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Proceeding/Serial No: 91163719

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Title: Notice of Reliance

1 of 2

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PATENT & TRADEMARK OFFICE

OPPOSITION NO. 91163719
Serial No. 76/561,585

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

DIGI INTERNATIONAL INC.	) **MARK: DIGIPOS**
Opposer	)
v.	)
DIGIPOS SYSTEMS INC.	)
Applicant	)

NOTICE OF RELIANCE

Pursuant to 37 C.F.R. § 2.122(e) Applicant hereby makes of record in this opposition proceedings and provides notice of its reliance through the following exhibits attached hereto.

Declaration of Serge Anissimoff submitting Exhibits 3 through 1210.

Exhibit 3. Printout from U.S Patent and Trademark Office TARR database for Registration No. 2974896.

Exhibit 4. Printout from U.S Patent and Trademark Office TARR database for Registration No. 2973929.

Exhibit 5. Printout from U.S Patent and Trademark Office TARR database for Registration No. 2973713.

Exhibit 6. Printout from U.S Patent and Trademark Office TARR database for Registration No. 2973538.

Exhibit 7. Printout from U.S Patent and Trademark Office TARR database for Registration No. 2969876.

Exhibit 8. Printout from U.S Patent and Trademark Office TARR database for Registration No. 2973200.

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Exhibit 9. Printout from U.S Patent and Trademark Office TARR database for Registration No. 2973030.

Exhibit 10. Printout from U.S Patent and Trademark Office TARR database for Registration No. 2972926.

Exhibit 11. Printout from U.S Patent and Trademark Office TARR database for Registration No. 2967191.

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Exhibit 1100. Printout from U.S Patent and Trademark Office TARR database for Registration No. 3022000.

Exhibit 1101. Printout from U.S Patent and Trademark Office TARR database for Registration No. 3021998.

Exhibit 1102. Printout from U.S Patent and Trademark Office TARR database for Registration No. 3040196.

Exhibit 1103. Printout from U.S Patent and Trademark Office TARR database for Registration No. 2975940.

Exhibit 1104. Printout from U.S Patent and Trademark Office TARR database for Registration No. 3071921.

Exhibit 1105. Printout from U.S Patent and Trademark Office TARR database for Registration No. 3021920.

Exhibit 1106. Printout from U.S Patent and Trademark Office TARR database for Registration No. 3012179.

Exhibit 1107. Printout from U.S Patent and Trademark Office TARR database for Registration No. 2996010.

Exhibit 1108. Printout from U.S Patent and Trademark Office TARR database for Registration No. 3048702.

Exhibit 1109. Printout from U.S Patent and Trademark Office TARR database for Registration No. 2985154.

Exhibit 1110. Printout from U.S Patent and Trademark Office TARR database for Registration No. 2995979.

Exhibit 1111. Printout from U.S Patent and Trademark Office TARR database for Registration No. 3000908.

Exhibit 1112. Printout from U.S Patent and Trademark Office TARR database for Registration No. 3071817.

Exhibit 1113. Printout from U.S Patent and Trademark Office TARR database for Registration No. 3026540.

Exhibit 1114. Printout from U.S Patent and Trademark Office TARR database for Registration No. 3018796.

Exhibit 1115. Printout from U.S Patent and Trademark Office TARR database for Registration No. 3053069.

Exhibit 1116. Printout from U.S Patent and Trademark Office TARR database for Registration No. 3061309.

Exhibit 1117. Printout from U.S Patent and Trademark Office TARR database for Registration No. 3075523.

Exhibit 1118. Printout from U.S Patent and Trademark Office TARR database for Registration No. 3007231.

Exhibit 1119. Printout from U.S Patent and Trademark Office TARR database for Registration No. 3010519.

Exhibit 1120. Printout from U.S Patent and Trademark Office TARR database for Registration No. 3000719.

Exhibit 1121. Printout from U.S Patent and Trademark Office TARR database for Registration No. 2975698.

Exhibit 1122. Printout from U.S Patent and Trademark Office TARR database for Registration No. 3056210.

Exhibit 1123. Printout from U.S Patent and Trademark Office TARR database for Registration No. 3044317.

Exhibit 1124. Printout from U.S Patent and Trademark Office TARR database for Registration No. 2978796.

Exhibit 1125. Printout from U.S Patent and Trademark Office TARR database for Registration No. 2978558.

Exhibit 1126. Printout from U.S Patent and Trademark Office TARR database for Registration No. 3009305.

Exhibit 1127. Printout from U.S Patent and Trademark Office TARR database for Registration No. 3060806.

Exhibit 1128. Printout from U.S Patent and Trademark Office TARR database for Registration No. 3007167.

Exhibit 1129. Printout from U.S Patent and Trademark Office TARR database for Registration No. 3068854.

Exhibit 1130. Printout from U.S Patent and Trademark Office TARR database for Registration No. 3195466.

Exhibit 1131. Printout from U.S Patent and Trademark Office TARR database for Registration No. 3022784.

Exhibit 1132. Printout from U.S Patent and Trademark Office TARR database for Registration No. 3184260.

Exhibit 1133. Printout from U.S Patent and Trademark Office TARR database for Registration No. 3104378.

Exhibit 1134. Printout from U.S Patent and Trademark Office TARR database for Registration No. 2996392.

Exhibit 1135. Printout from U.S Patent and Trademark Office TARR database for Registration No. 3185175.

Exhibit 1136. Printout from U.S Patent and Trademark Office TARR database for Registration No. 3175846.

Exhibit 1137. Printout from U.S Patent and Trademark Office TARR database for Registration No. 3011771.

Exhibit 1138. Printout from U.S Patent and Trademark Office TARR database for Registration No. 3172814.

Exhibit 1139. Printout from U.S Patent and Trademark Office TARR database for Registration No. 3170357.

Exhibit 1140. Printout from U.S Patent and Trademark Office TARR database for Registration No. 3164363.

Exhibit 1141. Printout from U.S Patent and Trademark Office TARR database for Registration No. 3165528.

Exhibit 1142. Printout from U.S Patent and Trademark Office TARR database for Registration No. 3163129.

Exhibit 1143. Printout from U.S Patent and Trademark Office TARR database for Registration No. 3152441.

Exhibit 1144. Printout from U.S Patent and Trademark Office TARR database for Registration No. 3151329.

Exhibit 1145. Printout from U.S Patent and Trademark Office TARR database for Registration No. 3137628.

Exhibit 1146. Printout from U.S Patent and Trademark Office TARR database for Registration No. 3134664.

Exhibit 1147. Printout from U.S Patent and Trademark Office TARR database for Registration No. 2988591.

Exhibit 1148. Printout from U.S Patent and Trademark Office TARR database for Registration No. 3131626.

Exhibit 1149. Printout from U.S Patent and Trademark Office TARR database for Registration No. 3131504.

Exhibit 1150. Printout from U.S Patent and Trademark Office TARR database for Registration No. 3033527.

Exhibit 1151. Printout from U.S Patent and Trademark Office TARR database for Registration No. 3039144.

Exhibit 1152. Printout from U.S Patent and Trademark Office TARR database for Registration No. 2975301.

Exhibit 1153. Printout from U.S Patent and Trademark Office TARR database for Registration No. 3115794.

Exhibit 1154. Printout from U.S Patent and Trademark Office TARR database for Registration No. 3117714.

Exhibit 1155. Printout from U.S Patent and Trademark Office TARR database for Registration No. 3117710.

Exhibit 1156. Printout from U.S Patent and Trademark Office TARR database for Registration No. 3108491.

Exhibit 1157. Printout from U.S Patent and Trademark Office TARR database for Registration No. 3018300.

Exhibit 1158. Printout from U.S Patent and Trademark Office TARR database for Registration No. 3096122.

Exhibit 1159. Printout from U.S Patent and Trademark Office TARR database for Registration No. 3095939.

Exhibit 1160. Printout from U.S Patent and Trademark Office TARR database for Registration No. 3093655.

Exhibit 1161. Printout from U.S Patent and Trademark Office TARR database for Registration No. 3090549.

Exhibit 1162. Printout from U.S Patent and Trademark Office TARR database for Registration No. 3089002.

Exhibit 1163. Printout from U.S Patent and Trademark Office TARR database for Registration No. 2989899.

Exhibit 1164. Printout from U.S Patent and Trademark Office TARR database for Registration No. 3085835.

Exhibit 1165. Printout from U.S Patent and Trademark Office TARR database for Registration No. 3085724.

Exhibit 1166. Printout from U.S Patent and Trademark Office TARR database for Registration No. 3080303.

Exhibit 1167. Printout from U.S Patent and Trademark Office TARR database for Registration No. 3080157.

Exhibit 1168. Printout from U.S Patent and Trademark Office TARR database for Registration No. 3080077.

Exhibit 1169. Printout from U.S Patent and Trademark Office TARR database for Registration No. 3073994.

Exhibit 1170. Printout from U.S Patent and Trademark Office TARR database for Registration No. 3074816.

Exhibit 1171. Printout from U.S Patent and Trademark Office TARR database for Registration No. 3072363.

Exhibit 1172. Printout from U.S Patent and Trademark Office TARR database for Registration No. 3067288.

Exhibit 1173. Printout from U.S Patent and Trademark Office TARR database for Registration No. 3067287.

Exhibit 1174. Printout from U.S Patent and Trademark Office TARR database for Registration No. 3066879.

Exhibit 1175. Printout from U.S Patent and Trademark Office TARR database for Registration No. 3064155.

Exhibit 1176. Printout from U.S Patent and Trademark Office TARR database for Registration No. 3060612.

Exhibit 1177. Printout from U.S Patent and Trademark Office TARR database for Registration No. 3058506.

Exhibit 1178. Printout from U.S Patent and Trademark Office TARR database for Registration No. 3059261.

Exhibit 1179. Printout from U.S Patent and Trademark Office TARR database for Registration No. 3059662.

Exhibit 1180. Printout from U.S Patent and Trademark Office TARR database for Registration No. 3058013.

Exhibit 1181. Printout from U.S Patent and Trademark Office TARR database for Registration No. 3052057.

Exhibit 1182. Printout from U.S Patent and Trademark Office TARR database for Registration No. 3051970.

Exhibit 1183. Printout from U.S Patent and Trademark Office TARR database for Registration No. 3047935.

Exhibit 1184. Printout from U.S Patent and Trademark Office TARR database for Registration No. 3047750.

Exhibit 1185. Printout from U.S Patent and Trademark Office TARR database for Registration No. 3047478.

Exhibit 1186. Printout from U.S Patent and Trademark Office TARR database for Registration No. 3043505.

Exhibit 1187. Printout from U.S Patent and Trademark Office TARR database for Registration No. 3038875.

Exhibit 1188. Printout from U.S Patent and Trademark Office TARR database for Registration No. 3025073.

Exhibit 1189. Printout from U.S Patent and Trademark Office TARR database for Registration No. 3024833.

Exhibit 1190. Printout from U.S Patent and Trademark Office TARR database for Registration No. 3016739.

Exhibit 1191. Printout from U.S Patent and Trademark Office TARR database for Registration No. 3016411.

Exhibit 1192. Printout from U.S Patent and Trademark Office TARR database for Registration No. 3014604.

Exhibit 1193. Printout from U.S Patent and Trademark Office TARR database for Registration No. 3014577.

Exhibit 1194. Printout from U.S Patent and Trademark Office TARR database for Registration No. 3013540.

Exhibit 1195. Printout from U.S Patent and Trademark Office TARR database for Registration No. 3013488.

Exhibit 1196. Printout from U.S Patent and Trademark Office TARR database for Registration No. 3008305.

Exhibit 1197. Printout from U.S Patent and Trademark Office TARR database for Registration No. 3007602.

Exhibit 1198. Printout from U.S Patent and Trademark Office TARR database for Registration No. 2990720.

Exhibit 1199. Printout from U.S Patent and Trademark Office TARR database for Registration No. 2990156.

Exhibit 1200. Printout from U.S Patent and Trademark Office TARR database for Registration No. 2986977.

Exhibit 1201. Printout from U.S Patent and Trademark Office TARR database for Registration No. 2992970.

Exhibit 1202. Printout from U.S Patent and Trademark Office TARR database for Registration No. 2993736.

Exhibit 1203. Printout from U.S Patent and Trademark Office TARR database for Registration No. 2987794.

Exhibit 1204. Printout from U.S Patent and Trademark Office TARR database for Registration No. 2790374.

Exhibit 1205. Printout from U.S Patent and Trademark Office TARR database for Registration No. 3006108.

Exhibit 1206. Printout from U.S Patent and Trademark Office TARR database for Registration No. 3088999.

Exhibit 1207. Printout from U.S Patent and Trademark Office TARR database for Registration No. 3149037.

Exhibit 1208. Printout from U.S Patent and Trademark Office TARR database for Registration No. 2998514.

Exhibit 1209. Printout from U.S Patent and Trademark Office TARR database for Registration No. 2965417.

Exhibit 1210. Printout from U.S Patent and Trademark Office TARR/TESS database dated January 16, 2007 listing, *inter alia*, the Exhibits 994 through 1208 attached hereto.

Respectfully submitted,

Date: January 17, 2007

Serge Anissimoff
Anissimoff & Associates
235 North Centre Road
London, Ontario, N5X 4E7
CANADA
(519) 673-5591 - Telephone
(519) 673-6784 - Facsimile

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above titled **Notice of Reliance and attached Exhibits 3 to 1210,** were served upon the Opposer by Prepaid Federal Express overnight courier on Wednesday, January 17th, 2007, directed to:

Ms. Marsha Stolt
MOSS & BARNETT,
90 SO. Seventh St. 4800
Wells Fargo Ctr.
Minneapolis, Minnesota,
55402-4129, U.S.A.

Date: January 17, 2007

SERGE ANISSIMOFF
ANISSIMOFF & ASSOCIATES

Anissimoff & Associates

Barristers and Solicitors

Patent and Trade Mark Agents

January 17, 2007 ***DELIVERED BY HAND***

United States Patent and Trademark Office
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, Virginia
U.S.A. 22313 - 1451

Dear Sir or Madam:

Re: Applicant: Digipos Systems Inc.
Opposer: Digi International Inc.
Opposition No.: 91163719
Serial No.: 76/561,585
Our File: 942327

Enclosed for filing please find:

1. Applicant's Notice of Reliance and attached Exhibit Nos. 1 through 2, with Certificate of Service upon Opposer's Attorney;

2. Applicant's Notice of Reliance with attached Exhibits Nos. 3 through 1210, with Certificate of Service upon Opposer's Attorney;

3. Declaration Under § 2.20 relating to Exhibit Nos. 3 through 1210.

4. Applicant's Notice of Reliance with attached Exhibits Nos. 1211 through 1214, with Certificate of Service upon Opposer's Attorney;

Exhibit Nos. 3 to 1125 are contained in Box #1. All other documents are contained in Box #2.

Yours very truly,
ANISSIMOFF & ASSOCIATES

Per: Serge Anissimoff
SA/sg
Encl. (as noted)

Richmond North Office Centre, Suite 201, 235 North Centre Road, London, Ontario N5X 4E7 Phone (519) 673-5591 Fax (519) 673-6784

OPPOSITION NO. 91163719
Serial No. 76/561,585

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

DIGI INTERNATIONAL INC.	) **MARK: DIGIPOS**
	)
Opposer	)
	)
v.	)
	)
DIGIPOS SYSTEMS INC.	)
Applicant	)

DECLARATION UNDER§ 2.20

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. § 1001, declares that the attached Exhibits Nos. 3 to 1210 were obtained from the U.S. Patent and Trademark Office TARR database on January 16 and 17, 2007, the date shown on the bottom of each printed page submitted herewith.

Respectfully submitted,

Date: January 17, 2007

Serge Anissimoff
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OPPOSITION NO. 91163719
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BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

DIGI INTERNATIONAL INC.	) **MARK: DIGIPOS**
Opposer	)
v.	)
DIGIPOS SYSTEMS INC.	)
Applicant	)

NOTICE OF RELIANCE

Pursuant to 37 C.F.R. § 2.122(e) Applicant hereby makes of record in this opposition proceedings and provides notice of its reliance through the following exhibits attached hereto.

Exhibit 1211: Printout of Publication from The Intellectual Property Office of Taiwan, Opposition Proceedings, Decision No. G00940029 and English Translation.

Exhibit 1212: Printout of NASDAQ website page

Exhibit 1213: Photocopy of the Certificate of Registration from the Canadian Intellectual Property Office for Trade-mark Registration No. TMA654,042 for the mark, DIGIPOS.

Exhibit 1214: Printout of Definition of DIGI taken from the website page of Acronym Finder

Respectfully submitted,

Date: January 17, 2007

Serge Anissimoff
Anissimoff & Associates
235 North Centre Road
London, Ontario, N5X 4E7, CANADA
(519) 673-5591 - Telephone
(519) 673-6784 - Facsimile

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above titled **Notice of Reliance and attached Exhibits 1211, 1212, 1213 and 1214,** were served upon the Opposer by prepaid Federal Express overnight courier on Wednesday, January 17th, 2007, directed to:

Ms. Marsha Stolt
MOSS & BARNETT,
90 SO. Seventh St. 4800
Wells Fargo Ctr.
Minneapolis, Minnesota,
55402-4129, U.S.A.

Date: January 17, 2007

SERGE ANISSIMOFF
ANISSIMOFF & ASSOCIATES

OPPOSITION NO. 91163719
Serial No. 76/561,585

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

DIGI INTERNATIONAL INC.	) MARK: DIGIPOS
Opposer	)
v.	)
DIGIPOS SYSTEMS INC.	)
Applicant	)

EXHIBIT 1211

TO APPLICANT'S NOTICE OF RELIANCE

正本

檔　　號	
保存年限	

經濟部智慧財產局商標異議審定書

機關地址：106臺北市大安區辛亥路2段185號3樓
聯 絡 人：張寶惠
聯絡電話：02-23767606
傳　　真：02-27359095
台異字第G00940020號

105　　雙掛號

臺北市松山區敦化北路201號7樓

受 文 者：晉捷國際有限公司（代理人：陳長文　丁靜玟　先生）

發文日期：中華民國95年1月20日

發文文號：（95）智商0302字第09580022930號

速　　別：

密等及解密條件或保密期限：

附　　件：

被 異議商 標：註冊第01121401號「DigiPoS 及圖」商標

指定使用類別：修正前商標法施行細則第49條第009類

異　議　人：美商・迪吉國際公司

地　　址：美國

代　表　人：

商 標代理 人：林志剛　先生

地　　址：臺北市中山區南京東路2段125號7樓

被 異 議　人：晉捷國際有限公司

（即商標權人）

地　　址：臺北市中山區南京東路2段72號10樓

代　表　人：吳思孚　先生

商 標代理 人：陳長文律師、丁靜玟女士

地　　址：台北市敦化北路201號7樓

理律法律事務所 (十) JAN 23 2006 LEE AND LI ATTORNEYS-AT-

0938126983008　異003

審 查 人 員：張瓊惠

主文：異議人主張系爭註冊第1121401號「DigiPos及圖」商標有違商標法第23條第1項第2、3及13款規定部分，異議不成立；商標法第23條第1項第12及14款規定部分，異議駁回。

事實：被異議人以「DigiPoS 及圖」指定使用於第009類之收銀機、發票機、投幣機、郵資機、數銀機、貨幣兌換機、硬幣計算選別機、自動付款機、自動櫃員機、計算機、掃描器、價格顯示面板、液晶螢幕、鍵盤、磁卡讀卡機、收銀的專用錢櫃商品申請註冊，經本局核准列為註冊第01121401號商標。異議人於93年12月31日以本件商標之註冊有違商標法第23條第1項第2、3、12、13及14款規定提出異議，經本局依法通知被異議人答辯到局。

理由：

一、商標法第40條第1、2項規定：「商標之註冊違反第23條第1項或第59條第4項規定之情形者，任何人得自商標註冊公告之日起3個月內，向商標專責機關提出異議。前項異議，得就註冊商標指定使用之部分商品或服務為之」，合先敘明。

二、商標法第23條第1項第2、3款規定：商標「表示商品或服務之形狀、品質、功用或其他說明者」，及商標「所指定商品或服務之通用標章或名稱者」，不得註冊。本件異議人固主張「POS」，為「Point of Sales」之縮寫，中文稱作零售點銷售系統。「POS」系統泛指將早期的單純收銀機，提升為兼具有收銀、銷貨、進貨、記帳等管理功能的一套電腦化交易之整合系統。然而，此種整合系統則必須具備有前台交易及時回報系統、進銷存貨等要求之基本功能、及輔以套裝會計系統之軟體，再加上如收銀機、閱讀標籤和條碼之掃描器、價格顯示面板、電子現金紀錄簿、發票機、乃至先進的液晶式觸控顯示螢幕、讀卡器…等輔助性之硬體，才可算是完成一套標準的POS系統。由於POS系統乃是一種客製化程度很高的軟硬體整合系統，可依不同行業別的需求開發，促使「POS」系統之使用率快速成長，短短數年間成為各大企業、餐廳、商店零售業者們爭相導入架設其管理倉儲之業務(諸如進貨、銷貨及存貨、財務及成本統計、營運評估…等)不可或缺之重要電腦軟硬體系統配備，且長期以來已普遍被各大知名電腦硬體設備供應商(如HP、IPM、TOSHIBA等)及其他同業

用以作為其產製之電腦化交易整合系統軟硬體產品之代名詞，故「POS」已成代表電腦化交易系統之通用名稱，基於競爭的政策，任何人應不得專用，致有悖公平交易之原則或有壟斷市場交易之嫌。又商標之眾多功能中，最重要之一個功能既是辨認功能，今被異議人竟以「POS」外文作為其商標圖樣之一部份並指定使用於「收銀機、發票機、掃描器、價格顯示面板」等商品，自有違反商標法第23條第1項第2款及第3款之規定，依法應不得註冊。惟查本件系爭註冊第1121401號「DigiPos及圖」商標之外文「DigiPos」非外文字典上固有之單字，為一自創之單字，無法單獨割裂成外文「Digi」與「Pos」分別觀察，其本身字義自與前述之外文「POS」有所不同，從而，異議人主張系爭商標之註冊有違商標法第23條第1項第2款及第3款規定之情事，並不足採。

三、商標法第23條第1項第13款規定：商標「相同或近似於他人同一或類似商品或服務之註冊商標或申請在先之商標，有致相關消費者混淆誤認之虞者。但經該註冊商標或申請在先之商標所有人同意申請者，除二者之商標及指定使用之商品或服務均相同外，不在此限」。所謂有致消費者混淆誤認之虞，係指商標給予消費者的印象，可能致使消費者混淆而誤認商品\服務之來源，包括誤認來自不同來源的商品\服務以為來自同一來源，或者誤認二商標之使用人間存在關係企業、授權關係、加盟關係或其他類似關係。而判斷是否有混淆誤認之虞，本局公告之「混淆誤認之虞」審查基準，列有各項相關參考因素。其中商標近似及商品類似二項要素，依前揭法條規定為必須具備之要件。其他參酌要素則視個案中是否存在而為斟酌。

四、有關商標法第23條第1項第13款規定部份，異議人主張略以，異議人美商・迪吉國際公司(DIGI INTERNATIONAL INC.)設立於1985年，係世界權威之商業網路供應商，如有線、無線軟硬轉接設備，多埠配接卡，末端伺服器，多數據機轉接器等。長期以來，慣以利用公司名稱之特取部分「DIGI」結合其他外文作為一系列產品之商標圖樣，廣泛使用於各種商業網路運用裝置，特別是各種POS系統所需之電腦週邊軟硬體產品上。目前，異議人透過遍佈全球的產品代理商、分銷商、系統整合商及原設備生產商（OEM），早已讓其產品行銷於世界各地。是異議人之「DIGI」為首之

商標商品已為全球電腦業界及消費者所普遍認知。而被異議人之系爭註冊第1121401號「DigiPoS及圖」商標，與異議人早已註冊第1026629號「DIGI CONNECTWARE & Design」商標、註冊第945669號「DIGI INTERNATIONAL」商標及註冊第915827號「DIGIBOARD」商標，皆有相同之字首「DIGI」，僅商標字尾變化之不同而已，且被異議人商標圖樣之「POS」外文，既為一普遍專用於電腦化交易系統之通用名稱，該字應已呈弱勢型態，因此在判斷系爭商標與異議人據以異議商標是否近似時，主要部分則應著重於「POS」以外之部分。由於據以異議商標主張近似之主要部分在於「DIGI」，而系爭商標具有「DIGI」，又「DIGI」為首之商標已成為代表異議人信譽之標誌，因此，系爭商標之設計自極易使消費者產生錯覺，且復指定使用於類似之電腦週邊商品上，異時異地通體隔離觀察或連貫唱呼之際，足以使消費者誤認被異議人所銷售之產品為異議人所產銷之一系列「DIGI」電腦週邊設備產品之一而產生混淆誤認之虞，是以系爭商標自違反第23條第1項第13款之規定。惟查本件系爭註冊第1121401號「DigiPos及圖」商標，與據爭註冊第945669號「DIGI INTERNATIONAL」、第1026629號「DIGI CONNECTWARE & DESIGN」及第915827號「DIGIBOARD」商標相較，雖皆有外文「DIGI」，然以外文「DIGI」作為商標圖樣之一部份，指定使用於多類商品，並經本局獲准註冊者所在多有，為大多業者用以隱喻其商品係數位化商品之外文，其商標之識別性較為薄弱，是系爭商標既結合不同之外文字母，形成另一自創之單字，並搭配完全不同之幾何設計圖，其外觀整體設計、表達之觀念、意涵與讀音方面，已與據爭商標之整體設計及外文「DIGI INTERNATIONAL」、「DIGI CONNECTWARE」和「DIGIBOARD」截然不同，故以具有普通知識經驗之相關消費者，於購買時施以普通之注意，應無使人產生混淆誤認之虞，應非屬構成近似之商標，與前揭法條之適用，須二造商標構成近似的前提要件不符，自無商標法第23條第1項第13款規定之適用。至於異議人主張被異議人商標圖樣之「POS」外文，既為一普遍專用於電腦化交易系統之通用名稱，該字應已呈弱勢型態，因此在判斷系爭商標與異議人據以異議商標是否近似時，主要部分則應著重於「POS」以外之部分。然如前述，外文「DigiPos」非外文字典

上固有之單字，為一自創之單字，無法單獨割裂成外文「Digi」與「Pos」分別觀察，其本身字義自與前述之外文「POS」有所不同，從而，異議人此部份之主張亦不足採。

五、另異議人原異議申請書固書明主張法條為商標法第23條第1項第2、3、12、13、14款，惟未附理由，嗣於補充異議理由書時補正有關第2、3、13款之事實理由，12、14款部分則未補正到局，依商標法第41條第1、2項：「提出異議者，應以異議書載明事實及理由並附副本。異議書如有提出附屬文件者，副本中應提出；商標專責機關認為異議不合程式而可補正者，應通知限期補正」及第9條第1項規定：「凡申請人為有關商標之申請及其他程序，遲誤法定期間、不合法定程式不能補正或不合法定程式經通知限期補正屆期未補正者，應予駁回。」之規定，該等條款之主張既未附詳細事實及理由，該部分之主張即應予以駁回。爰依商標法第16條規定處分如主文。

正本：美商．迪吉國際公司（代理人：林志剛　先生）、晉捷國際有限公司（代理人：陳長文　丁靜玟　先生）

副本：

局長 蔡練生

依照分層負責規定
授權單位主管決行

如有不服，得於收受本件商標異議審定書之次日起30日內備具訴願書正、副本（均含附件），並檢附原商標異議審定書影本1份經由本局向經濟部提起訴願。

(Translation)

THE INTELLECTUAL PROPERTY OFFICE

Opposition Proceedings

Respondent (Trademark Owner):	)
DIGIPOS Systems Corporation	)
(ROC Company)	)
Agents:	)
C. V. Chen, Attorney-at-Law	) Decision No.
Cathy C. W. Ting	) G00940029
Opposer:	)
Digi International Inc.	)
(US Company)	)

In the opposition proceedings instituted by the above-named Opposer against the Respondent's TM "DigiPoS and Logo" Reg. No. 1121401, the Intellectual Property Office ("IPO") hereby renders the following decision after examination according to the law:

TEXT OF DECISION

The claim relating to violation of Articles 23-1(2), (3), and (13) of the Trademark Act by the trademark at issue is not sustained; the claim relating to violation of Articles 23-1(12) and (14) of the Trademark Act is dismissed.

FACTS

The Respondent previously filed an application for registration of its TM "DigiPoS and Logo" in connection with cash registers, receipt printers, coin-operated apparatus, postage stamp meters, banknote and coin counters, banknote and coin change machines, etc. listed in Class 9. The trademark was registered under No. 1121401 by the IPO. On 31 December 2004, the Opposer filed an opposition against the registration of the trademark for violation of Articles 23-1(2), (3), (12), (13) and (14) of the Trademark Act. The Respondent was apprised of the action by law and filed a defense with the IPO within the given time limit.

REASONS

I. Articles 40-1 and -2 of the Trademark Act provide, respectively, "In case the registration of a trademark violates Articles 23-1 or 59-4, anyone may file opposition proceedings with the dedicated Government Office in charge of trademark matters within three months from the date of publication of the trademark registration. The opposition proceedings set forth in the preceding Paragraph may be made in respect of part of the goods or services for which the registered trademark is designated."

II. Articles 23-1(2) and (3) of the Trademark Act provide, "A trademark may not be registered if it signifies the shape, quality, function, or other descriptions of the designated goods or services. A trademark may not be registered if it is a sign or term commonly used in relation to the designated goods or services." In this case, the Opposer claimed, "The term 'POS' is the abbreviated form of 'Point of Sales' and is called '零售點銷售系統' in Chinese. The POS system, which is an upgrade of cash registers, generally refers to an integrated system for computeralized transactions and has the function of cash registering, commodity sale, commodity replenishing, and account keeping. However, this kind of integrated system must have the basic functions required by real-time report system for counter transactions and stock replenishing and sale and must also be equipped with software for packaged accounting system and software for cash registers, label and bar code reading scanners, price display panels, electronic cash registers, receipt printers, and even advanced LCD touch monitors and card readers. Only the integration of all the above functions is called a standard POS. The POS system is a customarized software and hardware integrated system and can be developed upon the different needs of different industries, which makes its fast growth. Just in few years, the system has become an indispensable computer software and hardware system and equipment for all major enterprises, restaurants, and retailers, which use such system to manage warehouse affairs (such as commodity purchase, commodity sale, inventory, financial affairs and cost statistics, operation evaluation, etc.). Moreover, it has become a synonym to describe computerized transaction integrated system software and hardware products by all major computer hardware suppliers (such as HP, IPM, and TOSHIBA) and other competitors. Therefore, 'POS' has become a generic name for the computerized transaction system. In view of competitive policies, no one should be allowed to exclusively use the term. Any exclusive use would contradict the fair transaction principle or be suspected of monopolizing transactions in the market. Since one of the most important functions of a trademark is identification, the Respondent's use of the foreign wording 'POS' as

part of the trademark at issue for 'cash registers, receipt printers, scanners, and price display panels' certainly violates Articles 23-1(2) and (3) of the Trademark Act. The trademark at issue is not registrable by law." It is, however, noted by the IPO that the foreign word "DigiPos' of the trademark at issue Reg. No. 1121401 is an independently created word, and cannot be divided into "Digi' and "Pos" for separate observation. The meanings thereof certainly differ from those of the foreign wording "POS." As such, the Opposer's claim that the registration of the trademark at issue violates Articles 23-1(2) and (3) of the Trademark Act is inadmissible.

III. It is clearly prescribed in Article 23-1(13) of the Trademark Act that "a trademark may not be registrable if it is identical or similar to another person's registered trademark or earlier filed trademark that is designated for use on the same or similar goods or services, thus likely to cause confusion to relevant consumers; provided, however, that this provision shall not apply if the application is filed with a consent from the owner of the registered trademark or the earlier filed trademark except that the two parties' trademarks are identical and the goods or services designated therefor are identical." The expression, "likely to cause confusion to consumers," means that the impression of a trademark conveyed to consumers may cause them to be confused about and misidentify the source of the goods/services, that is, they may misidentify goods/services of different sources as coming from the same source, or misidentify the users of two trademarks as having an affiliated, license, franchise, or other similar relationship. In judgment of whether there is likelihood of confusion, the "Examination Guidelines on Likelihood of Confusion" (hereinafter the "Guidelines") published by the IPO illustrate all relevant factors for consideration. Among which, trademarks being similar and goods being similar are two requirements for the application of the above articles. Other factors will be taken into account on a case-by-case basis.

IV. With respect to the claim relating to Article 23-1(13) of the Trademark Act, the Opposer claimed, "The Opposer was incorporated in 1985, and is an important business network provider in the world, such as cable and wireless software and hardware adapter equipment, multi-port adapters, terminal servers, multi-digital adapters, etc. It has long used a specific part of its company name, 'DIGI,' in combination with other foreign wording as trademark series applied on a series of products, which is extensively applied on various business network application devices, in particular, computer peripheral software and hardware products required for all POS systems. Currently, the Opposer's products are marketed worldwide through its global product agents, distributors, system integration

merchants, and OEMs. Therefore, the Opposer's goods using the 'DIGI' trademark series have been commonly known to global computer industry and consumers. Also, the Respondent's trademark at issue Reg. No. 1121401 and the Opposer's TM 'DIGI CONNECTWARE & Design' Reg. No. 1026629, TM 'DIGI INTERNATIONAL' Reg. No. 945669, and TM 'DIGIBOARD' Reg. No. 915827 all incorporate the prefix 'DIGI,' and only differ in suffix. As the Respondent's 'POS' is a generic name exclusively applied on computerized transaction systems, it should become a weak part. In judging whether the trademark at issue and the Opposer's cited trademarks are similar, emphasis should be laid on 'POS. Moreover, the main part of the cited trademarks is 'DIGI,' the trademark at issue also incorporates 'DIGI,' and the trademark series incorporating 'DIGI' have become a sign identifying the Opposer's reputation. The design of the trademark at issue likely causes consumers to have a misconception. Moreover, the trademark at issue is used on similar goods such as computer peripheral products. When observed entirely and separately or called out repeatedly at different times and places, the two parties' trademarks sufficiently cause consumers to misidentify the goods sold by the Respondent as one of the 'DIGI' computer peripheral equipment series produced or manufactured by the Opposer, so as to create confusion. Therefore, the trademark at issue violates Article 23-1(13) of the Trademark Act." The IPO, however, notes that in comparing the trademark at issue Reg. No. 1121401 with the Opposer's TM "DIGI INTERNATIONAL" Reg. No. 945669, TM "DIGI CONNECTWARE & Design" Reg. No. 1026629, and TM "DIGIBOARD" Reg. No. 915827, they incorporate the foreign wording "DIGI." Nevertheless, as a number of other companies have registered their trademarks containing "DIGI" as a part thereof for goods of different classes, such term is commonly adopted by a majority of enterprises to suggest that the goods are digitalized, and is weak in distinctiveness. Furthermore, the trademark at issue consists of an independently created word that is formed by combining different foreign letters and of a different geometric pattern. Hence, the overall design, conveyed concept, meanings, and pronunciation obviously differ from those of the foreign words "DIGI INTERNATIONAL," "DIGI CONNECTWARE," and "DIGIBOARD." According to relevant consumers with common knowledge and experience, who exercise a normal level of attention when shopping, they will not be confused about the trademarks. Hence, they should not be deemed similar trademarks. The situation does not comply with the pre-condition for application of the above articles that the two parties' trademarks must be similar. As such, Article 23-1(13) of the Trademark Act should not apply. The Opposer claimed, "The term 'POS' has become a generic name for the computerized transaction system and should be deemed a weak part. In judging whether the trademark at issue and the Opposer's cited trademarks are similar, emphasis should be laid on the remaining portions other than the foreign

word POS." As stated before, the foreign word "DigiPos" is not a word found in any foreign dictionary, but instead, is an independently created word. Such word cannot be severed into "Digi" and "Pos" for separate observation. The meanings thereof must differ from those of the foreign word "POS." Given this, the Opposer's claim relating hereto is also inadmissible.

V. The Opposer claimed in the original opposition application that the applicable articles should be Articles 23-1(2), (3), (12), (13), and (14) of the Trademark Act, but no reasons therefor was provided. Thereafter, the supplementary reasons state facts and reasons relating to Articles 23-1(2), (3), and (13), but the parts relating to Articles 23-1(12) and (14) were missing. Articles 41-1 and –2 of the Trademark Act provide, respectively, "Any person who institutes opposition proceedings shall submit an opposition application stating the facts and grounds, and a duplicate copy thereof. Documents attached to the original copy of the opposition application shall also be enclosed with the said duplicate copy. The dedicated Government Office in charge of trademark matters shall notify to make a correction within a prescribed time limit, if it considers that the opposition proceedings do not comply with procedures and the deficiency is correctable." According to Article 9-1 of the Trademark Act, where a trademark application or other trademark proceedings made by an applicant is beyond the statutory period or cannot be corrected because of violating legal procedures or fails to be corrected within the prescribed time limit after a notice of deficiency in legal procedures has been given, it shall be rejected. As no detailed fact and ground relating to those articles were provided, the claim relating thereto should be dismissed. The decision is hereby issued in accordance with Article 16 of the Trademark Act.

L. S. Tsai
Director General

The 20th Day of January, 2006

In case of any dissatisfaction, an administrative appeal may be instituted with the submission of an application form for such action and a copy thereof (both enclosed with attachments) to the Ministry of Economic Affairs (MOEA) through the IPO within 30 days from the day following the receipt of this decision; a photocopy of this decision is also required.

OPPOSITION NO. 91163719
Serial No. 76/561,585

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

DIGI INTERNATIONAL INC.	) MARK: DIGIPOS
Opposer	)
v.	)
DIGIPOS SYSTEMS INC.	)
Applicant	)

EXHIBIT 1212

TO APPLICANT'S NOTICE OF RELIANCE

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Digi International Inc. NASDAQ-GS

Competitor : Computer Communications Equipment The following table is sorted by Market Capitaliz order. Click on the column header links to resort ascending (▲) or descending (▼).

