

ESTTA Tracking number: **ESTTA778142**

Filing date: **10/20/2016**

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

Application Serial No.	79172529
Applicant	SoundCloud Ltd.

## Notice of Appeal

Notice is hereby given that SoundCloud Ltd. appeals to the Trademark Trial and Appeal Board the refusal to register the mark depicted in Application Serial No. 79172529.

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: Apparatus for recording, reproducing and/or transmission, uploading, downloading, streaming and distribution of sound, music, media, data and/or images; downloadable audio, video and digital recordings featuring music; downloadable recordings, content and media, namely, podcasts in the fields of music, news, sports, radio, and entertainment, downloadable digital photos, downloadable computer graphics and downloadable audio, sound and video files featuring music, news, sports, radio, television and entertainment; mobile communications and mobile telephone software applications for transmission of podcasts, data, sound, images, music, photos, graphics, audio and video content between two points; Computer software for the collection, editing, organizing, modifying, transmission, uploading, downloading, streaming, storage and sharing of podcasts, data, sound, images, music, photos, graphics, audio and video content; Software and software applications for the collection, editing, organizing, modifying, transmission, streaming, uploading, downloading, storage and sharing of podcasts, data, sound, images, music, photos, graphics, audio and video content; software and software applications for use in generating, recording, analyzing, measuring, identifying, monitoring and comparing the digital audio fingerprint of audio and music content; Downloadable electronic publications in the nature of books and magazines in fields of music, and downloadable digital video and audio recordings
- Class 042. First Use: 0 First Use In Commerce: 0  
All goods and services in the class are appealed, namely: Design and maintenance of computer software; computerized data storage; hosting websites and webpages featuring music, video, audio, podcast, graphic, image and photo content for others; hosting online website featuring music, video, graphics, films, podcasts and data; Application service provider featuring application programming interface (API) software for integration of podcasts, music, data, sound, images, photos, graphics and audio content into websites, mobile applications and devices; providing a website featuring technology that enables users to upload, download and share information, podcasts, data, sound, images, music, photos, graphics, audio and video content and to organize and conduct online meetings, gatherings, and interactive discussions; Providing temporary use of on-line non-downloadable software for uploading, downloading and streaming podcasts, music, data, sound, images, photos, graphics, audio and video content; providing temporary use of online non-downloadable software for generating, recording, analyzing, measuring, identifying, monitoring and comparing the digital audio fingerprint of audio and music content; providing temporary use of online non-downloadable software for uploading, downloading, editing, playing, streaming, viewing, sharing, distributing, publishing, and reproducing music, video, audio, podcast, graphic, image content and information via the Internet and other computer and communications networks; providing temporary use of online non-downloadable software for sharing of music, video, audio, podcast, graphic, image content and information among users; providing temporary use of non-downloadable software for enabling content providers to track music, video, audio, podcast, graphic and image content; electronic data storage; Computer services, namely, monitoring and analyzing the Internet traffic control and content control of the web sites and social media content of others; computer services, namely providing an interactive website featuring technology that allows users to consolidate and manage social networks, accounts and connection to existing and emerging application programming interfaces (APIs); information, advisory and consultancy services relating to the aforesaid

Respectfully submitted,  
/Deborah Peckham/  
10/20/2016

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