

ESTTA Tracking number: **ESTTA558791**

Filing date: **09/11/2013**

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

Application Serial No.	85448848
Applicant	CyberAgent, Inc.

Notice of Appeal

Notice is hereby given that CyberAgent, Inc. appeals to the Trademark Trial and Appeal Board the refusal to register the mark depicted in Application Serial No. 85448848.

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.

All goods and services in the class are appealed, namely: Game programs running on mobile phones and mobile devices in the nature of tablet computers, personal computers, portable media players and personal digital assistants, namely, downloadable game programs; game programs running on personal computers, namely, downloadable game programs; downloadable image file containing artwork, text, video, games, and Internet Web links relating to social networking; electronic magazines and other electronic publications in the nature of newsletters, brochures, books, newspapers downloadable to mobile phones, mobile devices in the nature of tablet computers, personal computers, portable media players and personal digital assistants; computer application software for mobile phones and mobile devices in the nature of tablet computers, personal computers, portable media players and personal digital assistants, namely, software development tools for the creation of mobile internet applications and client interfaces, for use as a spreadsheet and word processing; computer game programs; computer game software; computer application software for mobile phones and mobile devices in the nature of tablet computers, personal computers, portable media players and personal digital assistants for use in database management and in electronic storage of data; computer application software for mobile phones, portable media players, tablet computers, personal computers and personal digital assistants for use in database management and in electronic storage of data; providing downloadable music via mobile phones, mobile devices in the nature of tablet computers, portable media players, personal digital assistants, handheld computers or computer networks

- Class 035.

All goods and services in the class are appealed, namely: Advertising agencies; Internet advertising services; Rental of advertising space on web sites; advertising, promotional and marketing services provided by mobile phone and mobile computer, media player and personal digital assistant connections; promoting the computer application software for mobile phones and mobile devices in the nature of tablet computers, personal computers, portable media players and personal digital assistants of others; promoting the goods and services of others; news clipping and news monitoring services for others

- Class 038.

All goods and services in the class are appealed, namely: Electronic bulletin board services; electronic mail services; electronic, electric, and digital transmission of voice, data and image; transmission of news; providing online facilities and telecommunication facilities, namely, providing on-line facilities and telecommunication facilities for real-time interaction with other computer users concerning topics of general interest; providing on-line forums via mobile phones and mobile devices in the nature of tablet computers, personal computers, portable media players and personal digital assistants for real-time interaction with other computer users concerning topics of general interest; providing on-line facilities and telecommunication facilities among registered computer users for the purpose of sharing information on general interest, finding friends, inviting new users, engaging in social networking, playing computer games; providing on-line forums via mobile phones and mobile devices in the nature of tablet computers, personal computers, portable media players and personal digital assistants for transmission of messages among registered computer users for the purpose of sharing information on general interest, finding friends, inviting new users, engaging in social networking, playing computer games, obtaining and sharing

information on computer games

- Class 041.

All goods and services in the class are appealed, namely: Providing on-line games via mobile phones, mobile devices in the nature of tablet computers, personal computers, portable media players and personal digital assistants or computer networks; providing on-line games using avatars that represent users of the services via mobile phones, mobile devices in the nature of tablet computers, personal computers, portable media players and personal digital assistants or computer networks; providing non-downloadable electronic magazines and other publications in the nature of newsletters, books, novels, comic books via mobile phones, mobile devices in the nature of tablet computers, personal computers, portable media players and personal digital assistants or computer networks in the field of social networking, games and gaming; providing image file containing artwork, text, video, games, and Internet Web links relating to social networking, namely, providing online virtual reality games via mobile phones, mobile devices in the nature of tablet computers, personal computers and other personal digital assistants; entertainment services, namely, providing non-downloadable prerecorded music via mobile phones, mobile devices in the nature of tablet computers, personal computers, portable media players and personal digital assistants or computer networks; news reporter services; news agencies, namely, gathering and dissemination of news; providing ongoing television programs and other programs in the nature of radio programs composed of pictures and sounds via mobile phones, mobile devices in the nature of tablet computers, personal computers, portable media players and personal digital assistants or computer networks in the field of social networking, games and gaming

- Class 042.

All goods and services in the class are appealed, namely: Computer services, namely, hosting on-line web facilities for others for organizing and conducting on-line meetings, gatherings, and interactive discussions; Computer services, namely, hosting on-line web facilities for others for organizing and conducting on-line meetings, gatherings, and interactive discussions using avatars that represent users of the services; computer services in the nature of customized web pages featuring user-defined information, personal profiles and information; application service provider (ASP) featuring software to enable uploading, posting, showing, displaying, tagging, blogging, sharing or otherwise providing electronic media or information over mobile phones, the Internet or other communications networks; designing services, namely, designing digital images relating to human beings for use in computer networks; designing digital images of avatars that represent user of computer services; providing internet search engines; providing weather information; providing temporary use of on-line non-downloadable software development tools for creating software and websites in the field of electronic games and social networking; providing on-line non-downloadable computer programs for others to create software and websites in the field of electronic games and social networking; rental of computer programs for others to create software and websites in the field of electronic games and social networking; advisory services for others related to development and maintenance of software and websites in the field of electronic games and social networking; design, development, maintenance and updating of software and websites in the field of electronic games and social networking; computer services, namely, hosting an on-line community web site for registered users to share information, find friends, invite new users, engage in social networking, play computer games; computer services, namely, creating an on-line community web site for registered users to share information, find friends, invite new users, engage in social networking, play computer games; computer services, namely, creating an on-line community accessible via mobile phones and mobile devices in the nature of tablet computers, personal computers, portable media players and personal digital assistants for registered users to share information, find friends, invite new users, engage in social networking, play computer games; mapping, namely, providing electronic maps; application service provider (ASP), namely, hosting computer software of others; providing a website featuring non-downloadable software for use in allowing web site users to upload, post and display online videos for sharing with others for entertainment purposes, database management, for use as a spreadsheet, for word processing; application service provider (ASP), namely, hosting computer software of others for mobile phones and mobile devices in the nature of tablet computers, personal computers, portable media players and personal digital assistants for others; providing a website featuring non-downloadable software for use in database management, for use as a spreadsheet, for word processing for mobile phones and mobile devices in the nature of tablet computers, personal computers, portable media players and personal digital assistants for others

- Class 045.

All goods and services in the class are appealed, namely: Internet based social introduction and social networking services; Internet based social introduction and social networking services using avatars that

represent users of the services; on-line social networking services featuring profiles, diaries or other personal information via electronic bulletin boards; on-line social networking services using avatars that represent users of the services featuring profiles, diaries or other personal information via electronic bulletin boards; fortune-telling services

Respectfully submitted,
/Geoffrey D. Aurini/
09/11/2013

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