Company Name Symbol : Market	Last Sale	Net Change	% Change	Share Volume	Today's High/Low	52 Week High/Low
Digi International Inc. DGII : NASDAQ-GS	$ 13.1937	0.0037▲	0.03%	49,713	$ 13.46 $ 13.08	$ 14 $ 1C
B.O.S. Better Online Solutions BOSC : NASDAQ-GM	$ 2.50	unch	unch	32,733	$ 2.51 $ 2.50	$ 3 $ 2

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Digi International Inc. NASDAQ-GS

Competitor : Computer Communications Equipment The following table is sorted by Market Capitaliz order. Click on the column header links to resort ascending (▲) or descending (▼).

Company Name Symbol : Market	Last Sale	Net Change	% Change	Share Volume	Today's High/Low	52 Week High/Low
Digi International Inc. DGII : NASDAQ-GS	$ 13.1937	0.0037▲	0.03%	49,713	$ 13.46 $ 13.08	$ 14.50 $ 10.11
Cisco Systems, Inc. CSCO : NASDAQ-GS	$ 27.07	0.97▼	3.46%	82,825,130	$ 28 $ 26.91	$ 28.99 $ 17.10
Juniper Networks, Inc. JNPR : NASDAQ-GS	$ 20.10	0.67▼	3.23%	5,816,291	$ 20.88 $ 20.09	$ 22.63 $ 12.09
F5 Networks, Inc. FFIV : NASDAQ-GS	$ 79.39	0.33▲	0.42%	423,749	$ 80.08 $ 78.49	$ 80.85 $ 40.55
Brocade Communications Systems, Inc. BRCD : NASDAQ-GS	$ 8.5908	0.1992▼	2.27%	6,897,405	$ 8.78 $ 8.58	$ 9.42 $ 4.28
Foundry Networks, Inc. FDRY : NASDAQ-GS	$ 14.71	0.06▼	0.41%	1,733,244	$ 15.10 $ 14.71	$ 18.32 $ 8.98
Riverbed Technology, Inc. RVBD : NASDAQ-GM	$ 32.6101	0.3001▲	0.93%	622,864	$ 33.55 $ 31.84	$ 35.17 $ 13.60
3Com Corporation COMS : NASDAQ-GS	$ 4.10	0.04▼	0.97%	2,281,547	$ 4.14 $ 4.10	$ 5.70 $ 3.95
Emulex Corporation ELX : NYSE	$ 18.87	0.04▲	0.21%	611,400	$ 19.14 $ 18.64	$ 21.83 $ 14.07
Electronics for Imaging, Inc. EFII : NASDAQ-GS	$ 25.30	0.14▼	0.55%	175,234	$ 25.59 $ 25.26	$ 29.85 $ 19.11
Acme Packet, Inc. APKT : NASDAQ-GM	$ 19.21	0.43▼	2.19%	185,330	$ 19.69 $ 19.04	$ 21.97 $ 13
Black Box Corporation BBOX : NASDAQ-GS	$ 40.24	0.02▼	0.05%	22,641	$ 40.67 $ 40.02	$ 55.37 $ 35.69
Extreme Networks, Inc. EXTR : NASDAQ-GM	$ 4.15	0.04▲	0.97%	871,948	$ 4.18 $ 4.07	$ 5.29 $ 3.34
Adaptec, Inc. ADPT : NASDAQ-GM	$ 4.01	0.04▼	0.99%	927,997	$ 4.11 $ 4	$ 6.70 $ 3.80

Echelon Corporation ELON : NASDAQ-GM	$ 7.92	0.10▼	1.25%	37,211	$ 7.97 $ 7.89	$ 9.50 $ 6.92
Allot Communications Ltd. ALLT : NASDAQ-GM	$ 10.675	0.155▼	1.43%	54,452	$ 10.98 $ 10.65	$ 15.53 $ 10
Network Equipment Technologies, Inc. NWK : NYSE	$ 7.95	0.06▼	0.75%	96,800	$ 8.08 $ 7.95	$ 8.01 $ 2.65
Occam Networks, Inc. OCNW : NASDAQ-GM	$ 17	0.40▲	2.41%	58,940	$ 17.45 $ 16.34	$ 23.80 $ 1.50
Avici Systems Inc. AVCI : NASDAQ-GM	$ 7.36	0.06▼	0.81%	69,250	$ 7.48 $ 7.33	$ 10.16 $ 3.40
Interphase Corporation INPH : NASDAQ-GM	$ 10.22	0.10▼	0.97%	11,476	$ 10.27 $ 10.12	$ 15.75 $ 4
Ciprico Inc. CPCI : NASDAQ-GM	$ 6.54	0.40▲	6.51%	2,575	$ 6.69 $ 6.15	$ 6.84 $ 3.68

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OPPOSITION NO. 91163719
Serial No. 76/561,585

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

DIGI INTERNATIONAL INC.	) MARK: DIGIPOS
Opposer	)
v.	)
DIGIPOS SYSTEMS INC.	)
Applicant	)

EXHIBIT 1213

TO APPLICANT'S NOTICE OF RELIANCE

Office de la propriété intellectuelle du Canada

Un organisme d'Industrie Canada

Canadian Intellectual Property Office

An Agency of Industry Canada

Marques de commerce

Certificat d'enregistrement

La présente atteste que la marque de commerce identifiée dans l'extrait ci-joint, tiré du registre des marques de commerce, a été enregistrée et que ledit extrait est une copie conforme de l'inscription de son enregistrement.

Conformément aux dispositions de la *Loi sur les marques de commerce*, cette marque de commerce est renouvelable tous les quinze ans à compter de la date d'enregistrement.

Trade-marks

Certificate of Registration

This is to certify that the trade-mark, identified in the attached extract from the register of trade-marks, has been registered and that the said extract is a true copy of the record of its registration.

In accordance with the provisions of the Trade-marks Act, this trade-mark is subject to renewal every 15 years from the registration date.

DIGIPOS

Numéro d'enregistrement / Registration Number: **TMA654,042**

Numéro de dossier / File Number: **1115873**

Date d'enregistrement / Registration Date: **30 nov/Nov 2005**

Registraire des marques de commerce
Registrar of Trade-marks
(CIPO 196)12-04

Canada

OPIC CIPO

APPL'N/DEM. NO 1 115 873 **REGISTRATION/ENREGISTREMENT NO TMA654,042**

FILING DATE/DATE DE PRODUCTION: 18 sept/Sep 2001
REGISTRATION DATE/DATE D'ENREGISTREMENT: 30 nov/Nov 2005

REGISTRANT/PROPRIÉTAIRE ORIGINAL:
DIGIPOS SYSTEMS INC.
1320 Heine Court
Burlington
ONTARIO L7L 6L9

REP FOR SERVICE/REP POUR SIGNIFICATION:
SERGE ANISSIMOFF
(ANISSIMOFF & ASSOCIATES)
RICHMOND NORTH OFFICE CENTRE
235 NORTH CENTRE ROAD
SUITE 201
LONDON
ONTARIO N5X 4E7

TRADE-MARK/MARQUE DE COMMERCE:

DIGIPOS

WARES/MARCHANDISES:

Computer hardware, peripheral equipment and software for use in controlling point-of-sale transactions, and managing point-of-sale information and all retail store management procedures.

CLAIMS/REVENDICATIONS:

Declaration of Use filed November 04, 2005 on wares.

OPPOSITION NO. 91163719
Serial No. 76/561,585

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

DIGI INTERNATIONAL INC.	) MARK: DIGIPOS
Opposer	)
v.	)
DIGIPOS SYSTEMS INC.	)
Applicant	)

EXHIBIT 1214

TO APPLICANT'S NOTICE OF RELIANCE

A4

Acronyms & Abbreviations for Organizations Turn on Side Search Friday, September 02, 2005

Sponsors: Marketing Plans | Search for **digi** in Online Dictionary Encyclopedia Diamonds | Online Dictionary and Encyclopedia | DVD-R

AF Acronym Finder
home/new search

Option
exact acronym

Search for (Examples: RFID, NASA, PSP, CRM, ERP)
digi Find

Online Dictionary
Look up dictionary terms instantly! Free reference dictionary toolbar.
www.StarWare.com

Ads by Goog!

What does **digi** stand for?
Your search returned 1 meaning

Search again sorting by... Most Common | Information Technology | Military & Government | Science & Medicine | Organizations, Schools, etc. | Business & Finance | Slang & Chat | Alternative Searches

Acronym (s)	Definition(s)	Info
DIGI	Digital	

New! If you don't find it here, look in the Acronym Attic or Military Words

top | new search | submit new definition

<< Previous **Acronym Database Surfer** **Next >>**

DIG R-O	DIGE	DIGIBETA	DIGIR
DIGA	DIGEMID	DIGIC	DIGIRAD
DIGACC	DIGEST	DIGICOM	DIGIRALT
DIGATEC	DIGEX	DIGID	DIGISAT
DIGCC	DIGGER	DIGIMON	DIGISMAC

A B C D E F G H I J K L M N O P Q R S T U V W X Y Z

Google™ Search

New! Free Search Tools, including a Toolbar, Sidebar, and more!

Didn't find it here? Try our word, technology, and web alternative searches for **digi**

OPPOSITION NO. 91163719
Serial No. 76/561,585

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

DIGI INTERNATIONAL INC.	) **MARK: DIGIPOS**
	)
Opposer	)
	)
v.	)
	)
DIGIPOS SYSTEMS INC.	)
Applicant	)

NOTICE OF RELIANCE

Pursuant to 37 C.F.R. § 2.120(j)(3)(i) Applicant hereby makes of record in this opposition proceedings and provides notice of its reliance through the following exhibits attached hereto.

Exhibit 1: Applicant's Revised First Set of Interrogatories to Opposer

Exhibit 2: Opposer's Answers to Applicant's First Set of Interrogatories

Respectfully submitted,

Date: January 17, 2007

Serge Anissimoff
Anissimoff & Associates
235 North Centre Road
London, Ontario, N5X 4E7
CANADA
(519) 673-5591 - Telephone
(519) 673-6784 - Facsimile

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above titled **Notice of Reliance and attached Exhibits 1 and 2,** were served upon the Opposer by prepaid Federal Express overnight courier on Wednesday, January 17th, 2007, directed to:

Ms. Marsha Stolt
MOSS & BARNETT,
90 SO. Seventh St. 4800
Wells Fargo Ctr.
Minneapolis, Minnesota,
55402-4129, U.S.A.

Date: January 17, 2007

SERGE ANISSIMOFF
ANISSIMOFF & ASSOCIATES

OPPOSITION NO. 91163719
Serial No. 76/561,585

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

DIGI INTERNATIONAL INC.	) MARK: DIGIPOS
Opposer	)
v.	)
DIGIPOS SYSTEMS INC.	)
Applicant	)

EXHIBIT 1

TO APPLICANT'S NOTICE OF RELIANCE

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

DIGI INTERNATIONAL, INC.	)	
	)	Opposition No. 91163719
v.	)	
	)	In Re: Serial No. 76561858
	)	
DIGIPOS SYSTEMS INC., formerly PC-POS (NORTH AMERICA) INC.	)	

APPLICANT'S REVISED FIRST SET OF INTERROGATORIES TO OPPOSER

The Applicant, DIGIPOS SYSTEMS INC. (hereinafter the "Applicant"), hereby serves upon the Opposer, DIGI INTERNATIONAL, INC. (hereinafter the "Opposer"), the following interrogatories to be answered separately and fully in writing under oath by an officer thereof within thirty (30) days of the date hereof, in accordance with Rule 2.120 of Trademark Rules of Practice (37 C.F.R. § 2.120), and Rules 33 and 34 of the Federal Rules of Civil Procedure.

These interrogatories shall be deemed to be continuing to the extent that if the answers to these interrogatories would be changed by information obtained subsequent to the filing of such answers, Opposer shall promptly thereafter serve and file supplemental answers reflecting such changes.

Furthermore, in order that Applicant's attorneys may inspect and copy items which are to be produced by Opposer in response to the document requests herein, Opposer is required to produce any and all documents requested herein at the offices of the undersigned counsel within three (3) business days after the due date for Opposer's written responses. Alternatively, in lieu of producing the original documents that are responsive to the questions herein, Opposer may produce true, complete, and legible photocopies and/or duplicates of the same.

In the following interrogatories:

1. "And" and "or" are terms of inclusion and not of exclusion, and shall be construed either disjunctively or conjunctively as required to bring within the scope of these interrogatories any document or response that might otherwise be construed to be outside its scope.

2. "Opposer" means DIGI INTERNATIONAL, INC. and its subsidiaries, affiliates, sister corporations, divisions and predecessors, whether owned wholly or only partially; and every owner, officer, director, employee, attorney or agent of DIGI INTERNATIONAL, INC. or its subsidiaries, affiliates, divisions and predecessors.

3. "Applicant" means DIGIPOS SYSTEMS INC. and its subsidiaries, affiliates, sister corporations, divisions and predecessors, whether owned wholly or only partially; and every owner, officer, director, employee, attorney or agent of DIGIPOS SYSTEMS INC. or its subsidiaries, affiliates, divisions and predecessors.

4. "Document" or "documents" includes, without limitation, whether original, copy or draft, each of the following: minutes of meetings; reports and/or summary of interviews; reports and/or summaries of investigations; opinion or reports of consultants; opinions of counsel; communications of any nature including internal company communications; abstracts; account summaries; accounting; appointment books; audit reports; authorization; bills; bills of lading; books; briefs; brochures; certificates; charges; checks; citations; client records; compilation; complaints; computations; computer storage tapes; computer storage cards or disks; contracts; collective bargaining agreements; demands; depreciation schedules; designation; diagram; diaries; director's letters; document retention policies; employee handbooks applications and manuals; franchise agreements; hard disks; indictments; insurance policies; leases; ledgers; loan applications;

loan commitments; manuals; maps; market data; objections; ordinances; partnership agreements; personnel files; plan summaries; policies; policy manuals; powers of attorney; programming instructions; programs; property abstracts; property reports; proposals; purchase records; purchase invoices; recitals; rental agreements; requests for allowances; requests for proposals; requisitions; résumés; return receipts; schedules; statements; subscription agreements; summaries; summary plan descriptions; summonses; tariffs; tax information; tax returns; telegrams; telephone bills; telephone logs; termination notices; transparencies; travel expense vouchers; vouchers; withholding tax statements; work papers; worksheets; memoranda; notes; telegrams; teletypes; letters; agreements; reports or summaries of negotiations; pamphlets; advertisements; circulars; trade letters; press releases; drafts and revisions of drafts or documents; and any written, printed, typed or other graphic matter of any kind or nature; drawings; photographs; retrievable data, (whether carded, tapes, coated, electrostatically or electromagnetically recorded or otherwise); charts and all mechanical and electronic sound recordings or transcripts thereof, in the possession and/or control of Opposer or its employees or agents, or known to Opposer or its employees or agents, or known to Opposer to exist, and any other tangible preservations of information, including all copies of documents by whatever means made and whether or not claimed to be privileged or otherwise excludable from discovery.

5. "The word "person" or "persons" shall mean an individual, corporation, proprietorship, partnership, association or any other entity.

6. "Identify" means:

(1) In the case of a person, to state:

a. name;

b. last known residence;

c. employer or business affiliation;

d. occupation and business position held.

(2) In the case of a company, to state:

a. the name;

b. if incorporated, the place of incorporation;

c. the principal place of business;

d. the identity of the person or persons having knowledge of the matter with respect to which the company is named.

(3) In the case of a document, to state:

a. the identity of the person or persons who prepared it, the sender and recipient, if any;

b. the title or a description of the general nature of its subject matter;

c. the date of preparation;

d. the date and manner of distribution and publication, if any;

e. the location of each copy and the identity of the present custodian;

f. the identity of the person or persons who can identify it;

g. the contents of the document verbatim;

h. if privilege is claimed, the specific basis for the claim.

In lieu of the foregoing, a copy may be supplied.

(4) In the case of an act or event, to state:

a. a description of the act or event;

b. when it occurred;

c. where it occurred;

d. the identity of the person or persons performing said act (or, in the case of an omission, the identity of the person or persons failing to act) or involved in said event;

e. the identity of all persons who have knowledge, information or belief about the act;

f. when the act, event or omission first became known;

g. the circumstances and manner in which such knowledge was first obtained.

7. "Oral communication" means any utterance heard by any person, whether heard in person, by telephone or in any other manner.

8. Where identification of an oral communication is required, such identification shall, without limitation, include:

a. The identity of the person or persons making the oral communication;

b. The identity of any persons hearing such oral communication;

c. The date of such oral communication; and

d. What was said by all persons participating therein.

9. The word "contact" means any communicative interaction, including but limited to written communications, oral communications, and electronic communications, in any form or context.

10. "Applicant's Mark" means Applicant's "DIGIPOS" trademark that is the subject of U.S. Trademark Application Serial No. 7656,585.

11. "Opposer's Marks" means the "DIGI" registered trademarks and service marks identified in Paragraphs 3 through 20 of the Opposer's Notice of Opposition in this matter dated December 29, 2004.

12. "You" or "your" means Opposer as defined herein.

13. "Date" means the exact day, month, and year, if ascertainable and, if not, your best approximation thereof.

14. "Relate to" means discuss, describe, referred to, forecast, reflect, contain, analyze, study, report on, comment on, evidence, constitute, set forth, consider, recommend, concern or pertaining to, in whole or in part.

GENERAL INSTRUCTIONS

1. If Opposer contends that any of these Interrogatories is objectionable in whole or in part, Opposer shall state with particularity each such objection and the basis therefor, and Opposer shall respond to such Interrogatory to the extent that it is not objected to.

2. The use of male, female or neutral gender in these Interrogatories incorporates all genders and should not be construed to limit the information requested in any way. The use of the singular form of any word includes the plural and vice versa.

3. When answering these Interrogatories, please set forth each Interrogatory prior to your answer.

4. If any party to whom these Interrogatories are directed claims of privilege or other basis on which the party will not provide full and complete answers, that party is required to submit a sworn statement, showing the legal basis on which the information is being withheld, and the factual basis for the claim of a right to withhold that information. If only a portion of the Interrogatory requests privileged material, responded to the rest of the Interrogatory.

5. For each document or portion thereof withheld under a claim of privilege, submit a sworn or certified statement from you or your counsel identifying the withheld document by author, addressee, date, number of pages, and subject matter; specifying the nature and the basis of the privilege claimed and the number of the paragraph of this first set, to which the withheld material is responsive; and identifying each person to whom the withheld material was sent and each person to whom the withheld material or its contents, or any other part thereof, was

disclosed. Any document or part of a document withheld under claim of privilege must be preserved.

6. If any request herein is deemed to call for the production of privileged or proprietary work product matters and such privilege or work product is asserted, identify in writing each document so withheld and provide the following information:

   a. the reason for withholding the document;

   b. a statement for the basis of the claim of privilege, work product or other ground of nondisclosure; and

   c. a brief description of the document, including:

      (i) the date of the document;

      (ii) the number of pages, attachments and appendices;

      (iii) the names of its authors, preparers, and identification by employment and title of each such person;

      (iv) the name of each person who was sent, shown, blind copied or carbon copied the document, or has had access to custody of the document, together with an identification of each such person;

      (v) the present custodian; and

      (vi) the subject matter of the document.

7. If any document requested herein was at one time in existence, but has been lost, discarded or destroyed, identify such document as completely as possible, by providing as much of the following information as possible;

   a. The type and subject matter of the document;

   b. Its date;

   c. The date or approximate date of the document was lost, discarded or destroyed;

d. The circumstances in manner in which it was lost, discarded or destroyed;

e. The reasons for disposing of the document, if discarded or destroyed;

f. The identity of all persons authorizing or having knowledge of the circumstances surrounding the disposal of the document, if discarded or destroyed;

g. The identity of the persons who lost, discarded or destroyed the document; and

h. The identity of all persons having knowledge of the content of the document.

8. If any party to whom these interrogatories are directed wishes to assert a valid objection to an Interrogatory, the party shall state all reasons for the objection in writing and shall answer the Interrogatory to the extent that no valid objection is asserted.

9. If you are unable to answer an Interrogatory fully, submit as much information as is available and explain why your answers in complete. The precise information cannot be supplied, (a) submit your best estimate or judgment, so identified, and set out the source or basis of the estimate or judgment, and (b) provide such information available to you as comes close to providing the information requested. Were incomplete answers, estimates or judgments are submitted, and you know or have reason to believe that there are other sources of more complete or accurate information, identify or describe those other sources of information.

10. Any party to whom these Interrogatories are directed is required to answer based upon any and all information in the actual or constructive possession and control of that party and of the party's agents, servants, employees and attorneys.

11. If any portion of any document is responsive to any document request, then the entire document must be produced. Documents produced pursuant to this First Set shall be produced in the order in which they appear in your files and shall not be shuffled or otherwise rearranged. Documents that in their original condition, were stapled, clipped or otherwise fastened together shall be produced in such form. Please mark each page with your name or abbreviation and number each page consecutively beginning with "1". These marks should be placed at the lower right hand corner of the page, but should not be placed so as to obscure any information on the document. We request that you place all documents produced in file folders or other enclosures bearing your name or abbreviation. We further request that you advise us in writing, as to each document produced, the number or number of the paragraph(s) of this first set to which is responsive.

INTERROGATORIES

1. Identify all documents upon which Opposer intends to rely upon to prove the allegations contained in paragraph 2 of its Notice of Opposition in this action.

2. Identify all documents upon which Opposer intends to rely upon to prove the allegations contained in paragraph 20 of its Notice of Opposition in this action.

3. Identify all documents upon which Opposer intends to rely upon to prove the allegations contained in paragraph 21 of its Notice of Opposition in this action.

4. Identify all documents upon which Opposer intends to rely upon to prove the allegations contained in paragraph 22 of its Notice of Opposition in this action.

5. Identify all documents upon which Opposer intends to rely upon to prove the allegations contained in paragraph 23 of its Notice of Opposition in this action.

6. Identify all documents upon which Opposer intends to rely upon to prove the allegations contained in paragraph 24 of its Notice of Opposition in this action.

7. Identify all documents upon which Opposer intends to rely upon to prove the allegations contained in paragraph 25 of its Notice of Opposition in this action.

8. Identify all documents upon which Opposer intends to rely upon to prove the allegations contained in paragraph 26 of its Notice of Opposition in this action.

9. Identify all documents upon which Opposer intends to rely upon to prove the allegations contained in paragraph 27 of its Notice of Opposition in this action.

10. Identify by name and address all corporations or other business entities which fall within the definition of Opposer above, as well as all related or affiliated companies of Opposer, affiliated by virtue of substantially common ownership or the existence of common directors, or common officers with Opposer, and with respect to each, state whether it is, or has been, involved in the sale, advertising or use of goods or services under Opposer's Marks.

11. Identify all present or prior owners, officers, directors, stockholders, managing agents, representatives, general agents, employees or attorneys of Opposer, and any other persons who have knowledge concerning the facts and issues in this case.

12. Identify and describe each product presently or previously manufactured, marketed, advertised, or sold throughout the United States and in foreign commerce under Opposer's Marks.

13. With respect to each product identified in response to Interrogatory No. 12, state the earliest date susceptible to proof of when such product(s) were sold by Opposer, the city and state in which such product(s) were sold, the identity of all documents showing or describing such product(s) and the identity of all documents related to each such sale.

14. With respect to each product identified in response to Interrogatory No. 12, identify representative customers of Opposer with respect to each such product.

15. With respect to each product identified in response to Interrogatory No. 12, identify all facilities owned or operated by Opposer for the manufacture, distribution and sale of each such product.

16. With respect to each product identified in response to Interrogatory No. 12, identify all participants in the chain of distribution or who are responsible for distribution of each such product.

17. Describe the circumstances of first use of Opposer's Marks with each of the following products, including the manner of use, and the details of any *bona fide* sale involved and identify all documents related to each such first use.

(a) Computer network connectivity hardware;
(b) Multi modem communication adapters;
(c) Multiport serial adapters;
(d) USB to serial converters;
(e) USB expansion hubs;
(f) USB remote access servers;
(g) Terminal servers;
(h) Print servers;
(i) Device servers;
(j) Network serial concentrations;
(k) Point-of-sale systems in retail centers;
(l) Point-of-sale systems and distribution centers;
(m) Pay at the pump systems;
(n) Interactive kiosks;
(o) Managing or controlling point-of-sale information;
(p) Retail store management procedures;
(q) Provision of Internet access;
(r) Provision of firewall security;
(s) Provision of wired connectivity between local area networks;
(t) Provision of wireless connectivity between local area networks;
(u) Provision of wired connectivity between wide area networks;
(v) Provision of wireless connectivity between wide area networks;

(w) Consulting and design services;

(x) Maintenance and repair of computer network software; and

(y) Telephone support services.

18. Identify each publication, radio station, television station or other advertising medium, including but not limited to, promotional materials, advertisements, catalogs, or brochures, used by Opposer in connection with the advertising or promoting of any of its products or services sold under Opposer's Marks and the dates on which each such advertisement or promotional activity occurred.

19. For each response to Interrogatory No. 18, identify which cities and states in the United States the advertising or other promotional materials have been distributed, including the dates of such distribution.

20. Identify each different advertisement, catalog, circular, sales literature brochure, bulletin, flyer, sign, sales display, poster or other point of sale or promotional material or tag, label, sticker, container, carton or other item of packaging or labeling material, using or containing Opposer's Marks ever proposed or suggested for use by or on behalf of Opposer, and for each such item or promotional material identify all documents comprising, relating to or referring to the item or promotional material and identify all persons having knowledge of the item or promotional material.

21. Identify and describe the facts relating to the acquisition, selection, adoption, creation and/or design of Opposer's Marks, including without limitation, the reasons for each selection, the date of each selection and the identity of all persons who participated in each selection. Identify and locate all documents related thereto.

22. Identify each artist and all other persons who designed, created or made any materials on which Opposer's Marks have ever been displayed, including any posters, advertisements, brochures, annual reports, signs, handbills, stationery, business cards, decals, badges, catalogs, labels, computer screens, or other materials, specifying which items were designed, created or made by each such person.

23. Identify on an annual basis, for each year since Opposer's Marks were first used, the volume of sales or amount, revenue received, and/or the asset value or appraisal of every product or service sold, used or offered in connection with Opposer's Marks, including but not limited to budgets, business plans, applications for loans or lines of credit, factual statements, projections and the like. Identify and locate all documents related thereto.

24. Identify on an annual basis, for each year since Opposer's Marks were first sold, the dollar amount of advertising and promotional expenditures for each product or service sold using or in connection with Opposer's Marks.

25. Identify by product, all types of documents relating or referring to the sale or shipment of Opposer's products sold under Opposer's Marks.

26. Identify and describe any survey, pretest, poll, research or other investigation referring or relating to Opposer's Marks, or the goods or services offered under Opposer's Marks, or relating to the public's recognition of or reaction to Opposer's Marks or the likelihood of confusion, mistake or deception resulting from the use of Applicant's Mark, including the identity of all persons who conducted or have knowledge thereof.

27. Identify and describe all oral or written agreements entered into by Opposer

referring or relating to the use of Opposer's Marks including, but without limitation, the date of each agreement, the identity of all the parties thereto and the reason and purpose of the agreement.

28. Identify and describe any oral or written license agreements entered into by Opposer referring or relating to Opposer's Marks including, but without limitation, the date of each license agreement, the identity of the parties thereto, the termination date of said agreement, and the reason for any termination.

29. Identify all marks used by third parties known to or noted by Opposer that incorporate the word "DIGI" in connection with related and non-related goods or services and specify the category of goods and services to which each such mark relates.

30. Identify all advertising, research and marketing firms that have been or are now responsible or the advertising and marketing of products sold under Opposer's Marks, both alone or in combination with other words or designs.

31. Identify any person or persons who has or had responsibility for maintenance and protection of Opposer's Marks, both alone and in combination with other words or designs, including the responsibility of monitoring trademark and service mark registrations by others.

32. Describe the distribution and marketing system used in connection with each product sold under Opposer's Marks, both alone or in combination with other words or designs. Include a clear statement of the "target market" for each product and identify personnel most familiar with the distribution and marketing of each product.

33. Specify any and all periods of nonuse by Opposer of Opposer's Marks, and state the beginning and ending date of all such periods of nonuse and the reason or reasons for such nonuse.

34. Identify any instance where Opposer has objected to or challenged any third party regarding its use of any trade name, trademark/service mark application for registration or registration of any trademark/service mark, or other designation which Opposer considered to conflict with any of Opposer's Marks or on the basis of its alleged similarity to any of Opposer's Marks.

35. For each third party identified in response to Interrogatory No. 34, identify the third party; state the date the objection or challenge was made; identify the trade name, trademark/service mark, or designation objected to or challenged and the goods or services associated therewith; describe the nature of the action taken by Opposer; describe the results, if any, of said action including, but not limited to, whether the use objected to or challenged was discontinued as a result of such objection or whether any other resolution of the dispute was made; and identify and locate all documents relating thereto.

36. Identify any instance where a third party has objected to or challenged Opposer regarding its use of Opposer's Marks.

37. For each third party identified in response to Interrogatory No. 36, identify the third party; state the date the objection or challenge was made; identify the trade name, trademark/service mark, or designation objected to or challenged and the goods or services associated therewith; describe the nature of the action taken by Opposer; describe the results, if any, of said action including, but not limited to, whether the use objected to or challenged was discontinued as a result of such objection or whether any other resolution of the dispute was made; and

identify and locate all documents relating thereto.

38. Describe any Court or United States Patent and Trademark Office Actions, not previously identified, filed by Opposer in connection with the use or registration of Opposer's Marks both alone and in combination with other words or designs. Identify each such action and locate all documents relating thereto.

39. Describe any Court or any United States Patent and Trademark Office Actions filed against Opposer and any written challenges directed to Opposer or any predecessor involving use of Opposer's Marks both alone and in combination with other words and designs. Identify each such action and identify any and all documents relating thereto.

40. Identify each stylization or variation of Opposer's Marks, both alone and in combination with other words or designs, that Opposer has used, and state the time periods during which each stylization or variation of the marks was used.

41. Identify each imprint, decal, label, program, graphic or other means by which Opposer's Marks, both alone or in combination with other words or designs, have been used on any services rendered or products sold by Opposer, including the time period during which each such means was used.

42. State whether Opposer has ever received mail, telephone calls, bills, payments come invoices or any other materials referring to were inquiring about Applicant or its goods and/or services, and in each such case identify: (i) each and every person or entity that corresponded with Opposer, made statements to Opposer or was otherwise confused; (ii) the dates on which such contact was made; (iii) all persons who have knowledge of the matter described; and (iv) all documents concerning regarding the same.

43. State whether Opposer has ever obtained any knowledge or information regarding confusion on the part of any person as to the source, sponsorship, affiliation or approval of the goods and/or services provided by Applicant, and in each such case identify: (i) each and every person or entity that corresponded with Opposer, made statements to Opposer or was otherwise confused; (ii) the dates on which such contact was made; (iii) all persons who have knowledge of the matter described; and (iv) all documents concerning regarding the same.

44. Identify any instance or occasion of confusion or mistake involving the source, origin or sponsorship of goods or services sold by Opposer, its licensees or related companies under Opposer's Marks.

45. For each instance identified in Interrogatory No. 44, identify the person or persons confused or mistaken, state the dates and places of such confusion or mistake, describe the instances or occasions, state the manner in which such confusion or mistake was communicated or came to the attention of Opposer, state the identity of the persons associated with Opposer aware of such communication, identify all persons having knowledge of each such instance or occasion, and identify all documents referring or relating in any way to such confusion or mistake.

46. Identify any opinion from legal counsel concerning Opposer's right to use Opposer's Marks as its trademarks or service marks or as to whether Opposer's use of said marks are likely to cause confusion, mistake or deception, or as to whether Opposer's use of said marks constitutes an infringement or other violation of the rights of any person.

47. For any opinion identified in Interrogatory No. 46, identify the date of the opinion, identify attorney(s) or others who rendered the opinion, identify whether the opinion was written or oral, identify each person who received a copy of the opinion, if in writing, and each person who was informed of such opinion, if oral.

48. Identify and describe the approximate date(s), manner and under what circumstances Opposer or any of its officers, directors or managing agents first became aware of: (a) the Applicant; and (b) the Applicant's Mark, DIGIPOS; and specify the identity of the person(s) who made the discovery and from what source such information was obtained.

49. State whether the Opposer considers the Applicant to be a competitor and identify any documents where the Applicant is identified as such.

50. Identify those persons who made the decision to bring this Opposition.

51. Identify each person, Opposer expects to call as an expert witness in this matter, and state the date when such expert witness was first retained or employed by Opposer. In connection with the subject matter about which he or she is expected to testify; and identify the subject matter about which such expert is expected to testify in the qualifications which establish him or her as an expert on the subject matter.

52. Identify each person Opposer expects to call as a fact witness in this matter, and state the substance of the facts to which each such witnesses expected to testify.

53. Identify all documents and physical exhibits, which Opposer expects to introduce into evidence.

54. Identify the classes of customers to whom you have sold goods or provided services under the Opposer's Marks.

55. Describe with particularity the kinds of trade channels through which Opposer has sold and is now selling goods and services under the Opposer's Marks.

56. Identify the persons most knowledgeable about the goods and services offered under the Opposer's Marks, including their marketing, advertising, promotion, sale, distribution, and channels of trade.

57. State Opposer's background in the computer hardware and software industry and its scope of experience with point-of-sale transactions and information, as well as retail store management procedures.

58. Identify all documents upon which the Opposer intends to rely to establish use of the Opposer's Marks in association with computer hardware, peripheral equipment and software for use in controlling point-of-sale transactions, and managing point of sale information and all retail store management procedures.

59. Identify all products that the Opposer submits are used as components point-of-sale systems, and in with respect to each such product identify the following:

(a) to whom the product has been sold;

(b) when the product was first sold, and to whom;

(c) the physical location of any script or text that has been imprinted, engraved, embossed or otherwise affixed to the product, displaying the word, "DIGI";

(d) the physical location of the product in the completed point-of-sale system for which it is a component.

60. State whether Opposer is aware of any computer software or hardware licensed, sold or offered for sale or license by Teraoka Seiko Co., Ltd., and if yes, identify (i) the scope of such knowledge, (ii) how Opposer became aware of such computer software or hardware, and (iii) whether there has been any contact between Opposer and Teraoka Seiko Co. Ltd., regarding use of the term "Digi", "DIGI" or "Digisystem".

61. Identify all documents related to Interrogatory No. 58 and specifically all documents related to any and alll contact between Opposer and Teraoka Seiko Co. Ltd. regarding the use of the term of "DIGI" or "DigiSystem";

62. State whether Opposer is aware of any computer software, computer hardware, or computer or internet services licensed, sold or offered for sale or license by Avid Technology, Inc., and if yes, identify (i) the scope of such knowledge, (ii) how Opposer became aware of such computer software, and (iii) whether there has been any contact between Opposer and Avid Technology, Inc. regarding use of the terms "DigiPronet", "DigiDrive", "Digi001", "Digi 002", "Digidesign" or "Digi Toolbox".

63. State whether Opposer is aware of any computer storage devices sold or offered for sale by Digi-Data Corporation, and if yes, identify (i) the scope of such knowledge, (ii) how Opposer became aware of such computer storage devices, and (iii) whether there has been any contact between Opposer and Digi-Data Corporation regarding use of the term "Digi-Data".

64. State whether Opposer is aware of any computer software licensed, sold or offered for sale or license by Digital Element, Inc., or their web site, www.digi-element.com, and if yes, identify (i) the scope of such knowledge, (ii) how Opposer became aware of such computer software or web site and (iii) whether

there has been any contact between Opposer and Digital Element, Inc. regarding use of the term "Digi-Element".

65. State whether Opposer is aware of any computer software for, *inter* alia, network communications licensed, sold or offered for sale or license by TamoSoft, Inc., and if yes, identify (i) the scope of such knowledge, (ii) how Opposer became aware of such computer software, and (iii) whether there has been any contact between Opposer and TamoSoft, Inc. regarding use of the term "DigiSecret".

66. State whether Opposer is aware of any point of sale devices, manufactured, distributed, sold or offered for sale by SIM2 Multimedia Spa Corporation Italy, and if yes, identify (i) the scope of such knowledge, (ii) how Opposer became aware of such devices, and (iii) whether there has been any contact between Opposer and SIM2 Multimedia Spa Corporation Italy regarding use of the term "Digi-Optic".

67. State whether Opposer is aware of any online retail services in connection with computer hardware and software by eCost.com, Inc., and if yes, identify (i) the scope of such knowledge, (ii) how Opposer became aware of such services, and (iii) whether there has been any contact between Opposer and eCost.com, Inc. regarding use of the term "Digi Soundcenter".

68. State whether Opposer is aware of any point-of-sale computer software and/or computer hardware used in e-commerce licensed, sold or offered for sale by GigiTerra, Inc., and if yes, identify (i) the scope of such knowledge, (ii) how Opposer became aware of such computer hardware and software, and (iii) whether there has been any contact between Opposer and DigiTerra, Inc. regarding use of the term "DigiTerra".

69. State whether Opposer is aware of any computer networking systems and related devices, manufactured, distributed, sold or offered for sale by Digicard International Pty. Ltd. Corporation Australia, and if yes, identify (i) the scope of such knowledge, (ii) how Opposer became aware of such networking systems and devices, and (iii) whether there has been any contact between Opposer and Digicard International Pty. Ltd. Corporation Australia regarding use of the term "DigiCard".

70. State whether Opposer is aware of any computer software used in to create bar codes for, *inter alia*, point-of-sale applications licensed, sold or offered for sale or license by Symbology, Inc., and if yes, identify (i) the scope of such knowledge, (ii) how Opposer became aware of such computer software, and (iii) whether there has been any contact between Opposer and Symbology, Inc. regarding use of the term "DigiCode".

