

ESTTA Tracking number: **ESTTA647604**

Filing date: **12/30/2014**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Application Serial No.	79137054
Applicant	Microsoft Mobile OY

## Notice of Appeal

Notice is hereby given that Microsoft Mobile OY appeals to the Trademark Trial and Appeal Board the refusal to register the mark depicted in Application Serial No. 79137054.

Applicant has filed a request for reconsideration of the refusal to register, and requests suspension of the appeal pending consideration of the request by the Examining Attorney.

The refusal to register has been appealed as to the following classes of goods/services:

- Class 009. First Use: 0 First Use In Commerce: 0  
All goods and services in the class are appealed, namely: Computer software for providing access to pre-recorded music and video for download to smart phones, mobile phones, tablets and computers via the Internet; computer software for use in the delivery, distribution and transmission of digital music and entertainment-related audio, video, text and multimedia content; computer software for enabling transmission, storage, sharing, collection, editing, organizing and modifying audio, video, messages, images and other data; computer software for creating searchable databases of information and data for peer-to-peer social networking databases; computer programs for use in streaming or downloading music, film, tv-programs, audio books and games
- Class 035. First Use: 0 First Use In Commerce: 0  
All goods and services in the class are appealed, namely: Online retail store services featuring music for download
- Class 038. First Use: 0 First Use In Commerce: 0  
All goods and services in the class are appealed, namely: Electronic transmission and streaming of digital media content for others via global and local computer networks
- Class 041. First Use: 0 First Use In Commerce: 0  
All goods and services in the class are appealed, namely: Entertainment services, namely, providing non-downloadable prerecorded music on-line via a music subscription service

Respectfully submitted,  
/John P. Halski/ for Grace Han Stanton  
12/30/2014

**Grace Han Stanton**

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