

Request for Reconsideration after Final Action

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Input Field	Entered
SERIAL NUMBER	85612843
LAW OFFICE ASSIGNED	LAW OFFICE 105
MARK SECTION (no change)	
ARGUMENT(S)	
Please see the actual argument text attached within the Evidence section.	
EVIDENCE SECTION	
EVIDENCE FILE NAME(S)	
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DESCRIPTION OF EVIDENCE FILE	2(d) Argument - SCOREMAESTRO - 2, Exhibits 1-2, Exhibit 3, Exhibits 4-23, Exhibits 24-30
SIGNATURE SECTION	
RESPONSE SIGNATURE	/Matthew H. Swyers/
SIGNATORY'S NAME	/Matthew H. Swyers/
SIGNATORY'S POSITION	Attorney of Record
SIGNATORY'S PHONE NUMBER	800-906-8626 x100
DATE SIGNED	07/11/2013
AUTHORIZED SIGNATORY	YES
CONCURRENT APPEAL NOTICE FILED	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Thu Jul 11 17:06:42 EDT 2013
	USPTO/RFR-97.67.147.154-2

TEAS STAMP

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PTO Form 1930 (Rev 9/2007)
OMB No. 0651-0050 (Exp. 05/31/2014)

Request for Reconsideration after Final Action To the Commissioner for Trademarks:

Application serial no. **85612843** has been amended as follows:

ARGUMENT(S)

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

Please see the actual argument text attached within the Evidence section.

EVIDENCE

Evidence in the nature of 2(d) Argument - SCOREMAESTRO - 2, Exhibits 1-2, Exhibit 3, Exhibits 4-23, Exhibits 24-30 has been attached.

Original PDF file:

[evi_9767147154-170332235_2_d_Argument - SCOREMAESTRO - 2.pdf](#)

Converted PDF file(s) (13 pages)

[Evidence-1](#)

[Evidence-2](#)

[Evidence-3](#)

[Evidence-4](#)

[Evidence-5](#)

[Evidence-6](#)

[Evidence-7](#)

[Evidence-8](#)

[Evidence-9](#)

[Evidence-10](#)

[Evidence-11](#)

[Evidence-12](#)

[Evidence-13](#)

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[Evidence-1](#)

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Converted PDF file(s) (20 pages)

[Evidence-1](#)

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[Evidence-4](#)

[Evidence-5](#)

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[Evidence-7](#)

[Evidence-8](#)

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[Evidence-10](#)

[Evidence-11](#)

[Evidence-12](#)

[Evidence-13](#)

[Evidence-14](#)

[Evidence-15](#)

[Evidence-16](#)

[Evidence-17](#)

[Evidence-18](#)

[Evidence-19](#)

[Evidence-20](#)

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Converted PDF file(s) (7 pages)

[Evidence-1](#)

[Evidence-2](#)

[Evidence-3](#)

[Evidence-4](#)

[Evidence-5](#)

[Evidence-6](#)

[Evidence-7](#)

SIGNATURE(S)

Request for Reconsideration Signature

Signature: /Matthew H. Swyers/ Date: 07/11/2013

Signatory's Name: /Matthew H. Swyers/
Signatory's Position: Attorney of Record

Signatory's Phone Number: 800-906-8626 x100

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.

The applicant is filing a Notice of Appeal in conjunction with this Request for Reconsideration.

Serial Number: 85612843

Internet Transmission Date: Thu Jul 11 17:06:42 EDT 2013

TEAS Stamp: USPTO/RFR-97.67.147.154-2013071117064267

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examining attorney is to apply each of the applicable factors set out in *In re E.I. DuPont DeNemours & Co.*, 476 F.2d 1357, 1361, 177 USPQ 563, 567 (CCPA 1973). The relevant *DuPont* factors are:

- (1) the similarity or dissimilarity of the marks in their entireties as to appearance, sound, connotation and commercial impression;
- (2) the similarity or dissimilarity and nature of the services as described in an application or registration or in connection with which a prior mark is in use;
- (3) the similarity or dissimilarity of established, likely-to-continue trade channels;
- (4) the conditions under which and buyers to whom sales are made, i.e., ‘impulse’ vs. careful, sophisticated purchasing;
- (5) the number and nature of similar marks in use on similar services; and
- (6) the absence of actual confusion as between the marks and the length of time in which the marks have co-existed without actual confusion occurring.

See id.

The examining attorney is required to look to the overall impression created by the marks, rather than merely comparing individual features. *Mead Data Cent., Inc. v. Toyota Motor Sales, U.S.A., Inc.*, 875 F.2d 1026, 1029, 10 USPQ2d 1961 (2d Cir. 1989). In this respect, the examining attorney must determine whether the total effect conveyed by the marks is confusingly similar, not simply whether the marks sound alike or look alike. *First Savings Bank F.S.B. v. First Bank System Inc.*, 101 F.3d at 645, 653, 40 USPQ2d 1865, 1870 (10th Cir. 1996) (recognizing that while the dominant portion of a mark is given greater weight, each mark still must be considered as a whole)(citing *Universal Money Centers, Inc. v. American Tel. & Tel. Co.*, 22 F.3d 1527, 1531, 30 USPQ2d 1930 (10th Cir. 1994)). Even the use of identical dominant words or terms does not automatically mean that two marks are similar. In *General Mills, Inc. v. Kellogg Co.*, 824 F.2d 622, 627, 3 USPQ2d 1442 (8th Cir. 1987), the court held that “Oatmeal

Raisin Crisp” and “Apple Raisin Crisp” are not confusingly similar as trademarks. Also, in *First Savings Bank F.S.B. v. First Bank System Inc.*, 101 F.3d at 645, 653, 40 USPQ2d 1865, 1874 (10th Cir. 1996), marks for “FirstBank” and for “First Bank Kansas” were found not to be confusingly similar. Further, in *Luigino’s Inc. v. Stouffer Corp.*, 50 USPQ2d 1047, the mark “Lean Cuisine” was not confusingly similar to “Michelina’s Lean ‘N Tasty” even though both marks use the word “Lean” and are in the same class of services, namely, low-fat frozen food.

Concerning the respective goods or services with which the marks are used, the nature and scope of a party’s goods or services must be determined on the basis of the goods or services recited in the application or registration. *See, e.g., Hewlett-Packard Co. v. Packard Press Inc.*, 281 F.3d 1261, 62 USPQ2d 1001 (Fed. Cir. 2002); *In re Shell Oil Co.*, 992 F.2d 1204, 26 USPQ2d 1687, 1690 n.4 (Fed. Cir. 1993); *J & J Snack Foods Corp. v. McDonald’s Corp.*, 932 F.2d 1460, 18 USPQ2d 1889 (Fed. Cir. 1991); *Octocom Systems Inc. v. Houston Computer Services Inc.*, 918 F.2d 937, 16 USPQ2d 1783 (Fed. Cir. 1990); *Canadian Imperial Bank of Commerce, N.A. v. Wells Fargo Bank*, 811 F.2d 1490, 1 USPQ2d 1813 (Fed. Cir. 1987); *Paula Payne Products Co. v. Johnson Publishing Co.*, 473 F.2d 901, 177 USPQ 76 (C.C.P.A. 1973). *See generally* TMEP § 1207.01(a)(iii).

If the goods or services in question are not related or marketed in such a way that they would be encountered by the same persons in situations that would create the incorrect assumption that they originate from the same source, then, even if the marks are similar confusion is not likely. *See, e.g., Shen Manufacturing Co. v. Ritz Hotel Ltd.*, 393 F.3d 1238, 73 USPQ2d 1350 (Fed. Cir. 2004) (cooking classes and kitchen textiles not related); *Local Trademarks, Inc. v. Handy Boys Inc.*, 16 USPQ2d 1156 (TTAB 1990) (LITTLE PLUMBER for liquid drain opener held not confusingly similar to LITTLE PLUMBER and design for

advertising services, namely the formulation and preparation of advertising copy and literature in the plumbing field); *Quartz Radiation Corp. v. Comm/Scope Co.*, 1 USPQ2d 1668 (TTAB 1986) (QR for coaxial cable held not confusingly similar to QR for various products (*e.g.*, lamps, tubes) related to the photocopying field). *See generally* TMEP § 1207.01(a)(i).

Moreover the fact that purchasers are sophisticated or knowledgeable in a particular field does not necessarily mean that they are immune from source confusion. *See In re Decombe*, 9 USPQ2d 1812 (TTAB 1988); *In re Pellerin Milnor Corp.*, 221 USPQ 558 (TTAB 1983). However, circumstances suggesting care in purchasing may tend to minimize likelihood of confusion. *See generally* TMEP § 1207.01(d)(vii).

Applying the legal standards as enumerated above, it is clear that confusion is not likely to exist and Applicant's mark is entitled to register despite the existence of the cited mark.

Dissimilarities in the Marks as to their Respective Appearances and the Number and Nature of Similar Marks in Use on Similar Goods

The Applicant applied to register the mark SCOREMAESTRO. The cited mark is for MAESTRO (U.S. Reg. No. 3,763,265). Copies of the applications for Applicant's mark and for the blocking mark are attached hereto as Exhibits 1 – 2 respectively. *See* Exhibits 1 - 2.

Facially, the applied for mark differs from the cited mark insofar as Applicant's mark consists of the term "SCORE" followed by the term "MAESTRO" that are combined in such a way as to appear as one word and thought that cannot be broken apart. *See* Exhibit 1. In contrast, U.S. Reg. No. 3,763,265 consists of the word "MAESTRO" alone, independently. *See* Exhibit 2. Thus, it cannot be said that the marks are identical and true differences do exist in the appearances thereof.