71. State whether Opposer is aware of any computer hardware sold or offered for sale by Sinbon Electronics Company Ltd., and if yes, identify (i) the scope of such knowledge, (ii) how Opposer became aware of such computer hardware, and (iii) whether there has been any contact between Opposer and Sinbon Electronics Company Ltd. regarding use of the term "$DigiO_2$".

72. State whether Opposer is aware of any computer hardware sold or offered for sale by Medion AG Joint Stock Company, and if yes, identify (i) the scope of such knowledge, (ii) how Opposer became aware of such computer hardware, and (iii) whether there has been any contact between Opposer and Medion AG Joint Stock Company regarding use of the term "Digi Flat".

73. Identify all persons who participated in any way in the preparation of the answers or responses to these interrogatories and state specifically, with reference to

interrogatory numbers, the area of participation of each such person.

74. Identify, to the extent possible, any and all documents responsive to the foregoing interrogatories which have been destroyed and the date(s) and reason(s) for such destruction and person(s) most knowledgeable about such destruction.

75. Identify, to the extent possible, any and all documents responsive to the foregoing interrogatories which are lost or are no longer within Opposer's possession, custody or control and identify the date(s) the loss or lack of possession, custody or control was first discovered, the person(s) who first discovered the loss or lack of possession, custody or control, and the person(s) most knowledgeable about the contents of such documents.

Respectfully submitted,

Date: **October 28, 2005**

Serge Anissimoff
ANISSIMOFF & ASSOCIATES
201 – 235 North Centre Road
London, Ontario
N5X 4E7
Canada

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this REVISED FIRST SET OF INTERROGATORIES in connection with Opposition No. 91163719 on Opposer's counsel of record, by depositing the same via Federal Express, this **28th day of October, 2005** to Ms. MARSHA STOLT at MOSS & BARNETT, 90 SO. Seventh St. 4800 Wells Fargo Ctr. Minneapolis, MN 55402-4129.

SERGE ANISSIMOFF
ANISSIMOFF & ASSOCIATES

OPPOSITION NO. 91163719
Serial No. 76/561,585

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

DIGI INTERNATIONAL INC.	) MARK: DIGIPOS
Opposer	)
v.	)
DIGIPOS SYSTEMS INC.	)
Applicant	)

EXHIBIT

TO APPLICANT'S NOTICE OF RELIANCE

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

DIGI INTERNATIONAL, INC.	)	
	)	**Opposition No. 91163719**
v.	)	
	)	**In Re: Serial No. 76561858**
DIGIPOS SYSTEMS INC., formerly PC-POS (NORTH AMERICA) INC.	)	

OPPOSER'S ANSWERS TO APPLICANT'S FIRST SET OF INTERROGATORIES

TO: Applicant Corporation, and its attorney, Serge Anissimoff, Esq., Anissimoff & Associates, Suite 201, 235 North Centre Road, Richmond North Office Centre, London, Ontario N5X 4E7

GENERAL OBJECTIONS

1. Digi objects to each request to the extent that it seeks information beyond the permissible scope of the Federal Rules of Civil Procedure as being irrelevant to the subject matter of the action and/or not reasonably calculated to lead to the discovery of admissible evidence.

2. Digi objects to each request to the extent it is vague, ambiguous, indefinite, overly broad, unduly burdensome, oppressive and/or does not reasonably identify the document, information, or thing sought.

3. Digi objects to each request to the extent it would impose an unreasonable burden or expense on Digi to produce such documents, information, or things, if any, or requires the creation of material not currently in existence.

4. Digi objects to each request to the extent it seeks disclosure of documents or information protected by the attorney-client privilege, work product doctrine, and/or other applicable privilege or immunity. Any production Digi makes of such information is inadvertent and is not intended as a waiver of the applicable privilege or immunity as to such information.

5. Digi objects to each request to the extent that it seeks disclosure of confidential, proprietary, trade secret, or other competitively sensitive information.

6. Digi objects to each request to the extent it seeks information from individuals or entities over which Digi has no control.

7. The following responses reflect Digi's present knowledge, information, and belief, and as permitted by the Federal Rules of Civil Procedure, may be changed, modified, or supplemented based on discovery or as additional facts and circumstances come to Digi's attention.

8. The following responses are made without waiving or intending to waive any objection on any ground as to relevancy, privilege, or admissibility of any information provided in response to Applicant's interrogatories in any subsequent proceeding or at the trial of this or any other action.

9. Digi objects to the interrogatories to the extent that they are duplicative and/or redundant.

10. Digi objects to each request that is vague, indefinite, overly broad, unduly burdensome, and/or oppressive because the burden on Digi to search for, gather, and produce such information or documents, if any, far outweighs the relevancy of such information or documents likely to lead to the discovery of admissible evidence.

11. Digi objects to each request that seeks discovery of information or production of documents or things that are in the public domain and, therefore, of no greater burden for Applicant to obtain than Digi.

12. The foregoing General Objections are applicable to and included in Digi's objections to each and every one of Applicant's interrogatories, whether or not specifically raised below. The objections set forth below are not a waiver, in whole or in part, of any of the foregoing General Objections.

DEFINITION

1. The term "non-privileged" means information and documents not protected by either the attorney-client privilege or by attorney work-product immunity.

ANSWERS

INTERROGATORY NO. 1:

Identify all documents upon which Opposer intends to rely upon to prove the allegations contained in paragraph 2 of its Notice of Opposition in this action.

ANSWER NO. 1:

Opposer objects that discovery is at an early stage and is ongoing and therefore it is unable to identify "all" documents upon which it will rely to prove the allegations contained in paragraph 2 of its Notice of Opposition in this action. To the extent that Opposer is currently able to determine, and without waiving the right to identify other documents, Opposer states that it will submit product catalogs, printouts from its Website, product datasheets, copies of advertisements and marketing materials.

INTERROGATORY NO. 2:

Identify all documents upon which Opposer intends to rely upon to prove the allegations contained in paragraph 20 of its Notice of Opposition in this action.

ANSWER NO. 2:

Opposer objects that discovery is at an early stage and is ongoing and therefore it is unable to identify "all" documents upon which it will rely to prove the allegations contained in paragraph 20 of its Notice of Opposition in this action. To the extent that Opposer is currently able to determine, and without waiving the right to identify other documents, Opposer will rely on a certified copy of U.S. Reg. No. 2,624,198 showing current status and title.

INTERROGATORY NO. 3:

Identify all documents upon which Opposer intends to rely upon to prove the allegations contained in paragraph 21 of its Notice of Opposition in this action.

ANSWER NO. 3:

Opposer objects that discovery is at an early stage and is ongoing and therefore it is unable to identify "all" documents upon which it will rely to prove the allegations contained in paragraph 21 of its Notice of Opposition in this action. To the extent that Opposer is currently able to determine, and without waiving the right to identify other documents, Opposer will rely upon product catalogs, advertising materials, packaging materials, and whatever other documents support the claimed first use date of 1985.

INTERROGATORY NO. 4:

Identify all documents upon which Opposer intends to rely upon to prove the allegations contained in paragraph 22 of its Notice of Opposition in this action.

ANSWER NO. 4:

Opposer objects that discovery is at an early stage and is ongoing and therefore it is unable to identify "all" documents upon which it will rely to prove the allegations contained in paragraph 22 of its Notice of Opposition in this action. To the extent that Opposer is currently able to determine, and without waiving the right to identify other documents, Opposer will rely upon product catalogs, advertising materials, product datasheets and printouts from its Website demonstrating use of the "Digi Marks" in connection with components of point-of-sales (hereafter "POS") systems.

INTERROGATORY NO. 5:

Identify all documents upon which Opposer intends to rely upon to prove the allegations contained in paragraph 23 of its Notice of Opposition in this action.

ANSWER NO. 5:

Opposer objects that discovery is at an early stage and is ongoing and therefore it is unable to identify "all" documents upon which it will rely to prove the allegations contained in paragraph 23 of its Notice of Opposition in this action. To the extent that Opposer is currently able to determine, and without waiving the right to identify other documents, Opposer will rely upon product catalogs, advertising materials, product datasheets and printouts from its Website demonstrating use of the "Digi Marks" in connection with goods and services that are substantially similar to the goods and services sold by Applicant under the DIGIPOS mark.

INTERROGATORY NO. 6:

Identify all documents upon which Opposer intends to rely upon to prove the allegations contained in paragraph 24 of its Notice of Opposition in this action.

ANSWER NO. 6:

Opposer objects that discovery is at an early stage and is ongoing and therefore it is unable to identify "all" documents upon which it will rely to prove the allegations contained in paragraph 24 of its Notice of Opposition in this action. To the extent that Opposer is currently able to determine, and without waiving the right to identify other documents, Opposer will rely on Internet searches, articles from newspapers, trade journal and other print sources demonstrating the favorable reviews and comments relating to Opposer's products.

INTERROGATORY NO. 7:

Identify all documents upon which Opposer intends to rely upon to prove the allegations contained in paragraph 25 of its Notice of Opposition in this action.

ANSWER NO. 7:

See Response to Interrogatory No. 6.

INTERROGATORY NO. 8:

Identify all documents upon which Opposer intends to rely upon to prove the allegations contained in paragraph 26 of its Notice of Opposition in this action.

ANSWER NO. 8:

Opposer objects that discovery is at an early stage and is ongoing and therefore it is unable to identify "all" documents upon which it will rely to prove the allegations contained in paragraph 26 of its Notice of Opposition in this action. To the extent that Opposer is currently able to determine, and without waiving the right to identify other documents, Opposer will rely on trademark registrations, product catalogs, product packaging, advertisements, print articles and corporate records to evidence its long continuous use of the Digi Marks.

INTERROGATORY NO. 9:

Identify all documents upon which Opposer intends to rely upon to prove the allegations contained in paragraph 27 of its Notice of Opposition in this action.

ANSWER NO. 9:

Opposer objects that discovery is at an early stage and is ongoing and therefore it is unable to identify "all" documents upon which it will rely to prove the allegations contained in paragraph 27 of its Notice of Opposition in this action. To the extent that Opposer is currently able to determine, and without waiving the right to identify other documents, Opposer will rely upon dictionary definitions of the descriptive meaning of the "POS" acronym and case law that supports the Opposer's assertion that a mark cannot be distinguished from the mark of a prior registration merely by the addition of descriptive or generic matter.

INTERROGATORY NO. 10:

Identify by name and address all corporations or other business entities which fall within the definition of Opposer above, as well as all related or affiliated companies of Opposer, affiliated by virtue of substantially common ownership or the existence of common directors, or common officers with Opposer, and with respect to each, state whether it is, or has been, involved in the sale, advertising or use of goods or services under Opposer's Marks.

ANSWER NO. 10:

See document produced at Bates Nos. 450-451.

INTERROGATORY NO. 11:

Identify all present or prior owners, officers, directors, stockholders, managing agents, representatives, general agents, employees or attorneys of Opposer, and any other persons who have knowledge concerning the facts and issues in this case.

ANSWER NO. 11:

Opposer objects that this Interrogatory is overly broad, unduly burdensome and unlikely to lead to the discovery of relevant information. Subject to and without waiving its objections, Opposer states that the persons have current relevant knowledge concerning the facts and issues in this case are Larry Kraft, Vice President Marketing, and Jan McBride.

INTERROGATORY NO. 12:

Identify and describe each product presently or previously manufactured, marketed, advertised, or sold throughout the United States and in foreign commerce under Opposer's Marks.

ANSWER NO. 12:

Opposer objects that this Interrogatory is overly broad, unduly burdensome and unlikely to lead to the discovery of relevant information. Subject to and without waiving such objection, Opposer directs the Applicant to its 2005 Product Catalog, produced herewith, and its Website at www.digi.com, for a full list of products currently sold under the Digi Marks. The product catalogs from prior years produced herewith present a summary of products previously sold under the DIGI & DESIGN and DIGI INTERNATIONAL marks that may no longer be available for purchase.

INTERROGATORY NO. 13:

With respect to each product identified in response to Interrogatory No. 12, state the earliest date susceptible to proof of when such product(s) were sold by Opposer, the city and state in which such product(s) were sold, the identity of all documents showing or describing such product(s) and the identity of all documents related to each such sale.

ANSWER NO. 13:

Opposer objects that this Interrogatory is overly broad, unduly burdensome and unlikely to lead to the discovery of relevant information. Subject to and without waiving such objection, Opposer will produce representative documents demonstrating sale and/or shipment of products sold under the Digi Marks.

INTERROGATORY NO. 14:

With respect to each product identified in response to Interrogatory No. 12, identify representative customers of Opposer with respect to each such product.

ANSWER NO. 14:

Opposer objects to Interrogatory No. 14 to the extent that it seeks confidential business information. Subject to and without waiving its objections, Opposer states that it sells its products through distribution partners and reseller partners worldwide, to Original Equipment Manufacturers (OEM's), to end users via the Internet. A representative list of distributors and reseller partners is available on Opposer's Website at www.digi.com and is produced by Opposer as document numbers 452 -461.

INTERROGATORY NO. 15:

With respect to each product identified in response to Interrogatory No. 12, identify all facilities owned or operated by Opposer for the manufacture, distribution and sale of each such product.

ANSWER NO. 15:

Opposer's products are manufactured in Minnesota and California.

INTERROGATORY NO. 16:

With respect to each product identified in response to Interrogatory No. 12, identify all participants in the chain of distribution or who are responsible for distribution of each such product.

ANSWER NO. 16:

See Response to Interrogatory No. 14.

INTERROGATORY NO. 17:

Describe the circumstances of first use of Opposer's Marks with each of the following products, including the manner of use, and the details of any *bona fide* sale involved and identify all documents related to each such first use.

(a) Computer network connectivity hardware;

(b) Multi modem communication adapters;

(c) Multiport serial adapters;

(d) USB to serial converters;

(e) USB expansion hubs;

(f) USB remote access servers;

(g) Terminal servers;

(h) Print servers;

(i) Device servers;

(j) Network serial concentrations;

(k) Point-of-sale systems in retail centers;

(l) Point-of-sale systems and distribution centers;

(m) Pay at the pump systems;

(n) Interactive kiosks;

(o) Managing or controlling point-of-sale information;

(p) Retail store management procedures;

(q) Provision of Internet access;

(r) Provision of firewall security;

(s) Provision of wired connectivity between local area networks;

(t) Provision of wireless connectivity between local area networks;

(u) Provision of wired connectivity between wide area networks;

(v) Provision of wireless connectivity between wide area networks;

(w) Consulting and design services;

(x) Maintenance and repair of computer network software; and

(y) Telephone support services.

ANSWER NO. 17:

Opposer objects that this Interrogatory as it pertains to the circumstances of first use of the Digi Marks is overly broad, unduly burdensome and unlikely to lead to the discovery of relevant information. With regard to the manner in which the marks are used on the products and in connection with the services, Opposer states that it's DIGI & DESIGN mark is used on all of the above products and/or on packaging for the products, is used on its Website, on Product Datasheets, on brochures and advertisements, to advertise it consulting, design, maintenance and support services; that its DIGI INTERNATIONAL and DIGI CONNECTWARE & DESIGN marks are used on Opposer's Website, on packaging for products, on Product Datasheets, on brochures and advertisements, and in other ways to advertise its consulting, design, maintenance and support services. Other Digi Marks are used as the name of individual products or product lines, DIGI ONE, DIGI NEO, DIGI CONNECT, and are placed on products and/or on product packaging, on product datasheets and on advertising materials. The dates of first use for all of

the Digi marks are public record, published on the Certificates of Registration for each mark, and are stated on the chart attached hereto as Exhibit A. Finally, Opposer directs the Applicant to its Product Catalogs, Application Guides, Solution Guides and other materials produced herewith for additional information as to how the marks are used in connection with all of the identified goods and services.

INTERROGATORY NO. 18:

Identify each publication, radio station, television station or other advertising medium, including but not limited to, promotional materials, advertisements, catalogs, or brochures, used by Opposer in connection with the advertising or promoting of any of its products or services sold under Opposer's Marks and the dates on which each such advertisement or promotional activity occurred.

ANSWER NO. 18:

Opposer objects that this Interrogatory is overly broad and unduly burdensome. Subject to and without waiving its objections, Opposer states that its products and services have been advertised for more that twenty (23) years in trade journals, at trade shows, on Opposer's Website, in its product catalogs, on product datasheets, and in other ways customary in the trade. Representative trade shows include the upcoming Embedded World 2006, Embedded Systems Conference Silicon Valley, and Hanover Messe International.

INTERROGATORY NO. 19:

For each response to Interrogatory No. 18, identify which cities and states in the United States the advertising or other promotional materials have been distributed, including the dates of such distribution.

ANSWER NO. 19:

Opposer objects that this Interrogatory is overly broad and unduly burdensome. Subject to and without waiving its objections, Opposer states that its products and its advertising materials have been distributed throughout the United States and in numerous countries worldwide for almost twenty-three years (23) and that it has not kept a detailed records of the dates and locations of distribution of all advertising and promotional materials.

INTERROGATORY NO. 20:

Identify each different advertisement, catalog, circular, sales literature brochure, bulletin, flyer, sign, sales display, poster or other point of sale or promotional material or tag, label, sticker, container, carton or other item of packaging or labeling material, using or containing Opposer's Marks ever proposed or suggested for use by or on behalf of Opposer, and for each such item or promotional material identify all documents comprising, relating to or referring to the item or promotional material and identify all persons having knowledge of the item or promotional material.

ANSWER NO. 20:

Opposer objects that this Interrogatory is overly broad, unduly burdensome and unlikely to lead to the discovery of relevant information. Opposer has done business under the Digi Marks for almost twenty-three years and has not retained "each different advertisement, catalog, circular, sales literature brochure, bulletin, flyer, sign, sales display, poster or other point of sale or promotion material or tag, label, sticker, container, carton or other item of packaging or labeling material". Subject to and without waiving such objection, Opposer states that its marks are advertised on its Website at www.digi.com, in its product catalogs, on product datasheets, at

trade shows and marketing presentations, in trade journals, in press releases, and in cooperative advertising commissioned by its distributors. A representative sampling is produced herewith.

INTERROGATORY NO. 21:

Identify and describe the facts relating to the acquisition, selection, adoption, creation and/or design of Opposer's Marks, including without limitation, the reasons for each selection, the date of each selection and the identity of all persons who participated in each selection. Identify and locate all documents related thereto.

ANSWER NO. 21:

Opposer objects that this Interrogatory is overly broad, unduly burdensome and unlikely to lead to the discovery of relevant information. The original adoption of the Digi Marks predates all current and relevant employees. The DIGIBOARD mark was adopted by the Opposer as a trademark and as its corporate name in 1984. The corporate name was changed to Digi International Inc. in 1989. The DIGI Logo (See Exhibit C to the Notice of Opposition) was first used on products sold in commerce since at least as early as 1994 and has been used continuously since then. The Digi Marks adopted since 1984 have continuously expanded the use of the DIGI mark as a brand identifier for Opposer's products. The persons most familiar with the marks adopted in recent years are Larry Kraft and Jan McBride.

INTERROGATORY NO. 22:

Identify each artist and all other persons who designed, created or made any materials on which Opposer's Marks have ever been displayed, including any posters, advertisements, brochures, annual reports, signs, handbills, stationery, business cards, decals, badges, catalogs, labels, computer screens, or other materials, specifying which items were designed, created or made by each such person.

ANSWER NO. 22:

Opposer objects that this Interrogatory is overly broad, unduly burdensome and unlikely to lead to the discovery of relevant information. Subject to and without waiving that objection, Opposer states that artwork created for the Digi Logo was created more than fifteen (15) years ago.

INTERROGATORY NO. 23:

Identify on an annual basis, for each year since Opposer's Marks were first used, the volume of sales or amount, revenue received, and/or the asset value or appraisal of every product or service sold, used or offered in connection with Opposer's Marks, including but not limited to budgets, business plans, applications for loans or lines of credit, factual statements, projections and the like. Identify and locate all documents related thereto.

ANSWER NO. 23:

Opposer objects that this Interrogatory is overly broad, unduly burdensome and unlikely to lead to the discovery of relevant information, and that it seeks confidential business information. Subject to and without waiving its objections, Opposer states that its annual revenues for goods and services sold under the Digi Marks for the past six fiscal years is as follows:

Fiscal year 2005	$125,000,000
Fiscal year 2004	$111,000,000
Fiscal year 2003	$103,000,000
Fiscal year 2002	$101,535,947
Fiscal year 2001	$130,404,745
Fiscal year 2000	$132,524,630

INTERROGATORY NO. 24:

Identify on an annual basis, for each year since Opposer's Marks were first sold, the dollar amount of advertising and promotional expenditures for each product or service sold using or in connection with Opposer's Marks.

ANSWER NO. 24:

Opposer objects that this Interrogatory to the extent that it seeks confidential business information.

INTERROGATORY NO. 25:

Identify by product, all types of documents relating or referring to the sale or shipment of Opposer's products sold under Opposer's Marks.

ANSWER NO. 25:

Opposer objects that this Interrogatory is overly broad, unduly burdensome and unlikely to lead to the discovery of relevant information, and also object to the extent that this Interrogatory it seeks confidential business information.

INTERROGATORY NO. 26:

Identify and describe any survey, pretest, poll, research or other investigation referring or relating to Opposer's Marks, or the goods or services offered under Opposer's Marks, or relating to the public's recognition of or reaction to Opposer's Marks or the likelihood of confusion, mistake or deception resulting from the use of Applicant's Mark, including the identity of all persons who conducted or have knowledge thereof.

ANSWER NO. 26:

Opposer objects that this Interrogatory is overly broad, unduly burdensome and unlikely to lead to the discovery of relevant information, and that it seeks confidential business

information or seeks information covered by attorney-client privilege. Subject and without waiving its objection, Opposer states that is unaware of any such reports at this time.

INTERROGATORY NO. 27:

Identify and describe all oral or written agreements entered into by Opposer referring or relating to the use of Opposer's Marks including, but without limitation, the date of each agreement, the identity of all the parties thereto and the reason and purpose of the agreement.

ANSWER NO. 27:

Opposer objects to this Interrogatory as seeking confidential business information or seeks information covered by attorney-client privilege.

INTERROGATORY NO. 28:

Identify and describe any oral or written license agreements entered into by Opposer referring or relating to Opposer's Marks including, but without limitation, the date of each license agreement, the identity of the parties thereto, the termination date of said agreement, and the reason for any termination.

ANSWER NO. 28:

Opposer objects to this Interrogatory as seeking confidential business information or seeks information covered by attorney-client privilege.

INTERROGATORY NO. 29:

Identify all marks used by third parties known to or noted by Opposer that incorporate the word "DIGI" in connection with related and non-related goods or services and specify the category of goods and services to which each such mark relates.

ANSWER NO. 29:

Opposer objects that this Interrogatory is overly broad, unduly burdensome and unlikely to lead to the discovery of relevant information. Opposer further objects that the Applicant is requesting information that is covered by attorney-client privilege.

INTERROGATORY NO. 30:

Identify all advertising, research and marketing firms that have been or are now responsible or the advertising and marketing of products sold under Opposer's Marks, both alone or in combination with other words or designs.

ANSWER NO. 30:

Opposer objects that this Interrogatory is overly broad, unduly burdensome and unlikely to lead to the discovery of relevant information. Subject to and without waiving such objection, Opposer states that it will provide this information in a Supplementary Response.

INTERROGATORY NO. 31:

Identify any person or persons who has or had responsibility for maintenance and protection of Opposer's Marks, both alone and in combination with other words or designs, including the responsibility of monitoring trademark and service mark registrations by others.

ANSWER NO. 31:

Steve Maurer, Corporate Counsel, and Marsha Stolt, outside counsel.

INTERROGATORY NO. 32:

Describe the distribution and marketing system used in connection with each product sold under Opposer's Marks, both alone or in combination with other words or designs. Include a clear statement of the "target market" for each product and identify personnel most familiar with the distribution and marketing of each product.

ANSWER NO. 32:

Opposer objects that this Interrogatory is overly broad, unduly burdensome and unlikely to lead to the discovery of relevant information, and that it seeks confidential business information. Subject to and without waiving its objection, Opposer states that certain information relating to the "target markets" for each type of Digi product is included in the Application Guides, Solution Guides and White Papers produced herewith. Larry Kraft and Jan McBride are the persons most familiar with the distribution and marketing of each product.

INTERROGATORY NO. 33:

Specify any and all periods of nonuse by Opposer of Opposer's Marks, and state the beginning and ending date of all such periods of nonuse and the reason or reasons for such nonuse.

ANSWER NO. 33:

With the exception of the DIGIFAX and DIGICHANNEL marks, which have now been abandoned, Opposer states that the Digi Marks identified in the Notice of Opposition have been used continuously since the dates of first use stated in the registrations.

INTERROGATORY NO. 34:

Identify any instance where Opposer has objected to or challenged any third party regarding its use of any trade name, trademark/service mark application for registration or registration of any trademark/service mark, or other designation which Opposer considered to conflict with any of Opposer's Marks or on the basis of its alleged similarity to any of Opposer's Marks.

ANSWER NO. 34:

Opposer objects to this Interrogatory as seeking confidential information and/or seeking information covered by attorney-client privilege. Subject to and without waiving its objection, Opposer states that it has challenged numerous third party marks, has filed opposition proceedings in the U.S. and elsewhere, has negotiated settlements outside of an opposition proceeding with respect to several marks, such settlements resulting in the withdrawal of the applications for registration of the marks, or, if feasible, amendments to the goods and services covered by the applications. Attached hereto at Exhibit B are printouts from the U.S. Trademark Trial Appeal Board ("TTAB")database showing the results of actions brought before the TTAB by Digi International Inc. against the following marks:

Mark	Oppostion/Cancellation	Results
DIGICONFERENCE	Serial No. 75/033,227	Application Abandoned
DIGIRADIO	Serial No. 74/036,249	Application Abandoned
DIGISTYLE	Serial No. 75/009,043	Abandoned After TTAB Order
DIGI$	Serial No. 75/061,129	Abandoned after TTAB Order
DIGI-FAX	Serial No. 74/431,278	Cancelled after TTAB Order
DIGIHOME	Serial No. 75/185,410	Abandoned after Interpartes Decision
DIGIWIRE	Serial No. 75/185,625	Abandoned after Interpartes Decision
DIGILINX	Serial No. 75/270,999	Application Withdrawn
DIGIGATE	Serial No. 75/373,466	Application Amended/ OppositionWithdrawn
DIGI-PHY	Serial No. 76/235,229	Application Withdrawn

DIGI & DESIGN	Serial No. 76/239,476	Application Withdrawn
DIGILOG A NUMEREX SOLUTION	Serial No. 78/054,660	Application Amended/ Opposition Withdrawn
SUPER DIGIBIN	Serial No. 78/126,974	Application Withdrawn
E-DIGINOTE	Serial No. 76/343,448	Application Abandoned after TTAB Decision
DIGILENS	Serial No. 78/107,773	Application Abandoned after TTAB Decision
DIGI FLAT	Serial No. 78/148,865	Application Amended /Opposition Withdrawn

Each of the above matters is of public record in the U.S. Patent and Trademark Office. Certain agreements between Opposer and third parties, including owners of some of the marks identified above, contain confidentiality clauses and may not be produced absent an Order by the trier of fact.

INTERROGATORY NO. 35:

For each third party identified in response to Interrogatory No. 34, identify the third party; state the date the objection or challenge was made; identify the trade name, trademark/service mark, or designation objected to or challenged and the goods or services associated therewith; describe the nature of the action taken by Opposer; describe the results, if any, of said action including, but not limited to, whether the use objected to or challenged was discontinued as a result of such objection or whether any other resolution of the dispute was made; and identify and locate all documents relating thereto.

ANSWER NO. 35:

See Response to No. 34

INTERROGATORY NO. 36:

Identify any instance where a third party has objected to or challenged Opposer regarding its use of Opposer's Marks.

ANSWER NO. 36:

See Response to No. 34.

INTERROGATORY NO. 37:

For each third party identified in response to Interrogatory No. 36, identify the third party; state the date the objection or challenge was made; identify the trade name, trademark/service mark, or designation objected to or challenged and the goods or services associated therewith; describe the nature of the action taken by Opposer; describe the results, if any, of said action including, but not limited to, whether the use objected to or challenged was discontinued as a result of such objection or whether any other resolution of the dispute was made; and identify and locate all documents relating thereto.

ANSWER NO. 37:

See Response to No. 34.

INTERROGATORY NO. 38:

Describe any Court or United States Patent and Trademark Office Actions, not previously identified, filed by Opposer in connection with the use or registration of Opposer's Marks both alone and in combination with other words or designs. Identify each such action and locate all documents relating thereto.

ANSWER NO. 38:

See Response to No. 34.

INTERROGATORY NO. 39:

Describe any Court or any United States Patent and Trademark Office Actions filed against Opposer and any written challenges directed to Opposer or any predecessor involving use of Opposer's Marks both alone and in combination with other words and designs. Identify each such action and identify any and all documents relating thereto.

ANSWER NO. 39:

Opposer objects to this Interrogatory as seeking confidential information or seeks information covered by attorney-client privilege. Subject to and without waiving its objection, Applicant states that one action has been filed against Opposer, namely, Opposition No. 91161568 relating to Opposer's mark DIGI FLEX. The matter was settled between the parties and Opposer's mark has now registered under Reg. No. 3,038,875.

INTERROGATORY NO. 40:

Identify each stylization or variation of Opposer's Marks, both alone and in combination with other words or designs, that Opposer has used, and state the time periods during which each stylization or variation of the marks was used.

ANSWER NO. 40:

See table at Exhibit A.

INTERROGATORY NO. 41:

Identify each imprint, decal, label, program, graphic or other means by which Opposer's Marks, both alone or in combination with other words or designs, have been used on any services rendered or products sold by Opposer, including the time period during which each such means was used.

ANSWER NO. 41:

Opposer objects that this Interrogatory is overly broad, unduly burdensome and unlikely to lead to the discovery of relevant information. Subject to and without waiving such objection. Opposer directs the Applicant to its response to No. 40. The stylized variations of the Digi Marks, and the accompanying designs, have been used on products, on catalogs and product datasheets, on packaging, on Opposer's Website, at trade shows and on marketing materials and advertisements, during the time periods sated in the enclosed chart.

INTERROGATORY NO. 42:

State whether Opposer has ever received mail, telephone calls, bills, payments come invoices or any other materials referring to were inquiring about Applicant or its goods and/or services, and in each such case identify: (i) each and every person or entity that corresponded with Opposer, made statements to Opposer or was otherwise confused; (ii) the dates on which such contact was made; (iii) all persons who have knowledge of the matter described; and (iv) all documents concerning regarding the same.

ANSWER NO. 42:

Opposer objects to this Interrogatory to the extent that it seeks confidential business information or information covered by attorney-client privilege. Subject to and without waiving such objection, Opposer states that to the best of its knowledge at the time this Response is written it has received no such inquiries.

INTERROGATORY NO. 43:

State whether Opposer has ever obtained any knowledge or information regarding confusion on the part of any person as to the source, sponsorship, affiliation or approval of the goods and/or services provided by Applicant, and in each such case identify: (i) each and every

person or entity that corresponded with Opposer, made statements to Opposer or was otherwise confused; (ii) the dates on which such contact was made; (iii) all persons who have knowledge of the matter described; and (iv) all documents concerning regarding the same.

ANSWER NO. 43:

Opposer objects that this Interrogatory to the extent that it seeks confidential business information or information covered by attorney-client privilege. Subject to and without waiving such objection, Opposer states that to the best of its know at the time this Response is written it has received no such knowledge or information.

INTERROGATORY NO. 44:

Identify any instance or occasion of confusion or mistake involving the source, origin or sponsorship of goods or services sold by Opposer, its licensees or related companies under Opposer's Marks.

ANSWER NO. 44:

Opposer objects that this Interrogatory is overly broad, unduly burdensome and unlikely to lead to the discovery of relevant information as it seeks information unrelated to the subject of this dispute and also objects to the Interrogatory to the extent that it seeks confidential business information or information covered by attorney-client privilege.

INTERROGATORY NO. 45:

For each instance identified in Interrogatory No. 44, identify the person or persons confused or mistaken, state the dates and places of such confusion or mistake, describe the instances or occasions, state the manner in which such confusion or mistake was communicated or came to the attention of Opposer, state the identity of the persons associated with Opposer aware of such communication, identify all persons having knowledge of each such instance or

occasion, and identify all documents referring or relating in any way to such confusion or mistake.

ANSWER NO. 45:

See Response to No. 44.

INTERROGATORY NO. 46:

Identify any opinion from legal counsel concerning Opposer's right to use Opposer's Marks as its trademarks or service marks or as to whether Opposer's use of said marks are likely to cause confusion, mistake or deception, or as to whether Opposer's use of said marks constitutes an infringement or other violation of the rights of any person.

ANSWER NO. 46:

Opposer objects to this Interrogatory in that it seeks information covered by attorney-client privilege.

INTERROGATORY NO. 47:

For any opinion identified in Interrogatory No. 46, identify the date of the opinion, identify attorney(s) or others who rendered the opinion, identify whether the opinion was written or oral, identify each person who received a copy of the opinion, if in writing, and each person who was informed of such opinion, if oral.

ANSWER NO. 47:

See Response to No. 46.

INTERROGATORY NO. 48:

Identify and describe the approximate date(s), manner and under what circumstances Opposer or any of its officers, directors or managing agents first became aware of: (a) the

Applicant; and (b) the Applicant's Mark, DIGIPOS; and specify the identity of the person(s) who made the discovery and from what source such information was obtained.

ANSWER NO. 48:

Opposer objects that this Interrogatory to the extent that it seeks information covered by attorney-client privilege. Subject to and without waiving such objection, Opposer states that it subscribes to a worldwide Watch Service for the DIGI mark and received Watch Notices relating to Applicant's marks.

INTERROGATORY NO. 49:

State whether the Opposer considers the Applicant to be a competitor and identify any documents where the Applicant is identified as such.

ANSWER NO. 49:

Opposer objects to this Interrogatory as irrelevant. Likelihood of confusion is not limited to directly competitive products.

INTERROGATORY NO. 50:

Identify those persons who made the decision to bring this Opposition.

ANSWER NO. 50:

Steve Maurer, Corporate Counsel

Larry Kraft, Vice President of Marketing

INTERROGATORY NO. 51:

Identify each person, Opposer expects to call as an expert witness in this matter, and state the date when such expert witness was first retained or employed by Opposer. In connection with the subject matter about which he or she is expected to testify; and identify the subject matter

about which such expert is expected to testify in the qualifications which establish him or her as an expert on the subject matter.

ANSWER NO. 51:

Opposer objects that discovery is at an early stage and is ongoing and therefore it is unable to identify each person it may retain as an expert witness. Subject to and without waiving such objection, Opposer states that it has not yet retained an expert witness.

INTERROGATORY NO. 52:

Identify each person Opposer expects to call as a fact witness in this matter, and state the substance of the facts to which each such witnesses expected to testify.

ANSWER NO. 52:

Opposer objects that discovery is at an early stage and is ongoing and therefore it is unable to identify each person it may retain as an expert witness. Subject to its objection, and without waiving its right to identify other witnesses, Opposer states that it will call Jan McBride to testify as to Digi's marketing efforts and use of the Digi Marks on products, packaging and marketing materials. It is likely to call another witness, as yet undetermined, to testify as to sales and financial information.

INTERROGATORY NO. 53:

Identify all documents and physical exhibits, which Opposer expects to introduce into evidence.

ANSWER NO. 53:

Opposer objects that discovery is at an early stage and is ongoing and therefore it is unable to identify all documents and physical exhibits which it will introduce into evidence. Subject to and without waiving such objection, and without waiving its right to introduce other

evidence, Opposer states that it intends to introduce its trademark registrations, advertising and marketing materials, packaging materials, photographs of products, information relating to sales and distribution of products.

INTERROGATORY NO. 54:

Identify the classes of customers to whom you have sold goods or provided services under the Opposer's Marks.

ANSWER NO. 54:

Distributors, resellers, original equipment manufacturers ("OEMs"), network administrators, individual consumers.

INTERROGATORY NO. 55:

Describe with particularity the kinds of trade channels through which Opposer has sold and is now selling goods and services under the Opposer's Marks.

ANSWER NO. 55:

Distributor partners, reseller partners, direct sales to OEMs, sales via the Internet.

INTERROGATORY NO. 56:

Identify the persons most knowledgeable about the goods and services offered under the Opposer's Marks, including their marketing, advertising, promotion, sale, distribution, and channels of trade.

ANSWER NO. 56:

Larry Kraft, Jan McBride

INTERROGATORY NO. 57:

State Opposer's background in the computer hardware and software industry and its scope of experience with point-of-sale transactions and information, as well as retail store management procedures.

ANSWER NO. 57:

Opposer objects that this Interrogatory is overly broad, unduly burdensome and unlikely to lead to the discovery of relevant information. Subject to and without waiving such objection, Opposer states that it has manufactured and sold computer hardware used in providing network connectivity and remote access since 1984 and that hardware for managing POS transactions and connecting POS equipment is one of many applications for its products. Opposer's products sold under the Digi marks are used in any situation where a business wants to connect peripherals to a network, including but not limited to retail point-of-sale applications.

INTERROGATORY NO. 58:

Identify all documents upon which the Opposer intends to rely to establish use of the Opposer's Marks in association with computer hardware, peripheral equipment and software for use in controlling point-of-sale transactions, and managing point of sale information and all retail store management procedures.

ANSWER NO. 58:

Opposer objects that discovery is at an early stage and is ongoing and therefore it is unable to identify all documents which it will introduce into evidence. Subject to and without waiving such objection, and without waiving its right to introduce other evidence, Opposer intends to introduce product catalogs, product datasheets, printouts from its Website, advertising

and marketing materials, showing use of the Digi Marks on products intended for POS applications.

