description of the mark, and suggested identification of goods in class 9,</p>	
EVIDENCE SECTION	
EVIDENCE FILE NAME(S)	
ORIGINAL PDF FILE	evi_3810820110-094120945_._mafia_wars_class_41_subspecimen.pdf
CONVERTED PDF FILE(S) (1 page)	\\TICRS\EXPORT8\IMAGEOUT8\777\721\77772110\xml2\ROA0002.JPG
DESCRIPTION OF EVIDENCE FILE	Specimen showing the mark as depicted in the drawing, in use with class 41 services. The specimen consists of the mark affixed to a webpage promoting applicant's services.
GOODS AND/OR SERVICES SECTION (009)(current)	
INTERNATIONAL CLASS	009
DESCRIPTION	
Downloadable computer software for use on wireless devices and computers	

FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 04/08/2009
FIRST USE IN COMMERCE DATE	At least as early as 04/08/2009
GOODS AND/OR SERVICES SECTION (009)(proposed)	
INTERNATIONAL CLASS	009
TRACKED TEXT DESCRIPTION	
Downloadable computer software for use on wireless devices and computers; Downloadable computer game software for use on wireless devices and computers	
FINAL DESCRIPTION	
Downloadable computer game software for use on wireless devices and computers	
FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 04/08/2009
FIRST USE IN COMMERCE DATE	At least as early as 04/08/2009
GOODS AND/OR SERVICES SECTION (041)(current)	
INTERNATIONAL CLASS	041
DESCRIPTION	
Entertainment services, namely, providing on-line computer games	
FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 09/08/2008
FIRST USE IN COMMERCE DATE	At least as early as 09/08/2008
GOODS AND/OR SERVICES SECTION (041)(proposed)	
INTERNATIONAL CLASS	041
DESCRIPTION	
Entertainment services, namely, providing on-line computer games	
FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 09/08/2008

FIRST USE IN COMMERCE DATE	At least as early as 09/08/2008
STATEMENT TYPE	For an application based on 1(a), Use in Commerce, "The substitute specimen(s) was in use in commerce as of the filing date of the application."
SPECIMEN FILE NAME(S)	
ORIGINAL PDF FILE	SPU1-3810820110-094120945_._mafia_wars_class_41_subspecimen.pdf
CONVERTED PDF FILE(S) (1 page)	\\TICRS\EXPORT8\IMAGEOUT8\777\721\77772110\xml2\ROA0003.JPG
SPECIMEN DESCRIPTION	webpage bearing the mark promoting applicant's services.
ADDITIONAL STATEMENTS SECTION	
DESCRIPTION OF THE MARK (and Color Location, if applicable)	The mark consists of the words "MAFIA WARS" with shading around the edges to suggest a raised surface.
SIGNATURE SECTION	
DECLARATION SIGNATURE	/mschwimmer/
SIGNATORY'S NAME	Martin Schwimmer
SIGNATORY'S POSITION	Attorney, NY Bar Member
DATE SIGNED	09/29/2009
RESPONSE SIGNATURE	/mschwimmer/
SIGNATORY'S NAME	Martin Schwimmer
SIGNATORY'S POSITION	Attorney, NY Bar Member
DATE SIGNED	09/29/2009
AUTHORIZED SIGNATORY	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Tue Sep 29 09:51:07 EDT 2009
TEAS STAMP	USPTO/ROA-38.108.201.10-2 0090929095107561197-77772 110-46077576eb5fb8e761d7a 8aff92b1cc90dd-N/A-N/A-20 090929094120945153

Response to Office Action
To the Commissioner for Trademarks:

Application serial no. **77772110** has been amended as follows:

ARGUMENT(S)

In response to the substantive refusal(s), please note the following:

With regard to the Section 1,2, 3 and 45 refusal, applicant submits a substitute specimen of use in class 41 which depicts the mark depicted in the drawing, in commerce for the identified services.

With regard to Examiner's identification of prior pending application 77760348, applicant requests that this application be suspended.

As noted, applicant agrees to Examiner's suggested description of the mark, and suggested identification of goods in class 9,

EVIDENCE

Evidence in the nature of Specimen showing the mark as depicted in the drawing, in use with class 41 services. The specimen consists of the mark affixed to a webpage promoting applicant's services. has been attached.