As such, it is submitted that these differences in the appearance of the applied-for mark and the cited mark referenced herein create a separate and distinct commercial impression. This

analysis, however, is not submitted in a vacuum with respect to these applications. If other registrations appear that are owned by more than one registrant, the dilution of those terms indicates that there is no likelihood of confusion as between the applied-for and cited prior registered mark. *See* TMEP § 1207.01(d)(x).

In this regard, Applicant respectfully resubmits Exhibits 24 through 30 which display 7 registered marks incorporating the term “MAESTRO” and literal equivalents thereof used in relation to similar goods. *See* Exhibits 24 through 30.

MAESTRO MAX, U.S. Reg. No. 3,025,912, owned by Harmonic Vision, Inc., used in connection with “computer software for music instruction” in International Class 9, *See* Exhibit 24;

MUSIC ACE MAESTRO, U.S. Reg. No. 3,123,396, owned by Harmonic Vision, Inc., used in connection with “computer software for music instruction” in International Class 9, *See* Exhibit 25;

GERMAN MAESTRO, U.S. Reg. No. 4,065,175, owned by MAESTRO Badenia Akustik & Elektronik GmbH, used in connection with “Loudspeakers; loudspeaker systems; loudspeaker cabinets; headphones; record players; electric distribution consoles; sound and audio mixers; stands specially adapted for audio components, namely, stereos and audio speakers; electric cables; electric conductors; electric switches; electrical distribution boxes; remote controls for radios, television and stereos” in International Class 9, *See* Exhibit 26;

MAGIC MAESTRO MUSIC, U.S. Reg. No. 3,312,533, owned by Simon & Simon LLC, used in connection with “Musical sound recordings for adults and children” in International Class 9, *See* Exhibit 27;

MAESTROVILLE, U.S. Reg. No. 3,493,878, owned by Little Maestros Holdings LLC, used in connection with “Prerecorded video tapes, audio tapes, laser discs, video discs, compact discs, CD-ROMs, DVDs, computer programs, computer software, computer game software, video game software, computer and video game discs and cartridges, downloadable computer and video games, interactive computer and video game programs, downloadable musical sound recordings, all featuring entertainment and educational programming in the nature of music, music instruction and music appreciation for infants and children” in International Class 9, *See* Exhibit 28;

MAESTRO, U.S. Reg. No. 3,860,768, owned by Touchtunes Music Corporation, used in connection with “Music selection systems comprising computer hardware

and software, music servers, speakers, digital jukeboxes and touch screens/buttons for distributing, selecting and playing audio and video musical information; musical jukeboxes; music servers; and jukebox systems, namely, one or more musical jukeboxes connected electronically to select, download and play music contents and parts thereof” in International Class 9, *See* Exhibit 29; and

THE LEARNING MAESTROS, U.S. Reg. No. 4,035,260, owned by PollyRhythm Productions LLC, used in connection with “Digital materials, namely, CDs, DVDs, downloadable multimedia files, featuring music, dance, drama, art, literature, natural and social sciences” in International Class 9, *See* Exhibit 30.

If additional evidence is needed, Applicant respectfully submits Exhibits 4 through 23 which display 20 additional registered marks incorporating the term “MAESTRO” and literal equivalents thereof used in relation to similar goods. *See* Exhibits 4 through 23. The marks are as follows:

MAESTRO, U.S. Reg. No. 2,426,540, owned by Maestro International Incorporated, used in connection with “currency management computer software for receiving, tracking, counting, inventory of, and disbursement of cash or other documents of [valuable] * value * notes” in International Class 9, *See* Exhibit 4;

MAD MAESTRO, U.S. Reg. No. 2,813,694, owned by Kabushiki Kaisha Sony Computer Entertainment TA Sony Computer Entertainment Inc., used in connection with “Computer games software; video game software; computer and video game discs and tapes; electronic magazines in the field of games, recorded on computer discs and tapes; downloadable electronic magazines in the field of games” in International Class 9, *See* Exhibit 5;

CONSTRUCTION MAESTRO, U.S. Reg. No. 2,876,390, owned by Symun Systems, Inc., used in connection with “Computer software program for planning, designing and estimating building construction” in International Class 9, *See* Exhibit 6;

STUDIO MAESTRO, U.S. Reg. No. 2,924,702, owned by Candid Color Systems, Inc., used in connection with “computer software for storing, cataloging, displaying and editing, digital photographic images, transmitting orders for digital photographic images, and administering payroll and generating reports and invoices for use in managing a digital photography business” in International Class 9, *See* Exhibit 7;

MAESTRO, U.S. Reg. No. 3,356,752, owned by Marathon Equipment Company, used in connection with “electronic touch human machine interface screens for

use with waste disposal equipment and recycling equipment; all of the foregoing expressly excluding electronic hardware and software for use with automatic teller machines or point of sale terminals used to accept payment cards” in International Class 9, *See* Exhibit 8;

MAESTRO, U.S. Reg. No. 3,318,883, owned by Catalina Marketing Corporation, used in connection with “computer software for use in accessing and printing promotional discount coupons, rebate certificates, rebate rewards, and gift certificates from global computer network web sites, and user manuals sold as a unit therewith; computer software for use in creating, customizing, maintaining and operating web sites, and user manuals sold as a unit therewith; computer software for use in reading barcodes; computer software for use by businesses in tracking computer purchasing activity and responses to advertising, incentives, and promotional offers disseminated via computer and communications networks, and user manuals sold as a unit therewith” in International Class 9, *See* Exhibit 9;

MAESTRO, U.S. Reg. No. 3,298,491, owned by Cambridge Research & Instrumentation, Inc., used in connection with “Laboratory equipment, namely digital imaging systems comprising an illuminator, a digital camera, optical interference filters and a tunable filter, used for fluorescence optical imaging of samples, and computer software for use in operating the digital imaging system, or interpreting the images obtained thereby, computers, and adaptors for lenses and microscopes, all of the foregoing sold separately or as a unit for fluorescence optical imaging” in International Class 9, *See* Exhibit 10;

MAESTRO SYSTEM SOFTWARE BY MED-EL, U.S. Reg. No. 3,664,024, owned by Med-El Elektromedizinische Geräte Ges.m.b.H., used in connection with “software for programming speech processors, namely, cochlea-implants and implant systems; software for impedance measurements and field-telemetric measurements in the field of implant and implant electrode functions known as ift impedance and field telemetry; software for implant and stimulation parameter identification also known as telemetry; software for determination and analysis of information on physiological reactions of the stimulated hearing nerves also known as hearing nerve-response-telemetry or art” in International Class 9, *See* Exhibit 11;

CLOSINGMAESTRO, U.S. Reg. No. 3,514,696, owned by TechClose, Inc., used in connection with “Downloadable software for use in database management and preparation of forms used in the field of Real Estate closings” in International Class 9, *See* Exhibit 12;

MAESTRO, U.S. Reg. No. 3,561,753, owned by Thomas G. Faria Corporation, used in connection with “Navigation and command center using GPS, namely, a global position system (GPS) and consisting of a computer, computer software, transmitters, receivers, and network interface devices” in International Class 9, *See* Exhibit 13;

DESKTOP MAESTRO, U.S. Reg. No. 3,603,475, owned by PC Tools Technology Pty Limited, used in connection with “computer software that is downloadable and recorded on computer media and scans, diagnoses and repairs registry errors and other errors in an operating system of a personal computer; computer software that is downloadable and recorded on computer media and for use in diagnosis, repair and configuration of computers, computer software and computer peripherals; privacy protection software that is downloadable and recorded on computer media; and user and instruction manuals supplied as a unit with each of the foregoing” in International Class 9, *See* Exhibit 14;

CONTROLMAESTRO, U.S. Reg. No. 3,556,546, owned by Elutions Societe Par Actions Simplifiee, used in connection with “Downloadable computer programs and software for Supervisory Control And Data Acquisition (SCADA) and Human-Machine Interface (HMI) for business or workplace automation, remote workplace access, user authentication, supervision, surveillance, management, data management, communication and control” in International Class 9, *See* Exhibit 15;

INFOMAESTRO, U.S. Reg. No. 3,597,009, owned by GP Strategies Corporation, used in connection with “Software in the field of content authoring and management, customer relationship management and interactive, automated, dynamic publishing, all of the foregoing excluding software and hardware for use with financial transactions, credit cards, debit cards, payment cards, automatic teller machines and financial-related services” in International Class 9, *See* Exhibit 16;

FOLDER MAESTRO, U.S. Reg. No. 3,622,558, owned by Folder Maestro, LLC, used in connection with “Downloadable software, namely, downloadable software for file collaboration, file sharing and file replication” in International Class 9, *See* Exhibit 17;

EPM MAESTRO, U.S. Reg. No. 3,849,322, owned by Sovereign Systems Limited, used in connection with “Computer software, namely, software that provides additional functionality for financial consolidation systems, namely, administrator productivity enhancements, efficient process management, improved user communication, metadata and security reviews, web document management, flexible data extraction, exporting hierarchies and generating activity statistics, excluding from all the foregoing and none being in connection with bank cards, debit cards, magnetic encoded cards, telephone calling cards, stored value or prepaid cards, payment card processing services, banking services and automated teller machine (ATM) products and services” in International Class 9, *See* Exhibit 18;