INTERROGATORY NO. 59:

Identify all products that the Opposer submits are used as components point-of-sale systems, and in with respect to each such product identify the following:

(a) to whom the product has been sold;

(b) when the product was first sold, and to whom;

(c) the physical location of any script or text that has been imprinted, engraved, embossed or otherwise affixed to the product, displaying the word, "DIGI";

(d) the physical location of the product in the completed point-of-sale system for which it is a component.

ANSWER NO. 59:

Opposer objects that this Interrogatory is overly broad and unduly burdensome and also objects to the extent that it seeks confidential business information. Subject to and without waiving such objections, Opposer states that products sold as components of POS systems include, but are not limited to, the products sold under the names DIGI NEO, HUBPORT*, ANYWHEREUSB*, PORTSERVER*, EDGEPORT*, DIGI ONE, WATCHPORT* and ACCELEPORT* Product datasheets providing details regarding the use and placement of the products are produced herewith, as well as Application Guides and Solution Guides that include graphic representations of the physical locations of the products in the completed POS systems. The dates of first use of each of the marks is provided in the enclosed chart at Exhibit A and is stated on the Certificate of Registration for each mark. Applicant cannot at this time state with certainty the date that any one of the products was used in a POS system.

* Products are sold under the DIGI & DESIGN and DIGI INTERNATIONAL marks.

INTERROGATORY NO. 60:

State whether Opposer is aware of any computer software or hardware licensed, sold or offered for sale or license by Teraoka Seiko Co., Ltd., and if yes, identify (i) the scope of such knowledge, (ii) how Opposer became aware of such computer software or hardware, and (iii) whether there has been any contact between Opposer and Teraoka Seiko Co. Ltd., regarding use of the term "Digi", "DIGI" or "Digisystem".

ANSWER NO. 60:

Opposer object to this question to the extent that it seeks confidential information or information covered by attorney-client privilege. Subject to and without waiving its objection. Opposer states that it is aware of Teraoka Seiko Co., Ltd, that it has opposed applications filed by Seiko and has been opposed by Seiko, and that has been no contact between the parties relating to either parties' registrations in the in the United States.

INTERROGATORY NO. 61:

Identify all documents related to Interrogatory No. 58 and specifically all documents related to any and all contact between Opposer and Teraoka Seiko Co. Ltd. regarding the use of the term of "DIGI" or "DigiSystem"

ANSWER NO. 61:

Opposer answers on the assumption that Applicant intended to ask for documents related to Interrogatory No. 60, not No. 58. Opposer objects that this Interrogatory is overly broad and unlikely to lead to the discovery of relevant information, as this action relates only registration in the United States of America. Opposer also objects that this Interrogatory seeks information that is confidential and information that is covered by attorney-client privilege.

INTERROGATORY NO. 62:

State whether Opposer is aware of any computer software, computer hardware, or computer or internet services licensed, sold or offered for sale or license by Avid Technology, Inc., and if yes, identify (i) the scope of such knowledge, (ii) how Opposer became aware of such computer software, and (iii) whether there has been any contact between Opposer and Avid Technology, Inc. regarding use of the terms "DigiPronet", "DigiDrive", "Digi001 ", "Digi 002", "Digidesign" or "Digi Toolbox".

ANSWER NO. 62:

Opposer objects to this Interrogatory to the extent that it seeks information that is that is covered by attorney-client privilege. Subject to and without waiving its objection, Opposer states that it has investigated Avid's use of the above marks and because the marks are used solely in connection with audio production and sound mixing equipment, Opposer has taken no action in connection with the use or registration of the above marks.

INTERROGATORY NO. 63:

State whether Opposer is aware of any computer storage devices sold or offered for sale by Digi-Data Corporation, and if yes, identify (i) the scope of such knowledge, (ii) how Opposer became aware of such computer storage devices, and (iii) whether there has been any contact between Opposer and Digi-Data Corporation regarding use of the term "Digi-Data".

ANSWER NO. 63:

Opposer objects to this Interrogatory to the extent that it seeks information that is that is covered by attorney-client privilege. Subject to and without waiving its objection, Opposer states that it had no knowledge of Digi-Data Corporation prior to receipt of this Interrogatory. A search of the USPTO database shows no application or registration for the mark.

INTERROGATORY NO. 64:

State whether Opposer is aware of any computer software licensed, sold or offered for sale or license by Digital Element, Inc., or their web site, www.digielement.com, and if yes, identify (i) the scope of such knowledge, (ii) how Opposer became aware of such computer software or web site and (iii) whether there has been any contact between Opposer and Digital Element, Inc. regarding use of the term "Digi-Element".

ANSWER NO. 64:

Opposer objects to this Interrogatory to the extent that it seeks information that is that is covered by attorney-client privilege. Subject to and without waiving its objection, Opposer states that it has no knowledge of Digi Element, Inc. prior to receipt of this Interrogatory. A search of the USPTO database shows no application or registration for the mark "Digi-Element".

INTERROGATORY NO. 65:

State whether Opposer is aware of any computer software for, *inter* alia, network communications licensed, sold or offered for sale or license by TamoSoft, Inc., and if yes, identify (i) the scope of such knowledge, (ii) how Opposer became aware of such computer software, and (iii) whether there has been any contact between Opposer and TamoSoft, Inc. regarding use of the term "DigiSecret".

ANSWER NO. 65:

Opposer objects to this Interrogatory to the extent that it seeks information that is that is covered by attorney-client privilege. Subject to and without waiving its objection, Opposer states that it had no knowledge of TamoSoft, Inc. prior to receipt of this Interrogatory A search of the USPTO database shows no application or registration for the mark "Digi-Secret".

INTERROGATORY NO. 66:

State whether Opposer is aware of any point of sale devices, manufactured, distributed, sold or offered for sale by SIM2 Multimedia Spa Corporation Italy, and if yes, identify (i) the scope of such knowledge, (ii) how Opposer became aware of such devices, and (iii) whether there has been any contact between Opposer and SIM2 Multimedia Spa Corporation Italy regarding use of the term "Digi-Optic".

ANSWER NO. 66:

Opposer objects to this Interrogatory to the extent that it seeks information that is that is covered by attorney-client privilege. Subject to and without waiving its objection, Opposer states that it is aware of SIM2 Multimedia Spa Corporation Italy and is evaluating what action needs to be taken in connection with its use of the DIGI-OPTIC mark.

INTERROGATORY NO. 67:

State whether Opposer is aware of any online retail services in connection with computer hardware and software by eCost.com, Inc., and if yes, identify (i) the scope of such knowledge, (ii) how Opposer became aware of such services, and (iii) whether there has been any contact between Opposer and eCost.com, Inc. regarding use of the term "Digi Soundcenter".

ANSWER NO. 67:

Opposer objects to this Interrogatory to the extent that it seeks information that is that is covered by attorney-client privilege. Subject to and without waiving its objection, Opposer states that it has no prior knowledge of eCost.com, Inc. or the mark DIGI SOUNDCENTER. A search of the USPTO database shows a pending application for the mark covering "Telephone, mail order and online retail services featuring electronics, computers, computer peripherals, computer software, electronic games, electronic game software, electronic game systems, audio

equipment, home appliances, cameras, home electronics, televisions, VCRs, DVD players, receivers and video recorders; interactive demonstrations of digital audio products and related software." Opposer is now evaluating what action, if any, needs to be taken in connection with the use and registration of the DIGI SOUNDCENTER mark.

INTERROGATORY NO. 68:

State whether Opposer is aware of any point-of-sale computer software and/or computer hardware used in e-commerce licensed, sold or offered for sale by GigiTerra, Inc., and if yes, identify (i) the scope of such knowledge, (ii) how Opposer became aware of such computer hardware and software, and (iii) whether there has been any contact between Opposer and DigiTerra, Inc. regarding use of the term "DigiTerra".

ANSWER NO. 68:

Opposer objects to this Interrogatory to the extent that it seeks information that is that is covered by attorney-client privilege. Subject to and without waiving its objection, Opposer states that it had no knowledge of GigaTerra, Inc. prior to receipt of this Interrogatory. A search of the USPTO database shows Reg. No. 2649378 for the mark DIGITERRA covering "Computer software and hardware for use in ecommerce and enterprise resource planning applications" and "Computer consultation services, namely, enterprise resource planning application consultation, interface consultation, internet-based application consultation." Opposer is evaluating whether further action needs to be taken in connection with this matter.

INTERROGATORY NO. 69:

State whether Opposer is aware of any computer networking systems and related devices, manufactured, distributed, sold or offered for sale by Digicard International Pty. Ltd. Corporation Australia, and if yes, identify (i) the scope of such knowledge, (ii) how Opposer

became aware of such networking systems and devices, and (iii) whether there has been any contact between Opposer and Digicard International Pty. Ltd. Corporation Australia regarding use of the term "DigiCard".

ANSWER NO. 69:

Opposer objects to this Interrogatory to the extent that it seeks information that is that is covered by attorney-client privilege. Subject to and without waiving its objection, Opposer states that it has no prior knowledge of Digicard International Pty. Ltd. Internet research indicates that the company is engaged in providing printed business cards.

INTERROGATORY NO. 70:

State whether Opposer is aware of any computer software used to create bar codes for, *inter alia,* point-of-sale applications licensed, sold or offered for sale or license by Symbology, Inc., and if yes, identify (i) the scope of such knowledge, (ii) how Opposer became aware of such computer software, and (iii) whether there has been any contact between Opposer and Symbology, Inc. regarding use of the term "DigiCode".

ANSWER NO. 70:

Opposer objects to this Interrogatory to the extent that it seeks information that is that is covered by attorney-client privilege. Subject to and without waiving its objection, Opposer states that it has no prior knowledge of Symbology, Inc. A search of the USPTO database shows the mark is registered in connection with "computer programs for producing bar code labels" and "printing services; namely, printing bar codes for products of others, and computer software design for others". Opposer's initial impression is that Symbology's product is primarily a software product used for a very specialized purpose and that there is not a likelihood of confusion occurring with the Opposer's Digi Marks.

INTERROGATORY NO. 71:

State whether Opposer is aware of any computer hardware sold or offered for sale by Sinbon Electronics Company Ltd., and if yes, identify (i) the scope of such knowledge, (ii) how Opposer became aware of such computer hardware, and (iii) whether there has been any contact between Opposer and Sinbon Electronics Company Ltd. regarding use of the term 740_2".

ANSWER NO. 71:

Opposer objects to this Interrogatory to the extent that it seeks information that is that is covered by attorney-client privilege. Subject to and without waiving its objection, Opposer states that it had no knowledge of Sinbon Electronic Company Ltd. Inc. prior to receipt of this Interrogatory. A search of the USPTO database shows the a pending application for the mark covering "electric cigarette lighters for land vehicles; computer buffers; computer game equipment containing memory devices namely audio and video discs; computer memories; hard discs for computers; electronic personal organizers; photographic cameras; photographic projectors; slide projectors". Opposer will need to conduct additional investigation to determine if there is a likelihood of confusion occurring.

INTERROGATORY NO. 72:

State whether Opposer is aware of any computer hardware sold or offered for sale by Medion AG Joint Stock Company, and if yes, identify (i) the scope of such knowledge, (ii) how Opposer became aware of such computer hardware, and (iii) whether there has been any contact between Opposer and Medion AG Joint Stock Company regarding use of the term Tigi Flat".

ANSWER NO. 72:

Opposer objects to this Interrogatory to the extent that it seeks information that is that is covered by attorney-client privilege. Subject to and without waiving its objection, Opposer

states that it has prior knowledge of Medion AG., that Opposer opposed Medion AG's registration of the DIGI FLAT in the United States and that the parties reached an amicable settlement based up upon Medion's amendment of the description of goods covered by the registration.

INTERROGATORY NO. 73:

Identify all persons who participated in any way in the preparation of the answers or responses to these interrogatories and state specifically, with reference to interrogatory numbers, the area of participation of each such person.

ANSWER NO. 73:

Marsha Stolt, Steve Maurer with respect to all Answers.

INTERROGATORY NO. 74:

Identify, to the extent possible, any and all documents responsive to the foregoing interrogatories which have been destroyed and the date(s) and reason(s) for such destruction and person(s) most knowledgeable about such destruction.

ANSWER NO. 74:

To the best of Opposer's knowledge the only documents destroyed, if any, would be documents disposed of in keeping with its corporate document retention policy.

INTERROGATORY NO. 75:

Identify, to the extent possible, any and all documents responsive to the foregoing interrogatories which are lost or are no longer within Opposer's possession, custody or control and identify the date(s) the loss or lack of possession, custody or control was first discovered, the person(s) who first discovered the loss or lack of possession, custody or control, and the person(s) most knowledgeable about the contents of such documents.

ANSWER NO. 75:

Opposer is unaware of any such documents.

As to Objections:

Date: February 17, 2006

Marsha Stolt, Esq.
Moss & Barnett, PA
Attorneys for Opposer
4800 Wells Fargo Center
90 South Seventh St.
Minneapolis, MN 55402-4129
(612) 347-0443 (Telephone)
(612) 339-6686 (Facsimile)

As to Answers:

DIGI INTERNATIONAL INC.

Date: 17 FEBRUARY 2006

Steve Maurer, Corporate Counsel

CERTIFICATE OF SERVICE

It is hereby certified that a true copy of the foregoing Opposer's Answers to Applicant's First Set of Interrogatories was Federal Expressed, postage prepaid, this 14th day of February, 2006, to:

Serge Anissimoff, Esq.
Anissimoff & Associates
Richmond North Office Centre
Suite 201, 235 North Centre Road
London, ON N5X 4E7 **CANADA**

the attorney for the applicant.

Marta I. Skogquist

CERTIFICATE OF SERVICE

It is hereby certified that a true copy of the foregoing Opposer's Answers to Applicant's First Set of Interrogatories was Federal Expressed, postage prepaid, this 17th day of February, 2006, to:

Serge Anissimoff, Esq.
Anissimoff & Associates
Richmond North Office Centre
Suite 201, 235 North Centre Road
London, ON N5X 4E7 **CANADA**

the attorney for the applicant.

Marta I. Skogquist

EXHIBIT
tabbies
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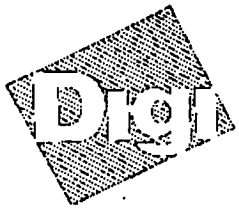
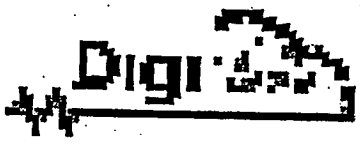
Mark / Design	Registration No. / Serial No.	Date of First Use
DIGI (Standard Character)	Reg. No. 2,319, 992	At least as early as July 23, 1985-Present
DIGIBOARD	Reg. No. 1,666,495	At least as early as July 23, 1985 - Present
DIGI & Design	Reg. No. 2,200,945	At least as early as July, 1994 - Present
 Mark is lined for color green	Reg. No. 2,019,613 & Reg. No. 2,369,665	At least as early as July, 1994-Present
DIGI Sylized	Reg. No. 2,317,478	At least as early as July 23, 1985 - Present
DIGI CONNECTS & Design	Reg. No. 2,193,984	At least as early as December 1, 1995 - Present
DIGI CONNECTWARE & Design	Reg. No. 2,743,267	At least as early as March 31, 2001 - Present
DIGI ONE	Reg. No. 2,765,124	At least as early as July, 2001 - Present

Mark / Design	Registration No. / Serial No.	Date of First Use
DIGI NEO	Reg. No. 2,701,154	At least as early as April 4, 2001 - Present
DIGI CLASSICBOARD	Reg. No. 2,148,245	At least as early as September 13, 1996 - Present
DIGI CONNECT	Reg. No. 2,912,411	At least as early as December 1, 1995 - Present
DIGI CONNECT WI-EM	Reg. No. 3,022,000	At least as early as April 1, 2005 - Present
DIGI CONNECT WI-ME	Reg. No. 3,021,998	At least as early as April 1, 2005 - Present
DIGI CONNECT ME	Reg. No. 2,925,639	At least as early as April, 2003 - Present
DIGI CONNECT EM	Serial No. 78/380,031	At least as early as April 1, 2004 - Present
DIGI CONNECT SP	Serial No. 78/380,060	At least as early as April 1, 2004 - Present
 **DIGILINE & Design**	Reg. No. 2,907,196	At least as early as August, 2002 - Present
DIGI EASYPOWER	Reg. No. 2,960,718	At least as early as November, 2002 - Present
DIGI FLEX	Reg. No. 3,038,875	At least as early as February, 2003 - Present
DIGI ONE REALPORT	Reg. No. 2,802,150	At least as early as October, 2001 - Present
DIGI ONE IA REALPORT	Reg. No. 2,802,149	At least as early as January, 2002 - Present
WWW.DIGI.COM	Reg. No. 2,624,198	At least as early as March 3, 1999 - Present

Mark / Design	Registration No. / Serial No.	Date of First Use
I INSIDE OUT NETWORKS A DIGI INTERNATIONAL COMPANY & Design	Serial No. 76/585,418	At least as early as October, 2000 - Present
NETSILICON A DIGI INTERNATIONAL COMPANY & Design	Reg. No. 2,801,034	At least as early as February, 2002 - Present
DIGICHANNEL	Serial No. 75/384,940	Abandoned
DIGIFAX	Reg. No. 2,616,097	Abandoned
DIGI CONNECTWARE	Reg. No. 2,915,625	At least as early as March 31, 2001 - Present
DIGI	Reg. No. 2,630,891	At least as early as July 23, 1985 - Present
DIGI INTERNATIONAL	Reg. No. 2,392,683	At least as early as July, 1994 - Present
DIGI INTERNATIONAL	Reg. No. 2,132,925	At least as early as April 30, 1997 - Present

EXHIBIT B

United States Patent and Trademark Office

TTABVUE. Trademark Trial and Appeal Board Inquiry System

Opposition

Number: 91104772 **Filing Date:** 01/02/1997
Status: Terminated **Status Date:** 10/01/1998

Defendant

Name: THIRD PLANET PUBLISHING, INC.
Correspondence: HENRY W. LEEDS
TUCKER, FLYER & LEWIS, P.C.
1615 L STREET, N.W. SUITE 400
WASHINGTON, DC 20036-5610
Serial #: 75033227
Application Status: Abandoned - After Inter-Partes Decision
Mark: DIGICONFERENCE
Serial #: 75036249
Application Status: Abandoned - After Inter-Partes Decisión
Mark: DIGIRADIO

Plaintiff

Name: DIGI INTERNATIONAL INC.
Correspondence: MARSHA STOLT
DORSEY & WHITNEY LLP
220 SOUTH SIXTH STREET
MINNEAPOLIS, MN 55402
Serial #: 74071818 **Registration #:** 1666495
Application Status: Renewed
Mark: DIGIBOARD

Prosecution History

#	Date	History Text	Due Date
16	10/01/1998	TERMINATED	
15	10/01/1998	BD'S DECISION: DISMISSED W/O PREJUDICE	
14	08/06/1998	WITHDRAWAL OF OPPOSITION	
13	08/06/1998	ABANDONMENT OF 75/036,249 W/CONSENT	
12	08/06/1998	ABANDONMENT OF 75/033,227 W/CONSENT	
11	05/12/1998	TRIAL DATES SET	
10	04/30/1998	ANSWER	
9	03/02/1998	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	
8	10/15/1997	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	
7	09/02/1997	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	
6	06/30/1997	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	
5	05/02/1997	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	
4	03/31/1997	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	
3	02/20/1997	PENDING, INSTITUTED	

2	02/20/1997	NOTICE SENT; ANSWER DUE (DUE DATE)	04/01/1997
1	01/02/1997	FILED AND FEE	

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TTABVUE. Trademark Trial and Appeal Board Inquiry System

Opposition

Number: 91104738
Status: Terminated

Filing Date: 01/07/1997
Status Date: 08/06/1997

Defendant

Name: DIGITAL STYLE CORPORATION
Correspondence: HENRI J.A. CHARMASSON
SUITE 150
1545 HOTEL CIRCLE
SAN DIEGO, CA 92108-3413
Serial #: 75009043
Application Status: Abandoned - After Inter-Partes Decision
Mark: DIGISTYLE

Plaintiff

Name: DIGI INTERNATIONAL INC.
Correspondence: MARSHA STOLT
DORSEY & WHITNEY LLP
220 SOUTH SIXTH STREET
MINNEAPOLIS, MN 55402
Serial #: 74547516 **Registration #:** 2019613
Application Status: Section 8 and 15 - Accepted and Acknowledged
Mark: DIGI

Prosecution History

#	Date	History Text	Due Date
6	08/06/1997	TERMINATED	
5	08/06/1997	BOARD'S DECISION: SUSTAINED	
4	05/08/1997	NOTICE OF DEFAULT	
3	02/10/1997	PENDING, INSTITUTED	
2	02/10/1997	NOTICE SENT; ANSWER DUE (DUE DATE)	03/22/1997
1	01/07/1997	FILED AND FEE	

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United States Patent and Trademark Office

TTABVUE. Trademark Trial and Appeal Board Inquiry System

Opposition

Number: 91108271 **Filing Date:** 10/22/1997
Status: Terminated **Status Date:** 10/08/2002
Interlocutory Attorney: THOMAS W WELLINGTON

Defendant

Name: DAVID CHAUM
Correspondence: GEORGE A. DREMONAS
BARNES & THORNBURG
1313 MERCHANTS BANK BLDG. 11 S. MERIDIAN STREET
INDIANAPOLIS, IN 46204
Serial #: 75061129
Application Status: Abandoned - After Inter-Partes Decision
Mark: DIGI$

Plaintiff

Name: DIGI INTERNATIONAL INC.
Correspondence: MARSHA STOLT
ARNOLD, WHITE & DURKEE
P.O. BOX 4433
HOUSTON, TX 77210
Serial #: 74547516 **Registration #:** 2019613
Application Status: Section 8 and 15 - Accepted and Acknowledged
Mark: DIGI

Prosecution History

#	Date	History Text	Due Date
19	10/08/2002	TERMINATED	
18	10/08/2002	BOARD'S DECISION: SUSTAINED	
17	04/19/2002	NOTICE OF DEFAULT	
16	06/25/2001	DEF'S MOT TO EXT W/CON	
15	05/22/2001	PROCS. RESUMED; ANSWER DUE 30 DAYS	
14	02/25/1999	PROCEEDING SUS. PEND.CONSENT AGREEMENT	
13	10/27/1998	DEF'S REQ TO SUSPEND W/CONSENT	
12	10/09/1998	DEF'S MTN TO EXT W/CON	
11	09/11/1998	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	
10	07/13/1998	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	
9	06/12/1998	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	
8	05/08/1998	D'S MOTION FOR AN EXTENSION OF TIME	
7	03/16/1998	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	
6	02/13/1998	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	
5	01/13/1998	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	
4	12/15/1997	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	

3	11/07/1997	PENDING, INSTITUTED	
2	11/07/1997	NOTICE SENT; ANSWER DUE (DUE DATE)	12/17/1997
1	10/22/1997	FILED AND FEE	

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United States Patent and Trademark Office

TTABVUE. Trademark Trial and Appeal Board Inquiry System

Cancellation

Number: 92027183 **Filing Date:** 01/20/1998
Status: Terminated **Status Date:** 10/11/2001
Interlocutory Attorney: ALBERT J ZERVAS

Defendant

Name: UNIVERSAL DESIGN, INC.
Correspondence: WILLIAM J. TIPPING
GARTNER & SCHUPP, P.A.
ONE FINANCIAL PLAZA - SUITE 2200 120 SOUTH SIXTH STREET
MINNEAPOLIS, MN 55402-1824
Serial #: 74431278 **Registration #:** 1894861
Application Status: Cancelled - Section 18
Mark: DIGI-FAX

Plaintiff

Name: DIGI INTERNATIONAL, INC.
Correspondence: MARSHA STOLT, ESQ.
FISH & RICHARDSON P.C.
3300 DAIN RAUSCHER PLAZA 60 SOUTH SIXTH STREET
MINNEAPOLIS, MN 55402

Prosecution History

#	Date	History Text	Due Date
15	10/11/2001	TERMINATED	
14	10/11/2000	BOARD'S DECISION: GRANTED	
13	06/27/2000	SUBMITTED ON BRIEF	
12	12/30/1999	LETTER OF EVIDENCE MAILED	
11	06/17/1999	PL'S TRIAL BRIEF	
10	01/04/1999	PLAINTIFF'S NOTICE OF RELIANCE	
9	12/10/1998	DEF'S APPPOINTMENT OF ASSOC. COUNSEL	
8	10/05/1998	PL'S REVOCATION & SUB. OF PA	
7	09/30/1998	P'S MOT FOR EXTEN. OF TIME W/ CONSENT	
6	07/31/1998	P'S MOT FOR EXTEN. OF TIME W/ CONSENT	
5	04/07/1998	TRIAL DATES SET	
4	03/09/1998	ANSWER	
3	01/28/1998	PENDING, INSTITUTED	
2	01/28/1998	NOTICE SENT; ANSWER DUE (DUE DATE)	03/09/1998
1	01/20/1998	FILED AND FEE	

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United States Patent and Trademark Office

TTABVUE. Trademark Trial and Appeal Board Inquiry System

Opposition

Number: 91111240 **Filing Date:** 07/27/1998
Status: Terminated **Status Date:** 01/22/2001
Interlocutory Attorney: ANGELA LYKOS

Defendant

Name: CONTROLNET, INCORPORATED
Correspondence: JONATHAN O. SCOTT
BEYER & WEAVER
620 HANSEN WAY
PALO ALTO, CA 94304
Serial #: 75185410
Application Status: Abandoned - After Inter-Partes Decision
Mark: DIGIHOME
Serial #: 75185625
Application Status: Abandoned - After Inter-Partes Decision
Mark: DIGIWIRE

Plaintiff

Name: DIGI INTERNATIONAL INC.
Correspondence: MARSHA STOLT
FISH & RICHARDSON P.C.
3300 DAIN RAUSCHER PLAZA, 60 SOUTH SIXTH STREET
MINNEAPOLIS, MN 55402
Serial #: 74071818 **Registration #:** 1666495
Application Status: Renewed
Mark: DIGIBOARD

Prosecution History

#	Date	History Text	Due Date
12	01/22/2001	TERMINATED	
11	11/02/2000	BOARD'S DECISION: SUSTAINED	
10	07/10/2000	SUBMITTED ON BRIEF	
9	06/26/2000	LETTER OF EVIDENCE MAILED	
8	02/07/2000	P'S BRIEF 3-T-C	
7	08/26/1999	P'S NOTICE OF RELIANCE	
6	08/25/1999	P'S NOTICE OF RELIANCE	
5	11/16/1998	TRIAL DATES SET	
4	09/28/1998	ANSWER	
3	08/14/1998	PENDING, INSTITUTED	
2	08/14/1998	NOTICE SENT; ANSWER DUE (DUE DATE)	09/23/1998
1	07/27/1998	FILED AND FEE	

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United States Patent and Trademark Office

TTABVUE. Trademark Trial and Appeal Board Inquiry System

Opposition

Number: 91112422 **Filing Date:** 11/25/1998
Status: Terminated **Status Date:** 11/18/2002
Interlocutory Attorney: DAVID M MERMELSTEIN

Defendant

Name: TECHNOLOGIES MIRANDA, INC.
Correspondence: DONNA J BUNTON
NIXON & VANDERHYE P.C.
8TH FLOOR 1100 NORTH GLEBE ROAD
ARLINGTON, VA 22201
Serial #: 75270999 **Registration #:** 2679269
Application Status: Registered
Mark: DIGILINX

Plaintiff

Name: DIGI INTERNATIONAL, INC.
Correspondence: MARSHA STOLT
FISH & RICHARDSON P.C.
3300 DAIN RAUSCHER PLAZA 60 SOUTH SIXTH STREET
MINNEAPOLIS, MN 55402
Serial #: 74071818 **Registration #:** 1666495
Application Status: Renewed
Mark: DIGIBOARD

Prosecution History

#	Date	History Text	Due Date
19	11/18/2002	TERMINATED	
18	11/18/2002	BD'S DECISION: DISMISSED W/O PREJUDICE	
17	10/09/2002	WITHDRAWAL OF APPLICATION	
16	11/04/2002	PROC. RESUMED; TRIAL DATES ARE RESET	
15	03/26/2002	SUSPENDED	
14	01/24/2002	P'S MOT TO SUSPEND PROC. W/CON	
13	11/27/2001	TRIAL DATES RESET	
12	02/26/2001	STIP TO SUSPEND PEND SETTLEMENT NEGOTNS	
11	12/20/2000	TRIAL DATES RESET	
10	05/11/2000	ANSWER	
9	04/17/2000	MOT RESET DISCOVERY AND TESTIMONY	
8	02/16/2000	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	
7	11/16/1999	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	
6	10/12/1999	CHANGE OF ADDRESS	
5	01/22/1999	ANSWER	
4	12/15/1998	TRIAL DATES SET	

3	12/15/1998	PENDING, INSTITUTED	
2	12/15/1998	NOTICE SENT; TRIAL DATES RESET; ANSWER DUE	01/24/1999
1	11/25/1998	FILED AND FEE	

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United States Patent and Trademark Office

TTABVUE. Trademark Trial and Appeal Board Inquiry System

Opposition

Number: 91112926 **Filing Date:** 01/26/1999
Status: Terminated **Status Date:** 03/30/2000
Interlocutory Attorney: ALBERT J ZERVAS

Defendant

Name: GATEWAY COMMUNICATIONS, INC.
Correspondence: PETER D. EISNER
MENDELSOHN OSERAN & EISNER PC
2730 E BROADWAY STE 100
TUCSON, AZ 85716
Serial #: 75373466 **Registration #:** 2462018
Application Status: Registered
Mark: DIGIGATE

Plaintiff

Name: DIGI INTERNATIONAL, INC.
Correspondence: MARSHA STOLT
ARNOLD, WHITE & DURKEE
P.O. BOX 4433
HOUSTON, TX 77210
Serial #: 74071818 **Registration #:** 1666495
Application Status: Renewed
Mark: DIGIBOARD

Prosecution History

#	Date	History Text	Due Date
9	03/30/2000	TERMINATED	
8	03/30/2000	BD'S DECISION: DISMISSED W/ PREJUDICE	
7	02/22/2000	WITHDRAWAL OF OPPOSITION	
6	01/28/2000	AMDT APPROVED & ENTERED; W/D OF OPP DUE 2/27/00	
5	09/10/1999	AMENDMENT AFTER PUBLICATION	
4	07/16/1999	D'S MOT TO SUSP PEND SETLMT NEGOTIATIONS	
3	06/10/1999	PENDING, INSTITUTED	
2	06/10/1999	NOTICE SENT; TRIAL DATES RESET; ANSWER DUE	07/20/1999
1	01/26/1999	FILED AND FEE	

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United States Patent and Trademark Office

TTABVUE. Trademark Trial and Appeal Board Inquiry System

Opposition

Number: 91125867 **Filing Date:** 05/10/2002
Status: Terminated **Status Date:** 09/23/2002
Interlocutory Attorney: CHERYL A BUTLER

Defendant

Name: BROADCOM CORPORATION
Correspondence: KATHLEEN M. OLSTER
CHRISTIE, PARKER & HALE, LLP
POST OFFICE BOX 7068
PASADENA, CA 91109-7068
Serial #: 76235229
Application Status: Abandoned - After Inter-Partes Decision
Mark: DIGI-PHY
Serial #: 76239476
Application Status: Abandoned - After Inter-Partes Decision
Mark: DIGI

Plaintiff

Name: DIGI INTERNATIONAL INC.
Correspondence: MARSHA STOLT ESQ
Moss & Barnett, P.A.
4800 Wells Fargo Center, 90 South Seventh Street
MINNEAPOLIS, MN 55402
Serial #: 74547516 **Registration #:** 2019613
Application Status: Section 8 and 15 - Accepted and Acknowledged
Mark: DIGI

Prosecution History

#	Date	History Text	Due Date
21	12/08/2004	TERMINATED	
20	11/30/2004	BD'S DECISION: DISMISSED W/ PREJUDICE	
19	11/12/2004	STIPULATED WITHDRAWAL OF OPPOSITION; STIPULATED WITHDRAWAL OF TRADEMARK APPLICATIONS	
18	11/19/2004	PROCEEDINGS ARE RESUMED; DISCOVERY AND TRIAL DATES ARE RESET	
17	04/26/2004	pl's revocation and substitute of power of attorney	
16	02/15/2004	SUSPENDED	
15	02/02/2004	def's corrected stip. extension of discovery and trial dates	
14	01/30/2004	def's stip. extension of discovery and trial dates	
13	12/05/2003	def's corrected stip. extension of discovery and trial dates	
12	11/28/2003	stip. extension of discovery period and trial dates	
11	12/03/2003	DEF'S NOTICE OF DEFAULT VACATED ANS. NOTED;MOT TO EXT DISC./TD GRANTED	

10	08/18/2003	Stip to extend dates	
9	07/28/2003	PL'S RESP. TO BD'S LTR. MAILED 7/16/03	
8	07/07/2003	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	
7	07/16/2003	DEF'S RESPONSE DUE 7-26-03	
6	05/07/2003	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	
5	06/27/2003	DEF'S MOTION FOR EXT APPROVED	
4	04/10/2003	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	
3	09/23/2002	PENDING, INSTITUTED	
2	09/23/2002	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	10/29/2002
1	05/10/2002	FILED AND FEE	

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United States Patent and Trademark Office

TTABVUE. Trademark Trial and Appeal Board Inquiry System

Opposition

Number: 91157075 **Filing Date:** 09/19/2002
Status: Terminated **Status Date:** 07/18/2003

Defendant

Name: Numerex Corporation
Correspondence: James Walsh
ARNOLD & PORTER
555 12TH STREET, NW
WASHINGTON, DC 20004-1206
Serial #: 78054660
Application Status: First Extension - Granted
Mark: DIGILOG A NUMEREX SOLUTION

Plaintiff

Name: DIGI INTERNATIONAL INC
Correspondence: MARSHA STOLT, ESQ.
MOSS & BARNETT, P.A.
4800 WELLS FARGO BLDG. - 90 SOUTH 7TH STREET
MINNEAPOLIS, MN 55402-4129

Prosecution History

#	Date	History Text	Due Date
19	12/10/2004	TERMINATED	
18	12/07/2004	*FREE TEXT ENTRY*	
17	12/07/2004	BOARD'S DECISION: DISMISSED	
16	11/08/2004	JOINT STIPULATION FOR DISMISSAL	
15	10/08/2004	AMDT APPROVED; PL ALLOWED 30 DAYS W/D	
14	09/20/2004	P'S RESPONSE TO BOARD ORDER/INQUIRY	
13	09/09/2004	PL ALLOWED 40 DAYS TO CONSENT TO AMDT	
12	08/31/2004	AMENDMENT	
11	07/26/2004	PLAINTIFF'S REVOCATION & SUBSTITUTION OF POWER OF ATTORNEY	
10	07/13/2004	SUSPENDED	
9	07/12/2004	D'S MOTION FOR AN EXTENSION OF TIME	
8	06/30/2004	PROCEEDINGS RESUMED; ANSWER DUE 30 DAYS; TRIAL DATES SET	
7	04/26/2004	PLAINTIFF'S REVOCATION AND POWER OF ATTORNEY	
6	10/07/2003	SUSPENDED	
5	09/26/2003	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	
4	08/19/2003	DEFENDANT'S MOTION FOR EXTENSION OF TIME WITH CONSENT	
3	07/18/2003	PENDING, INSTITUTED	
2	07/18/2003	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	08/27/2003
1	09/19/2002	FILED AND FEE	

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United States Patent and Trademark Office

TTABVUE. Trademark Trial and Appeal Board Inquiry System

Extension of Time

Number: 78126974
Status: Terminated
Opposition #:

Filing Date: 12/23/2002
Status Date: 12/23/2002

Defendant

Name: Leadingspect Corporation
Correspondence: Leadingspect Corporation
1025 Segovia Cir.
Placentia, CA 92870-7137
Serial #: 78126974
Application Status: Abandoned - After Publication
Mark: SUPER DIGIBIN

Potential Opposer

Name: Digi International, Inc
Correspondence: Marsha Stolt
Fish & Richardson, PC, PA
60 South Sixth Street, 3300 Dain Rauscher Plaza
Minneapolis, MN 55402
Granted To Date: 05/11/2003

Prosecution History

#	Date	History Text
8	08/06/2003	ABANDONED AFTER PUBLICATION
7	07/31/2003	WITHDRAWAL OF APPLICATION
6	03/27/2003	EXTENSION OF TIME GRANTED
5	03/17/2003	INCOMING - EXT TIME TO OPPOSE FILED
4	01/16/2003	EXTENSION OF TIME GRANTED
3	01/13/2003	INCOMING - EXT TIME TO OPPOSE FILED
2	12/23/2002	EXTENSION OF TIME GRANTED
1	12/16/2002	INCOMING - EXT TIME TO OPPOSE FILED

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United States Patent and Trademark Office

TTABVUE. Trademark Trial and Appeal Board Inquiry System

Opposition

Number: 91156797 **Filing Date:** 05/15/2003
Status: Terminated **Status Date:** 03/11/2004
Interlocutory Attorney: LINDA M SKORO

Defendant

Name: APLUX COMMUNICATIONS LTD.
Correspondence: MORTON J. ROSENBERG
ROSENBERG, KLEIN & LEE
3458 ELLICOTT CENTER DRIVE, SUITE 101
ELLICOTT CITY, MD 21043
Serial #: 76343448
Application Status: Abandoned - After Inter-Partes Decision
Mark: E-DIGINOTE

Plaintiff

Name: Digi International, Inc.
Correspondence: MARSHA STOLT
FISH & RICHARDSON PC
3300 DAIN RAUSCHER PLAZA 60 S. 6TH ST
MINNEAPOLIS, MN 55402
Serial #: 74071818 **Registration #:** 1666495
Application Status: Renewed
Mark: DIGIBOARD

Prosecution History

#	Date	History Text	Due Date
6	03/11/2004	TERMINATED	
5	03/11/2004	BOARD'S DECISION: SUSTAINED	
4	10/24/2003	NOTICE OF DEFAULT	
3	06/24/2003	PENDING, INSTITUTED	
2	06/24/2003	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	08/03/2003
1	05/15/2003	FILED AND FEE	

Results as of 02/14/2006 01:45 PM **Search:**

United States Patent and Trademark Office

TTABVUE. Trademark Trial and Appeal Board Inquiry System

Extension of Time

Number: 78107773
Status: Terminated
Opposition #: 91157505

Filing Date: 05/07/2003
Status Date: 05/07/2003

Defendant

Name: DigiLens, Inc.
Correspondence: GRACE J. HAN
PERKINS COIE LLP
1201 THIRD AVENUE SUITE 4800
SEATTLE, WA 98101
Serial #: 78107773
Application Status: Abandoned - After Inter-Partes Decision
Mark: DIGILENS

Potential Opposer

Name: Digi International, Inc
Correspondence: Marsha Stolt
Fish & Richardson, PC, PA
3300 Dain Rauscher Plaza, 60 South Sixth Street
Minneapolis, MN 55402
Opposition #: 91157505
Granted To Date: 08/08/2003

Prosecution History

#	Date	History Text
7	10/08/2003	TERMINATED
6	07/28/2003	EXTENSION OF TIME GRANTED
5	07/14/2003	INCOMING - EXT TIME TO OPPOSE FILED
4	06/17/2003	EXTENSION OF TIME GRANTED
3	06/12/2003	INCOMING - EXT TIME TO OPPOSE FILED
2	05/07/2003	EXTENSION OF TIME GRANTED
1	04/14/2003	INCOMING - EXT TIME TO OPPOSE FILED

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TTABVUE. Trademark Trial and Appeal Board Inquiry System

Opposition

Number: 91157505 **Filing Date:** 08/08/2003
Status: Terminated **Status Date:** 02/11/2004
Interlocutory Attorney: THOMAS W WELLINGTON

Defendant

Name: DigiLens, Inc.
Correspondence: Grace J. Han
Perkins Coie LLP
1201 Third Avenue Suite 4800
Seattle, WA 98101
Serial #: 78107773
Application Status: Abandoned - After Inter-Partes Decision
Mark: DIGILENS
Serial #: 78107775
Application Status: Abandoned - After Inter-Partes Decision
Mark: DIGILENS

Plaintiff

Name: Digi International, Inc.
Correspondence: Marsha Stolt
Fish & Richardson, PC, PA
3300 Dain Rauscher Plaza, 60 South Sixth Street
Minneapolis, MN 55402
Granted To Date: 08/08/2003

Prosecution History

#	Date	History Text	Due Date
6	02/11/2004	TERMINATED	
5	02/11/2004	BOARD'S DECISION: SUSTAINED	
4	11/29/2003	NOTICE OF DEFAULT	
3	08/26/2003	PENDING, INSTITUTED	
2	08/26/2003	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	10/05/2003
1	08/08/2003	FILED AND FEE	

Results as of 02/14/2006 01:47 PM **Back to search results** **Search:**

United States Patent and Trademark Office

TTABVUE. Trademark Trial and Appeal Board Inquiry System

Extension of Time

Number: 78148865
Status: Terminated
Opposition #:

Filing Date: 06/09/2004
Status Date: 12/08/2004

Defendant

Name: MEDION AG
Correspondence: Ralph E. Jocke
Walker & Jocke, L.P.A.
231 South Broadway
Medina, OH 44256
Serial #: 78148865
Application Status: First Extension - Granted
Mark: DIGI FLAT

Potential Opposer

Name: Digi International Inc.
Correspondence: Marsha Stolt, Esq.
Moss & Barnett, P.A.
90 So. Seventh St. 4800 Wells Fargo Ctr
Minneapolis, MN 55402
ipmsd@moss-barnett.com
Granted To Date: 11/07/2004

Prosecution History

#	Date	History Text
6	09/02/2004	EXTENSION OF TIME GRANTED
5	09/02/2004	INCOMING - EXT TIME TO OPPOSE FILED
4	07/06/2004	EXTENSION OF TIME GRANTED
3	07/06/2004	INCOMING - EXT TIME TO OPPOSE FILED
2	06/09/2004	EXTENSION OF TIME GRANTED
1	06/09/2004	INCOMING - EXT TIME TO OPPOSE FILED

Results as of 02/14/2006 01:47 PM **Back to search results** **Search:**

OPPOSITION NO. 91163719
Serial No. 76/561,585

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

DIGI INTERNATIONAL INC.	) **MARK: DIGIPOS**
	)
Opposer	)
	)
v.	)
	)
DIGIPOS SYSTEMS INC.	)
Applicant	)

EXHIBIT 1126

TO APPLICANT'S NOTICE OF RELIANCE

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2007-01-16 17:31:05 ET

Serial Number: 78164403 Assignment Information

Registration Number: 3009305

Mark

(words only): MIO DIGI WALKER

Standard Character claim: No

Current Status: Registered.