Original PDF file:

evi_3810820110-094120945_._mafia_wars_class_41_subspecimen.pdf

Converted PDF file(s) (1 page)

Evidence-1

CLASSIFICATION AND LISTING OF GOODS/SERVICES

Applicant proposes to amend the following class of goods/services in the application:

Current: Class.009 for Downloadable.computer software for use on wireless devices and computers

Original Filing Basis:

Filing Basis: Section 1(a), Use in Commerce: The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended. The mark was first used at least

as early as 04/08/2009 and first used in commerce at least as early as 04/08/2009, and is now in use in such commerce.

Proposed:

Tracked Text Description: ~~Downloadable computer software for use on wireless devices and computers;~~
Downloadable computer game software for use on wireless devices and computers Class 009 for
Downloadable computer game software for use on wireless devices and computers

Filing Basis: Section 1(a), Use in Commerce: The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended. The mark was first used at least as early as 04/08/2009 and first used in commerce at least as early as 04/08/2009, and is now in use in such commerce.

Applicant proposes to amend the following class of goods/services in the application:

Current: Class 041 for Entertainment services, namely, providing on-line computer games
Original Filing Basis:

Filing Basis: Section 1(a), Use in Commerce: The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended. The mark was first used at least as early as 09/08/2008 and first used in commerce at least as early as 09/08/2008, and is now in use in such commerce.

Proposed: Class 041 for Entertainment services, namely, providing on-line computer games

Filing Basis: Section 1(a), Use in Commerce: The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended. The mark was first used at least as early as 09/08/2008 and first used in commerce at least as early as 09/08/2008, and is now in use in such commerce.

Applicant hereby submits a new specimen for Class 041. The specimen(s) submitted consists of webpage bearing the mark promoting applicant's services..

For an application based on 1(a), Use in Commerce, "The substitute specimen(s) was in use in commerce as of the filing date of the application."

Original PDF file:

SPU1-3810820110-094120945_._mafia_wars_class_41_subspecimen.pdf

Converted PDF file(s) (1 page)

Specimen File1

ADDITIONAL STATEMENTS

Description of mark

The mark consists of the words "MAFIA WARS" with shading around the edges to suggest a raised surface.

SIGNATURE(S)

Declaration Signature

If the applicant is seeking registration under Section 1(b) and/or Section 44 of the Trademark Act, the applicant has had a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. 37 C.F.R. Secs. 2.34(a)(2)(i); 2.34 (a)(3)(i); and 2.34(a)(4)(ii); and/or the applicant has

had a bona fide intention to exercise legitimate control over the use of the mark in commerce by its members. 37 C.F. R. Sec. 2.44. If the applicant is seeking registration under Section 1(a) of the Trademark Act, the mark was in use in commerce on or in connection with the goods and/or services listed in the application as of the application filing date or as of the date of any submitted allegation of use. 37 C.F.R. Secs. 2.34(a)(1)(i); and/or the applicant has exercised legitimate control over the use of the mark in commerce by its members. 37 C.F.R. Sec. 244. 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. Section 1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her 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 goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; that if the original application was submitted unsigned, that all statements in the original application and this submission made of the declaration signer's knowledge are true; and all statements in the original application and this submission made on information and belief are believed to be true.

Signature: /mschwimmer/ Date: 09/29/2009
Signatory's Name: Martin Schwimmer
Signatory's Position: Attorney, NY Bar Member

Response Signature

Signature: /mschwimmer/ Date: 09/29/2009
Signatory's Name: Martin Schwimmer
Signatory's Position: Attorney, NY Bar Member

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the applicant's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the applicant in this matter: (1) the applicant has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the applicant has filed a power of attorney appointing him/her in this matter; or (4) the applicant's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

Serial Number: 77772110
Internet Transmission Date: Tue Sep 29 09:51:07 EDT 2009
TEAS Stamp: USPTO/ROA-38.108.201.10-2009092909510756
1197-77772110-46077576eb5fb8e761d7a8aff9
2b1cc90dd-N/A-N/A-20090929094120945153



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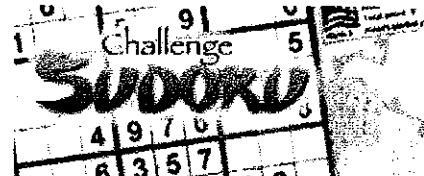
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