MAESTRO, U.S. Reg. No. 3,742,331, owned by Lanmark Controls, Inc., used in connection with “Computer hardware and software for laser marking and for operation of laser marking machinery” in International Class 9, *See Exhibit 19*;

MAESTRO, U.S. Reg. No. 3,857,970, owned by Apex Print Technologies LLC, used in connection with “Computer software to monitor and control factory manufacturing processes” in International Class 9, *See Exhibit 20*;

MAESTRO, U.S. Reg. No. 3,001,202, owned by Evertz Microsystems Ltd., used in connection with “computer software for use in configuration and preset display layout control of video display and monitoring systems; computer software for use in configuration and preset display layout control of video display and monitoring systems” in International Class 9, *See Exhibit 21*;

MAESTRO, U.S. Reg. No. 3,600,390, owned by Caliper Life Sciences, Inc., used in connection with “Computer software for operating and controlling automatic laboratory equipment used for transferring, dispensing and diluting liquids in drug screening applications” in International Class 9, *See Exhibit 22*; and

PRODUCTION MAESTRO, U.S. Reg. No. 3,998,545, owned by Clear-Com LLC, used in connection with “Electrical voice intracommunications systems for use in the production of live musical performances, theatre, and other live events, namely, a centralized computer network router with a centralized routing tool that can pre-set and manage live external lines out of a Master Control Room or Sports Venue Control Center to remote users' panels and their keys and a software application that allows users to route 4-wire lines to panel users via conferences” in International Class 9, *See Exhibit 23*.

Accordingly, based upon the distinctions between the appearance of Applicant’s mark as apart from the cited mark and in consideration of the dilution of the terms “MAESTRO” and literal equivalents thereof as it relates to marks in related classes, Applicant respectfully submits that these *DuPont* factors favor a finding of an absence of a likelihood of confusion should Applicant’s mark be permitted to register.

Dissimilarity Between the Marks’ Respective Goods

Comparing the goods of the Applicant and the goods of the cited marks, it is apparent that the goods of the Applicant differ significantly from the goods of the cited mark. Applicant’s mark is used exclusively in connection with a software application designed to run on tablet

computers. Its primary function is to manage large numbers of annotated choral music sheets in one compact digital device. The software provides choral sheet music in proprietary digital formats that enables choir members to mark up their music sheets and then save the annotated music sheets for future choir performances. The software also dynamically repaginates each piece of digital sheet music based on the note size and page orientation that the user selects, and provides the user with a powerful navigation tool to quickly move from point to point within the piece of music. *See Exhibit 3, Affidavit of Paul Tannous.* In the alternative, the Maestro Music, Inc. mark is used in connection with an application for iPhones and Android phones which allow users remote access to their downloaded MP3 digital music files. The application also allows users to share audio music recordings and audio music recording play lists with their friends. The Maestro Music, Inc. mark is not used in relation to the organization or management of choral sheet music of any kind. *See Exhibit A of Exhibit 3, Affidavit of Paul Tannous.*

Although the evidence presented by the examining attorney somewhat suggests that those seeking an application that allows users remote access to their downloaded audio music recordings and the ability to share audio music recordings and audio music recording play lists with their friends may also be software to help enable them to create, organize, and manage their choral sheet music, there is no evidence of record that such overlap exists between Applicant's mark and the respective blocking mark.

It is respectfully submitted that there is little, if any, relation between the goods of the Applicant and the goods found in the cited mark and, as such, this *DuPont* factor also favors a finding of an absence of a likelihood of confusion should Applicant's mark be permitted to register.

Dissimilarities Between the Trade Channels for the Marks

Applicant's software application connected to the SCOREMAESTRO mark will be offered exclusively through online stores, namely, Amazon.com and the Google store. It will also be available through Applicant's websites hosted at www.scoremaestro.com, www.scoremaestro.net, and www.scoremaestro.org. *See* Exhibit 3, Affidavit of Paul Tannous. In the alternative, it appears that the Maestro Music, Inc. mark is offered exclusively through invitation only on their website hosted at www.maestro.fm. *See* Exhibit A of Exhibit 3, Affidavit of Paul Tannous.

As such, it is respectfully submitted that Applicant's goods travel in a channel of trade diverse from those which would be expected for the goods of the cited mark in that their respective goods would not be encountered by the same persons in situations that would create the incorrect assumption that such goods originate from the same source and, accordingly, this *DuPont* factor also favors registration of the Applicant's mark.

The Mark's Goods are Marketed Differently

The goods offered in connection with the SCOREMAESTRO mark will be marketed through word of mouth referrals, user reviews, social networking within the choral arts community, online newsletters, Applicant's blog, and through Applicant's websites hosted at www.scoremaestro.com, www.scoremaestro.net, and www.scoremaestro.org. *See* Exhibit 3, Affidavit of Paul Tannous. Although Maestro Music, Inc. does appear to maintain an active website, they do not appear to market through social networking within the choral arts community, online newsletters, or a blog. *See* Exhibit 3, Affidavit of Paul Tannous. As such, it is respectfully submitted that these factors also favor registration of the Applicant's mark.

Sophistication of the Purchasers and Members of the Respective Goods

Applicant's software application provided under the SCOREMAESTRO mark are designed to attract very specific consumers, namely, vocal artists, choir masters and choir members, who are seeking software to help enable them to organize and manage their choral sheet music. In order to use Applicant's software, the customers must know how to read and annotate sheet music. It is unlikely that anyone who could not read music would encounter Applicant's SCOREMAESTRO mark. The software offered under the SCOREMAESTRO mark will be priced at approximately \$9.99, while each piece of sheet music will range from approximately \$1.99 to \$4.99, depending on size. *See* Exhibit 3, Affidavit of Paul Tannous.

In contrast, it can only be assumed that the Maestro Music, Inc.'s goods are used to attract young individuals, likely between the ages of 16 and 30 years old, who are seeking an application for their smart phone to allow them remote access to their downloaded audio music recordings. The website associated with the Maestro Music, Inc. mark states that the application is available free of charge. *See* Exhibit 3, Affidavit of Paul Tannous.

As such, the average purchaser or member of the respective goods offered under the cited mark would also exercise a high level of sophistication in choosing the cited mark's goods as apart from the goods of the Applicant's mark, therefore minimizing any likelihood of confusion. *See* TMEP § 1207.01(d)(vii). As such, it is suggested that this *DuPont* factor also favors registration of the instant mark.

CONCLUSION

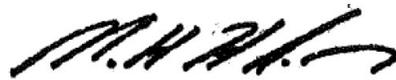
In conclusion, based upon the foregoing it is submitted that the *DuPont* factors addressed herein favor registration of the Applicant's mark. The goods themselves are completely distinct and do not travel in similar trade channels or marketing channels such that they would be

encountered by the same class of purchasers or members. Additionally, the sophistication of the Applicant's consumers and the conditions under which sales are made by Applicant are wholly diverse from those of the cited mark.

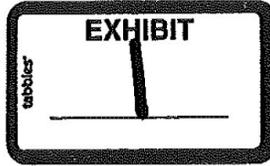
WHEREFORE it is respectfully requested that the Examining Attorney reconsider her refusal of the instant proceedings, remove as an impediment the cited marks, and approve the instant application for publication upon the Principal Register.

Respectfully submitted this 11th day of July, 2013.

THE TRADEMARK COMPANY, PLLC



Matthew H. Swyers, Esquire
344 Maple Avenue West, Suite 151
Vienna, VA 22180
Tel. (800) 906-8626 x100
Facsimile (270) 477-4574
mswyers@thetrademarkcompany.com



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Mark: SCOREMAESTRO

SCOREMAESTRO

US Serial Number: 85612843 Application Filing Date: May 01, 2012
Filed as TEAS Plus: Yes Currently TEAS Plus: Yes
Register: Principal
Mark Type: Trademark
Status: A subsequent final has been sent (issued) to the applicant. Applicant failed to satisfy all requirements and/or refusals raised previously.
To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.
Status Date: Jan. 14, 2013

Mark Information

Mark Literal Elements: SCOREMAESTRO
Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.
Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [.] indicate deleted goods/services;
- Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks *.* identify additional (new) wording in the goods/services.