Date of Status: 2005-10-25

Filing Date: 2002-09-16

Transformed into a National Application: No

Registration Date: 2005-10-25

Register: Principal

Law Office Assigned: LAW OFFICE 113

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2005-09-14

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. MITAC INTERNATIONAL CORP.

Address:
MITAC INTERNATIONAL CORP.
No. 1, R&D II Road
Hsinchu Science-Based Industrial Park
Taiwan
Legal Entity Type: Corporation

State or Country of Incorporation: Taiwan

GOODS AND/OR SERVICES

International Class: 009
Class Status: Active
Personal digital assistants, wireless personal digital assistants and personal digital assistants with telephone features
Basis: 1(a)
First Use Date: 2002-08-01
First Use in Commerce Date: 2005-05-01

ADDITIONAL INFORMATION

Translation: The term "MIO" is an Italian word meaning in the English language "My".

Design Search Code(s):
26.11.10 - Rectangles divided once into two sections
26.11.21 - Rectangles that are completely or partially shaded
26.11.25 - Rectangles with one or more curved sides

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2005-10-25 - Registered - Principal Register

2005-09-13 - Law Office Registration Review Completed

2005-09-08 - Assigned To LIE

2005-08-29 - Allowed for Registration - Principal Register (SOU accepted)

2005-08-29 - Statement of use processing complete

2005-08-10 - Amendment to Use filed

2005-08-16 - PAPER RECEIVED

2005-05-06 - Extension 1 granted

2005-04-11 - Extension 1 filed

2005-04-14 - PAPER RECEIVED

2004-10-12 - Notice of allowance - mailed

2004-07-20 - Published for opposition

2004-06-30 - Notice of publication

2004-05-06 - Case File In TICRS

2004-04-27 - Approved for Pub - Principal Register (Initial exam)

2004-04-09 - Petition To Revive-Granted

2003-12-08 - Petition To Revive-Received

2003-12-08 - PAPER RECEIVED

2003-10-30 - Abandonment - Failure To Respond Or Late Response

2003-02-27 - Non-final action mailed

2003-02-19 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record
Henry Klein

Correspondent
Henry Klein
LADAS & PARRY
5670 Wilshire Boulevard, Suite 2100
Los Angeles CA 90036-5679
Phone Number: (323) 934-2300
Fax Number: (323) 934-0202

Domestic Representative
Henry Klein
Phone Number: (323) 934-2300
Fax Number: (323) 934-0202

OPPOSITION NO. 91163719
Serial No. 76/561,585

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

DIGI INTERNATIONAL INC.	) **MARK: DIGIPOS**
	)
Opposer	)
	)
v.	)
	)
DIGIPOS SYSTEMS INC.	)
Applicant	)

EXHIBIT 1127

TO APPLICANT'S NOTICE OF RELIANCE

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2007-01-16 17:31:36 ET

Serial Number: 78086580 Assignment Information

Registration Number: 3060806

Mark (words only): LEADING THE DIGITAL ENTERTAINMENT REVOLUTION

Standard Character claim: No

Current Status: Registered.

Date of Status: 2006-02-21

Filing Date: 2001-10-02

Transformed into a National Application: No

Registration Date: 2006-02-21

Register: Principal

Law Office Assigned: LAW OFFICE 102

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2006-01-12

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Cirrus Logic, Inc.

Address:
Cirrus Logic, Inc.
2901 Via Fortuna
Austin, TX 78746
United States
Legal Entity Type: Corporation
State or Country of Incorporation: Delaware
Phone Number: (512) 912-3800
Fax Number: (512) 912-6500

GOODS AND/OR SERVICES

International Class: 009
Class Status: *Active*
INTEGRATED CIRCUITS FOR ENTERTAINMENT ELECTRONICS
Basis: 1(a)

First Use Date: 2001-12-01
First Use in Commerce Date: 2001-12-01

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2006-02-21 - Registered - Principal Register

2006-01-11 - Law Office Registration Review Completed

2005-12-30 - Assigned To LIE

2005-12-28 - Allowed for Registration - Principal Register (SOU accepted)

2005-12-21 - Amendment From Applicant Entered

2005-12-13 - Communication received from applicant

2005-12-13 - PAPER RECEIVED

2005-06-15 - NON-FINAL ACTION E-MAILED

2005-06-15 - SU - Non-Final Action - Written

2005-05-13 - Statement of use processing complete

2005-05-13 - Amendment to Use filed

2005-05-13 - TEAS Statement of Use Received

2004-12-21 - Notice of allowance - mailed

2004-09-28 - Published for opposition

2004-09-08 - Notice of publication

2004-07-29 - Law Office Publication Review Completed

2004-07-29 - Assigned To LIE

2004-07-23 - Approved for Pub - Principal Register (Initial exam)

2004-03-19 - Case File In TICRS

2003-05-23 - Assigned To Examiner

2002-09-18 - TEAS Change Of Correspondence Received

2001-12-21 - Letter of suspension mailed

2001-12-07 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Correspondent
Scott Thomas
Cirrus Logic, Inc. Legal Department
2901 Via Fortuna
Austin TX 78746
Phone Number: 512.851.4800
Fax Number: 512.851.4500

OPPOSITION NO. 91163719
Serial No. 76/561,585

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

DIGI INTERNATIONAL INC.	) **MARK: DIGIPOS**
	)
Opposer	)
	)
v.	)
	)
DIGIPOS SYSTEMS INC.	)
Applicant	)

EXHIBIT 112

TO APPLICANT'S NOTICE OF RELIANCE

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2007-01-16 17:31:48 ET

Serial Number: 78065205 Assignment Information

Registration Number: 3007167

Mark (words only): DIGITAL INTELLIGENCE

Standard Character claim: No

Current Status: Registered.

Date of Status: 2005-10-18

Filing Date: 2001-05-23

Transformed into a National Application: No

Registration Date: 2005-10-18

Register: Principal

Law Office Assigned: LAW OFFICE 111

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2005-10-18

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Digital Intelligence, Inc.

Address:
Digital Intelligence, Inc.
600 Mesa Ct
Waukesha, WI 53188
United States
Legal Entity Type: Corporation
State or Country of Incorporation: Wisconsin
Phone Number: (414) 524-9363

GOODS AND/OR SERVICES

International Class: 009
Class Status: Active
Computers, computer hardware and computer peripherals; computer operating software and instruction manuals sold together as a unit; computer software for use in forensic science, legal, law enforcement and analytical services; computer software for use in entering, collecting, transmitting, processing and presenting data relating to forensic

science, legal, law enforcement and analytical services; computer software for use in finding, investigating and obtaining forensic science services, legal services, law enforcement services and analytical services electronically; computer software for examining the performance of, information on and content of computer hardware and computer storage devices, namely floppy drives, zip drives, optical and magneto-optical disk drives, magnetic disk drives, computer memory storage drives and network drives attached to a computer; computer software for searching, detecting, examining, printing and copying files, deleted files, unallocated disk space, file slack, and RAM slack
Basis: 1(a)
First Use Date: 1999-04-12
First Use in Commerce Date: 1999-04-12

International Class: 042
Class Status: Active
Forensic investigation, sampling, examination and analysis of computers, computer software and computer records; litigation support services; computer forensic consulting services; computer network design services, namely the provision of such services for investigative, forensic laboratory, law enforcement and analytical services; technical consultation in the fields of forensic science, criminalistics, and criminal investigation; counseling in the field of computer forensics
Basis: 1(a)
First Use Date: 1999-04-12
First Use in Commerce Date: 1999-04-12

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2005-10-18 - Registered - Principal Register

2005-07-26 - Published for opposition

2005-07-06 - Notice of publication

2005-04-19 - Law Office Publication Review Completed

2005-04-15 - Assigned To LIE

2005-04-12 - Examiner's amendment mailed

2005-04-11 - Approved for Pub - Principal Register (Initial exam)

2005-04-11 - Examiners Amendment -Written

2005-04-11 - Previous allowance count withdrawn

2005-04-04 - Withdrawn Before Publication

2005-02-07 - Law Office Publication Review Completed

2005-02-04 - Assigned To LIE

2005-02-02 - Examiner's amendment mailed

2005-02-01 - Approved for Pub - Principal Register (Initial exam)

2005-02-01 - Examiners Amendment -Written

2005-02-01 - Previous allowance count withdrawn

2005-02-01 - Approved for Pub - Principal Register (Initial exam)

2005-01-07 - Amendment From Applicant Entered

2004-12-27 - Communication received from applicant

2004-12-27 - PAPER RECEIVED

2004-08-26 - Case File In TICRS

2004-08-13 - NON-FINAL ACTION E-MAILED

2004-07-07 - Amendment From Applicant Entered

2004-07-07 - Communication received from applicant

2004-07-07 - PAPER RECEIVED

2002-11-25 - Assigned To Examiner

2002-11-14 - Communication received from applicant

2004-08-16 - Non-final action mailed

2002-02-06 - Communication received from applicant

2001-08-06 - Non-final action mailed

2001-07-27 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record
Matthew J. Stippich

Correspondent
MATTHEW J. STIPPICH
DIGITAL INTELLIGENCE INC
1325 PEARL ST
WAUKESHA WI 53186-5613
Phone Number: 262-524-9363
Fax Number: 262-524-9296

OPPOSITION NO. 91163719
Serial No. 76/561,585

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

DIGI INTERNATIONAL INC.	) **MARK: DIGIPOS**
	)
Opposer	)
	)
v.	)
	)
DIGIPOS SYSTEMS INC.	)
Applicant	)

EXHIBIT 11-9

TO APPLICANT'S NOTICE OF RELIANCE

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2007-01-16 17:32:11 ET

Serial Number: 78003603 Assignment Information

Registration Number: 3068854

Mark (words only): DIGIMARC MEDIABRIDGE

Standard Character claim: No

Current Status: Registered.

Date of Status: 2006-03-14

Filing Date: 2000-04-11

Transformed into a National Application: No

Registration Date: 2006-03-14

Register: Principal

Law Office Assigned: LAW OFFICE 112

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2006-01-30

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Digimarc Corporation

Address:
Digimarc Corporation
9405 S.W. Gemini Drive
Beaverton, OR 97008
United States
Legal Entity Type: Corporation
State or Country of Incorporation: Delaware

GOODS AND/OR SERVICES

International Class: 009
Class Status: Active
Computer software and electronic apparatus for encoding physical and electronic media objects, namely magazines and newspapers, advertising, product packaging, direct mailings, tickets, coupons, catalogs, annual reports, logos, brochures, business cards, still images, financial instruments, currency, stock certificates, identity documents such as passports and drivers licenses, with hidden digital information, and for decoding such hidden digital information from

such media objects; electronic media objects with hidden digital information encoded therein, namely, still images, computer software used to link computers from such physical and electronic media objects based on the digital information hidden therein; computer software and electronic apparatus for monitoring traffic to internet sites; computer software and electronic apparatus for cataloguing, indexing, marketing and licensing images containing hidden digital information; and computer software for preventing use of personal computers for counterfeiting and piracy
Basis: 1(a)
First Use Date: 2000-06-00
First Use in Commerce Date: 2000-06-00

International Class: 038
Class Status: Active
Electronically linking two or more computer sites together based on information steganographically encoded within physical and electronic media objects; electronic transmission of data and documents containing hidden digital information via computer terminals using physical and electronic media objects as the hidden digital information carrier, and utilizing hidden digital information in communicating ownership of such physical and electronic media objects using the Internet
Basis: 1(a)
First Use Date: 2000-06-00
First Use in Commerce Date: 2000-06-00

International Class: 042
Class Status: Active
Online information services, namely, using hidden digital codes to provide web site links between computer sites; technical support services, namely troubleshooting and resolution of computer hardware and software problems via telephone, e-mail, postings on global computer networks and in person; consulting services in the fields of cryptography and steganography including encoding and decoding hidden information; security services, namely, encoding of physical and electronic media objects to hide digital information therein, and to decode such information therefrom; graphic design services in the field of including hidden digital information into electronic media containing graphic designs; computer services, namely, custom programming services for others in the field of hidden digital codes in electronic media; and security consultancy services
Basis: 1(a)
First Use Date: 2000-06-00
First Use in Commerce Date: 2000-06-00

ADDITIONAL INFORMATION

Section 2(f), in part, as to "MEDIABRIDGE"

Prior Registration Number(s):
2085032
2670237
2670827

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2006-03-14 - Registered - Principal Register

2005-06-23 - TEAS Change Of Owner Address Received

2005-04-29 - Data Modification Completed

2005-04-29 - Assigned To LIE

2005-04-27 - Law Office Registration Review Completed

2005-04-27 - Assigned To LIE

2005-04-18 - Allowed for Registration - Principal Register (SOU accepted)

2005-02-25 - Amendment From Applicant Entered

2005-01-26 - Communication received from applicant

2005-01-26 - PAPER RECEIVED

2004-08-04 - Non-final action mailed

2004-05-06 - Assigned To Examiner

2004-05-04 - Statement of use processing complete

2004-04-14 - Amendment to Use filed

2004-04-30 - Case File In TICRS

2004-04-19 - PAPER RECEIVED

2003-10-14 - Notice of allowance - mailed

2003-07-22 - Published for opposition

2003-07-02 - Notice of publication

2003-05-21 - Approved for Pub - Principal Register (Initial exam)

2003-04-14 - Communication received from applicant

2003-04-14 - PAPER RECEIVED

2003-02-19 - Non-final action mailed

2002-07-11 - Communication received from applicant

2003-01-17 - Reinstated

2002-10-31 - PAPER RECEIVED

2002-07-15 - PAPER RECEIVED

2002-09-16 - Abandonment - Failure To Respond Or Late Response

2002-02-01 - Non-final action mailed

2001-11-26 - Communication received from applicant

2001-06-01 - Non-final action mailed

2001-05-31 - Assigned To Examiner

2001-02-26 - Communication received from applicant

2000-08-29 - Non-final action mailed

2000-08-24 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record
DAVID PETERSEN

Correspondent
DAVID P PETERSEN
KLARQUIST SPARKMAN ET AL
121 SW SALMON ST
ONE WORLD TRADE CTR STE 1600
PORTLAND OR 97204
Phone Number: (503) 226-7391
Fax Number: (503) 228-9446

OPPOSITION NO. 91163719
Serial No. 76/561,585

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

DIGI INTERNATIONAL INC.	) **MARK: DIGIPOS**
	)
Opposer	)
	)
v.	)
	)
DIGIPOS SYSTEMS INC.	)
Applicant	)

EXHIBIT 113

TO APPLICANT'S NOTICE OF RELIANCE

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2007-01-16 17:33:05 ET

Serial Number: 76635909 Assignment Information

Registration Number: 3195466

Mark

(words only): PDD

Standard Character claim: No

Current Status: Registered.

Date of Status: 2007-01-09

Filing Date: 2005-04-15

Transformed into a National Application: No

Registration Date: 2007-01-09

Register: Principal

Law Office Assigned: LAW OFFICE 103

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2007-01-09

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Power Digital Dimensions Co., Ltd.

Address:
Power Digital Dimensions Co., Ltd.
P.O. Box No. 6-57
Junghe, Taipei 235
Taiwan
Legal Entity Type: Corporation

State or Country of Incorporation: Taiwan
Phone Number: 886-2-3233-9068
Fax Number: 886-2-3233-7938

GOODS AND/OR SERVICES

International Class: 009
Class Status: Active
Computer hardware; computer software for commercial video conferences, software for the operational management of portable magnetic and electronic cards; cameras; video cassette recorders, video projectors; camera cases, batteries, accumulators; video tapes featuring products introduction, namely, computer hardware, computer software for commercial video conferences, software for the operational management of portable magnetic and electronic cards, cameras, video cassette recorders, video projectors, camera cases, batteries, accumulators, traffic lights, flashing safety lights, blank electronic chip cards, electronic circuit card, computer chips, semiconductors, integrated circuits, electrical controllers for computers, radar detectors, vehicle thermostats, audio equipment for vehicles, namely mp3 players and stereos, speedometers for vehicles, magnetically encoded credit cards and magnetically encoded prepaid telephone cards; traffic lights, flashing safety lights; blank electronic chip cards, electronic circuit card, computer chips, semiconductors; integrated circuits, electrical controllers for computers, radar detectors, vehicle thermostats, audio equipment for vehicles, namely mp3 players and stereos, speedometers for vehicles; magnetically encoded credit cards, magnetically encoded prepaid telephone cards
Basis: 1(a)
First Use Date: 2004-12-16
First Use in Commerce Date: 2004-12-16

ADDITIONAL INFORMATION

Design Search Code(s):
19.05.25 - Boxes, cardboard (packing or storage); Cartons, packing or storage; Dumpster; Other large containers
26.13.13 - Quadrilateral (two quadrilaterals); Two quadrilaterals
26.13.21 - Quadrilaterals that are completely or partially shaded
26.17.02 - Bands, wavy; Bars, wavy; Lines, wavy; Wavy line(s), band(s) or bar(s)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2007-01-09 - Registered - Principal Register

2006-10-24 - Published for opposition

2006-10-04 - Notice of publication

2006-09-12 - Law Office Publication Review Completed

2006-09-08 - Assigned To LIE

2006-09-01 - Approved for Pub - Principal Register (Initial exam)

2006-08-18 - Teas/Email Correspondence Entered

2006-08-16 - Communication received from applicant

2006-08-16 - TEAS Response to Office Action Received

2006-04-19 - Final refusal mailed

2006-04-19 - Final Refusal Written

2006-04-06 - Teas/Email Correspondence Entered

2006-04-04 - Communication received from applicant

2006-04-04 - TEAS Response to Office Action Received

2005-11-17 - Non-final action mailed

2005-11-17 - Non-Final Action Written

2005-11-15 - Assigned To Examiner

2005-04-25 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Correspondent
POWER DIGITAL DIMENSIONS CO., LTD.
P.O. BOX NO. 6-57
JUNGHE, TAIPEI 235, TAIWAN, R.O.C.
Phone Number: 886-2-3233-9068
Fax Number: 886-2-3233-7938

OPPOSITION NO. 91163719
Serial No. 76/561,585

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

DIGI INTERNATIONAL INC.	) **MARK: DIGIPOS**
	)
Opposer	)
	)
v.	)
	)
DIGIPOS SYSTEMS INC.	)
Applicant	)

EXHIBIT 113

TO APPLICANT'S NOTICE OF RELIANCE

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2007-01-16 17:33:16 ET

Serial Number: 76623647 Assignment Information

Registration Number: 3022784

Mark

(words only): DIGISPOT

Standard Character claim: No

Current Status: Registered.

Date of Status: 2005-12-06

Filing Date: 2004-12-08

Transformed into a National Application: No

Registration Date: 2005-12-06

Register: Principal

Law Office Assigned: LAW OFFICE 114

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2005-12-06

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. CCM Cellular Connection of Miami, Inc.

Address:
CCM Cellular Connection of Miami, Inc.
3515 NW 113th Court
Miami, FL 33178
United States
Legal Entity Type: Corporation

State or Country of Incorporation: Florida

GOODS AND/OR SERVICES

International Class: 009
Class Status: Active
Video recorder accessories, namely, replacement battery packs, mini tripods, battery and camera chargers and memory chip card readers and writers, and digital cameras
Basis: 1(a)
First Use Date: 2004-09-00
First Use in Commerce Date: 2004-09-00

ADDITIONAL INFORMATION

Design Search Code(s):
26.01.15 - Circles, exactly three circles; Three circles
26.01.21 - Circles that are totally or partially shaded.
26.01.31 - Circles - five or more; Five or more circles
27.03.01 - Geometric figures forming letters, numerals or punctuation

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2005-12-06 - Registered - Principal Register

2005-10-13 - TEAS Change Of Correspondence Received

2005-09-13 - Published for opposition

2005-08-24 - Notice of publication

2005-08-01 - Law Office Publication Review Completed

2005-07-29 - Assigned To LIE

2005-07-22 - Examiner's amendment mailed

2005-07-21 - Approved for Pub - Principal Register (Initial exam)

2005-07-21 - Examiners Amendment -Written

2005-07-13 - Assigned To Examiner

2004-12-27 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record
Stacy Schwartz

Correspondent
Eric D. Isicoff
Isicoff, Ragatz & Koenigsberg
1200 Brickell Avenue, Suite 1900
Miami FL 33131
Phone Number: 305-373-3232
Fax Number: 305-373-3233

OPPOSITION NO. 91163719
Serial No. 76/561,585

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

DIGI INTERNATIONAL INC.	) **MARK: DIGIPOS**
	)
Opposer	)
	)
v.	)
	)
DIGIPOS SYSTEMS INC.	)
Applicant	)

EXHIBIT 132

TO APPLICANT'S NOTICE OF RELIANCE

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2007-01-16 17:33:32 ET

Serial Number: 76615038 Assignment Information

Registration Number: 3184260

Mark

(words only): DIGITALMAX

Standard Character claim: No

Current Status: Registered.

Date of Status: 2006-12-12

Filing Date: 2004-10-06

Transformed into a National Application: No

Registration Date: 2006-12-12

Register: Principal

Law Office Assigned: LAW OFFICE 101

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2006-11-03

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. LITE-ON IT CORPORATION

Address:
LITE-ON IT CORPORATION
15F, No. 392, Ruey Kuang Road Neihu District
Taipei 114
Taiwan
Legal Entity Type: Corporation

State or Country of Incorporation: Taiwan

GOODS AND/OR SERVICES

International Class: 009
Class Status: Active
CD-ROM Drives; DVD-ROM Drives; CD-RW Drives; External and Internal DVD RW Drives; Blue Laser Drive; Computer Disc Drives; Blank Discs; Blank Compact Discs; Blank Video Tapes; Blank Video cassettes for the Recording; DVD Players and Recorders; Compact Disc Players and Recorders; Video Disc Players and Recorders; Web DVD Players; DVD Recorder Players; Portable DVD Player; Mini disk Players; Laserdisc Players; Video Cassette Players and Recorders; Audio Tape Players and Recorders; Video Tape Recorders; Digital Video Recorders; Video Cassette Recorders; Optical Scanners; Automobile Audio and Video Components, namely, Speakers, Tape Players, Compact Disc Players, Video Disc Player; DVD Players, Radios; Tuners and Receivers, Amplifiers, and Preamplifiers; Telephone; Cellular Telephone Accessories, namely, Cellular Telephone Covers Not Made of Paper, Adapters, Chargers, Headsets, Cases Not Made of Paper, Radio Headphones, Radio Speakers, Computer Speakers, Stereo Speakers; TVs; Television Sets; Video Projectors; Headphones and Headsets for Use with Computers; Computers; Computer Monitors; Video Monitors; TV Remote Control; Stereos; Stereo Preamplifiers; Amplifiers; Tuners; Receivers; Audio and Voice Receivers; TV and Video Converters, transmitting and receiving apparatus for radio and television broadcasting and for long-distance transmission; Audio Speakers; Hi-fi Systems Comprising of Main Loudspeakers, Surround Loudspeakers, Center Loudspeakers, Subwoofers, Stereo Tuners, Sound Amplifiers, Video Disc Player; DVD Players, Audio Cassette Decks, Microphones, Audio Accessories, namely, Electrical Audio Cables and Electrical Audio Wires, Video Accessories, namely, Electrical Video Cables, and Electrical Video Wires and Parts Thereof
Basis: 1(a)
First Use Date: 2004-11-00
First Use in Commerce Date: 2004-11-00

ADDITIONAL INFORMATION

Design Search Code(s):
26.01.05 - Circles made of broken or dotted lines
26.01.15 - Circles, exactly three circles; Three circles
26.01.21 - Circles that are totally or partially shaded.
26.01.31 - Circles - five or more; Five or more circles
26.11.10 - Rectangles divided once into two sections
26.11.21 - Rectangles that are completely or partially shaded

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2006-12-12 - Registered - Principal Register

2006-11-01 - Law Office Registration Review Completed

2006-10-20 - *Assigned To LIE*

2006-10-16 - Allowed for Registration - Principal Register (SOU accepted)

Latest Status Info

2006-10-14 - Statement of use processing complete

2006-09-15 - Amendment to Use filed

2006-09-15 - PAPER RECEIVED

2006-04-25 - Notice of allowance - mailed

2006-01-31 - Published for opposition

2006-01-11 - Notice of publication

2005-12-17 - Law Office Publication Review Completed

2005-12-15 - Assigned To LIE

2005-12-08 - Approved for Pub - Principal Register (Initial exam)

2005-12-07 - Amendment From Applicant Entered

2005-11-18 - Communication received from applicant

2005-11-18 - PAPER RECEIVED

2005-05-20 - Non-final action mailed

2005-05-20 - Non-Final Action Written

2005-05-10 - Assigned To Examiner

2004-10-20 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record
Thomas J. Moore

Correspondent
THOMAS J. MOORE
BACON & THOMAS, PLLC
625 SLATERS LANE, FOURTH FLOOR
ALEXANDRIA VA 22314-1176
Phone Number: 703-683-0500
Fax Number: 703-683-1080

Domestic Representative
BACON R THOMAS, PLLC
Phone Number: (703) 683-0500
Fax Number: 703-683-1080

OPPOSITION NO. 91163719
Serial No. 76/561,585

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

DIGI INTERNATIONAL INC.	) **MARK: DIGIPOS**
Opposer	)
v.	)
DIGIPOS SYSTEMS INC.	)
Applicant	)

EXHIBIT 1133

TO APPLICANT'S NOTICE OF RELIANCE

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2007-01-16 17:33:43 ET

Serial Number: 76553958 Assignment Information

Registration Number: 3104378

Mark

(words only): POWERLINK FADEC AN AEROSANCE TECHNOLOGY

Standard Character claim: No

Current Status: Registered.

Date of Status: 2006-06-13

Filing Date: 2003-10-07

Transformed into a National Application: No

Registration Date: 2006-06-13

Register: Principal

Law Office Assigned: LAW OFFICE 102

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2006-05-03

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Aerosance, Inc.

Address:
Aerosance, Inc.
9 Eastview Drive
Farmington, CT 06032
United States
Legal Entity Type: Corporation

State or Country of Incorporation: Delaware
Phone Number: 310-893-1605

GOODS AND/OR SERVICES

International Class: 009
Class Status: Active
Full authority digital engine controls (FADECs); computer-based system comprising computer hardware and computer software for monitoring aircraft engine function and improving aircraft engine efficiency through automated control of ignition, air, fuel and speed function
Basis: 1(a)
First Use Date: 2005-04-20
First Use in Commerce Date: 2005-04-20

ADDITIONAL INFORMATION

Disclaimer: "TECHNOLOGY"

Design Search Code(s):
15.05.04 - CPU (central processing unit); Computer devices; Mainframes (computer); PDAs (handheld computer); Printer (computer); Servers, computer; Tape drives (computer)
26.01.15 - Circles, exactly three circles; Three circles
26.01.21 - Circles that are totally or partially shaded.
26.01.31 - Circles - five or more; Five or more circles
26.13.03 - Incomplete quadrilaterals and quadrilaterals made of broken or dotted lines; Quadrilaterals made with broken lines; Quadrilaterals (incomplete)
26.13.12 - Quadrilaterals with bars, bands and lines
26.13.21 - Quadrilaterals that are completely or partially shaded
26.17.13 - Letters or words underlined and/or overlined by one or more strokes or lines; Overlined words or letters; Underlined words or letters
26.17.25 - Other lines, bands or bars

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2006-06-13 - Registered - Principal Register

2006-04-29 - Law Office Registration Review Completed

2006-04-21 - Assigned To LIE

2006-04-15 - Allowed for Registration - Principal Register (SOU accepted)

2006-04-15 - Statement of use processing complete

2006-04-15 - Extension 2 granted

2006-03-27 - Amendment to Use filed

2006-03-27 - Extension 2 filed

2006-03-27 - TEAS Extension Received

2006-03-27 - TEAS Statement of Use Received

2005-10-03 - Extension 1 granted

2005-10-03 - Extension 1 filed

2005-10-03 - TEAS Extension Received

2005-09-28 - TEAS Change Of Correspondence Received

2005-04-05 - Notice of allowance - mailed

2005-01-11 - Published for opposition

2004-12-22 - Notice of publication

2004-11-08 - Law Office Publication Review Completed

2004-11-08 - Assigned To LIE

2004-10-31 - Approved for Pub - Principal Register (Initial exam)

2004-10-05 - Amendment From Applicant Entered

2004-09-22 - Communication received from applicant

2004-09-22 - PAPER RECEIVED

2004-03-22 - Non-final action mailed

2004-03-18 - Assigned To Examiner

2003-11-07 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record
Jeffrey M. Gitchel

Correspondent
Sabrina J. Hudson
Kirkpatrick & Lockhart Nicholson Graham
Henry W. Oliver Building
535 Smithfield Street
Pittsburgh PA 15222
Phone Number: 412-355-6500
Fax Number: 412-355-6501

OPPOSITION NO. 91163719
Serial No. 76/561,585

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

DIGI INTERNATIONAL INC.	) **MARK: DIGIPOS**
	)
Opposer	)
	)
v.	)
	)
DIGIPOS SYSTEMS INC.	)
Applicant	)

EXHIBIT 124

TO APPLICANT'S NOTICE OF RELIANCE

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2007-01-16 17:33:54 ET

Serial Number: 76531426 Assignment Information

Registration Number: 2996392

Mark

(words only): DIGITAL COMIC BOOKS

Standard Character claim: No

Current Status: Registered.

Date of Status: 2005-09-20

Filing Date: 2003-07-22

Transformed into a National Application: No

Registration Date: 2005-09-20

Register: Principal

Law Office Assigned: LAW OFFICE 111

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2005-09-20

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Intec Interactive II, LLC

Address:
Intec Interactive II, LLC
5255 NW 159th Street
Miami, FL 33014
United States
Legal Entity Type: Ltd Liab Co

State or Country Where Organized: Florida

GOODS AND/OR SERVICES

International Class: 009
Class Status: Active
Digital versatile discs, namely digital video discs, prerecorded DVD and prerecorded compact discs featuring comic books and magazines in the field of comic books
Basis: 1(a)
First Use Date: 2003-04-29
First Use in Commerce Date: 2003-04-29

ADDITIONAL INFORMATION

Disclaimer: "DIGITAL COMIC BOOKS"

Design Search Code(s):
16.01.05 - Albums, record; Compact discs (CDs); DVDs; Digital versatile discs or digital video discs (DVDs); Phonograph records; Record albums; Records, phonograph
20.05.01 - Bibles (closed); Books that are closed; Cook books (closed); Encyclopedias (closed)
20.05.05 - Bibles (open); Books that are open; Cook books (open); Encyclopedias (open)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2005-09-20 - Registered - Principal Register

2005-06-28 - Published for opposition

2005-06-08 - Notice of publication

2005-03-22 - Law Office Publication Review Completed

2005-03-11 - Assigned To LIE

2005-03-08 - Approved for Pub - Principal Register (Initial exam)

2005-03-07 - Amendment From Applicant Entered

2005-02-16 - Communication received from applicant

2005-02-16 - PAPER RECEIVED

2004-08-17 - Final refusal mailed

2004-08-13 - Amendment From Applicant Entered

2004-08-06 - Communication received from applicant

2004-08-06 - PAPER RECEIVED

2004-02-06 - Non-final action mailed

2004-02-04 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record
Matthew F. Johnston

Correspondent
MATTHEW F. JOHNSTON
LINIAK BERENATO & WHITE
6550 ROCK SPRING DRIVE, SUITE 240
BETHESDA, MARYLAND 20817
Phone Number: 301-896-0600
Fax Number: (301) 896-0607

OPPOSITION NO. 91163719
Serial No. 76/561,585

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

DIGI INTERNATIONAL INC.	) **MARK: DIGIPOS**
	)
Opposer	)
	)
v.	)
	)
DIGIPOS SYSTEMS INC.	)
Applicant	)

EXHIBIT 1135

TO APPLICANT'S NOTICE OF RELIANCE

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2007-01-16 17:34:06 ET

Serial Number: 76489638 Assignment Information

Registration Number: 3185175

Mark

(words only): FOCUSMICRO DIGITAL SECURITY SOLUTIONS

Standard Character claim: No

Current Status: Registered.

Date of Status: 2006-12-19

Filing Date: 2003-02-14

Transformed into a National Application: No

Registration Date: 2006-12-19

Register: Principal

Law Office Assigned: LAW OFFICE 109

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2006-12-19

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. FOCUSMICRO, INC.