For: Downloadable software for music score management

International Class(es): 009 - Primary Class

U.S Class(es): 021, 023, 026, 036, 038

Class Status: ACTIVE

Basis: 1(b)

Basis Information (Case Level)

Filed Use: No	Currently Use: No	Amended Use: No
Filed ITU: Yes	Currently ITU: Yes	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: Lyrical Applications LLC
Owner Address: 13207 Shady Ridge Lane
Fairfax, VIRGINIA 22033
UNITED STATES
Legal Entity Type: LIMITED LIABILITY COMPANY State or Country Where Organized: VIRGINIA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Matthew H. Swyers
Attorney Primary Email Address: admin@thetrademarkcompany.com
Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: MATTHEW H. SWYERS
344 MAPLE AVE W STE 151
VIENNA, VIRGINIA 22180-5612
UNITED STATES
Phone: 800-906-8626 x100 Fax: (270) 477-4574

Correspondent e-mail: admin@thetrademarkcompany.com

Correspondent e-mail Yes
Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jan. 14, 2013	NOTIFICATION OF SUBSEQUENT FINAL EMAILED	
Jan. 14, 2013	SUBSEQUENT FINAL EMAILED	
Jan. 14, 2013	SUBSEQUENT FINAL REFUSAL WRITTEN	78366
Dec. 02, 2012	NOTIFICATION OF FINAL REFUSAL EMAILED	
Dec. 02, 2012	FINAL REFUSAL E-MAILED	
Dec. 02, 2012	FINAL REFUSAL WRITTEN	78366
Oct. 31, 2012	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Oct. 29, 2012	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Oct. 29, 2012	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Aug. 31, 2012	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Aug. 31, 2012	NON-FINAL ACTION E-MAILED	6325
Aug. 31, 2012	NON-FINAL ACTION WRITTEN	78366
Aug. 21, 2012	ASSIGNED TO EXAMINER	78366
May 08, 2012	NOTICE OF PSEUDO MARK MAILED	
May 07, 2012	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
May 04, 2012	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Attorney: FARRELL, ANNE M

TM Staff Information

Law Office Assigned: LAW OFFICE 105

File Location

Current Location: TMEG LAW OFFICE 105 - EXAMINING
ATTORNEY ASSIGNED

Date in Location: Jan. 14, 2013

Suite 400
Atlanta, GEORGIA 30327
UNITED STATES

Phone: 678-553-2100

Fax: 678-553-2212

Correspondent e-mail: alltrademark@glaw.com

Correspondent e-mail No
Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Mar. 23, 2010	REGISTERED-PRINCIPAL REGISTER	
Feb. 16, 2010	TTAB RELEASE CASE TO TRADEMARKS	173837
Feb. 16, 2010	OPPOSITION TERMINATED NO. 999999	173837
Feb. 16, 2010	OPPOSITION DISMISSED NO. 999999	173837
Nov. 08, 2006	OPPOSITION INSTITUTED NO. 999999	173837
Nov. 08, 2006	OPPOSITION PAPERS RECEIVED AT TTAB	
Nov. 07, 2006	PUBLISHED FOR OPPOSITION	
Oct. 18, 2006	NOTICE OF PUBLICATION	
Sep. 24, 2006	LAW OFFICE PUBLICATION REVIEW COMPLETED	70138
Sep. 22, 2006	APPROVED FOR PUB - PRINCIPAL REGISTER	
Sep. 22, 2006	EXAMINER'S AMENDMENT ENTERED	88888
Sep. 22, 2006	EXAMINERS AMENDMENT E-MAILED	6328
Sep. 22, 2006	EXAMINERS AMENDMENT -WRITTEN	77769
Sep. 22, 2006	PREVIOUS ALLOWANCE COUNT WITHDRAWN	
Sep. 05, 2006	ASSIGNED TO LIE	70138
Aug. 31, 2006	APPROVED FOR PUB - PRINCIPAL REGISTER	
Aug. 31, 2006	TEAS/EMAIL CORRESPONDENCE ENTERED	66230
Aug. 22, 2006	CORRESPONDENCE RECEIVED IN LAW OFFICE	66230
Aug. 22, 2006	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jun. 30, 2006	FINAL REFUSAL E-MAILED	
Jun. 30, 2006	FINAL REFUSAL WRITTEN	77769
Jun. 07, 2006	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Jun. 05, 2006	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Jun. 05, 2006	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Dec. 05, 2005	NON-FINAL ACTION E-MAILED	6325
Dec. 05, 2005	NON-FINAL ACTION WRITTEN	77769
Dec. 02, 2005	ASSIGNED TO EXAMINER	77769
May 12, 2005	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Mar. 23, 2010

Proceedings

Summary

Number of Proceedings: 1

Type of Proceeding: Opposition

Proceeding Number: 91173837

Filing Date: Nov 08, 2006

Status: Terminated

Status Date: Feb 16, 2010

Interlocutory Attorney: ELIZABETH WINTER

Defendant

Name: Maestro Music, Inc.

Correspondent Address: Joel R. Feldman
Greenberg Traurig, LLP
3290 Northside Parkway, Suite 400
Atlanta GA, 30327
UNITED STATES

Correspondent e-mail: alltrademark@gtlaw.com, feldmanjoel@gtlaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
MAESTRO	Registered	<u>78622480</u>	<u>3763265</u>

Plaintiff(s)

Name: Touchtunes Music Corporation

Correspondent Address: Robert W. Adams
Nixon & Vanderhye P.C.
901 North Glebe Rd., 11th Floor
Arlington VA, 22203-1808
UNITED STATES

Correspondent e-mail: nixonoptomail@nixonvan.com, sld@nixonvan.com, rwa@nixonvan.com

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Nov 08, 2006	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Nov 08, 2006	Dec 18, 2006
3	PENDING, INSTITUTED	Nov 08, 2006	
4	STIPULATION FOR AN EXTENSION OF TIME	Dec 18, 2006	
5	EXTENSION OF TIME GRANTED	Dec 18, 2006	
6	ANSWER	Jan 17, 2007	
7	STIPULATION FOR AN EXTENSION OF TIME	Aug 27, 2007	
8	EXTENSION OF TIME GRANTED	Aug 27, 2007	
9	P'S MOTION TO REOPEN DISCOVERY	Jan 16, 2008	
10	D'S OPPOSITION/RESPONSE TO MOTION	Feb 04, 2008	
11	P'S OPPOSITION/RESPONSE TO MOTION	Feb 25, 2008	
12	PROCEEDINGS RESUMED	Aug 28, 2008	
13	DEF'S PROPOSED AMENDMENT	Oct 23, 2008	
14	P'S MOT TO SUSP PEND SETLMT NEGOTIATIONS	Nov 06, 2008	
15	CHANGE OF CORRESPONDENCE ADDRESS	Nov 06, 2008	
16	SUSPENDED	Dec 10, 2008	
17	P'S MOT TO SUSP PEND SETLMT NEGOTIATIONS	Dec 18, 2008	
18	PROCEEDINGS RESUMED	Feb 17, 2009	
19	AMENDMENT TO APPLICATION	May 19, 2009	
20	OPPOSITION TO MOTION TO AMEND	Jun 08, 2009	
21	D'S REPLY IN SUPPORT OF MOTION	Jun 26, 2009	
22	REDACTED NOTICE OF RELIANCE	Jul 22, 2009	
23	REDACTED NOTICE OF RELIANCE (PART 2 OF 3)	Jul 20, 2009	
24	REDACTED NOTICE OF ALLOWANCE	Jul 20, 2009	
25	PL'S NOTICE OF RELIANCE	Jul 29, 2009	
26	PL'S NOTICE OF RELIANCE	Jul 29, 2009	
27	PL'S NOTICE OF RELIANCE PT. 3 OF 4	Jul 20, 2009	
28	PL'S NOTICE OF RELIANCE PT. 4 OF 4	Jul 20, 2009	
29	MOTION TO STRIKE NOTICE OF RELIANCE	Aug 14, 2009	
30	NOTICE OF FILING TESTIMONY	Aug 17, 2009	
31	NOTICE OF FILING TESTIMONY PT. 2 OF 4	Aug 17, 2009	
32	NOTICE OF FILING TESTIMONY PT. 3 OF 4	Aug 17, 2009	

33	NOTICE OF FILING TESTIMONY PT. 4 OF 4	Aug 17, 2009
34	STIP TO SUSPEND PEND SETTLEMENT NEGOTNS	Aug 26, 2009
35	SUSPENDEED	Aug 28, 2009
36	STIP TO SUSPEND PEND SETTLEMENT NEGOTNS	Oct 23, 2009
37	P'S MOTION FOR AN EXTENSION OF TIME	Nov 09, 2009
38	SUSPENDEED	Nov 17, 2009
39	MOTION TO AMEND APPLICATION	Jan 05, 2010
40	SUSPENDEED	Feb 02, 2010
41	WITHDRAWAL OF OPPOSITION	Feb 09, 2010
42	BD'S DECISION: DISMISSED W/O PREJUDICE	Feb 16, 2010
43	TERMINATED	Feb 16, 2010



AFFIDAVIT OF PAUL TANNOUS

COMES NOW Mr. Paul Tannous, a resident of Fairfax, Virginia and a citizen of the United States of America above the age 18 and states as follows:

My name is Paul Tannous and I am a citizen of the United States of America and resident of Fairfax, Virginia (13207 Shady Ridge Lane, Fairfax, VA 22033).

In the course and scope of my work I have become familiar with the goods offered under the SCOREMAESTRO mark, the manner by which these goods are offered to the public, general information concerning our customers, as well as general information concerning the use of the mark SCOREMAESTRO to identify our goods. I have also conducted research concerning the prior registered mark MAESTRO as used by Maestro Music, Inc. as more fully identified in U.S. Registration Number 3,763,265 (hereinafter referred to as the "Maestro Music, Inc. mark").

In this regard, I state the following based upon my own knowledge:

1. Our mark SCOREMAESTRO is used exclusively in connection with a software application designed to run on tablet computers. Its primary function is to manage large numbers of annotated choral music sheets in one compact digital device. The software provides choral sheet music in proprietary digital formats that enables choir members to mark up their music sheets and then save the annotated music sheets for future choir performances. The software also dynamically repaginates each piece of digital sheet music based on the note size and page orientation that the user selects, and provides the user with a powerful navigation tool to quickly move from point to point within the piece of music.

2. Our downloadable software is marketed exclusively to vocal artists, namely, choir masters and choir members, who are seeking software to help enable them to create, organize, and manage their choral sheet music. Our software is only of interest to customers who know

how to read sheet music and who use sheet music as public performers of music, specifically in choirs.