Address:
FOCUSMICRO, INC.
P.O. Box 3067
Redmond, WA 98073
United States
Legal Entity Type: Corporation

State or Country of Incorporation: Washington
Phone Number: 425-943-4224
Fax Number: 425-519-3533

GOODS AND/OR SERVICES

International Class: 009
Class Status: Active
SECURITY DEVICES, NAMELY DIGITAL VIDEO SERVER FOR THE STORAGE, REMOTE VIEWING, AND OPERATIONAL CONFIGURATION OF DIGITAL VIDEO IMAGES AND MANAGEMENT OF MULTIPLE DIGITAL VIDEO CAMERAS IN THE FIELD OF SURVEILLANCE AND PHYSICAL PREMISES SECURITY, DIGITAL VIDEO SERVERS, DIGITAL VIDEO CAMERAS, DIGITAL VIDEO CAMERA LENSES, VIDEO CAMERA MOUNTS, DIGITAL VIDEO CAMERA CABLING AND DIGITAL VIDEO STORAGE SYSTEMS COMPRISED OF STORAGE MEDIA FOR DIGITAL IMAGES, HARD DISK STORAGE; DIGITAL VERSATILE DISC (DVD) STORAGE, COMPACT DISC (CD) STORAGE, AND TAPE DISK STORAGE, ALL FOR USE IN THE FIELDS OF SURVEILLANCE AND PHYSICAL PREMISES SECURITY
Basis: 1(a)
First Use Date: 2001-06-01
First Use in Commerce Date: 2001-06-01

ADDITIONAL INFORMATION

Disclaimer: "DIGITAL SECURITY SOLUTIONS"

Design Search Code(s):
01.07.01 - Globes with outlines of continents
16.03.25 - Crosshairs; Gun sights; Viewers, slide, hand-held
21.03.12 - Dart boards; Targets without crosshairs or alignment guides
21.03.24 - Targets with alignment guides; Targets with crosshairs
26.17.13 - Letters or words underlined and/or overlined by one or more strokes or lines; Overlined words or letters; Underlined words or letters

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2006-12-19 - Registered - Principal Register

2006-11-01 - Extension Of Time To Oppose Process - Terminated

2006-09-08 - TEAS Change Of Correspondence Received

2006-04-28 - Attorney Review Completed

2005-05-19 - Attorney Review/Decision On Amendment Required

2005-04-25 - FAX RECEIVED

2004-12-17 - TEAS Change Of Correspondence Received

2004-12-08 - Extension Of Time To Oppose Received

2004-11-16 - Published for opposition

2004-10-27 - Notice of publication

2004-09-17 - Law Office Publication Review Completed

2004-09-13 - Assigned To LIE

2004-09-08 - Approved for Pub - Principal Register (Initial exam)

2004-09-08 - Teas/Email Correspondence Entered

2004-08-26 - Communication received from applicant

2004-08-26 - TEAS Response to Office Action Received

2004-03-03 - Final refusal e-mailed

2004-02-05 - Communication received from applicant

2004-02-05 - TEAS Response to Office Action Received

2003-08-09 - Non-final action e-mailed

2003-08-08 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record
David J. James, Jr.

Correspondent
David J. James, Jr.
2208 NW Market Street, Suite 504
Seattle WA 98107
Phone Number: (206) 624-5667
Fax Number: (206) 624-5715

OPPOSITION NO. 91163719
Serial No. 76/561,585

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

DIGI INTERNATIONAL INC.	) **MARK: DIGIPOS**
	)
Opposer	)
	)
v.	)
	)
DIGIPOS SYSTEMS INC.	)
Applicant	)

EXHIBIT 1136

TO APPLICANT'S NOTICE OF RELIANCE

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2007-01-17 08:32:53 ET

Serial Number: 76638939 Assignment Information

Registration Number: 3175846

Mark

DIGIRAY

(words only): DIGIRAY

Standard Character claim: No

Current Status: Registered.

Date of Status: 2006-11-28

Filing Date: 2005-05-19

Transformed into a National Application: No

Registration Date: 2006-11-28

Register: Principal

Law Office Assigned: LAW OFFICE 106

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2006-11-28

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Digiray Corporation

Address:
Digiray Corporation
P.O. Box 1083
Danville, CA 94583
United States
***Legal Entity* Type:** Corporation

State or Country of Incorporation: California

GOODS AND/OR SERVICES

International Class: 009
Class Status: Active
Electronic Digital X-ray System Comprised Of An X-ray Scanning Beam Tube And Detector For Industrial Use, Particularly Inspection Of Aircraft And Space Shuttle Structure, Welds And Braces, Inspection Of Electronic Circuit Boards, And Food And Beverage Containers And Computer Software For Use With An Electronic Digital X-ray System
Basis: 1(a)
First Use Date: 1991-05-16
First Use in Commerce Date: 1992-03-13

International Class: 010
Class Status: Active
Electronic Digital X-ray System Comprised Of An X-ray Scanning Beam Tube And Detector For Medical Use And Computer Software For Use With An Electronic Digital X-ray System
Basis: 1(a)
First Use Date: 1991-05-16
First Use in Commerce Date: 1992-03-13

ADDITIONAL INFORMATION

Prior Registration Number(s):
1755982

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2006-11-28 - Registered - Principal Register

2006-09-12 - Published for opposition

2006-08-23 - Notice of publication

2006-07-18 - Law Office Publication Review Completed

2006-05-30 - Assigned To LIE

2006-05-19 - Assigned To LIE

2006-05-18 - Approved for Pub - Principal Register (Initial exam)

2006-05-04 - Amendment From Applicant Entered

2006-02-08 - Communication received from applicant

Latest Status Info

2006-02-08 - PAPER RECEIVED

2005-12-20 - Non-final action mailed

2005-12-20 - Non-Final Action Written

2005-12-14 - Assigned To Examiner

2005-05-31 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record
THEODORE J. BIELEN, JR.

Correspondent
THEODORE J. BIELEN, JR.
LAW OFFICES OF BIELEN, LAMPE & THOEMING
1390 WILLOW PASS RD STE 1020
CONCORD, CA 94520-5254
Phone Number: (925) 937-1515
Fax Number: (925) 937-1529

OPPOSITION NO. 91163719
Serial No. 76/561,585

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

DIGI INTERNATIONAL INC.	) **MARK: DIGIPOS**
	)
Opposer	)
	)
v.	)
	)
DIGIPOS SYSTEMS INC.	)
Applicant	)

EXHIBIT 1137

TO APPLICANT'S NOTICE OF RELIANCE

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2007-01-17 08:33:08 ET

Serial Number: 76495225 Assignment Information

Registration Number: 3011771

Mark (words only): DIGITAL 5

Standard Character claim: No

Current Status: Registered.

Date of Status: 2005-11-01

Filing Date: 2003-03-05

Transformed into a National Application: No

Registration Date: 2005-11-01

Register: Principal

Law Office Assigned: LAW OFFICE 106

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2005-09-22

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Digital 5, Inc.

Address:
Digital 5, Inc.
101 Grovers Mill Road, Suite 200
Lawrenceville, NJ 08648
United States
Legal Entity Type: Corporation
State or Country of Incorporation: Delaware

GOODS AND/OR SERVICES

International Class: 009
Class Status: Active
COMPUTER SOFTWARE FOR DELIVERING AUDIO, VIDEO, GRAPHICS AND PHOTOGRAPHIC CONTENT TO CONSUMER ELECTRONICS DEVICES OVER WIRED AND WIRELESS NETWORKS; DVD PLAYERS; AV PLAYERS, NAMELY ELECTRONIC DEVICES THAT PLAY AUDIO AND/OR VIDEO CONTENT; AUDIO NODES, NAMELY ELECTRONIC DEVICES THAT PLAY AUDIO CONTENT FROM A NETWORK

CONNECTION
Basis: 1(a)
First Use Date: 2003-07-15
First Use in Commerce Date: 2003-07-15

ADDITIONAL INFORMATION

Disclaimer: "DIGITAL"

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2006-11-22 - Assignment Of Ownership Not Updated Automatically

2005-11-01 - Registered - Principal Register

2005-09-20 - Law Office Registration Review Completed

2005-09-16 - Assigned To LIE

2005-09-12 - Allowed for Registration - Principal Register (SOU accepted)

2005-09-09 - Statement of use processing complete

2005-08-24 - Amendment to Use filed

2005-08-25 - PAPER RECEIVED

2005-03-01 - Notice of allowance - mailed

2004-12-07 - Published for opposition

2004-11-17 - Notice of publication

2004-10-04 - Law Office Publication Review Completed

2004-10-01 - Assigned To LIE

2004-09-26 - Approved for Pub - Principal Register (Initial exam)

2004-09-08 - Amendment From Applicant Entered

2004-09-01 - Communication received from applicant

2004-09-01 - TEAS Response to Office Action Received

2004-03-02 - Non-final action mailed

2004-01-05 - Communication received from applicant

2004-01-05 - FAX RECEIVED

2003-11-04 - Communication received from applicant

2003-11-04 - PAPER RECEIVED

2003-09-03 - Non-final action mailed

2003-08-13 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record
JOHN J SULLIVAN

Correspondent
JOHN J SULLIVAN
17 LIBERTY ST
SAN FRANCISCO CA 94110
Phone Number: (415) 643-6482

OPPOSITION NO. 91163719
Serial No. 76/561,585

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

DIGI INTERNATIONAL INC.	) **MARK: DIGIPOS**
	)
Opposer	)
	)
v.	)
	)
DIGIPOS SYSTEMS INC.	)
Applicant	)

EXHIBIT 1137

TO APPLICANT'S NOTICE OF RELIANCE

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2007-01-17 08:33:21 ET

Serial Number: 76600003 Assignment Information

Registration Number: 3172814

Mark

BALANCE

Balance Digital Technology

(words only): BALANCE BALANCE DIGITAL TECHNOLOGY

Standard Character claim: No

Current Status: Registered.

Date of Status: 2006-11-21

Filing Date: 2004-06-28

Transformed into a National Application: No

Registration Date: 2006-11-21

Register: Principal

Law Office Assigned: LAW OFFICE 112

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2006-11-21

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. MTS Products

Address:
MTS Products
10671 Lanark Street
Sun Valley, CA 91352
United States
Legal Entity Type: Corporation

State or Country of Incorporation: California

GOODS AND/OR SERVICES

International Class: 009
Class Status: Active
Liquid crystal display monitors
Basis: 1(a)
First Use Date: 2003-07-00
First Use in Commerce Date: 2003-07-00

ADDITIONAL INFORMATION

Color(s) Claimed: The color(s) Black, red, orange, green, blue, indigo and violet is/are claimed as a feature of the mark.

Description of Mark and Any Color Part(s): The color black appears in the wording BALANCE and BALANCE DIGITAL TECHNOLOGY and in the dot in center of the stylized letter A. The colors black, red, orange, green, blue, indigo and violet appear respectively in the line forming the stylized letter A.

Disclaimer: "DIGITAL TECHNOLOGY"

Description of Mark: The mark consists of Balance Digital Technology and design, wherein the words "Balance Digital Technology" are placed beneath a balance design, wherein the letters "BAL" and "NCE" are placed on the left and the right hand side of the balance respectively, wherein the balance is represented by a dot and a line, wherein the middle of the colored line protrudes between the letter "L" of "BAL" and the letter "N" of NCE", forming a cone shape containing the dot, symbolizing a pivot of the balance, as well as the middle letter A of the word "BALANCE".

Design Search Code(s):
26.01.21 - Circles that are totally or partially shaded.
26.17.12 - Angles (geometric); Chevrons
26.17.13 - Letters or words underlined and/or overlined by one or more strokes or lines; Overlined words or letters; Underlined words or letters
27.03.01 - Geometric figures forming letters, numerals or punctuation

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2006-11-21 - Registered - Principal Register

2006-09-05 - Published for opposition

2006-08-26 - Attorney Revoked And/Or Appointed

2006-08-26 - TEAS Revoke/Appoint Attorney Received

2006-08-16 - Notice of publication

2006-07-17 - Law Office Publication Review Completed

2006-07-17 - Assigned To LIE

2006-07-13 - Approved for Pub - Principal Register (Initial exam)

2006-07-12 - Teas/Email Correspondence Entered

2006-06-09 - Communication received from applicant

2006-06-09 - TEAS Response to Office Action Received

2006-06-09 - NON-FINAL ACTION E-MAILED

2006-06-09 - Non-Final Action Written

2006-05-22 - Teas/Email Correspondence Entered

2006-05-12 - Communication received from applicant

2006-05-12 - TEAS Response to Office Action Received

2006-05-12 - TEAS Change Of Correspondence Received

2005-11-22 - Non-final action mailed

2005-11-21 - Non-Final Action Written

2005-11-02 - Teas/Email Correspondence Entered

2005-10-31 - Communication received from applicant

2005-10-31 - TEAS Response to Office Action Received

2005-10-31 - Petition To Revive-Granted

2005-10-31 - TEAS Petition To Revive Received

2005-08-31 - Abandonment Notice Mailed - Failure To Respond

2005-08-31 - Abandonment - Failure To Respond Or Late Response

2005-02-02 - Non-final action mailed

2005-02-02 - Non-Final Action Written

2005-02-02 - Assigned To Examiner

2004-07-13 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Correspondent
MTS Products

10671 Lanark Street
Sun Valley CA 91352
Phone Number: 818-768-8688
Fax Number: 818-768-1811

OPPOSITION NO. 91163719
Serial No. 76/561,585

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

DIGI INTERNATIONAL INC.	) **MARK: DIGIPOS**
	)
Opposer	)
	)
v.	)
	)
DIGIPOS SYSTEMS INC.	)
Applicant	)

EXHIBIT 139

TO APPLICANT'S NOTICE OF RELIANCE

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2007-01-17 08:33:31 ET

Serial Number: 76467152 Assignment Information

Registration Number: 3170357

Mark

(words only): DSC MICROPROCESSOR DIGITAL SMART CONTROL

Standard Character claim: No

Current Status: Registered.

Date of Status: 2006-11-14

Filing Date: 2002-11-06

Transformed into a National Application: No

Registration Date: 2006-11-14

Register: Principal

Law Office Assigned: LAW OFFICE 114

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2006-11-14

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Vector Products, Inc.

Address:
Vector Products, Inc.
4140 S.W. 28th Way
Ft. Lauderdale, FL 33312
United States
Legal Entity Type: Corporation

State or Country of Incorporation: Florida

GOODS AND/OR SERVICES

International Class: 009
Class Status: Active
AUTOMOBILE AND MARINE BATTERY CHARGERS AND JUMPSTARTERS
Basis: 1(a)
First Use Date: 2003-01-27
First Use in Commerce Date: 2003-01-27

ADDITIONAL INFORMATION

Disclaimer: MICROPROCESSOR and DIGITAL and SMART CONTROL

Design Search Code(s):
26.05.03 - Incomplete triangles (must have two angles); Triangle, incomplete (two angles)
26.17.10 - Lines, zig-zag; Zig-zag line(s)
26.17.13 - Letters or words underlined and/or overlined by one or more strokes or lines; Overlined words or letters; Underlined words or letters

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2006-11-14 - Ex parte appeal terminated

2006-11-14 - Registered - Principal Register

2006-08-29 - Published for opposition

2006-08-09 - Notice of publication

2006-07-10 - Law Office Publication Review Completed

2006-06-30 - Assigned To LIE

2006-06-26 - Approved for Pub - Principal Register (Initial exam)

2006-06-18 - Examiner's Amendment Entered

2006-06-14 - Examiner's amendment mailed

2006-06-14 - Examiners Amendment -Written

2006-06-08 - Jurisdiction Restored To Examining Attorney

2006-02-07 - Examiner's statement mailed

Latest Status Info

2006-02-07 - Examiners Statement - Completed

2006-01-10 - Jurisdiction Restored To Examining Attorney

2005-10-19 - Amendment to Use approved

2005-10-11 - Amendment to use processing complete

2005-09-19 - Amendment to Use filed

2005-10-05 - Jurisdiction Restored To Examining Attorney

2005-05-20 - Reinstated

2005-03-31 - Petition To Revive-Received

2005-03-31 - PAPER RECEIVED

2005-01-31 - Abandonment Notice Mailed - Failure To Respond

2005-01-30 - Abandonment - Failure To Respond Or Late Response

2004-06-24 - PAPER RECEIVED

2004-07-01 - Action denying request for reconsideration - mailed - Initial exam

2004-06-08 - PAPER RECEIVED

2004-06-23 - EXPARTE APPEAL RECEIVED AT TTAB

2003-12-08 - Final refusal mailed

2003-11-12 - Communication received from applicant

2003-11-12 - PAPER RECEIVED

2003-05-12 - Non-final action mailed

2003-05-08 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record
GEORGE W. LEWIS

Correspondent
GEORGE W. LEWIS
JACOBSON HOLMAN PLLC
THE JENIFER BUILDING
400 7TH ST NW
WASHINGTON DC 20004-2218
Phone Number: 202-638-6666

OPPOSITION NO. 91163719
Serial No. 76/561,585

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

DIGI INTERNATIONAL INC.	) **MARK: DIGIPOS**
	)
Opposer	)
	)
v.	)
	)
DIGIPOS SYSTEMS INC.	)
Applicant	)

EXHIBIT 1140

TO APPLICANT'S NOTICE OF RELIANCE

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2007-01-17 08:33:44 ET

Serial Number: 76583771 Assignment Information

Registration Number: 3164363

Mark

DIGITAL CASTLE

(words only): DIGITAL CASTLE

Standard Character claim: Yes

Current Status: Registered.

Date of Status: 2006-10-31

Filing Date: 2004-03-29

Transformed into a National Application: No

Registration Date: 2006-10-31

Register: Principal

Law Office Assigned: LAW OFFICE 117

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2006-10-31

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. D-Link Systems, Inc.

Address:
D-Link Systems, Inc.
17595 Mt. Herrmann Street
Fountain Valley, CA 92708
United States
Legal Entity Type: Corporation

State or Country of Incorporation: California
Phone Number: 714-885-6091

GOODS AND/OR SERVICES

International Class: 009
Class Status: Active
Electronic apparatus for wired Ethernet-based network, wireless network, USB network, and short-range personal area network enabled devices, namely, Adapter, Routers, Print Server, Access Point, Switches, Hubs, Keyboard Video and Mouse (KVM) Switches, Internet Camera, Voice over Internet protocol comprising IP telephones and USB headsets; Electronic apparatus for accessing and storing digital data files containing audio, image or video, namely, Network Streaming Media Playback Device, namely network media adapters, network media players, network media servers, digital video recorders, digital video portable players, digital media client players, media storage disk drive, Digital Video Portables, namely Personal Media Players with embedded storage, Network Attached Media Storage, namely hard drives for computers, blank tapes for storage of computer network data, video disk drives, video game consoles; Electronic apparatus for use in video conferencing permitting video, audio and database collaboration, namely, Internet Videophones
Basis: 1(a)
First Use Date: 2004-03-15
First Use in Commerce Date: 2004-03-15

ADDITIONAL INFORMATION

Disclaimer: "Digital"

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2006-10-31 - Registered - Principal Register

2006-08-15 - Published for opposition

2006-07-26 - Notice of publication

2006-06-24 - Law Office Publication Review Completed

2006-06-20 - Assigned To LIE

2006-06-05 - Approved for Pub - Principal Register (Initial exam)

2006-05-24 - Teas/Email Correspondence Entered

2006-05-22 - Communication received from applicant

2006-05-22 - TEAS Response to Office Action Received

2005-11-22 - Final refusal mailed

2005-11-21 - Final Refusal Written

2005-11-07 - Teas/Email Correspondence Entered

2005-10-19 - Communication received from applicant

2005-10-19 - TEAS Response to Office Action Received

2005-06-06 - Non-final action mailed

2005-06-04 - Non-Final Action Written

2005-05-12 - Amendment From Applicant Entered

2005-04-28 - Communication received from applicant

2005-04-28 - TEAS Change Of Correspondence Received

2005-04-28 - TEAS Response to Office Action Received

2004-10-28 - Non-final action e-mailed

2004-10-28 - Non-Final Action Written

2004-10-14 - Assigned To Examiner

2004-04-13 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record
S. J. Christine Yang

Correspondent
Nancy J. Lemm
D-Link Systems, Inc.
17595 Mt. Herrmann Street
Fountain Valley CA 92708
Phone Number: 714-885-6000

OPPOSITION NO. 91163719
Serial No. 76/561,585

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

DIGI INTERNATIONAL INC.	) **MARK: DIGIPOS**
	)
Opposer	)
	)
v.	)
	)
DIGIPOS SYSTEMS INC.	)
Applicant	)

EXHIBIT 1141

TO APPLICANT'S NOTICE OF RELIANCE

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2007-01-17 08:33:54 ET

Serial Number: 76181237 Assignment Information

Registration Number: 3165528

Mark (words only): DIGITOOL

Standard Character claim: No

Current Status: Registered.

Date of Status: 2006-10-31

Filing Date: 2000-12-15

Transformed into a National Application: No

Registration Date: 2006-10-31

Register: Principal

Law Office Assigned: LAW OFFICE 103

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2006-09-25

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. PEAVEY ELECTRONICS CORPORATION

Address:
PEAVEY ELECTRONICS CORPORATION
5022 HIGHWAY 493 NORTH
MERIDIAN, MS 39305
United States
Legal Entity Type: Corporation
State or Country of Incorporation: Delaware

GOODS AND/OR SERVICES

International Class: 009
Class Status: Active
AUDIO PROCESSORS, MIXERS, MIXER/PROCESSORS, CROSSOVERS, CROSSOVER/PROCESSORS, LOUDSPEAKERS, POWERED LOUDSPEAKERS, DYNAMICS PROCESSORS, SWITCHERS FOR USE BY SOUND TECHNICIANS IN AUDITORIUMS, COLISEUMS, HOUSES OF WORSHIP, STADIUMS AND OTHER PUBLIC VENUES

Basis: 1(a)
First Use Date: 2002-03-00
First Use in Commerce Date: 2002-03-00

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2006-10-31 - Registered - Principal Register

2006-09-22 - Law Office Registration Review Completed

2006-09-15 - Assigned To LIE

2006-09-14 - Allowed for Registration - Principal Register (SOU accepted)

2006-07-24 - Statement of use processing complete

2006-06-30 - Amendment to Use filed

2006-06-30 - TEAS Statement of Use Received

2006-06-13 - Notice of allowance - mailed

2006-03-21 - Published for opposition

2006-03-01 - Notice of publication

2006-02-07 - Law Office Publication Review Completed

2006-02-03 - Assigned To LIE

2006-01-27 - Approved for Pub - Principal Register (Initial exam)

2005-11-22 - Ex parte appeal terminated

2005-09-29 - Ex parte appeal - Refusal reversed

2005-02-07 - Examiner's statement mailed

2005-02-06 - Examiners Statement - Completed

2004-12-07 - Jurisdiction Restored To Examining Attorney

2004-11-01 - PAPER RECEIVED

Latest Status Info

2004-09-10 - PAPER RECEIVED

2004-09-02 - PAPER RECEIVED

2004-09-10 - Ex parte appeal - Instituted

2004-09-09 - EXPARTE APPEAL RECEIVED AT TTAB

2004-04-13 - Final refusal mailed

2004-02-24 - Communication received from applicant

2004-02-27 - Communication received from applicant

2004-02-27 - PAPER RECEIVED

2004-02-27 - Case File In TICRS

2003-08-25 - Non-final action mailed

2001-04-06 - Letter of suspension mailed

2001-03-27 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record
JAMES E SANDUSKY

Correspondent
JAMES E SANDUSKY
PO BOX 1165
MERIDIAN MS 39302

OPPOSITION NO. 91163719
Serial No. 76/561,585

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

DIGI INTERNATIONAL INC.	) **MARK: DIGIPOS**
	)
Opposer	)
	)
v.	)
	)
DIGIPOS SYSTEMS INC.	)
Applicant	)

EXHIBIT 1142

TO APPLICANT'S NOTICE OF RELIANCE

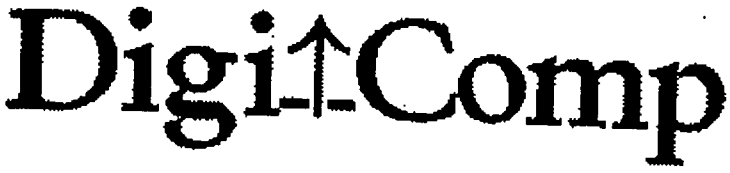
Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2007-01-17 08:34:03 ET

Serial Number: 76594863 Assignment Information

Registration Number: 3163129

Mark



(words only): DIGI_ _COMP

Standard Character claim: No

Current Status: Registered.

Date of Status: 2006-10-24

Filing Date: 2004-06-01

Transformed into a National Application: No

Registration Date: 2006-10-24

Register: Principal

Law Office Assigned: LAW OFFICE 106

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2006-09-18

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. CREATIVE PRODUCTS TECHNOLOGY (H.K.) LTD.

Address:
CREATIVE PRODUCTS TECHNOLOGY (H.K.) LTD.
Unit 2009, Lemmi Centre 50 Hoi Yuen Road
Kwun Tong, Kowloon
Hong Kong
Legal Entity Type: Ltd Liab Co

State or Country Where Organized: Hong Kong

GOODS AND/OR SERVICES

International Class: 009
Class Status: Active
Thermometers, hygrometers, compasses, marine compasses, dynamometers, pyrometers, detectors, namely, smoke detectors and gas detectors for detecting the presence of gas
Basis: 1(a)
First Use Date: 2006-04-01
First Use in Commerce Date: 2006-06-01

ADDITIONAL INFORMATION

Design Search Code(s):
24.15.25 - Other arrows

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2006-10-24 - Registered - Principal Register

2006-09-15 - Law Office Registration Review Completed

2006-09-11 - Assigned To LIE

2006-08-24 - Allowed for Registration - Principal Register (SOU accepted)

2006-08-15 - Statement of use processing complete

2006-07-07 - Amendment to Use filed

2006-07-07 - PAPER RECEIVED

2006-01-10 - Notice of allowance - mailed

2005-10-18 - Published for opposition

2005-09-28 - Notice of publication

2005-07-13 - Law Office Publication Review Completed

2005-07-08 - Assigned To LIE

2005-07-07 - Approved for Pub - Principal Register (Initial exam)

2005-07-07 - Amendment From Applicant Entered

Latest Status Info

2005-06-28 - Communication received from applicant

2005-06-28 - PAPER RECEIVED

2005-01-04 - Non-final action mailed

2005-01-04 - Non-Final Action Written

2005-01-04 - Assigned To Examiner

2004-06-15 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record
Steven M. Rabin

Correspondent
STEVEN M. RABIN
RABIN & BERDO, P.C.
1101 14TH STREET, N.W., SUITE 500
WASHINGTON, D.C. 20005
Phone Number: (202) 371-8976
Fax Number: (202) 408-0924

Domestic Representative
RABIN & BERDO, P.C.
Phone Number: (202) 371-8976
Fax Number: (202) 408-0924

OPPOSITION NO. 91163719
Serial No. 76/561,585

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

DIGI INTERNATIONAL INC.	)	**MARK: DIGIPOS**
	)	
Opposer	)	
	)	
v.	)	
	)	
DIGIPOS SYSTEMS INC.	)	
Applicant	)	

EXHIBIT 1143

TO APPLICANT'S NOTICE OF RELIANCE

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2007-01-17 08:37:55 ET

Serial Number: 76063040 Assignment Information

Registration Number: 3152441

Mark

(words only): DM

Standard Character claim: No

Current Status: Registered.

Date of Status: 2006-10-10

Filing Date: 2000-06-02

Transformed into a National Application: No

Registration Date: 2006-10-10

Register: Principal

Law Office Assigned: LAW OFFICE 109

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2006-10-10

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. DIGITAL MOTORWORKS, LP

Address:
DIGITAL MOTORWORKS, LP
BLDG. II 4TH FLOOR 8601 FM 2222, PARK 22
AUSTIN, TX 78730
United States
Legal Entity Type: Limited Partnership

State or Country Where Organized: Texas

GOODS AND/OR SERVICES

International Class: 009
Class Status: Active
Computer software for use in retrieving, aggregating, parsing, and formatting data from public and private computer systems for the purpose of cleansing and standardizing the data or information obtained and converting the data or information into a format for use by others in making marketing, inventory and business decisions and converting the data or information into a format for use by others in making marketing, inventory and business decisions
Basis: 1(a)
First Use Date: 1997-09-00
First Use in Commerce Date: 1997-09-00

International Class: 035
Class Status: Active
Computerized database management services, namely, database management utilizing data or information obtained from public and private computer networks
Basis: 1(a)
First Use Date: 1997-09-00
First Use in Commerce Date: 1997-09-00

International Class: 042
Class Status: Active
Computer data recovery services and data conversion of computer program data and information, namely, retrieving, aggregating, parsing, and formatting computer data from public or private computer systems for the purpose of cleansing and standardizing the data or information obtained and converting the data or information into a format for use by others in making marketing, inventory and business decisions
Basis: 1(a)
First Use Date: 1997-09-00
First Use in Commerce Date: 1997-09-00

ADDITIONAL INFORMATION

Design Search Code(s):
26.03.02 - Ovals, plain single line; Plain single line ovals
26.03.08 - Letters, numerals or punctuation forming the perimeter of an oval or bordering the perimeter of an oval; Ovals having letters or numerals as a border; Ovals having punctuation as a border
26.03.21 - Ovals that are completely or partially shaded

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2006-10-10 - Registered - Principal Register

2006-06-30 - Extension Of Time To Oppose Process - Terminated

2006-03-13 - Extension Of Time To Oppose Received

2006-02-14 - Published for opposition

2006-01-25 - Notice of publication

2005-02-22 - Law Office Publication Review Completed

2005-01-02 - Approved for Pub - Principal Register (Initial exam)

2004-11-19 - Amendment From Applicant Entered

2004-11-02 - Communication received from applicant

2004-11-19 - Assigned To LIE

2004-11-10 - PAPER RECEIVED

2004-09-13 - Final refusal mailed

2004-09-12 - Final Refusal Written

2004-05-17 - Unresponsive/Duplicate Paper Received

2004-05-17 - PAPER RECEIVED

2004-02-05 - Unresponsive/Duplicate Paper Received

2004-03-04 - Case File In TICRS

2004-02-05 - TEAS Change Of Correspondence Received

2002-02-28 - Letter of suspension mailed

2001-06-18 - Communication received from applicant

2000-12-18 - Non-final action mailed

2000-12-04 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record
SUSAN E HOLLANDER

Correspondent
SUSAN E HOLLANDER
MANATT PHELPS PHILLIPS LLP
1001 PAGE MILL RD BLDG 2
PALO ALTO, CA 94304-1020
Phone Number: 650 812-1300
Fax Number: 650 213-0260

OPPOSITION NO. 91163719
Serial No. 76/561,585

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

DIGI INTERNATIONAL INC.	) **MARK: DIGIPOS**
	)
Opposer	)
	)
v.	)
	)
DIGIPOS SYSTEMS INC.	)
Applicant	)

EXHIBIT 1144

TO APPLICANT'S NOTICE OF RELIANCE

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2007-01-17 08:38:11 ET

Serial Number: 76596776 Assignment Information

Registration Number: 3151329

Mark

CyberLink MakeDVD

(words only): CYBERLINK MAKEDVD

Standard Character claim: Yes

Current Status: Registered.

Date of Status: 2006-10-03

Filing Date: 2004-06-14

Transformed into a National Application: No

Registration Date: 2006-10-03

Register: Principal

Law Office Assigned: LAW OFFICE 115

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2006-08-21

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. CYBERLINK CORP.

Address:
CYBERLINK CORP.
15FL., NO. 100, MINCHIUAN RD.
SHINDIAN CITY, TAIPEI
Taiwan
Legal Entity Type: Corporation
State or Country of Incorporation: Taiwan

GOODS AND/OR SERVICES

International Class: 009
Class Status: Active
COMPUTER SOFTWARE FOR AUDIO AND VIDEO EDITING FOR PRODUCING EDITED VIDEO AND AUDIO EFFECTS ON A COMPUTER; COMPACT AND FLOPPY DISCS RECORDED WITH COMPUTER PROGRAMS FOR AUDIO AND VIDEO EDITING OF DATA
Basis: 1(a)
First Use Date: 2004-05-01
First Use in Commerce Date: 2004-08-01

ADDITIONAL INFORMATION

Prior Registration Number(s):
2418648
2438981
2747271
2776311

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2006-10-03 - Registered - Principal Register

2006-08-16 - Law Office Registration Review Completed

2006-08-16 - Assigned To LIE

2006-08-08 - Allowed for Registration - Principal Register (SOU accepted)

2006-08-03 - Statement of use processing complete

2006-07-06 - Amendment to Use filed

2006-07-06 - TEAS Statement of Use Received

2006-01-31 - Notice of allowance - mailed

2005-11-08 - Published for opposition

2005-10-19 - Notice of publication

2005-09-21 - Law Office Publication Review Completed

2005-09-16 - Assigned To LIE

2005-09-09 - Approved for Pub - Principal Register (Initial exam)

2005-07-27 - Amendment From Applicant Entered

2005-07-14 - Communication received from applicant

2005-07-14 - PAPER RECEIVED

2005-01-21 - Non-final action mailed

2005-01-19 - Non-Final Action Written

2005-01-14 - Assigned To Examiner

2004-06-24 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record
Morton J. Rosenberg

Correspondent
MORTON J. ROSENBERG
ROSENBERG, KLEIN & LEE
3458 ELLICOTT CENTER DRIVE, SUITE 101
ELLICOTT CITY, MD 21043
Phone Number: (410) 465-6678
Fax Number: (410)-461-3067

Domestic Representative
Rosenberg, Klein & Lee
Phone Number: (410)-465-6678
Fax Number: (410)-461-3067

OPPOSITION NO. 91163719
Serial No. 76/561,585

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

DIGI INTERNATIONAL INC.	) **MARK: DIGIPOS**
	)
Opposer	)
	)
v.	)
	)
DIGIPOS SYSTEMS INC.	)
Applicant	)

EXHIBIT 1145

TO APPLICANT'S NOTICE OF RELIANCE

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2007-01-17 08:38:29 ET

Serial Number: 76631700 Assignment Information

Registration Number: 3137628

Mark

DIGIAIR

(words only): DIGIAIR

Standard Character claim: Yes

Current Status: Registered.

Date of Status: 2006-09-05

Filing Date: 2005-02-22

Transformed into a National Application: No

Registration Date: 2006-09-05

Register: Principal

Law Office Assigned: LAW OFFICE 102

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2006-09-05

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Fleming & Associates, Inc.

Address:
Fleming & Associates, Inc.
3901 Progress Street
North Little Rock, AR 72114
United States
Legal Entity Type: Corporation

State or Country of Incorporation: Arkansas

GOODS AND/OR SERVICES

International Class: 009
Class Status: Active
portable meter for technicians for sensing and displaying the off-air television channel spectrum in a given area
Basis: 1(a)
First Use Date: 1005-02-01
First Use in Commerce Date: 1005-02-01

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2006-09-05 - Registered - Principal Register

2006-06-13 - Published for opposition

2006-05-24 - Notice of publication

2006-04-25 - Law Office Publication Review Completed

2006-04-21 - Assigned To LIE

2006-04-20 - Approved for Pub - Principal Register (Initial exam)

2006-04-13 - Amendment From Applicant Entered

2006-03-24 - Communication received from applicant

2006-03-24 - PAPER RECEIVED

2005-09-21 - Non-final action mailed

2005-09-21 - Non-Final Action Written

2005-09-17 - Assigned To Examiner

2005-03-08 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Correspondent
STEPHEN D. CARVER
CARVER PATENT LAW LTD.
SUITE 800 PLEASANT VALLEY CORP. CTR.
2024 ARKANSAS VALLEY DRIVE
LITTLE ROCK, ARKANSAS (AR) 72212-4147
Phone Number: (501) 224-1500
Fax Number: (501) 224-8831

OPPOSITION NO. 91163719
Serial No. 76/561,585

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

DIGI INTERNATIONAL INC.	) **MARK: DIGIPOS**
	)
Opposer	)
	)
v.	)
	)
DIGIPOS SYSTEMS INC.	)
Applicant	)

EXHIBIT 1176

TO APPLICANT'S NOTICE OF RELIANCE

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2007-01-17 08:38:38 ET

Serial Number: 76585418 Assignment Information

Registration Number: 3134664

Mark

(words only): I INSIDE OUT NETWORKS A DIGI INTERNATIONAL COMPANY

Standard Character claim: No

Current Status: Registered.

Date of Status: 2006-08-29

Filing Date: 2004-04-07

Transformed into a National Application: No

Registration Date: 2006-08-29

Register: Principal

Law Office Assigned: LAW OFFICE 116

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2006-08-29

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. DIGI INTERNATIONAL INC.

Address:
DIGI INTERNATIONAL INC.
11001 Bren Road East
Minnetonka, MN 55343
United States
Legal Entity Type: Corporation

State or Country of Incorporation: Delaware

GOODS AND/OR SERVICES

International Class: 009
Class Status: Active
Computer network connectivity hardware
Basis: 1(a)
First Use Date: 2000-10-00
First Use in Commerce Date: 2000-10-00

International Class: 042
Class Status: Active
Providing technical support to purchasers for troubleshooting computer hardware via telephone and the Internet
Basis: 1(a)
First Use Date: 2000-10-00
First Use in Commerce Date: 2000-10-00

ADDITIONAL INFORMATION

Disclaimer: "NETWORKS" or "INTERNATIONAL COMPANY"

Lining and Stippling: The stippling is for shading purposes only.

Design Search Code(s):
26.03.02 - Ovals, plain single line; Plain single line ovals
26.17.09 - Bands, curved; Bars, curved; Curved line(s), band(s) or bar(s); Lines, curved
26.17.13 - Letters or words underlined and/or overlined by one or more strokes or lines; Overlined words or letters; Underlined words or letters

Prior Registration Number(s):
2132925
2392683
2801034

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2006-08-29 - Registered - Principal Register

2006-07-14 - Extension Of Time To Oppose Process - Terminated

2006-03-26 - Extension Of Time To Oppose Received

2006-02-28 - Published for opposition

2006-02-14 - TEAS Change Of Correspondence Received

Latest Status Info

2006-02-08 - Notice of publication

2005-12-21 - Law Office Publication Review Completed

2005-12-16 - Assigned To LIE

2005-12-15 - Approved for Pub - Principal Register (Initial exam)

2005-12-15 - Teas/Email Correspondence Entered

2005-12-03 - Communication received from applicant

2005-12-03 - TEAS Response to Office Action Received

2005-06-08 - Final refusal mailed

2005-06-07 - Final Refusal Written

2005-05-12 - Teas/Email Correspondence Entered

2005-05-04 - Communication received from applicant

2005-05-04 - TEAS Response to Office Action Received

2004-11-04 - Non-final action mailed

2004-11-04 - Non-Final Action Written

2004-10-28 - Assigned To Examiner

2004-04-22 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record
Marsha Stolt

Correspondent
Marsha Stolt, Esq.
Moss & Barnett, PA
4800 Wells Fargo Centre
90 So. Seventh St.
Minneapolis MN 55402-4129
Phone Number: (612) 347-0443
Fax Number: (612) 339-6686

OPPOSITION NO. 91163719
Serial No. 76/561,585

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

DIGI INTERNATIONAL INC.	) **MARK: DIGIPOS**
	)
Opposer	)
	)
v.	)
	)
DIGIPOS SYSTEMS INC.	)
Applicant	)

EXHIBIT 1147

TO APPLICANT'S NOTICE OF RELIANCE

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2007-01-17 08:38:50 ET

Serial Number: 76573273 Assignment Information

Registration Number: 2988591

Mark

DIGIUM

(words only): DIGIUM

Standard Character claim: No

Current Status: Registered.

Date of Status: 2005-08-30

Filing Date: 2004-02-02

Transformed into a National Application: No

Registration Date: 2005-08-30

Register: Principal

Law Office Assigned: LAW OFFICE 115

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2005-08-30

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. DIGIUM, INC.

Address:
DIGIUM, INC.
150 WEST PARK LOOP, SUITE 100
HUNTSVILLE, AL 35806
United States
Legal Entity Type: Corporation

State or Country of Incorporation: Delaware

GOODS AND/OR SERVICES

International Class: 009
Class Status: Active
Computer hardware
Basis: 1(a)
First Use Date: 2002-08-00
First Use in Commerce Date: 2002-08-00

International Class: 042
Class Status: Active
computer hardware development for others
Basis: 1(a)
First Use Date: 2002-08-00
First Use in Commerce Date: 2002-08-00

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

USPTO Reference Number: Z1231962
International Registration Number: 0857613
International Registration Date: 2005-04-19
Original Filing Date with USPTO: 2005-04-19
International Registration Status: Application For IR Registered By IB
Date of International Registration Status: 2005-09-08
International Registration Renewal Date: 2015-04-19
Irregularity Reply by Date: (DATE NOT AVAILABLE)

Madrid History:
07-19-2006 - 12:38:54 - Ceasing Of Effect Reviewed - No Action Required By Office
05-02-2006 - 08:09:37 - Ceasing Of Effect Manually Processed
09-09-2005 - 06:49:26 - Application For IR Registered By IB
08-02-2005 - 11:53:49 - Irregularity Received From IB (Response Required)
06-14-2005 - 16:45:36 - Irregularity Received From IB (Response Required)
05-09-2005 - 18:49:33 - Manually Certified
05-06-2005 - 15:44:42 - New Application For IR Received

PROSECUTION HISTORY

2006-08-24 - Attorney Revoked And/Or Appointed

2006-08-24 - TEAS Revoke/Appoint Attorney Received

2005-08-30 - Registered - Principal Register

2005-06-07 - Published for opposition

2005-05-18 - Notice of publication

2005-02-18 - Law Office Publication Review Completed

2005-02-11 - Assigned To LIE

2004-12-30 - Approved for Pub - Principal Register (Initial exam)

2004-12-21 - Examiner's Amendment Entered

2004-08-24 - Assigned To LIE

2004-08-25 - Examiner's amendment mailed

2004-08-24 - Assigned To Examiner

2004-02-17 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record
Nathan W. Johnson, Esq.

Correspondent
Nathan W. Johnson, Esq.
Bradley Arant Rose & White LLP
1819 Fifth Avenue North
Birmingham AL 35203-2104
Phone Number: 2055218369
Fax Number: 2054886369

OPPOSITION NO. 91163719
Serial No. 76/561,585

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

DIGI INTERNATIONAL INC.	) **MARK: DIGIPOS**
	)
Opposer	)
	)
v.	)
	)
DIGIPOS SYSTEMS INC.	)
Applicant	)

EXHIBIT 1148

TO APPLICANT'S NOTICE OF RELIANCE

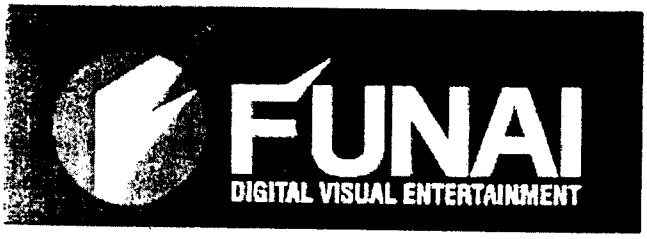
Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2007-01-17 08:39:08 ET

Serial Number: 76606713 Assignment Information

Registration Number: 3131626

Mark



(words only): F FUNAI DIGITAL VISUAL ENTERTAINMENT

Standard Character claim: No

Current Status: Registered.

Date of Status: 2006-08-22

Filing Date: 2004-08-12

Transformed into a National Application: No

Registration Date: 2006-08-22

Register: Principal

Law Office Assigned: LAW OFFICE 107

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2006-08-22

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. FUNAI ELECTRIC COMPANY LIMITED

Address:
FUNAI ELECTRIC COMPANY LIMITED
7-1, Nakagaito 7-Chome, Daito-Shi
Osaka
Japan
Legal Entity Type: Corporation

State or Country of Incorporation: Japan

GOODS AND/OR SERVICES

International Class: 009
Class Status: Active
Acoustic couplers; antennas; amplifiers; amplifying tubes; amplifying valves; answering machines; electric anti-interference devices, namely, signal band filter, antenna mixers, splitters, distributors, phase difference feed antenna, signal processor; bar code readers; betatrons; cabinets for speakers; video cameras; capacitors; pre-recorded magnetic cards; cassette players; chargers for electric batteries; integrated circuit chips; electric coils for telecommunication apparatus; electric circuit closers; cleaners for data media, namely, magnetic head cleaners, coil holders; coin- operated mechanisms for television sets; compact disc players; blank compact discs; comparators; computer keyboards; computer memories; computers; printers for use with computers; couplers for data processing; data media; data processing equipment, namely, scanners, mousers, readers; demagnetizing apparatus for magnetic tapes, namely, VOR use; electronic dictating machines other than for lighting; discharge tubes; electric installation for the remote control of industrial operations; electric signboards; encoders; facsimile machines; blank floppy discs; head-cleaning tapes for cleaning the read/write head on a diskette drive by removing dust; headphones; high-frequency apparatus namely, CATV modems, transmitting and receiving antennas, wireless LAN (local area network) access points, wireless LAN (local area network) terminal unit, transceiver; electrical inductors; intercommunication apparatus namely, intercom; interfaces for computers; electric integrated circuits; juke boxes for computers; laser generators; magnetic encoders; magnetic tape units for computers; magnetic tapes for VOR; microphones; microprocessors; modems; electric monitoring apparatus, namely, burglar monitoring apparatus; monitors; vehicle navigation; optical character readers; optical discs; personal stereos; photocopiers; printed circuits; central processing units; radios; audio and video receivers; remote controllers; electric resistance measuring instruments; rheostats; scanners; electronic semi-conductors; sonars; sound recording apparatus namely, cd player, audio tape recorder; sound recording carriers, namely, cd disc, audio tape; blank sound recording discs; blank sound recording strips; sound reproduction apparatus namely, tape recorder, DVD player; tape recorders; telegraphs; teleprinters; teletypewriters; television sets; electric terminals; blank video cassettes; videorecorders; video screens; blank videotapes; electric wire connectors; masts for wireless aerials; television and DVD player combination, television and DVD recorder combination, television and VHS VCR combination, television and HDD; hard disc controllers; hard disc drives; hard disc players; hard disc recorders; liquid crystal display televisions; liquid crystal displays; digital cameras; plasma televisions; DVD (digital versatile disc) players; DVD (digital versatile disc) recorders; DVD (digital versatile disc) players and television sets with video tape recorders; DVD (digital versatile disc) players with video tape recorders; portable DVD (digital versatile disc) players; hard disc drives for computers; electric circuits, blank cartridges, blank magnetic tapes, blank magnetic cards, blank magnetic discs, blank optical discs, blank CD-ROMs, blank hard discs and floppy discs recording programs for consumer video games; hard discs recording programs for consumer video games; semiconductor memory and other data media recording programs for consumer video games; arcade video game machines; electronic circuits, blank rom cartridges, blank magnetic tapes, blank magnetic cards, blank magnetic discs, blank optical discs, blank CD-ROMs, blank hard discs, blank floppy discs recording programs for arcade video games; hard discs recording computer programs; blank floppy discs, blank hard discs, blank CD-ROMs, blank optical discs, semiconductor memory and other data media recording computer programs; electronic circuits, blank magnetic discs, blank CD-ROMs, blank hard disc drives, blank roms and optical discs recording computer programs
Basis: 44(e)
First Use Date: (DATE NOT AVAILABLE)
First Use in Commerce Date: (DATE NOT AVAILABLE)

International Class: 037
Class Status: Active
Installation, repair and maintenance of manufacturing equipments for manufacturing compact discs and other data media for sound and images; repair and maintenance of recording devices for computer backup; repair and maintenance of computers; repair and maintenance of audiovisual apparatus, namely, televisions; repair and maintenance of audiovisual frequency apparatus, namely, audio and video receivers and parts and fittings thereof; repair of audio frequency apparatus, namely, radios, DVD players, DVD recorders, VCR players, VCR recorders, video cameras, compact disc players; repair and maintenance of electric appliances

Basis: 44(e)
First Use Date: (DATE NOT AVAILABLE)
First Use in Commerce Date: (DATE NOT AVAILABLE)

ADDITIONAL INFORMATION

Color(s) Claimed: The color(s) light blue, dark blue and white is/are claimed as a feature of the mark.

Description of Mark and Any Color Part(s): The colors light blue, dark blue and white appear as follows-- a dark blue rectangle which contains the stylized letter 'F' in white enclosed in a light blue circle and the stylized words 'FUNAI DIGITAL VISUAL ENTERTAINMENT' in white.

Disclaimer: Digital Visual Entertainment

Design Search Code(s):
26.01.21 - Circles that are totally or partially shaded.
26.11.02 - Plain single line rectangles; Rectangles (single line)
26.11.21 - Rectangles that are completely or partially shaded

Prior Registration Number(s):
1682701

Foreign Application Number: 2004-056218
Foreign Registration Number: 4848765
Foreign Registration Date: 2005-03-18
Country: Japan
Foreign Filing Date: 2004-06-17
Foreign Expiration Date: 2015-03-18

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2006-08-22 - Registered - Principal Register

2006-07-07 - Extension Of Time To Oppose Process - Terminated

2006-03-21 - Extension Of Time To Oppose Received

2006-02-21 - Published for opposition

2006-02-01 - Notice of publication

2006-01-06 - Law Office Publication Review Completed

2006-01-06 - Assigned To LIE

2005-12-30 - Approved for Pub - Principal Register (Initial exam)

2005-12-28 - Examiner's Amendment Entered

2005-12-22 - Examiner's amendment mailed

2005-12-22 - Examiners Amendment -Written

2005-12-15 - Non-final action mailed

2005-12-15 - Non-Final Action Written

2005-12-07 - Amendment From Applicant Entered

2005-11-28 - Communication received from applicant

2005-11-28 - PAPER RECEIVED

2005-10-06 - Letter of suspension mailed

2005-10-05 - Suspension Letter Written

2005-09-26 - Amendment From Applicant Entered

2005-09-08 - Communication received from applicant

2005-09-08 - PAPER RECEIVED

2005-03-16 - Non-final action mailed

2005-03-16 - Non-Final Action Written

2005-03-16 - Assigned To Examiner

2004-08-23 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record
Gary D. Krugman

Correspondent
GARY D. KRUGMAN
SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVE NW
WASHINGTON DC 20037-3202
Phone Number: 202-663-7484
Fax Number: 202.293.7860

Domestic Representative
SUGHRUE MION, PLLC
Phone Number: 202.293.7060
Fax Number: 202.293.7860

OPPOSITION NO. 91163719
Serial No. 76/561,585

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

DIGI INTERNATIONAL INC.	) **MARK: DIGIPOS**
	)
Opposer	)
	)
v.	)
	)
DIGIPOS SYSTEMS INC.	)
Applicant	)

EXHIBIT 1149

TO APPLICANT'S NOTICE OF RELIANCE

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2007-01-17 08:39:18 ET

Serial Number: 76127132 Assignment Information

Registration Number: 3131504

Mark

(words only): DIGITAL OILFIELD

Standard Character claim: No

Current Status: Registered.

Date of Status: 2006-08-22

Filing Date: 2000-09-14

Transformed into a National Application: No

Registration Date: 2006-08-22

Register: Principal

Law Office Assigned: LAW OFFICE 102

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2006-08-22

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. DIGITAL OILFIELD INC

Address:
DIGITAL OILFIELD INC
1910, 530-8th Avenue, S.W.
Calgary Alberta T2P 3S8
Canada
Legal Entity Type: Corporation

State or Country of Incorporation: Canada

GOODS AND/OR SERVICES

International Class: 009
Class Status: Active
computer software for business to business e-commerce services in the international oil and gas industry, namely, software used to facilitate the receipt, coding and authorization of invoices; computer software for business to business e-commerce services in the international oil and gas industry, namely, software for workflow coordination and automation, including planning, scheduling, procuring and conduction of tasks; computer software for business to business e-commerce services in the international oil and gas industry, namely, software that automates financial, operational and business workflow processes
Basis: 44(e)
First Use Date: (DATE NOT AVAILABLE)
First Use in Commerce Date: (DATE NOT AVAILABLE)

International Class: 035
Class Status: Active
licensing of computer software for use in business-to-business electronic commerce in the field of oil and gas exploration
Basis: 44(e)
First Use Date: (DATE NOT AVAILABLE)
First Use in Commerce Date: (DATE NOT AVAILABLE)

International Class: 038
Class Status: Active
provision of a site on the global computer network offering business to business e-commerce services to the international oil and gas industry, namely, inter-business communication, namely, electronic transmission of data and documents among users of computers; electronic data transmission for business to business communication services, business to business collaboration services and business to business e-commerce services by way of a global computer information network and internet site
Basis: 44(e)
First Use Date: (DATE NOT AVAILABLE)
First Use in Commerce Date: (DATE NOT AVAILABLE)

International Class: 042
Class Status: Active
computer services, namely, creating indexes of information on computer networks for automated financial, operational and business workflow services in business-to-business electronic commerce in the oil and gas industry
Basis: 44(e)
First Use Date: (DATE NOT AVAILABLE)
First Use in Commerce Date: (DATE NOT AVAILABLE)

International Class: 045
Class Status: Active
provision of a site on the global computer network offering business to business e-commerce services to the international oil and gas industry, namely, providing user authentication services in e-commerce transactions
Basis: 44(e)
First Use Date: (DATE NOT AVAILABLE)
First Use in Commerce Date: (DATE NOT AVAILABLE)

ADDITIONAL INFORMATION

Color(s) Claimed: The color(s) black and gray is/are claimed as a feature of the mark.

Description of Mark and Any Color Part(s): The mark includes the colors gray and black; the letters of the mark are in the color black; the design of the mark includes the color gray in different shades, and the color black.

Description of Mark: The mark consists of the color black which is in the "digital" and "ilfield" portion of the mark. The half-circle is in gray. The spherical shape is in black and gradations of gray.

Design Search Code(s):
01.11.02 - Moons, crescent; Moons, half; Partial moons, including half moons and crescent moons (not a moon with craters)
27.03.05 - Objects forming letters or numerals

Foreign Application Number: 1071014
Foreign Registration Number: TMA578695
Foreign Registration Date: 2003-04-02
Country: Canada
Foreign Filing Date: 2000-08-14
Foreign Expiration Date: 2018-04-02

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2006-08-22 - Registered - Principal Register

2006-05-30 - Published for opposition

2006-05-30 - Published for opposition

2006-05-10 - Notice of publication

2006-04-12 - Law Office Publication Review Completed

2006-03-17 - Assigned To LIE

2006-03-13 - Examiner's amendment mailed

2006-03-13 - Approved for Pub - Principal Register (Initial exam)

2006-03-13 - Examiner's Amendment Entered

2006-03-13 - Examiners Amendment -Written

2005-12-29 - Teas/Email Correspondence Entered

2005-12-22 - Communication received from applicant

2005-12-22 - TEAS Response to Office Action Received

2005-06-23 - Non-final action mailed

2005-06-22 - Non-Final Action Written

2005-06-11 - Amendment From Applicant Entered

2005-05-20 - Communication received from applicant

2005-05-20 - PAPER RECEIVED

2005-05-11 - Non-final action mailed

2005-05-10 - Non-Final Action Written

2005-04-15 - Amendment From Applicant Entered

2005-04-08 - Communication received from applicant

2005-04-08 - TEAS Response to Office Action Received

2005-03-03 - Amendment From Applicant Entered

2005-02-04 - Communication received from applicant

2005-02-04 - PAPER RECEIVED

2004-08-06 - Final refusal mailed

2003-10-08 - Communication received from applicant

2003-10-08 - PAPER RECEIVED

2003-09-01 - Communication received from applicant

2003-09-22 - Case File In TICRS

2003-09-01 - TEAS Response to Office Action Received

2003-05-23 - Letter of suspension mailed

2002-10-24 - Communication received from applicant

2002-10-24 - PAPER RECEIVED

2002-10-17 - Assigned To Examiner

2002-05-20 - Inquiry as to suspension mailed

2001-11-21 - Letter of suspension mailed

2001-09-07 - Communication received from applicant

2001-09-07 - Communication received from applicant

2001-03-08 - Non-final action mailed

2001-03-08 - Assigned To Examiner

2001-03-05 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record
Thomas J. Moore

Correspondent
THOMAS J. MOORE
BACON & THOMAS PLLC
625 SLATERS LN FL 4
ALEXANDRIA VA 22314-1176

Domestic Representative
BACON & THOMAS, PLLC

OPPOSITION NO. 91163719
Serial No. 76/561,585

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

DIGI INTERNATIONAL INC.	) **MARK: DIGIPOS**
	)
Opposer	)
	)
v.	)
	)
DIGIPOS SYSTEMS INC.	)
Applicant	)

EXHIBIT 1150

TO APPLICANT'S NOTICE OF RELIANCE

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2007-01-17 08:39:27 ET

Serial Number: 76586494 Assignment Information

Registration Number: 3033527

Mark

DIN COMMUNICATOR

(words only): DIN COMMUNICATOR

Standard Character claim: Yes

Current Status: Registered.

Date of Status: 2005-12-27

Filing Date: 2004-04-12

Transformed into a National Application: No

Registration Date: 2005-12-27

Register: Principal

Law Office Assigned: LAW OFFICE 114

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2005-12-27

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. BLA INFORMATION NETWORK, LLC

Address:
BLA INFORMATION NETWORK, LLC
15120 ENTERPRISE COURT
CHANTILLY, VA 20151
United States
Legal Entity Type: Ltd Liab Co

State or Country Where Organized: Virginia

GOODS AND/OR SERVICES

International Class: 009
Class Status: Active
Computer software, namely software for disseminating and communicating information
Basis: 1(a)
First Use Date: 2002-01-09
First Use in Commerce Date: 2002-01-09

International Class: 038
Class Status: Active
Information services, namely transmitting information to a desktop software application
Basis: 1(a)
First Use Date: 2002-01-09
First Use in Commerce Date: 2002-01-09

ADDITIONAL INFORMATION

Disclaimer: "COMMUNICATOR in Class 9"

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2006-08-09 - Automatic Update Of Assignment Of Ownership

2005-12-27 - Registered - Principal Register

2005-10-04 - Published for opposition

2005-09-14 - Notice of publication

2005-06-18 - Law Office Publication Review Completed

2005-06-17 - Assigned To LIE

2005-06-13 - Approved for Pub - Principal Register (Initial exam)

2005-06-13 - EXAMINERS AMENDMENT E-MAILED

2005-06-13 - Examiners Amendment -Written

2005-06-09 - Amendment From Applicant Entered

2005-05-24 - Communication received from applicant

2005-05-24 - PAPER RECEIVED

2005-05-23 - PAPER RECEIVED

2004-11-18 - Examiner's Amendment And/Or Priority Action E-Mailed

2004-11-18 - Examiners Amendment And/Or Priority Action - Completed

2004-11-01 - Assigned To Examiner

2004-05-04 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record
Michael J. LaBrie

Correspondent
MICHAEL J. LABRIE
MCAFEE & TAFT
TENTH FLOOR, TWO LEADERSHIP SQUARE
211 NORTH ROBINSON
OKLAHOMA CITY, OKLAHOMA 73102
Phone Number: (405) 552-2305
Fax Number: (405) 228-7305

OPPOSITION NO. 91163719
Serial No. 76/561,585

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

DIGI INTERNATIONAL INC.	) **MARK: DIGIPOS**
	)
Opposer	)
	)
v.	)
	)
DIGIPOS SYSTEMS INC.	)
Applicant	)

EXHIBIT 115

TO APPLICANT'S NOTICE OF RELIANCE

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2007-01-17 08:39:36 ET

Serial Number: 76585888 Assignment Information

Registration Number: 3039144

Mark

(words only): DIN

Standard Character claim: No

Current Status: Registered.

Date of Status: 2006-01-10

Filing Date: 2004-04-09

Transformed into a National Application: No

Registration Date: 2006-01-10

Register: Principal

Law Office Assigned: LAW OFFICE 114

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2006-01-10

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. BIA INFORMATION NETWORK, LLC

Address:
BIA INFORMATION NETWORK, LLC
15120 ENTERPRISE COURT
CHANTILLY, VA 20151
United States
Legal Entity Type: Ltd Liab Co

State or Country Where Organized: Virginia

GOODS AND/OR SERVICES

International Class: 009
Class Status: Active
Communication software, namely, software for disseminating and conveying news, weather, business communications, alerts and a wide variety of information
Basis: 1(a)
First Use Date: 2002-01-09
First Use in Commerce Date: 2002-01-09

International Class: 035
Class Status: Active
Advertising services, namely, providing advertising space by electronic means and placing advertisements for others in desk top software application
Basis: 1(a)
First Use Date: 2002-01-09
First Use in Commerce Date: 2002-01-09

International Class: 038
Class Status: Active
Information services, namely, information transmission to desktop software application via electronic communication networks
Basis: 1(a)
First Use Date: 2002-01-09
First Use in Commerce Date: 2002-01-09

ADDITIONAL INFORMATION

Description of Mark: The mark consists of a stylized representation of "DIN".

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2006-08-09 - Automatic Update Of Assignment Of Ownership

2006-01-10 - Registered - Principal Register

2005-10-18 - Published for opposition

2005-09-28 - Notice of publication

2005-07-05 - Law Office Publication Review Completed

2005-07-01 - Assigned To LIE

2005-06-24 - Approved for Pub - Principal Register (Initial exam)

2005-06-23 - Amendment From Applicant Entered

2005-05-04 - Communication received from applicant

2005-05-04 - PAPER RECEIVED

2004-10-31 - Non-final action e-mailed

2004-10-31 - Non-Final Action Written

2004-10-31 - Assigned To Examiner

2004-04-27 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record
Michael J. LaBrie

Correspondent
MICHAEL J. LABRIE
MCAFEE & TAFT
TENTH FLOOR, TWO LEADERSHIP SQUARE
211 NORTH ROBINSON
OKLAHOMA CITY, OKLAHOMA 73102
Phone Number: (405) 552-2305
Fax Number: (405) 228-7305

OPPOSITION NO. 91163719
Serial No. 76/561,585

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

DIGI INTERNATIONAL INC.	) **MARK: DIGIPOS**
	)
Opposer	)
	)
v.	)
	)
DIGIPOS SYSTEMS INC.	)
Applicant	)

EXHIBIT 1152

TO APPLICANT'S NOTICE OF RELIANCE

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2007-01-17 08:39:52 ET

Serial Number: 76554387 Assignment Information

Registration Number: 2975301

Mark

(words only): DTT THE FUTURE OF REMOTE DIGITAL SURVEILLANCE

Standard Character claim: No

Current Status: Registered.

Date of Status: 2005-07-26

Filing Date: 2003-10-08

Transformed into a National Application: No

Registration Date: 2005-07-26

Register: Principal

Law Office Assigned: LAW OFFICE 106

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2005-07-26

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Drive Thru Technology, Inc.

Address:
Drive Thru Technology, Inc.
1755 North Main Street
Los Angeles, CA 90031
United States
Legal Entity Type: Corporation

State or Country of Incorporation: California

GOODS AND/OR SERVICES

International Class: 009
Class Status: Active
Digital surveillance systems, namely, a dedicated PC based digital video recorder including proprietary local and remote surveillance software and components, thereof, namely, video cameras, lenses, monitors and cabling
Basis: 1(a)
First Use Date: 2001-10-00
First Use in Commerce Date: 2001-10-00

International Class: 042
Class Status: Active
Development of Digital surveillance systems and components thereof
Basis: 1(a)
First Use Date: 2001-10-00
First Use in Commerce Date: 2001-10-00

ADDITIONAL INFORMATION

Design Search Code(s):
02.11.02 - Eyes, human; Human eyes; Iris (eye)
26.01.26 - Coils; Spirals; Swirls
26.17.25 - Other lines, bands or bars

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2005-07-26 - Registered - Principal Register

2005-05-03 - Published for opposition

2005-04-13 - Notice of publication

2005-02-10 - Law Office Publication Review Completed

2005-02-07 - Assigned To LIE

2004-11-15 - Approved for Pub - Principal Register (Initial exam)

2004-11-14 - Amendment From Applicant Entered

2004-11-01 - Communication received from applicant

2004-11-14 - Assigned To LIE

2004-11-01 - PAPER RECEIVED

2004-11-03 - TEAS Change Of Owner Address Received

2004-05-03 - Non-final action mailed

2004-04-23 - Assigned To Examiner

2003-11-10 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record
Leo A. Bautista

Correspondent
LEO A. BAUTISTA
LEWIS BRISBOIS BISGAARD & SMITH LLP
221 N. FIGUEROA STREET, SUITE 1200
LOS ANGELES CA 90012
Phone Number: (213) 250-1800
Fax Number: 213.250.7900

OPPOSITION NO. 91163719
Serial No. 76/561,585

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

DIGI INTERNATIONAL INC.	) **MARK: DIGIPOS**
	)
Opposer	)
	)
v.	)
	)
DIGIPOS SYSTEMS INC.	)
Applicant	)

EXHIBIT 1153

TO APPLICANT'S NOTICE OF RELIANCE

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2007-01-17 08:40:05 ET

Serial Number: 76631706 Assignment Information

Registration Number: 3115794

Mark

(words only): D & W QUALITY ACCESSORIES

Standard Character claim: No

Current Status: Registered.

Date of Status: 2006-07-18

Filing Date: 2005-02-22

Transformed into a National Application: No

Registration Date: 2006-07-18

Register: Principal

Law Office Assigned: LAW OFFICE 104

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2006-07-18

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Digital & Wireless Group, Inc.

Address:
Digital & Wireless Group, Inc.
1700 N.W. 66th Ave., Ste. 104
Plantation, FL 33313
United States
Legal Entity Type: Corporation

State or Country of Incorporation: Florida

GOODS AND/OR SERVICES

International Class: 009
Class Status: Active
COMPUTER ACCESSORIES, NAMELY, COMPUTER MOUSES, PORTABLE READING LIGHTS, PRINTER HUB, NAMELY, USB CONNECTOR HUBS, AUTOMOBILE AND AIRPLANE ELECTRICITY ADAPTERS, UNIVERSAL ELECTRICITY ADAPTERS, PORTABLE DC/AC POWER INVERTERS, UNIVERSAL USB CELL PHONE TO LAPTOP BATTERY CHARGERS, IN-FLIGHT INTERNET CABLES MODEMS, UNIVERSAL 3 IN 1 CELLULAR TRAVEL BATTERY CHARGERS, HEADPHONES, CELLULAR TELEPHONE BATTERIES, COMPUTER KEYPADS, SUBSCRIBER IDENTITY MODULE (SIM) CARDS FOR GLOBAL SYSTEM FOR MOBILE COMMUNICATION (GSM), AND DIGITAL PEDOMETERS WITH RADIO AND SOUND RECORDING PLAYBACK DEVICES
Basis: 1(a)
First Use Date: 2002-07-31
First Use in Commerce Date: 2002-07-31

ADDITIONAL INFORMATION

Disclaimer: "QUALITY ACCESSORIES"

Lining and Stippling: The stippling shown in the drawing is not a feature of the mark.

Design Search Code(s):
26.01.08 - Circles having letters or numerals as a border; Circles having punctuation as a border; Letters, numerals or punctuation forming or bordering the perimeter of a circle
26.01.17 - Circles, two concentric; Concentric circles, two; Two concentric circles
26.01.21 - Circles that are totally or partially shaded.
26.11.16 - Rectangles touching or intersecting
26.11.21 - Rectangles that are completely or partially shaded

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2006-07-18 - Registered - Principal Register

2006-04-25 - Published for opposition

2006-04-05 - Notice of publication

2006-03-07 - Law Office Publication Review Completed

2006-03-03 - Assigned To LIE

2006-03-02 - Approved for Pub - Principal Register (Initial exam)

2006-02-28 - Examiner's Amendment Entered

2006-03-01 - Examiner's amendment mailed

2006-02-28 - Examiners Amendment -Written

2006-02-02 - Amendment From Applicant Entered

2006-01-24 - Communication received from applicant

2006-01-24 - PAPER RECEIVED

2005-09-26 - Non-final action mailed

2005-09-24 - Non-Final Action Written

2005-09-17 - Assigned To Examiner

2005-07-25 - PAPER RECEIVED

2005-03-08 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record
Robert M. Downey

Correspondent
ROBERT M. DOWNEY
ROBERT M. DOWNEY, P.A.
501 SOUTH FEDERAL HIGHWAY, SUITE 300
BOCA RATON, FLORIDA 33432
Phone Number: (561) 417-4771
Fax Number: (561) 417-0198

OPPOSITION NO. 91163719
Serial No. 76/561,585

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

DIGI INTERNATIONAL INC.	) **MARK: DIGIPOS**
	)
Opposer	)
	)
v.	)
	)
DIGIPOS SYSTEMS INC.	)
Applicant	)

EXHIBIT 1154

TO APPLICANT'S NOTICE OF RELIANCE

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2007-01-17 08:40:14 ET

Serial Number: 76606962 Assignment Information

Registration Number: 3117714

Mark

(words only): DVDIRECT

Standard Character claim: No

Current Status: Registered.

Date of Status: 2006-07-18

Filing Date: 2004-08-11

Transformed into a National Application: No

Registration Date: 2006-07-18

Register: Principal

Law Office Assigned: LAW OFFICE 106

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2006-06-07

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Sony Electronics Inc.

Address:
Sony Electronics Inc.
Sony Drive
Park Ridge, NJ 07656
United States
Legal Entity Type: Corporation

State or Country of Incorporation: Delaware

GOODS AND/OR SERVICES

International Class: 009
Class Status: Active
combination digital video disc burner and recorder
Basis: 1(a)
First Use Date: 2005-02-28
First Use in Commerce Date: 2005-02-28

ADDITIONAL INFORMATION

Design Search Code(s):
26.01.02 - Circles, plain single line; Plain single line circles

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2006-07-18 - Registered - Principal Register

2006-06-02 - Law Office Registration Review Completed

2006-05-30 - Assigned To LIE

2006-05-12 - Assigned To LIE

2006-05-11 - Allowed for Registration - Principal Register (SOU accepted)

2006-05-08 - Statement of use processing complete

2006-04-25 - Amendment to Use filed

2006-04-25 - TEAS Statement of Use Received

2006-04-20 - Extension 1 granted

2006-04-04 - Extension 1 filed

2006-04-04 - TEAS Extension Received

2006-02-07 - Attorney Revoked And/Or Appointed

2006-02-07 - TEAS Revoke/Appoint Attorney Received

2006-01-04 - TEAS Change Of Correspondence Received

2005-10-04 - Notice of allowance - mailed

2005-07-12 - Published for opposition

2005-06-22 - Notice of publication

2005-04-08 - Law Office Publication Review Completed

2005-03-11 - Assigned To LIE

2005-03-10 - Approved for Pub - Principal Register (Initial exam)

2005-03-10 - Assigned To Examiner

2004-08-24 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record
Andrew Quinn

Correspondent
Andrew Quinn
Sony Electronics Inc.
MZ 7345
16530 Via Esprillo
San Diego CA 92127
Phone Number: 858-942-2466

OPPOSITION NO. 91163719
Serial No. 76/561,585

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

DIGI INTERNATIONAL INC.	) **MARK: DIGIPOS**
	)
Opposer	)
	)
v.	)
	)
DIGIPOS SYSTEMS INC.	)
Applicant	)

EXHIBIT 1155

TO APPLICANT'S NOTICE OF RELIANCE

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2007-01-17 08:40:22 ET

Serial Number: 76606146 Assignment Information

Registration Number: 3117710

Mark

DVDIRECT

(words only): DVDIRECT

Standard Character claim: Yes

Current Status: Registered.

Date of Status: 2006-07-18

Filing Date: 2004-08-06

Transformed into a National Application: No

Registration Date: 2006-07-18

Register: Principal

Law Office Assigned: LAW OFFICE 106

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2006-06-07

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Sony Electronics Inc.

Address:
Sony Electronics Inc.
Sony Drive
Park Ridge, NJ 07656
United States
Legal Entity Type: Corporation

State or Country of Incorporation: Delaware

GOODS AND/OR SERVICES

International Class: 009
Class Status: Active
Combination digital video disc burner and recorder
Basis: 1(a)
First Use Date: 2005-02-28
First Use in Commerce Date: 2005-02-28

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2006-07-18 - Registered - Principal Register

2006-06-02 - Law Office Registration Review Completed

2006-05-30 - Assigned To LIE

2006-05-12 - Assigned To LIE

2006-05-11 - Allowed for Registration - Principal Register (SOU accepted)

2006-04-25 - Statement of use processing complete

2006-04-25 - Amendment to Use filed

2006-04-25 - TEAS Statement of Use Received

2006-04-20 - Extension 1 granted

2006-04-04 - Extension 1 filed

2006-04-04 - TEAS Extension Received

2006-02-07 - Attorney Revoked And/Or Appointed

2006-02-07 - TEAS Revoke/Appoint Attorney Received

2006-01-04 - TEAS Change Of Correspondence Received

2005-10-04 - Notice of allowance - mailed

2005-07-12 - Published for opposition

2005-06-22 - Notice of publication

2005-04-08 - Law Office Publication Review Completed

2005-03-11 - Assigned To LIE

2005-03-11 - Examiner's amendment mailed

2005-03-10 - Approved for Pub - Principal Register (Initial exam)

2005-03-10 - Examiners Amendment -Written

2005-03-10 - Assigned To Examiner

2004-08-20 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record
Andrew Quinn

Correspondent
Andrew Quinn
Sony Electronics Inc.
MZ 7345
16530 Via Esprillo
San Diego CA 92127
Phone Number: 858-942-2466

OPPOSITION NO. 91163719
Serial No. 76/561,585

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

DIGI INTERNATIONAL INC.	) **MARK: DIGIPOS**
	)
Opposer	)
	)
v.	)
	)
DIGIPOS SYSTEMS INC.	)
Applicant	)

EXHIBIT 1156

TO APPLICANT'S NOTICE OF RELIANCE

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2007-01-17 08:40:33 ET

Serial Number: 76624940 Assignment Information

Registration Number: 3108491

Mark

(words only): DVISION

Standard Character claim: No

Current Status: Registered.

Date of Status: 2006-06-27

Filing Date: 2004-12-17

Transformed into a National Application: No

Registration Date: 2006-06-27

Register: Principal

Law Office Assigned: LAW OFFICE 112

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2006-06-27

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. DIGITAL STORAGE TECHNOLOGY CO., LTD.

Address:
DIGITAL STORAGE TECHNOLOGY CO., LTD.
No. 12, Koung 2 Rd. Linkou 2nd, Industrial Park
Taipei Hsien
Taiwan
Legal Entity Type: Corporation

State or Country of Incorporation: Taiwan

GOODS AND/OR SERVICES

International Class: 009
Class Status: Active
Blank CD recordable (CD-R) discs; blank CD rewriteable (CD-RW) discs; blank floppy discs; blank digital versatile disc-recordable (DVD-R), digital versatile disc + recordable (DVD+R), digital versatile disc-random access memory (DVD-RW), digital versatile disc+random access memory (DVD+RW) discs; light pen; computers
Basis: 1(a)
First Use Date: 2000-01-00
First Use in Commerce Date: 2000-01-00

ADDITIONAL INFORMATION

Design Search Code(s):
26.01.21 - Circles that are totally or partially shaded.

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2006-06-27 - Registered - Principal Register

2006-04-04 - Published for opposition

2006-03-15 - Notice of publication

2006-02-15 - Law Office Publication Review Completed

2006-02-15 - Assigned To LIE

2006-02-08 - Approved for Pub - Principal Register (Initial exam)

2006-02-08 - Amendment From Applicant Entered

2006-01-19 - Communication received from applicant

2006-01-19 - PAPER RECEIVED

2005-07-25 - Non-final action mailed

2005-07-23 - Non-Final Action Written

2005-07-23 - Assigned To Examiner

2005-01-07 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record
Phillip G. Avruch

Correspondent
PHILLIP G. AVRUCH
RABIN & BERDO, P.C.
1101 14TH ST NW STE 500
WASHINGTON, DC 20005-5633
Phone Number: (202) 371-8976
Fax Number: (202) 408-0924

Domestic Representative
RABIN & BERDO, P.C.
Phone Number: (202) 371-8976
Fax Number: (202) 408-0924

OPPOSITION NO. 91163719
Serial No. 76/561,585

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

DIGI INTERNATIONAL INC.	) **MARK: DIGIPOS**
	)
Opposer	)
	)
v.	)
	)
DIGIPOS SYSTEMS INC.	)
Applicant	)

EXHIBIT 1157

TO APPLICANT'S NOTICE OF RELIANCE

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2007-01-17 08:40:50 ET

Serial Number: 76545891 Assignment Information

Registration Number: 3018300

Mark (words only): DR600

Standard Character claim: No

Current Status: Registered.