3. In contrast, the Maestro Music, Inc. mark is used in connection with an application for iPhones and Android phones which allow users remote access to their downloaded audio music recordings. The application also allows users to share audio music recordings and audio music recording play lists with their friends. The Maestro Music, Inc. mark is not used in relation to the organization or management of choral sheet music of any kind. *See Exhibit A.*

4. The trade channels of our choral sheet music software bearing the SCOREMAESTRO mark will be offered exclusively through online stores, namely, Amazon.com and the Google store. Our software will also be provided through our websites hosted at www.scoremaestro.com, www.scoremaestro.net, and www.scoremaestro.org.

5. In contrast, it appears that the Maestro Music, Inc. mark is offered exclusively through invitation only on their website hosted at www.maestro.fm. *See Exhibit A.*

6. Accordingly, there is only slight overlap in the channels of trade between the goods provided under our SCOREMAESTRO mark and the goods provided under the Maestro Music, Inc. mark.

7. To sell our goods bearing the SCOREMAESTRO mark, we will market through word of mouth referrals, user reviews, social networking within the choral arts community, online newsletters, our blog, and through our websites hosted at www.scoremaestro.com, www.scoremaestro.net, and www.scoremaestro.org. Maestro Music, Inc. does appear to maintain an active website, but does not appear to market through social networking within the choral arts community, online newsletters, or a blog.

8. In my experience with our business our clients exercise a very high level of sophistication in choosing the goods offered under the SCOREMAESTRO mark. After all, they are choosing goods which are designed to attract very specific consumers, namely vocal artists, choir masters and choir members, who are seeking software to help enable them to organize and manage their choral sheet music. In order to use our software, our customers must know how to read and annotate sheet music.

9. Our goods exist specifically to support vocal artists, namely, choir masters and choir members, who are seeking software to enable them to organize and manage their choral sheet music. The software offered under the SCOREMAESTRO mark will be priced at approximately \$9.99, while each piece of sheet music will range from approximately \$1.99 to \$4.99, depending on size.

10. It can only be assumed that Maestro Music, Inc.'s goods are used to attract young individuals, likely between the ages of 16 and 30 years old, who are seeking an application for their smart phone to allow them remote access to their downloaded audio music recordings. The website associated with the Maestro Music, Inc. mark states that the application is available free of charge.

11. In both my personal life as well as in my understanding of smart phone applications for accessing and sharing downloaded music, I do not believe that there is any potential for a likelihood of confusion between our SCOREMAESTRO mark and the blocking mark and I respectfully request that the U.S. Patent and Trademark Office withdraw the instant refusal and in consideration of this new evidence publish our mark for publication on the Principal Register.

BEFORE ME, the undersigned authority, this 11th day of June 2013, personally appeared Mr. Paul Tannous, who after being first duly sworn, states that the above information is true and correct, and who is personally known to me or who has produced Virginia DL as identification and who did take an oath.

Paul R. Tannous
Paul Tannous

June 11th, 2013
Date



Notary Public: Denise M. Powers (signature)

Notary Public: Denise M. Powers (Typed/Printed name of Notary Public)

Commission No. 341488

My Commission Expires: April 30, 2017



Email or Username

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Connect Your Music. Connect Your Life.



Maestro answers your music needs with seamless remote access to all of your music, auto backup your music to the cloud, and play your music in your iPhone or Android. Connect with Maestro to share music and playlists with your friends, discover news, events, emerging artists, and more.

- [Upload Music](#)
- [How it Works](#)
- [Feedback](#)
- [Stamps](#)
- [Maestro API Developers](#)
- [Find us on Facebook](#)
- [Follow us on Twitter](#)

Currently in Private Beta.

If you have a friend already on Maestro, you're in. If not, just fill out the registration info to get on the invite list.

Email

First Name

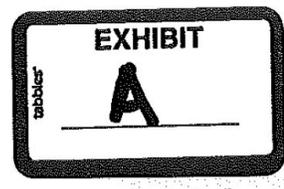
Last Name

Username

I'm a Male Female

My Birthday is

I agree to the Terms





Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36 and 38

Reg. No. 2,426,540

United States Patent and Trademark Office

Registered Feb. 6, 2001

**TRADEMARK
PRINCIPAL REGISTER**

MAESTRO

CURRENCY SYSTEMS INTERNATIONAL (TEXAS
CORPORATION)
6401 COMMERCE DRIVE
IRVING, TX 75063

FOR: CURRENCY MANAGEMENT COMPUTER
SOFTWARE FOR RECEIVING, TRACKING, COUNT-
ING, INVENTORY OF, AND DISBURSEMENT OF

CASH OR OTHER DOCUMENTS OF VALUABLE
NOTES, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND
38).

FIRST USE 10-0-1998; IN COMMERCE 10-0-1998.

SER. NO. 75-809,542, FILED 9-28-1999.

MICHAEL ENGEL, EXAMINING ATTORNEY



Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36, and 38

United States Patent and Trademark Office

Reg. No. 2,813,694

Registered Feb. 10, 2004

**TRADEMARK
PRINCIPAL REGISTER**

MAD MAESTRO

KABUSHIKI KAISHA SONY COMPUTER ENTERTAINMENT (JAPAN CORPORATION), TA SONY COMPUTER ENTERTAINMENT INC., 1-1 AKASAKA, 7-CHOME MINATU-KU TOKYO, JAPAN

FOR: COMPUTER GAMES SOFTWARE; VIDEO GAME SOFTWARE; COMPUTER AND VIDEO GAME DISCS AND TAPES; ELECTRONIC MAGAZINES IN THE FIELD OF GAMES, RECORDED ON

COMPUTER DISCS AND TAPES; DOWNLOADABLE ELECTRONIC MAGAZINES IN THE FIELD OF GAMES, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 3-0-2002; IN COMMERCE 3-0-2002.

SN 76-360,623, FILED 1-18-2002.

CATHERINE FAINT, EXAMINING ATTORNEY



Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36 and 38

United States Patent and Trademark Office

Reg. No. 2,876,390

Registered Aug. 24, 2004

**TRADEMARK
PRINCIPAL REGISTER**

CONSTRUCTION MAESTRO

SYMUN SYSTEMS, INC. (MICHIGAN CORPORATION)
2300 AUSTINS PARKWAY, SUITE 180
FLINT, MI 48507

FOR: COMPUTER SOFTWARE PROGRAM FOR
PLANNING, DESIGNING AND ESTIMATING
BUILDING CONSTRUCTION, IN CLASS 9 (U.S.
CLS. 21, 23, 26, 36 AND 38).

FIRST USE 10-25-2001; IN COMMERCE 12-13-2001.

NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "CONSTRUCTION", APART FROM
THE MARK AS SHOWN.

SER. NO. 76-495,788, FILED 3-5-2003.

WILLIAM P. SHANAHAN, EXAMINING ATTORNEY



Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36 and 38

United States Patent and Trademark Office

Reg. No. 2,924,702

Registered Feb. 8, 2005

TRADEMARK
PRINCIPAL REGISTER

s t u d i o
MAESTRO

CANDID COLOR SYSTEMS, INC. (OKLAHOMA CORPORATION)
1300 METROPOLITAN AVENUE
OKLAHOMA CITY, OK 73108

FIRST USE 6-0-2002; IN COMMERCE 6-0-2002.

FOR: COMPUTER SOFTWARE FOR STORING, CATALOGING, DISPLAYING AND EDITING, DIGITAL PHOTOGRAPHIC IMAGES, TRANSMITTING ORDERS FOR DIGITAL PHOTOGRAPHIC IMAGES, AND ADMINISTERING PAYROLL AND GENERATING REPORTS AND INVOICES FOR USE IN MANAGING A DIGITAL PHOTOGRAPHY BUSINESS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "STUDIO", APART FROM THE MARK AS SHOWN.

SER. NO. 76-519,184, FILED 6-3-2003.

VERNA BETH RIRIE, EXAMINING ATTORNEY



Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36, and 38

Reg. No. 3,356,752

United States Patent and Trademark Office

Registered Dec. 18, 2007

**TRADEMARK
PRINCIPAL REGISTER**

MAESTRO

DELAWARE CAPITAL FORMATION, INC. (DE-
LAWARE CORPORATION)
501 SILVERSIDE ROAD, STE. 5
WILMINGTON, DE 19809

MACHINES OR POINT OF SALE TERMINALS
USED TO ACCEPT PAYMENT CARDS, IN CLASS 9
(U.S. CLS. 21, 23, 26, 36 AND 38).

FOR: ELECTRONIC TOUCH HUMAN MACHINE
INTERFACE SCREENS FOR USE WITH WASTE
DISPOSAL EQUIPMENT AND RECYCLING EQUIP-
MENT; ALL OF THE FOREGOING EXPRESSLY
EXCLUDING ELECTRONIC HARDWARE AND
SOFTWARE FOR USE WITH AUTOMATIC TELLER

FIRST USE 7-1-2003; IN COMMERCE 7-23-2007.

SN 76-524,660, FILED 6-19-2003.

SOPHIA S. KIM, EXAMINING ATTORNEY



Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36 and 38

United States Patent and Trademark Office

Reg. No. 3,597,009

Registered Mar. 31, 2009

TRADEMARK
PRINCIPAL REGISTER

INFOMAESTRO

RWD TECHNOLOGIES, INC. (MARYLAND CORPORATION)
5521 RESEARCH PARK DRIVE
BALTIMORE, MD 21228

FOR: SOFTWARE IN THE FIELD OF CONTENT AUTHORING AND MANAGEMENT, CUSTOMER RELATIONSHIP MANAGEMENT AND INTERACTIVE, AUTOMATED, DYNAMIC PUBLISHING, ALL OF THE FOREGOING EXCLUDING SOFTWARE AND HARDWARE FOR USE WITH FINANCIAL TRANSACTIONS, CREDIT CARDS, DEBIT CARDS, PAYMENT CARDS, AUTOMATIC TELLER

MACHINES AND FINANCIAL-RELATED SERVICES, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 5-17-2006; IN COMMERCE 5-17-2006.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SER. NO. 77-009,949, FILED 9-28-2006.

ELLEN BURNS, EXAMINING ATTORNEY



Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36 and 38

United States Patent and Trademark Office

Reg. No. 3,622,558

Registered May 19, 2009

**TRADEMARK
PRINCIPAL REGISTER**

FOLDER MAESTRO

FOLDER MAESTRO, LLC (NEW YORK LIMITED
LIABILITY COMPANY)
SUITE 12
4155 VETERANS HIGHWAY
RONKONKOMA, NY 11779

FOR: DOWNLOADABLE SOFTWARE, NAMELY,
DOWNLOADABLE SOFTWARE FOR FILE COLLA-
BORATION, FILE SHARING AND FILE REPLICA-
TION, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 7-22-2008; IN COMMERCE 7-22-2008.

THE MARK CONSISTS OF STANDARD CHAR-
ACTERS WITHOUT CLAIM TO ANY PARTICULAR
FONT, STYLE, SIZE, OR COLOR.

NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "FOLDER", APART FROM THE
MARK AS SHOWN.

SER. NO. 77-588,193, FILED 10-8-2008.

EMILY CARLSEN, EXAMINING ATTORNEY



United States of America

United States Patent and Trademark Office

EPM Maestro

Reg. No. 3,849,322

Registered Sep. 21, 2010

Int. Cl.: 9

TRADEMARK

PRINCIPAL REGISTER

SOVEREIGN SYSTEMS LIMITED (UNITED KINGDOM LIMITED LIABILITY COMPANY)
SOUTH BLACK LION LANE
18 SAMELS COURT
LONDON, UNITED KINGDOM W69TL

FOR: COMPUTER SOFTWARE, NAMELY, SOFTWARE THAT PROVIDES ADDITIONAL FUNCTIONALITY FOR FINANCIAL CONSOLIDATION SYSTEMS, NAMELY, ADMINISTRATOR PRODUCTIVITY ENHANCEMENTS, EFFICIENT PROCESS MANAGEMENT, IMPROVED USER COMMUNICATION, METADATA AND SECURITY REVIEWS, WEB DOCUMENT MANAGEMENT, FLEXIBLE DATA EXTRACTION, EXPORTING HIERARCHIES AND GENERATING ACTIVITY STATISTICS, EXCLUDING FROM ALL THE FOREGOING AND NONE BEING IN CONNECTION WITH BANK CARDS, DEBIT CARDS, MAGNETIC ENCODED CARDS, TELEPHONE CALLING CARDS, STORED VALUE OR PREPAID CARDS, PAYMENT CARD PROCESSING SERVICES, BANKING SERVICES AND AUTOMATED TELLER MACHINE (ATM) PRODUCTS AND SERVICES, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 1-1-2008; IN COMMERCE 1-1-2008.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "EPM", APART FROM THE MARK AS SHOWN.

SER. NO. 77-709,213, FILED 4-8-2009.

RUDY R. SINGLETON, EXAMINING ATTORNEY



David J. Kappas

Director of the United States Patent and Trademark Office



United States of America
United States Patent and Trademark Office

Maestro

Reg. No. 3,742,331 LANMARK CONTROLS, INC. (MASSACHUSETTS CORPORATION)
Registered Jan. 26, 2010 1740 MASSACHUSETTS AVENUE
BOXBOROUGH, MA 01719

Int. Cl.: 9 FOR: COMPUTER HARDWARE AND SOFTWARE FOR LASER MARKING AND FOR OPERATION OF LASER MARKING MACHINERY, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

TRADEMARK
PRINCIPAL REGISTER FIRST USE 6-8-2009; IN COMMERCE 6-8-2009.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SER. NO. 77-766,873, FILED 6-24-2009.

ANDREA SAUNDERS, EXAMINING ATTORNEY



David J. Kappas

Director of the United States Patent and Trademark Office



Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36, and 38

United States Patent and Trademark Office

Reg. No. 3,318,883

Registered Oct. 23, 2007

TRADEMARK
PRINCIPAL REGISTER

MAESTRO

E-CENTIVES, INC. (DELAWARE CORPORATION)
6901 ROCKLEDGE DRIVE
BETHESDA, MD 20817

FOR: COMPUTER SOFTWARE FOR USE IN ACCESSING AND PRINTING PROMOTIONAL DISCOUNT COUPONS, REBATE CERTIFICATES, REBATE REWARDS, AND GIFT CERTIFICATES FROM GLOBAL COMPUTER NETWORK WEB SITES, AND USER MANUALS SOLD AS A UNIT THEREWITH; COMPUTER SOFTWARE FOR USE IN CREATING, CUSTOMIZING, MAINTAINING AND OPERATING WEB SITES, AND USER MANUALS SOLD AS A UNIT THEREWITH; COMPUTER SOFTWARE FOR USE IN READING BARCODES;

COMPUTER SOFTWARE FOR USE BY BUSINESSES IN TRACKING COMPUTER PURCHASING ACTIVITY AND RESPONSES TO ADVERTISING, INCENTIVES, AND PROMOTIONAL OFFERS DISSEMINATED VIA COMPUTER AND COMMUNICATIONS NETWORKS, AND USER MANUALS SOLD AS A UNIT THEREWITH, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 0-0-1999; IN COMMERCE 0-0-1999.

SN 76-177,316, FILED 12-7-2000.

DAVID COLLIER, EXAMINING ATTORNEY



Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36, and 38

Reg. No. 3,298,491

United States Patent and Trademark Office

Registered Sep. 25, 2007

TRADEMARK
PRINCIPAL REGISTER

MAESTRO

CAMBRIDGE RESEARCH & INSTRUMENTATION, INC. (DELAWARE CORPORATION)
35-B CABOT ROAD
WOBURN, MA 01801

FOR: LABORATORY EQUIPMENT, NAMELY DIGITAL IMAGING SYSTEMS COMPRISING AN ILLUMINATOR, A DIGITAL CAMERA, OPTICAL INTERFERENCE FILTERS AND A TUNABLE FILTER, USED FOR FLUORESCENCE OPTICAL IMAGING OF SAMPLES, AND COMPUTER SOFTWARE FOR USE IN OPERATING THE DIGITAL IMAGING SYSTEM, OR INTERPRETING THE IMAGES OBTAINED THEREBY, COMPUTERS, AND ADAPTORS FOR LENSES AND MICROSCOPES, ALL OF

THE FOREGOING SOLD SEPARATELY OR AS A UNIT FOR FLUORESCENCE OPTICAL IMAGING, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 8-31-2004; IN COMMERCE 8-31-2004.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SN 76-617,945, FILED 10-21-2004.

PAUL E. FAHRENKOPF, EXAMINING ATTORNEY



Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36, and 38

Reg. No. 3,664,024

United States Patent and Trademark Office

Registered Aug. 4, 2009

TRADEMARK
PRINCIPAL REGISTER



MED-EL BLEKTROMEDIZINISCHE GERÄTE
GES.M.B.H. (AUSTRIA CORPORATION)
FÜRSTENWEG 77A
6020 INNSBRUCK, AUSTRIA

FIRST USE 4-5-2006; IN COMMERCE 12-31-2007.

PRIORITY CLAIMED UNDER SEC. 44(D) ON
AUSTRIA APPLICATION NO. AM63242006, FILED
9-21-2006, REG. NO. 236064, DATED 9-21-2006, EX-
PIRES 9-21-2016.

NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "SYSTEM SOFTWARE BY MED-
EL", APART FROM THE MARK AS SHOWN.

THE MARK CONSISTS OF A RECTANGULAR
BUTTON WITH THE WORDS MAESTRO "SYSTEM
SOFTWARE BY MED-EL" AND A DIAGONAL LINE
ON IT.

SN 77-012,975, FILED 10-3-2006.

FOR: SOFTWARE FOR PROGRAMMING
SPEECH PROCESSORS, NAMELY, COCHLEA-IM-
PLANTS AND IMPLANT SYSTEMS; SOFTWARE
FOR IMPEDANCE MEASUREMENTS AND FIELD-
TELEMETRIC MEASUREMENTS IN THE FIELD OF
IMPLANT AND IMPLANT ELECTRODE FUNC-
TIONS KNOWN AS IFT IMPEDANCE AND FIELD
TELEMETRY; SOFTWARE FOR IMPLANT AND
STIMULATION PARAMETER IDENTIFICATION
ALSO KNOWN AS TELEMETRY; SOFTWARE FOR
DETERMINATION AND ANALYSIS OF INFORMA-
TION ON PHYSIOLOGICAL REACTIONS OF THE
STIMULATED HEARING NERVES ALSO KNOWN
AS HEARING NERVE-RESPONSE-TELEMETRY OR
ART, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

JENNIFER VASQUEZ, EXAMINING ATTORNEY



Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36 and 38

United States Patent and Trademark Office

Reg. No. 3,514,696
Registered Oct. 14, 2008

**TRADEMARK
PRINCIPAL REGISTER**

ClosingMaestro

TECHCLOSE, INC. (NEW YORK CORPORATION)
P.O. BOX 664
GREAT FALLS, VA 22066

FOR: DOWNLOADABLE SOFTWARE FOR USE
IN DATABASE MANAGEMENT AND PREPARA-
TION OF FORMS USED IN THE FIELD OF REAL
ESTATE CLOSINGS, IN CLASS 9 (U.S. CLS. 21, 23, 26,
36 AND 38).