Date of Status: 2005-11-22

Filing Date: 2003-09-22

Transformed into a National Application: No

Registration Date: 2005-11-22

Register: Principal

Law Office Assigned: LAW OFFICE 104

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2005-10-11

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Digital Recorders, Inc.

Address:
Digital Recorders, Inc.
5949 Sherry Lane, Suite 1050
Dallas, TX 75225
United States
Legal Entity Type: Corporation
State or Country of Incorporation: North Carolina

GOODS AND/OR SERVICES

International Class: 009
Class Status: Active
public address systems for urban transit vehicles namely, switches, microphones, and speaker
Basis: *1(a)*
First Use Date: 1999-09-30
First Use in Commerce Date: 1999-09-30

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2006-06-08 - Attorney Revoked And/Or Appointed

2006-06-08 - TEAS Revoke/Appoint Attorney Received

2005-11-22 - Registered - Principal Register

2005-10-03 - Law Office Registration Review Completed

2005-09-30 - Assigned To LIE

2005-09-25 - Allowed for Registration - Principal Register (SOU accepted)

2005-09-08 - Statement of use processing complete

2005-08-29 - Amendment to Use filed

2005-08-29 - TEAS Statement of Use Received

2005-03-01 - Notice of allowance - mailed

2004-12-07 - Published for opposition

2004-11-17 - Notice of publication

2004-10-04 - Law Office Publication Review Completed

2004-10-01 - Assigned To LIE

2004-09-24 - Approved for Pub - Principal Register (Initial exam)

2004-09-24 - EXAMINERS AMENDMENT E-MAILED

2004-09-24 - Examiners Amendment -Written

2004-09-21 - Previous allowance count withdrawn

2004-08-11 - Law Office Publication Review Completed

2004-08-11 - Assigned To LIE

2004-08-07 - Approved for Pub - Principal Register (Initial exam)

2004-07-29 - Amendment From Applicant Entered

2004-07-22 - Communication received from applicant

2004-07-22 - FAX RECEIVED

2004-07-26 - Email Received

2004-07-23 - Email Received

2004-03-29 - Non-final action e-mailed

2004-03-29 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record
Brian D. Walker

Correspondent
Brian D. Walker
Howison & Arnott
5420 LBJ Freeway, Suite 660
Dallas TX 75240
Phone Number: 972-680-6054
Fax Number: 972-479-0464

OPPOSITION NO. 91163719
Serial No. 76/561,585

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

DIGI INTERNATIONAL INC.	) **MARK: DIGIPOS**
	)
Opposer	)
	)
v.	)
	)
DIGIPOS SYSTEMS INC.	)
Applicant	)

EXHIBIT 1159

TO APPLICANT'S NOTICE OF RELIANCE

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2007-01-17 08:41:05 ET

Serial Number: 76586218 Assignment Information

Registration Number: 3096122

Mark

DIGITAL MUSIC ASSISTANT

(words only): DIGITAL MUSIC ASSISTANT

Standard Character claim: Yes

Current Status: Registered.

Date of Status: 2006-05-23

Filing Date: 2004-04-12

Transformed into a National Application: No

Registration Date: 2006-05-23

Register: Principal

Law Office Assigned: LAW OFFICE 114

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2006-04-11

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Opus 1 Production Music Library, LLC

Address:
Opus 1 Production Music Library, LLC
12711 Ventura Boulevard, Suite 110
Studio City, CA 91604
United States
Legal Entity Type: LIMITED LIABILITY CORPORATION

State or Country Where Organized: California
Phone Number: (818) 956-7154

GOODS AND/OR SERVICES

International Class: 009
Class Status: Active
computer software and pre-recorded CDs concerning recorded music
Basis: 1(a)
First Use Date: 1999-02-01
First Use in Commerce Date: 1999-02-01

ADDITIONAL INFORMATION

Disclaimer: "DIGITAL MUSIC"

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2006-05-23 - Registered - Principal Register

2006-04-07 - Law Office Registration Review Completed

2006-04-06 - Assigned To LIE

2006-03-25 - Allowed for Registration - Principal Register (SOU accepted)

2006-03-25 - Statement of use processing complete

2006-03-10 - Amendment to Use filed

2006-03-10 - TEAS Statement of Use Received

2005-11-29 - Notice of allowance - mailed

2005-09-06 - Published for opposition

2005-08-17 - Notice of publication

2005-05-02 - Law Office Publication Review Completed

2005-04-29 - Assigned To LIE

2005-04-22 - Approved for Pub - Principal Register (Initial exam)

2005-04-21 - Amendment From Applicant Entered

2005-04-01 - Communication received from applicant

2005-04-01 - PAPER RECEIVED

2004-11-02 - Examiner's Amendment And/Or Priority Action Mailed

2004-11-02 - Examiners Amendment And/Or Priority Action - Completed

2004-11-02 - Assigned To Examiner

2004-05-03 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record
James E. Brunton

Correspondent
JAMES E. BRUNTON
POST OFFICE BOX 29000
GLENDALE, CALIFORNIA 91209-9000
Phone Number: (818) 956-7154

OPPOSITION NO. 91163719
Serial No. 76/561,585

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

DIGI INTERNATIONAL INC.	) **MARK: DIGIPOS**
	)
Opposer	)
	)
v.	)
	)
DIGIPOS SYSTEMS INC.	)
Applicant	)

EXHIBIT 1159

TO APPLICANT'S NOTICE OF RELIANCE

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2007-01-17 08:41:16 ET

Serial Number: 76201016 Assignment Information

Registration Number: 3095939

Mark (words only): HENSON DIGITAL PERFORMANCE STUDIO

Standard Character claim: No

Current Status: Registered.

Date of Status: 2006-05-23

Filing Date: 2001-01-29

Transformed into a National Application: No

Registration Date: 2006-05-23

Register: Principal

Law Office Assigned: LAW OFFICE 109

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2006-04-10

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Jim Henson Company, Inc., The

Address:
Jim Henson Company, Inc., The
1416 North La Brea Avenue
Los Angeles, CA 90028
United States
Legal Entity Type: Corporation
State or Country of Incorporation: New York

GOODS AND/OR SERVICES

International Class: 009
Class Status: Active
Real time software for manipulating characters and objects which appear in connection with games, websites, television programs, live events, and promotions of products and services, used with off the shelf graphic software and animation software
Basis: 1(a)

First Use Date: 2002-00-00
First Use in Commerce Date: 2002-00-00

International Class: 041
Class Status: Active
Animation of characters and objects for use in entertainment events, live events, promotional pieces, television programs, websites and games
Basis: 1(a)
First Use Date: 2002-00-00
First Use in Commerce Date: 2002-00-00

ADDITIONAL INFORMATION

Disclaimer: "DIGITAL PERFORMANCE STUDIO"

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2006-05-23 - Registered - Principal Register

2006-04-07 - Law Office Registration Review Completed

2006-03-31 - Assigned To LIE

2006-03-18 - Allowed for Registration - Principal Register (SOU accepted)

2006-01-28 - Statement of use processing complete

2006-01-09 - Amendment to Use filed

2006-01-09 - TEAS Statement of Use Received

2005-08-11 - Extension 5 granted

2005-08-04 - Extension 5 filed

2005-08-04 - TEAS Extension Received

2005-02-14 - Extension 4 granted

2005-01-31 - Extension 4 filed

2005-01-31 - TEAS Extension Received

2004-10-01 - Extension 3 granted

2004-07-12 - Extension 3 filed

2004-07-30 - Case File In TICRS

2004-07-14 - PAPER RECEIVED

2004-02-24 - Extension 2 granted

2004-02-03 - Extension 2 filed

2004-02-05 - PAPER RECEIVED

2003-06-13 - Extension 1 granted

2003-05-07 - Extension 1 filed

2003-05-07 - PAPER RECEIVED

2003-02-04 - Notice of allowance - mailed

2002-11-12 - Published for opposition

2002-10-23 - Notice of publication

2002-09-16 - TEAS Change Of Correspondence Received

2002-08-30 - Approved for Pub - Principal Register (Initial exam)

2002-08-12 - Communication received from applicant

2002-08-12 - PAPER RECEIVED

2002-05-01 - Non-final action mailed

2002-04-29 - Previous allowance count withdrawn

2002-01-09 - Approved for Pub - Principal Register (Initial exam)

2001-12-14 - Section 1(a) claim - Deleted

2001-12-18 - Examiner's amendment mailed

2001-11-14 - Final refusal mailed

2001-09-10 - Assigned To Examiner

2001-06-20 - Communication received from applicant

2001-05-31 - Non-final action mailed

2001-05-03 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record
Lawrence E. Apolzon

Correspondent

Lawrence E. Apolzon
Gross Zelnick Lehrman & Zissu, P.C.
866 United Nations Plaza
New York NY 10017
Phone Number: (212) 813-5900

OPPOSITION NO. 91163719
Serial No. 76/561,585

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

DIGI INTERNATIONAL INC.	) **MARK: DIGIPOS**
	)
Opposer	)
	)
v.	)
	)
DIGIPOS SYSTEMS INC.	)
Applicant	)

EXHIBIT 1160

TO APPLICANT'S NOTICE OF RELIANCE

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2007-01-17 08:41:26 ET

Serial Number: 76587133 Assignment Information

Registration Number: 3093655

Mark

DIGIVIEW

(words only): DIGIVIEW

Standard Character claim: Yes

Current Status: Registered.

Date of Status: 2006-05-16

Filing Date: 2004-04-16

Transformed into a National Application: No

Registration Date: 2006-05-16

Register: Principal

Law Office Assigned: LAW OFFICE 114

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2006-04-06

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. DIGIVIEW PRODUCTIONS, L.L.C.

Address:
DIGIVIEW PRODUCTIONS, L.L.C.
100 South Washington Avenue
Dunellen, NJ 08812
United States
Legal Entity Type: Ltd Liab Co

State or Country Where Organized: New Jersey

GOODS AND/OR SERVICES

International Class: 009
Class Status: Active
DVD'S AND VIDEO CASSETTES CONTAINING MOVIES, CARTOONS AND MUSIC
Basis: 1(a)
First Use Date: 2004-02-00
First Use in Commerce Date: 2004-02-00

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2006-05-16 - Registered - Principal Register

2006-04-05 - Law Office Registration Review Completed

2006-03-10 - Assigned To LIE

2006-03-09 - Allowed for Registration - Principal Register (SOU accepted)

2006-03-03 - Statement of use processing complete

2006-01-26 - Amendment to Use filed

2006-02-13 - PAPER RECEIVED

2005-07-26 - Notice of allowance - mailed

2005-04-26 - Extension Of Time To Oppose Process - Terminated

2005-02-24 - Extension Of Time To Oppose Received

2005-01-25 - Published for opposition

2005-01-05 - Notice of publication

2004-11-24 - Law Office Publication Review Completed

2004-11-15 - Assigned To LIE

2004-11-10 - Examiner's amendment mailed

2004-11-09 - Approved for Pub - Principal Register (Initial exam)

2004-11-09 - Examiners Amendment -Written

2004-11-09 - Assigned To Examiner

2004-05-05 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record
Ezra Sutton

Correspondent
EZRA SUTTON
EZRA SUTTON, P. A.
PLAZA 9, 900 ROUTE 9
WOODBRIDGE, NEW JERSEY 07095
Phone Number: (732) 634-3520
Fax Number: (732) 634-3511

OPPOSITION NO. 91163719
Serial No. 76/561,585

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

DIGI INTERNATIONAL INC.	) **MARK: DIGIPOS**
	)
Opposer	)
	)
v.	)
	)
DIGIPOS SYSTEMS INC.	)
Applicant	)

EXHIBIT 1161

TO APPLICANT'S NOTICE OF RELIANCE

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2007-01-17 08:41:36 ET

Serial Number: 76149588 Assignment Information

Registration Number: 3090549

Mark (words only): DIGITAL MINI THEATER

Standard Character claim: No

Current Status: Registered.

Date of Status: 2006-05-09

Filing Date: 2000-10-19

Transformed into a National Application: No

Registration Date: 2006-05-09

Register: Principal

Law Office Assigned: LAW OFFICE 116

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2006-03-31

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Yamaha Corporation

Address:
Yamaha Corporation
10-1, Nakazawa-cho
Hamamatsu-shi, Shizuoka
Japan
Legal Entity Type: Corporation
State or Country of Incorporation: Japan

GOODS AND/OR SERVICES

International Class: 009
Class Status: Active
apparatus for recording, transmission, or reproduction of sound or images, namely, video projectors
Basis: 1(a)
First Use Date: 2005-11-07
First Use in Commerce Date: 2005-11-07

ADDITIONAL INFORMATION

Disclaimer: "DIGITAL"

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2006-05-09 - Registered - Principal Register

2006-03-30 - Law Office Registration Review Completed

2006-03-24 - Assigned To LIE

2006-03-20 - Allowed for Registration - Principal Register (SOU accepted)

2006-02-28 - Statement of use processing complete

2006-02-06 - Amendment to Use filed

2006-02-06 - PAPER RECEIVED

2005-08-23 - Extension 5 granted

2005-08-04 - Extension 5 filed

2005-08-04 - PAPER RECEIVED

2005-02-15 - Extension 4 granted

2005-01-18 - Extension 4 filed

2005-01-18 - PAPER RECEIVED

2004-08-10 - Extension 3 granted

2004-08-10 - Extension 3 filed

2004-08-10 - PAPER RECEIVED

2004-08-05 - Case File In TICRS

2004-02-18 - Extension 2 granted

2004-01-28 - Extension 2 filed

2004-01-28 - PAPER RECEIVED

2003-10-08 - Extension 1 granted

2003-07-22 - Extension 1 filed

2003-07-22 - PAPER RECEIVED

2003-04-02 - PAPER RECEIVED

2003-02-25 - Notice of allowance - mailed

2002-12-03 - Published for opposition

2002-11-13 - Notice of publication

2002-09-19 - Approved for Pub - Principal Register (Initial exam)

2002-09-17 - Examiner's amendment mailed

2002-07-25 - Communication received from applicant

2002-01-25 - Non-final action mailed

2001-10-12 - Communication received from applicant

2001-04-12 - Non-final action mailed

2001-03-27 - Assigned To Examiner

2001-03-19 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record
Mark S. Sommers

Correspondent
MARK S. SOMMERS
FINNEGAN HENDERSON FARABOW GARRETT ET AL
901 NEW YORK AVE NW
WASHINGTON DC 20001-4413

Domestic Representative
Finnegan Henderson Farabow Garrett & dun
ner

OPPOSITION NO. 91163719
Serial No. 76/561,585

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

DIGI INTERNATIONAL INC.	) **MARK: DIGIPOS**
	)
Opposer	)
	)
v.	)
	)
DIGIPOS SYSTEMS INC.	)
Applicant	)

EXHIBIT 1162

TO APPLICANT'S NOTICE OF RELIANCE

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2007-01-17 08:41:45 ET

Serial Number: 76003865 Assignment Information

Registration Number: 3089002

Mark (words only): DIGI MOUSE

Standard Character claim: No

Current Status: Registered.

Date of Status: 2006-05-09

Filing Date: 2000-03-20

Transformed into a National Application: No

Registration Date: 2006-05-09

Register: Principal

Law Office Assigned: LAW OFFICE 116

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2006-05-09

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Techtronic A/S

Address:
Techtronic A/S
Byleddet 12-14
4000 Roskilde
Denmark
Legal Entity Type: Corporation
State or Country of Incorporation: Denmark

GOODS AND/OR SERVICES

International Class: 009
Class Status: Active
Peripheral device, namely, a mouse for scrolling, navigating, operating or controlling personal computers, mobile phones and other telephones, laptops, palm tops, GPS systems, game computers and hardware, cameras, video cameras, motion picture cameras, MP3 players, mini disc players, CD players, mobile communication devices, including headsets, namely two-way radios and walkie-talkies

Basis: 44(e)
***First* Use Date:** (DATE NOT AVAILABLE)
First Use in Commerce Date: (DATE NOT AVAILABLE)

International Class: 010
Class Status: Active
Peripheral device, namely, a mouse for scrolling, navigating, operating and controlling hearing aid devices
Basis: 44(e)
First Use Date: (DATE NOT AVAILABLE)
First Use in Commerce Date: (DATE NOT AVAILABLE)

International Class: 028
Class Status: Active
Games, other than those adapted for use with television receivers only, namely, board games and card games
Basis: 44(e)
First Use Date: (DATE NOT AVAILABLE)
First Use in Commerce Date: (DATE NOT AVAILABLE)

ADDITIONAL INFORMATION

Disclaimer: "mouse"

Foreign Application Number: VA200000647
Foreign Registration Number: VR20000342
Foreign Registration Date: 2000-07-18
Country: Denmark
Foreign Filing Date: 2000-02-11
Foreign Expiration Date: 2010-07-18

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2006-05-09 - Ex parte appeal terminated

2006-05-09 - Registered - Principal Register

2006-03-28 - Extension Of Time To Oppose Process - Terminated

2006-01-17 - Extension Of Time To Oppose Received

2005-12-27 - Published for opposition

2005-12-07 - Notice of publication

2005-11-08 - Law Office Publication Review Completed

2005-11-04 - Assigned To LIE

2005-11-01 - Approved for Pub - Principal Register (Initial exam)

2005-10-31 - Examiner's Amendment Entered

2005-10-28 - Examiner's amendment mailed

2005-10-28 - Examiners Amendment -Written

2005-10-24 - Examiner's Amendment Entered

2005-10-24 - Correspondence Mailed

2005-10-24 - Examiners Amendment -Written

2005-09-29 - Jurisdiction Restored To Examining Attorney

2005-03-29 - Continuation of final refusal mailed

2005-03-28 - Action Continuing A Final - Completed

2004-09-29 - Amendment From Applicant Entered

2004-08-11 - Communication received from applicant

2004-08-11 - PAPER RECEIVED

2004-08-19 - PAPER RECEIVED

2004-08-19 - Jurisdiction Restored To Examining Attorney

2004-08-19 - Ex parte appeal - Instituted

2004-08-18 - EXPARTE APPEAL RECEIVED AT TTAB

2004-02-11 - Final refusal mailed

2003-11-19 - Communication received from applicant

2003-12-17 - Case File In TICRS

2003-11-19 - PAPER RECEIVED

2003-05-19 - Non-final action mailed

2003-03-20 - Communication received from applicant

2003-03-20 - PAPER RECEIVED

2002-09-23 - Inquiry as to suspension mailed

2002-03-12 - Letter of suspension mailed

2002-02-11 - Assigned To Examiner

2001-12-06 - Communication received from applicant

2001-06-06 - Non-final action mailed

2001-03-12 - Communication received from applicant

2000-09-11 - Non-final action mailed

2000-09-06 - Assigned To Examiner

2000-09-05 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record
SIMOR L. MOSKOWITZ

Correspondent
SIMOR L. MOSKOWITZ
JACOBSON, PRICE, HOLMAN & STERN, PLLC.
400 SEVENTH STREET, N.W.
WASHINGTON, D.C. 20004-2201

Domestic Representative
JACOBSON, PRICE, HOLMAN & STERN, PLLC.

OPPOSITION NO. 91163719
Serial No. 76/561,585

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

DIGI INTERNATIONAL INC.	) **MARK: DIGIPOS**
	)
Opposer	)
	)
v.	)
	)
DIGIPOS SYSTEMS INC.	)
Applicant	)

EXHIBIT 1163

TO APPLICANT'S NOTICE OF RELIANCE

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2007-01-17 08:41:54 ET

Serial Number: 76195032 Assignment Information

Registration Number: 2989899

Mark (words only): ENABLING DIGITAL MEDIA

Standard Character claim: No

Current Status: Registered.

Date of Status: 2005-08-30

Filing Date: 2001-01-17

Transformed into a National Application: No

Registration Date: 2005-08-30

Register: Principal

Law Office Assigned: LAW OFFICE 116

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2005-07-21

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. PATHFIRE, INC.

Address:
PATHFIRE, INC.
245 HEMBREE PARK DRIVE SUITE 100
ROSWELL, GA 30076
United States
Legal Entity Type: Corporation
State or Country of Incorporation: Georgia

GOODS AND/OR SERVICES

International Class: 009
Class Status: Active
Computer software designed to facilitate the capture, transmission, editing, management and broadcast of digital audio and video content; computer software designed to monitor and measure network bandwidth demands, to allocate appropriate pools of bandwidth to satisfy network requirements, and to coordinate digital media content transmission to and from individual and multiple sites

Basis: 1(a)
First Use Date: 2001-01-00
First Use in Commerce Date: 2001-01-00

International Class: 038
Class Status: Active
Telecommunications services, namely, upload and transmission of video images compatible with open network communication formats via a global computer network
Basis: 1(a)
First Use Date: 2001-01-00
First Use in Commerce Date: 2001-01-00

International Class: 042
Class Status: Active
Computer network management services, namely, administration of a computer network designed to facilitate the capture, transmission, editing, management and broadcast of digital audio and video content; administration of a computer network designed to monitor and measure network bandwidth demands, to allocate appropriate pools of bandwidth to satisfy network requirements, and to coordinate digital media content transmission to and from individual and multiple sites
Basis: 1(a)
First Use Date: 2001-01-00
First Use in Commerce Date: 2001-01-00

ADDITIONAL INFORMATION

Disclaimer: "DIGITAL MEDIA"

Prior Registration Number(s):
2737799

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2006-05-03 - Assignment Of Ownership Not Updated Automatically

2005-08-30 - Registered - Principal Register

2005-07-20 - Law Office Registration Review Completed

2005-07-15 - Assigned To LIE

2005-07-13 - Allowed for Registration - Principal Register (SOU accepted)

2005-06-23 - Assigned To Examiner

2005-04-18 - Statement of use processing complete

2005-03-14 - Amendment to Use filed

2005-03-18 - PAPER RECEIVED

2004-09-14 - Notice of allowance - mailed

2004-06-22 - Published for opposition

2004-06-02 - Notice of publication

2004-04-06 - Approved for Pub - Principal Register (Initial exam)

2004-03-24 - Examiner's amendment mailed

2004-02-17 - Communication received from applicant

2004-02-23 - Case File In TICRS

2004-02-17 - PAPER RECEIVED

2003-08-12 - Non-final action mailed

2002-12-20 - Assigned To Examiner

2002-01-07 - Letter of suspension mailed

2001-11-08 - Communication received from applicant

2001-05-08 - Non-final action mailed

2001-04-25 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record
William H Brewster

Correspondent
WILLIAM H BREWSTER
KILPATRICK STOCKTON LLP
1100 PEACHTREE STREET SUITE 2800
ATLANTA GEORGIA 30309

OPPOSITION NO. 91163719
Serial No. 76/561,585

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

DIGI INTERNATIONAL INC.	) **MARK: DIGIPOS**
	)
Opposer	)
	)
v.	)
	)
DIGIPOS SYSTEMS INC.	)
Applicant	)

EXHIBIT 1164

TO APPLICANT'S NOTICE OF RELIANCE

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2007-01-17 08:42:05 ET

Serial Number: 76531346 Assignment Information

Registration Number: 3085835

Mark (words only): DIGITAL MASTER

Standard Character claim: No

Current Status: Registered.

Date of Status: 2006-04-25

Filing Date: 2003-07-11

Transformed into a National Application: No

Registration Date: 2006-04-25

Register: Principal

Law Office Assigned: LAW OFFICE 115

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2006-03-14

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Sony Electronics, Inc.

Address:
Sony Electronics, Inc.
1 Sony Drive
Park Ridge, NJ 07656
United States
Legal Entity Type: Corporation
State or Country of Incorporation: Delaware

GOODS AND/OR SERVICES

International Class: 009
Class Status: Active
blank video tapes
Basis: 1(a)
First Use Date: 2003-12-15
***First Use* in Commerce Date:** 2003-12-15

ADDITIONAL INFORMATION

Disclaimer: "DIGITAL"

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2006-04-25 - Registered - Principal Register

2006-03-13 - Law Office Registration Review Completed

2006-03-06 - Assigned To LIE

2006-03-02 - Allowed for Registration - Principal Register (SOU accepted)

2006-02-28 - Statement of use processing complete

2006-02-28 - Extension 2 granted

2006-02-08 - Extension 2 filed

2006-02-08 - Amendment to Use filed

2006-02-08 - TEAS Extension Received

2006-02-08 - TEAS Statement of Use Received

2005-11-16 - Attorney Revoked And/Or Appointed

2005-11-16 - TEAS Revoke/Appoint Attorney Received

2005-08-02 - Extension 1 granted

2005-08-02 - Extension 1 filed

2005-08-02 - TEAS Extension Received

2005-02-08 - Notice of allowance - mailed

2004-11-16 - Published for opposition

2004-10-27 - Notice of publication

2004-09-14 - Case File In TICRS

2004-09-07 - Law Office Publication Review Completed

2004-08-25 - Assigned To LIE

2004-08-08 - Approved for Pub - Principal Register (Initial exam)

2004-07-16 - Amendment From Applicant Entered

2004-07-16 - Communication received from applicant

2004-07-16 - PAPER RECEIVED

2004-01-16 - Non-final action mailed

2004-01-16 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record
Andrew Quinn

Correspondent
Andrew Quinn
Sony Electronics Inc.
MZ 7345
16530 Via Esprillo
San Diego CA 92127
Phone Number: 858-942-2466

OPPOSITION NO. 91163719
Serial No. 76/561,585

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

DIGI INTERNATIONAL INC.	) **MARK: DIGIPOS**
	)
Opposer	)
	)
v.	)
	)
DIGIPOS SYSTEMS INC.	)
Applicant	)

EXHIBIT 1165

TO APPLICANT'S NOTICE OF RELIANCE

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2007-01-17 08:42:15 ET

Serial Number: 76056475 Assignment Information

Registration Number: 3085724

Mark (words only): DIGITAL HANDSHAKE

Standard Character claim: No

Current Status: Registered.

Date of Status: 2006-04-25

Filing Date: 2000-05-23

Transformed into a National Application: No

Registration Date: 2006-04-25

Register: Principal

Law Office Assigned: LAW OFFICE 116

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2006-03-13

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. ISENTRY (FINANCE) LIMITED

Address:
ISENTRY (FINANCE) LIMITED
DIXCART HOUSE
FORT CHARLES, CHARLESTOWN
ST. Christ-Nevis
Legal Entity Type: Company
State or Country Where Organized: ST. Christ-Nevis

GOODS AND/OR SERVICES

International Class: 009
Class Status: Active
COMPUTER SOFTWARE FOR USE IN CREATING A SECURE ONLINE WEBSITE WHEREIN DOCUMENTS, AGREEMENTS AND CONTRACTS OF ANY KIND CAN BE CREATED, EDITED AND EXECUTED, AND FOR CREATING ENCODED IDENTITY INFORMATION WHICH CAN BE APPLIED TO THE AFORESAID DOCUMENTS, AGREEMENTS AND CONTRACTS; COMPUTER E-COMMERCE SOFTWARE TO ALLOW

USERS TO PERFORM ELECTRONIC TRANSACTIONS VIA A GLOBAL COMPUTER NETWORK; COMPUTER SOFTWARE FOR STORING, ORGANIZING, SEARCHING, ACCESSING, AND RETRIEVING THE AFORESAID DOCUMENTS, AGREEMENTS, CONTRACTS AND ENCODED IDENTITY INFORMATION, AND ALSO FOR CREATING AN AUDIT TRAIL THAT RECORDS WHO HAS ACCESSED THE AFORESAID STORED DATA; MANUALS SUPPLIED WITH THE FOREGOING
Basis: 1(a)
First Use Date: 2005-00-00
First Use in Commerce Date: 2005-00-00

International Class: 039
Class Status: Active
ELECTRONIC STORAGE OF DOCUMENTS, AGREEMENTS AND CONTRACTS OF ANY KIND
Basis: 1(a)
First Use Date: 2005-00-00
First Use in Commerce Date: 2005-00-00

International Class: 042
Class Status: Active
PROVIDING TEMPORARY USE OF ON-LINE NON-DOWNLOADABLE SOFTWARE FOR CREATING, EDITING AND EXECUTING DOCUMENTS, AGREEMENTS AND CONTRACTS OF ANY KIND, AND FOR CREATING ENCODED IDENTITY INFORMATION WHICH CAN BE APPLIED TO THE AFORESAID DOCUMENTS, AGREEMENTS AND CONTRACTS, AND PROVIDING TEMPORARY USE OF ON-LINE NON-DOWNLOADABLE E-COMMERCE SOFTWARE TO ALLOW USERS TO PERFORM ELECTRONIC TRANSACTIONS VIA A GLOBAL COMPUTER NETWORK
Basis: 1(a)
First Use Date: 2005-00-00
First Use in Commerce Date: 2005-00-00

ADDITIONAL INFORMATION

Disclaimer: DIGITAL

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2006-04-25 - Registered - Principal Register

2006-03-27 - PAPER RECEIVED

2006-03-09 - Law Office Registration Review Completed

2006-03-03 - Assigned To LIE

2006-02-28 - Allowed for Registration - Principal Register (SOU accepted)

2006-02-17 - Statement of use processing complete

2006-01-26 - Amendment to Use filed

2006-01-26 - TEAS Statement of Use Received

2005-07-28 - Extension 2 granted

2005-07-20 - Extension 2 filed

2005-07-20 - TEAS Extension Received

2005-02-08 - Extension 1 granted

2005-01-21 - Extension 1 filed

2005-01-21 - TEAS Change Of Correspondence Received

2005-01-21 - TEAS Extension Received

2004-09-01 - PAPER RECEIVED

2004-07-27 - Notice of allowance - mailed

2004-05-04 - Published for opposition

2004-04-14 - Notice of publication

2004-02-26 - Approved for Pub - Principal Register (Initial exam)

2004-02-23 - Examiner's amendment mailed

2003-12-01 - Case File In TICRS

2002-03-11 - Assigned To Examiner

2002-02-12 - Assigned To Examiner

2001-09-26 - Communication received from applicant

2001-12-31 - Communication received from applicant

2001-09-13 - Letter of suspension mailed

2001-06-06 - Communication received from applicant

2000-12-06 - Non-final action mailed

2000-11-30 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record
NICOLE M. MURRAY

Correspondent
NICOLE M. MURRAY
GARDNER, CARTON & DOUGLAS LLP

SUITE 3700
191 NORTH WACKER DRIVE
CHICAGO IL 60606
Phone Number: (312) 569-1469
Fax Number: (312) 569-3469

OPPOSITION NO. 91163719
Serial No. 76/561,585

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

DIGI INTERNATIONAL INC.	) **MARK: DIGIPOS**
	)
Opposer	)
	)
v.	)
	)
DIGIPOS SYSTEMS INC.	)
Applicant	)

EXHIBIT 1166

TO APPLICANT'S NOTICE OF RELIANCE

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2007-01-17 08:42:24 ET

Serial Number: 76977942 Assignment Information

Registration Number: 3080303

Mark (words only): DTS SIGNATURE SERIES

Standard Character claim: No

Current Status: Registered.

Date of Status: 2006-04-11

Filing Date: 2003-05-06

Transformed into a National Application: No

Registration Date: 2006-04-11

Register: Principal

Law Office Assigned: LAW OFFICE 106

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2006-03-01

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Digital Theater Systems, Inc.

Address:
Digital Theater Systems, Inc.
5171 Clareton Drive
Agoura Hills, CA 91301
United States
Legal Entity Type: Corporation
State or Country of Incorporation: Delaware
Phone Number: 818 706 3525
Fax Number: 818 706 1868

GOODS AND/OR SERVICES

International Class: 009
Class Status: Active
Pre-recorded digital video disks and digital audio disks featuring music
Basis: 1(a)

First Use Date: 2005-01-11
First Use in Commerce Date: 2005-01-11

ADDITIONAL INFORMATION

Disclaimer: "Series"

Prior Registration Number(s):
1794209
2164805
2240960

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2006-04-11 - Registered - Principal Register

2006-02-28 - Law Office Registration Review Completed

2006-02-03 - Assigned To LIE

2006-02-03 - Notice Of Divided Trademark Application Mailed

2006-02-02 - Allowed for Registration - Principal Register (SOU accepted)

2006-01-30 - Statement of use processing complete

2006-01-12 - Amendment to Use filed

2006-01-30 - Divisional processing completed

2006-01-12 - Divisional request received

2006-01-30 - Extension 1 granted

2006-01-12 - Extension 1 filed

2006-01-12 - PAPER RECEIVED

2005-07-26 - Notice of allowance - mailed

2005-05-03 - Published for opposition

2005-04-13 - Notice of publication

2005-02-09 - Law Office Publication Review Completed

2005-02-07 - Assigned To LIE

2005-01-03 - Approved for Pub - Principal Register (Initial exam)

2004-11-15 - Examiner's Amendment Entered

2004-11-05 - Assigned To LIE

2004-10-27 - Examiner's amendment mailed

2004-10-27 - Examiners Amendment -Written

2004-05-20 - Final refusal mailed

2004-04-21 - Communication received from applicant

2004-04-21 - PAPER RECEIVED

2003-10-21 - Non-final action mailed

2003-10-02 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record
BALKE WELCHER

Correspondent
BLAKE WELCHER
DIGITAL THEATER SYSTEMS
5171 CLARETON DR
AGOURA HILLS CA 91301-4523
Phone Number: 818 706 3525
Fax Number: 818 706 8355

OPPOSITION NO. 91163719
Serial No. 76/561,585

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

DIGI INTERNATIONAL INC.	) **MARK: DIGIPOS**
	)
Opposer	)
	)
v.	)
	)
DIGIPOS SYSTEMS INC.	)
Applicant	)

EXHIBIT 1167

TO APPLICANT'S NOTICE OF RELIANCE

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2007-01-17 08:42:34 ET

Serial Number: 76550816 Assignment Information

Registration Number: 3080157

Mark

(words only): DIGITAL INTERN

Standard Character claim: No

Current Status: Registered.

Date of Status: 2006-04-11

Filing Date: 2003-10-10

Transformed into a National Application: No

Registration Date: 2006-04-11

Register: Principal

Law Office Assigned: LAW OFFICE 103

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2006-02-28

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Braxton, John H.

Address:
Braxton, John H.
11 Cole Field Road
Cape Elizabeth, ME 04107
United States
Legal Entity Type: Individual

Country of Citizenship: United States
Phone Number: 207-767-8104

GOODS AND/OR SERVICES

International Class: 009
Class Status: Active
Computer Software for gathering and integrating hospital patient health care information into a hand-held device
Basis: 1(a)
First Use Date: 2005-10-05
First Use in Commerce Date: 2005-10-05

International Class: 041
Class Status: Active
Computer education training services in the use of computer software designed to integrate and manage hospital patient health care information
Basis: 1(a)
First Use Date: 2005-10-05
First Use in Commerce Date: 2005-10-05

ADDITIONAL INFORMATION

Design Search Code(s):
24.13.25 - Cross, Maltese; Cross, ankh; Other crosses, including ankh, Maltese

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2006-04-11 - Registered - Principal Register

2006-02-27 - Law Office Registration Review Completed

2006-02-24 - Assigned To LIE

2006-02-23 - Allowed for Registration - Principal Register (SOU accepted)

2006-02-13 - Statement of use processing complete

2006-01-23 - Amendment to Use filed

2006-01-23 - TEAS Statement of Use Received

2005-09-13 - Notice of allowance - mailed

2005-07-30 - Extension Of Time To Oppose Process - Terminated

2005-03-31 - Extension Of Time To Oppose Received

2005-03-01 - Published for opposition

2005-02-09 - Notice of publication

2004-12-28 - Law Office Publication Review Completed

2004-12-23 - Assigned To LIE

2004-12-21 - Approved for Pub - Principal Register (Initial exam)

2004-12-21 - Amendment From Applicant Entered

2004-07-30 - Communication received from applicant

2004-07-30 - PAPER RECEIVED

2004-05-12 - Non-final action e-mailed

2004-05-09 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record
Jennifer S. Riggle

Correspondent
JENNIFER S. RIGGLE
GERMANI & RIGGLE
93 EXCHANGE STREET
PORTLAND ME 04101
Phone Number: 207-773-7455
Fax Number: 207-773-7476

OPPOSITION NO. 91163719
Serial No. 76/561,585

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

DIGI INTERNATIONAL INC.	) **MARK: DIGIPOS**
	)
Opposer	)
	)
v.	)
	)
DIGIPOS SYSTEMS INC.	)
Applicant	)

EXHIBIT 1163

TO APPLICANT'S NOTICE OF RELIANCE

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2007-01-17 08:42:45 ET

Serial Number: 76423610 Assignment Information

Registration Number: 3080077

Mark (words only): DIGITAL BLUE

Standard Character claim: No

Current Status: Registered.

Date of Status: 2006-04-11

Filing Date: 2002-06-18

Transformed into a National Application: No

Registration Date: 2006-04-11

Register: Principal

Law Office Assigned: LAW OFFICE 106

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2006-02-28

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Prime Entertainment, Inc.

Address:
Prime Entertainment, Inc.
1517 Johnson Ferry Road #100
Marietta, GA 30062
United States
Legal Entity Type: Corporation
State or Country of Incorporation: Delaware

GOODS AND/OR SERVICES

International Class: 009
Class Status: Active
COMPUTERIZED HARDWARE AND SOFTWARE USED TO CREATE THE SOUNDS OF MUSICAL INSTRUMENTS, NAMELY PIANOS, KEYBOARDS, ORGANS, GUITARS, STRING INSTRUMENTS, WOODWIND INSTRUMENTS, HORNS, HARPS, PERCUSSION INSTRUMENTS, AND SOUND MIXERS; COMPUTER GAME SOFTWARE PROGRAMS AND VIDEO GAME SOFTWARE PROGRAMS; INTERACTIVE