FIRST USE 10-4-2005; IN COMMERCE 1-12-2006.

THE MARK CONSISTS OF STANDARD CHAR-
ACTERS WITHOUT CLAIM TO ANY PARTICULAR
FONT, STYLE, SIZE, OR COLOR.

SER. NO. 77-082,591, FILED 1-13-2007.

HEATHER BIDDULPH, EXAMINING ATTORNEY



Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36, and 38

United States Patent and Trademark Office

Reg. No. 3,561,753

Registered Jan. 13, 2009

TRADEMARK
PRINCIPAL REGISTER

MAESTRO

THOMAS G. FARIA CORPORATION (CONNEC-
TICUT CORPORATION)
385 NORWICH-NEW LONDON TURNPIKE
UNCASVILLE, CT 06382

FOR: NAVIGATION AND COMMAND CENTER
USING GPS, NAMELY, A GLOBAL POSITION SYS-
TEM (GPS) AND CONSISTING OF A COMPUTER,
COMPUTER SOFTWARE, TRANSMITTERS, RECEL-
VERS, AND NETWORK INTERFACE DEVICES, IN
CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 5-1-2008; IN COMMERCE 5-1-2008.

THE MARK CONSISTS OF STANDARD CHAR-
ACTERS WITHOUT CLAIM TO ANY PARTICULAR
FONT, STYLE, SIZE, OR COLOR.

SN 77-131,893, FILED 3-15-2007.

STEVEN PEREZ, EXAMINING ATTORNEY



Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36, and 38

United States Patent and Trademark Office

Reg. No. 3,603,475

Registered Apr. 7, 2009

TRADEMARK
PRINCIPAL REGISTER

DESKTOP MAESTRO

PC TOOLS TECHNOLOGY PTY LIMITED (AUSTRALIA CORPORATION)
LEVEL 6
620 BOURKE STREET
MELBOURNE, VICTORIA, AUSTRALIA 3000

FOR: COMPUTER SOFTWARE THAT IS DOWNLOADABLE AND RECORDED ON COMPUTER MEDIA AND SCANS, DIAGNOSES AND REPAIRS REGISTRY ERRORS AND OTHER ERRORS IN AN OPERATING SYSTEM OF A PERSONAL COMPUTER; COMPUTER SOFTWARE THAT IS DOWNLOADABLE AND RECORDED ON COMPUTER MEDIA AND FOR USE IN DIAGNOSIS, REPAIR AND CONFIGURATION OF COMPUTERS, COMPUTER SOFTWARE AND COMPUTER PERIPHERALS; PRIVACY PROTECTION SOFTWARE THAT IS DOWNLOADABLE AND RECORDED ON COMPUTER MEDIA; AND USER AND INSTRUCTION

MANUALS SUPPLIED AS A UNIT WITH EACH OF THE FOREGOING, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 9-12-2007; IN COMMERCE 9-12-2007.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "DESKTOP", APART FROM THE MARK AS SHOWN.

SN 77-270,047, FILED 8-31-2007.

TINA KUAN, EXAMINING ATTORNEY



Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36 and 38

United States Patent and Trademark Office

Reg. No. 3,556,546

Registered Jan. 6, 2009

TRADEMARK
PRINCIPAL REGISTER

ControlMaestro

ELUTIONS (FRANCE SOCIETE PAR ACTIONS
SIMPLIFIEE)
BATIMENT B 1
12 ALLÉE IRÈNE JOLIOT CURIE, PARC TECHNO-
LOGIQUE EUROPARC DE ST PRIEST
SAINT-PRIEST, FRANCE 69800

FOR: DOWNLOADABLE COMPUTER PRO-
GRAMS AND SOFTWARE FOR SUPERVISORY
CONTROL AND DATA ACQUISITION (SCADA)
AND HUMAN-MACHINE INTERFACE (HMI) FOR
BUSINESS OR WORKPLACE AUTOMATION, RE-
MOTE WORKPLACE ACCESS, USER AUTHENTI-
CATION, SUPERVISION, SURVEILLANCE,
MANAGEMENT, DATA MANAGEMENT, COMMU-

NICATION AND CONTROL, IN CLASS 9 (U.S. CLS.
21, 23, 26, 36 AND 38).

THE MARK CONSISTS OF STANDARD CHAR-
ACTERS WITHOUT CLAIM TO ANY PARTICULAR
FONT, STYLE, SIZE, OR COLOR.

OWNER OF FRANCE REG. NO. 073530117, DA-
TED 10-10-2007, EXPIRES 10-9-2017.

SBR. NO. 77-450,739, FILED 4-17-2008.

KATHERINE CONNOLLY, EXAMINING ATTOR-
NEY



United States of America
United States Patent and Trademark Office

Maestro

Reg. No. 3,857,970

Registered Oct. 5, 2010

Int. Cl.: 9

TRADEMARK

PRINCIPAL REGISTER

APEX PRINT TECHNOLOGIES LLC (MINNESOTA LIMITED LIABILITY COMPANY)
100 SOUTH OWASSO BLVD. W
LITTLE CANADA, MN 55117

FOR: COMPUTER SOFTWARE TO MONITOR AND CONTROL FACTORY MANUFACTURING PROCESSES, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 2-1-2010; IN COMMERCE 2-1-2010.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SN 77-784,911, FILED 7-20-2009.

MICHAEL WEBSTER, EXAMINING ATTORNEY



David J. Kappas

Director of the United States Patent and Trademark Office



Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36 and 38

United States Patent and Trademark Office

Reg. No. 3,001,202

Registered Sep. 27, 2005

TRADEMARK
PRINCIPAL REGISTER

MAESTRO

EVERTZ MICROSYSTEMS LTD. (CANADA CORPORATION)
5288 JOHN LUCAS DRIVE
BURLINGTON, ONTARIO, CANADA L7L 5Z9

FOR: COMPUTER SOFTWARE FOR USE IN CONFIGURATION AND PRESET DISPLAY LAYOUT CONTROL OF VIDEO DISPLAY AND MONITORING SYSTEMS; COMPUTER SOFTWARE FOR USE IN CONFIGURATION AND PRESET DISPLAY LAYOUT CONTROL OF VIDEO DISPLAY AND MONITORING SYSTEMS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 4-7-2003; IN COMMERCE 4-7-2003.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

PRIORITY CLAIMED UNDER SEC. 44(D) ON CANADA APPLICATION NO. 1204546, FILED 1-28-2004, REG. NO. TMA630,899, DATED 1-24-2005, EXPIRES 1-24-2020.

SER. NO. 78-380,262, FILED 3-8-2004.

JACQUELINE A. LAVINE, EXAMINING ATTORNEY



Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36, and 38

Reg. No. 3,600,390

United States Patent and Trademark Office Registered Mar. 31, 2009

TRADEMARK
PRINCIPAL REGISTER

MAESTRO

CALIPER LIFE SCIENCES, INC. (CALIFORNIA CORPORATION)
2061 CHALLENGER DRIVE
ALAMEDA, CA 94051

FIRST USE 12-18-2006; IN COMMERCE 12-18-2006.

FOR: COMPUTER SOFTWARE FOR OPERATING AND CONTROLLING AUTOMATIC LABORATORY EQUIPMENT USED FOR TRANSFERRING, DISPENSING AND DILUTING LIQUIDS IN DRUG SCREENING APPLICATIONS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SN 78-907,025, FILED 6-13-2006.

KELLY BOULTON, EXAMINING ATTORNEY



United States of America

United States Patent and Trademark Office

PRODUCTION MAESTRO

Reg. No. 3,998,545

Registered July 19, 2011

Int. Cl.: 9

TRADEMARK

PRINCIPAL REGISTER

CLEAR-COM LLC (DELAWARE LIMITED LIABILITY COMPANY)
14110 STOWE DRIVE
POWAY, CA 92064

FOR: ELECTRICAL VOICE INTRACOMMUNICATIONS SYSTEMS FOR USE IN THE PRODUCTION OF LIVE MUSICAL PERFORMANCES, THEATRE, AND OTHER LIVE EVENTS, NAMELY, A CENTRALIZED COMPUTER NETWORK ROUTER WITH A CENTRALIZED ROUTING TOOL THAT CAN PRE-SET AND MANAGE LIVE EXTERNAL LINES OUT OF A MASTER CONTROL ROOM OR SPORTS VENUE CONTROL CENTER TO REMOTE USERS' PANELS AND THEIR KEYS AND A SOFTWARE APPLICATION THAT ALLOWS USERS TO ROUTE 4-WIRE LINES TO PANEL USERS VIA CONFERENCES, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 10-0-2010; IN COMMERCE 10-0-2010.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "PRODUCTION", APART FROM THE MARK AS SHOWN.

SN 77-582,749, FILED 9-30-2008.

SANDRA BUJA, EXAMINING ATTORNEY



David J. Kappas

Director of the United States Patent and Trademark Office



Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36 and 38

United States Patent and Trademark Office

Reg. No. 3,025,912

Registered Dec. 13, 2005

TRADEMARK
PRINCIPAL REGISTER

MAESTRO MAX

HARMONIC VISION, INC. (ILLINOIS CORPORATION)
155 NORTH WACKER DRIVE, SUITE 725
CHICAGO, IL 60606

FOR: COMPUTER SOFTWARE FOR MUSIC INSTRUCTION, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 6-7-1994; IN COMMERCE 6-17-1994.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SER. NO. 76-614,559, FILED 10-4-2004.

MARK T. MULLEN, EXAMINING ATTORNEY



Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36 and 38

United States Patent and Trademark Office

Reg. No. 3,123,396

Registered Aug. 1, 2006

TRADEMARK
PRINCIPAL REGISTER

MUSIC ACE MAESTRO

HARMONIC VISION, INC. (ILLINOIS CORPORATION)
155 NORTH WACKER DRIVE, SUITE 725
CHICAGO, IL 60606

OWNER OF U.S. REG. NO. 1,902,484.

FOR: COMPUTER SOFTWARE FOR MUSIC INSTRUCTION, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "MUSIC", APART FROM THE MARK AS SHOWN.

FIRST USE 4-26-2005; IN COMMERCE 4-26-2005.

SER. NO. 78-684,898, FILED 8-3-2005.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

EVELYN BRADLEY, EXAMINING ATTORNEY



United States of America

United States Patent and Trademark Office

GERMAN MAESTRO

Reg. No. 4,065,175
Registered Dec. 6, 2011
Int. Cl.: 9

TRADEMARK
PRINCIPAL REGISTER

MAESTRO BADENIA AKUSTIK & ELEKTRONIK GMBH (FED REP GERMANY
GESELLSCHAFT MIT BESCHRÄNKTER HAFTUNG (GMBH))
NECKARSTRASSE 20
OBRIGHEIM, FED REP GERMANY 74847

FOR: LOUDSPEAKERS; LOUDSPEAKER SYSTEMS; LOUDSPEAKER CABINETS; HEAD-
PHONES; RECORD PLAYERS; ELECTRIC DISTRIBUTION CONSOLES; SOUND AND AUDIO
MIXERS; STANDS SPECIALLY ADAPTED FOR AUDIO COMPONENTS, NAMELY, STEREOS
AND AUDIO SPEAKERS; ELECTRIC CABLES; ELECTRIC CONDUCTORS; ELECTRIC
SWITCHES; ELECTRICAL DISTRIBUTION BOXES; REMOTE CONTROLS FOR RADIOS,
TELEVISION AND STEREOS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PAR-
TICULAR FONT, STYLE, SIZE, OR COLOR.

PRIORITY DATE OF 1-31-2008 IS CLAIMED.

OWNER OF INTERNATIONAL REGISTRATION 0980286 DATED 7-25-2008, EXPIRES 7-25-
2018.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "GERMAN", APART FROM
THE MARK AS SHOWN.

SER. NO. 79-060,141, FILED 7-25-2008.

WENDY GOODMAN, EXAMINING ATTORNEY



David J. Kyppas

Director of the United States Patent and Trademark Office



Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36 and 38

United States Patent and Trademark Office

Reg. No. 3,312,533

Registered Oct. 16, 2007

TRADEMARK
PRINCIPAL REGISTER



SIMON & SIMON LLC (DELAWARE LTD LIAB
CO)

1099 22ND STREET, NW #602/603
WASHINGTON, DC 200371824

FOR: MUSICAL SOUND RECORDINGS FOR
ADULTS AND CHILDREN, IN CLASS 9 (U.S. CLS.
21, 23, 26, 36 AND 38).

FIRST USE 7-1-2006; IN COMMERCE 10-23-2006.

OWNER OF U.S. REG. NO. 3,177,833.

NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "MUSIC", APART FROM THE
MARK AS SHOWN.

THE MARK CONSISTS OF SYMPHONY CON-
DUCTOR, WEARING A THREE PIECE SUIT AND
BOWTIE, ON A STAGE WITH MUSICIANS IN THE
BACKGROUND.

SER. NO. 78-942,183, FILED 8-1-2006.

JOHN DWYER, EXAMINING ATTORNEY



Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36, and 38

United States Patent and Trademark Office

Reg. No. 3,493,878

Registered Aug. 26, 2008

TRADEMARK
PRINCIPAL REGISTER

MAESTROVILLE

LITTLE MAESTROS, LLC (NEW YORK LTD
LIAB CO)
C/O KONNER, 169 EAST 69TH STREET, #15C
NEW YORK, NY 10021

FOR: PRERECORDED VIDEO TAPES, AUDIO
TAPES, LASER DISCS, VIDEO DISCS, COMPACT
DISCS, CD-ROMS, DVDS, COMPUTER PROGRAMS,
COMPUTER SOFTWARE, COMPUTER GAME
SOFTWARE, VIDEO GAME SOFTWARE, COMPU-
TER AND VIDEO GAME DISCS AND CARTRID-
GES, DOWNLOADABLE COMPUTER AND VIDEO
GAMES, INTERACTIVE COMPUTER AND VIDEO
GAME PROGRAMS, DOWNLOADABLE MUSICAL
SOUND RECORDINGS, ALL FEATURING ENTER-
TAINMENT AND EDUCATIONAL PROGRAM-

MING IN THE NATURE OF MUSIC, MUSIC
INSTRUCTION AND MUSIC APPRECIATION FOR
INFANTS AND CHILDREN, IN CLASS 9 (U.S. CLS.
21, 23, 26, 36 AND 38).

FIRST USE 9-8-2005; IN COMMERCE 10-28-2005.

THE MARK CONSISTS OF STANDARD CHAR-
ACTERS WITHOUT CLAIM TO ANY PARTICULAR
FONT, STYLE, SIZE, OR COLOR.

SN 78-615,087, FILED 4-22-2005.

DANIEL BRODY, EXAMINING ATTORNEY



United States of America
United States Patent and Trademark Office

MAESTRO

Reg. No. 3,860,768

Registered Oct. 12, 2010

Int. Cl.: 9

TRADEMARK

PRINCIPAL REGISTER

TOUCHTUNES MUSIC CORPORATION (NEVADA CORPORATION)
850 THIRD AVENUE
SUITE 11A
NEW YORK, NY 10022

FOR: MUSIC SELECTION SYSTEMS COMPRISING COMPUTER HARDWARE AND SOFTWARE, MUSIC SERVERS, SPEAKERS, DIGITAL JUKEBOXES AND TOUCH SCREENS/BUTTONS FOR DISTRIBUTING, SELECTING AND PLAYING AUDIO AND VIDEO MUSICAL INFORMATION; MUSICAL JUKEBOXES; MUSIC SERVERS; AND JUKEBOX SYSTEMS, NAMELY, ONE OR MORE MUSICAL JUKEBOXES CONNECTED ELECTRONICALLY TO SELECT, DOWNLOAD AND PLAY MUSIC CONTENTS AND PARTS THEREOF, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 10-0-2001; IN COMMERCE 10-0-2001.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SER. NO. 78-875,726, FILED 5-3-2006.

PAUL MORENO, EXAMINING ATTORNEY



David J. Kappas

Director of the United States Patent and Trademark Office



United States of America

United States Patent and Trademark Office

THE LEARNING MAESTROS

Reg. No. 4,035,260
Registered Oct. 4, 2011
Int. Cls.: 9, 16, and 41

POLLYRHYTHM PRODUCTIONS LLC (NEW YORK LIMITED LIABILITY COMPANY)
1 EAST 53RD STREET
NEW YORK, NY 10022

FOR: DIGITAL MATERIALS, NAMELY, CDS, DVDS, DOWNLOADABLE MULTIMEDIA FILES, FEATURING MUSIC, DANCE, DRAMA, ART, LITERATURE, NATURAL AND SOCIAL SCIENCES, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

TRADEMARK

FIRST USE 5-15-2007; IN COMMERCE 5-15-2007.

SERVICE MARK

PRINCIPAL REGISTER

FOR: SHEET MUSIC; PRINTED MUSIC BOOKS; EDUCATIONAL PUBLICATIONS, NAMELY, WORKBOOKS, TEXTBOOKS, ACTIVITY BOOKS, STORY BOOKS, PUZZLE BOOKS, PRINTED PUZZLES, TEACHER GUIDES, MANUALS, EDUCATIONAL BOOKLETS IN THE FIELD OF MUSIC, DANCE, DRAMA, ART, LITERATURE, NATURAL AND SOCIAL SCIENCES, IN CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND 50).

FIRST USE 4-4-2007; IN COMMERCE 4-4-2007.

FOR: ENTERTAINMENT SERVICES, NAMELY, PROVIDING A WEBSITE FEATURING PHOTOGRAPHIC, AUDIO, VIDEO AND PROSE PRESENTATIONS FEATURING MUSIC, DANCE, DRAMA, ART, LITERATURE, NATURAL AND SOCIAL SCIENCES; ENTERTAINMENT IN THE NATURE OF LIVE PERFORMANCES IN MUSIC, DANCE, DRAMA, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 3-1-2007; IN COMMERCE 3-1-2007.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "LEARNING", APART FROM THE MARK AS SHOWN.

SN 77-350,558, FILED 12-12-2007.

TINA L. SNAPP, EXAMINING ATTORNEY



David J. Kappas

Director of the United States Patent and Trademark Office