

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

INSPIRATION SOFTWARE, INC.	)	
	)	
Opposer,	)	
	)	Application Serial No. 76/541630
	)	
v.	)	Opposition No. 91164083
	)	
TEACHER INSPIRED PRACTICAL	)	
STUFF, INC.	)	
	)	
Applicant.	)	
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**APPLICANT’S MOTION TO DISMISS, OR ALTERNATIVELY, FOR SUMMARY  
JUDGMENT AND SUPPORTING MEMORANDUM OF LAW**

Pursuant to 37 C.F.R. §§ 2.127 and 2.116 and Federal Rules of Civil Procedure 12(b)(6) and 56, Applicant Teacher Inspired Practical Stuff, Inc. (the “Applicant” or “TIPS”) hereby moves to dismiss, or alternatively moves for final summary judgment<sup>1</sup> of the Notice of Opposition filed by Opposer Inspiration Software, Inc. (the “Opposer”) because, as matter of law and fact, there is no likelihood of confusion between the Applicant’s mark and the Opposer’s mark.

**FACTUAL AND PROCEDURAL BACKGROUND**

**I. The Parties**

Applicant is a small, entrepreneurial company located in Weston, Florida. See Declaration of Maria Calamito-Proto, attached hereto as Exhibit A. On August 21, 2003, Applicant, after due diligence and in good faith, filed an application for registration of the unique

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<sup>1</sup> Applicant continues to move to dismiss because the issue presented on the face of Opposer’s Notice may be rejected as a matter of law. Alternatively, Applicant moves for summary judgment based on indisputable facts.

mark T.I.P.S. – TEACHER INSPIRED PRACTICAL STUFF (the “T.I.P.S. Mark”) (Serial No. 76/541630) for printed course materials, books, lesson plans, theme units, and curriculum support materials, all featuring academic subjects, for the education of elementary school students, in International Class 41.

Opposer purports to be a private corporation organized under the laws of Oregon engaged in the business of marketing computer programs in the field of “idea development” and offering computer education training and other goods and services under the mark INSPIRATION. Inspiration claims to own the United States Patent and Trademark Office (the “USPTO”) registered mark INSPIRATION (Reg. No. 1768514) for computer programs in the field of “idea development” through visual diagramming, outlining and text creation, in International Class 9, and the service mark INSPIRATION (Reg. No. 1864117) for computer education training, in International Class 41, and for computer software design for others, in International Class 42. Inspiration reflexively and most times unsuccessfully opposes any proposed mark that uses any variation of the prefix “INSP” or “SPIR” in any part thereof, as evidenced by the seventy-three (73) notices of opposition it has filed since 2001. *See* Exhibit B, a copy of the TTABVUE record listing oppositions Inspiration has filed before the TTAB. For example, Inspiration has unsuccessfully attempted to prevent the following marks from being registered, to name a few: INSPEARENCE (Opposition No. 91158140); INSPIRING SOLUTIONS (Opposition No. 91158145); SPIREMEDIA (Opposition No. 91158146).

## **II. Opposer's Notice of Opposition**

Opposer filed a Notice of Opposition (the "Notice") to the registration of the T.I.P.S. Mark.<sup>2</sup> The Notice claims, "Applicant's mark T.I.P.S. – TEACHER INSPIRED PRACTICAL STUFF . . . is confusingly similar to opposer's use of its INSPIRATION mark, and registration of applicant's mark and continued use by it with its goods/services is likely to cause confusion, mistake and deception." Opposer, however, does not allege how or why Applicant's use of the T.I.P.S. Mark creates a likelihood of confusion.

## **III. Applicant's Motion to Dismiss**

Pursuant to 37 C.F.R. §§ 2.127 and 2.116(a) and Federal Rule of Civil Procedure 12(b)(6), Applicant moved to dismiss Inspiration's Notice of Opposition as a matter of law because it fails to state a claim upon which relief can be granted. Specifically, under the relevant *DuPont* analysis, Applicant demonstrated that based on the plain and patent dissimilarity of the marks alone—T.I.P.S.—TEACHER INSPIRED PRACTICAL STUFF and INSPIRATION—the Notice should be dismissed as a matter of law. *See In re E. I. DuPont DeNemours & Co.*, 476 F.2d 1357, 1361 (CCPA 1973) (listing the factors dispositive to a determination of whether marks are similar so as to create a likelihood of confusion).

## **IV. Opposer's Opposition to Applicant's Motion to Dismiss**

In the Opposition to Applicant's Motion to Dismiss, Opposer contends the TTAB should deny the preliminarily granted application for the following reasons: (1) Opposer "is a senior user of INSPIRATION and has senior rights to INSPIRED"; (2) "Applicant's goods identification is broad enough to pose a trademark problem with respect to opposer's

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<sup>2</sup> The mailing date of the Notice was February 7, 2005. The TTAB notified Applicant that it had (40) days from the mailing date of the Notice within which to respond to the Notice. Applicant filed, and the TTAB granted, a consented motion on March 18, 2005, for a sixty-day (60) extension in which to respond to the Notice. In lieu of filing an Answer to the motion, Applicant timely filed a Motion to Dismiss.

trademark/service mark rights in INSPIRATION and INSPIRED”; and (3) “Applicant’s mark is similar to opposer’s registered INSPIRATION mark and identical to opposer’s INSPIRED mark.”

## ARGUMENT

### I. Introduction

The right to oppose the registration of a mark flows from Section 13 of the Lanham Act. Section 13 requires that an opposer believe that it would be damaged by the registration and state the specific grounds for the opposition. 15 U.S.C. § 1603; *Young v. AGB Corp.*, 152 F.3d 1337 (Fed. Cir. 1998). To withstand a motion to dismiss for failure to state a claim, an opposer must allege that (1) opposer has standing to maintain the proceedings, and (2) valid grounds exist for denying the registration sought. Trademark Trial and Appeal Board Manual of Procedure § 503.02. To successfully prosecute an opposition based on likelihood of confusion, an opposer must “assert[] more than a mere possibility of confusion; a probability of confusion is required.” See *James E. Hawes and Amanda v. Dwight*, 1 Trademark Registration Practice § 16:11.

Pursuant to Federal Rule of Civil Procedure 12(b)(6), the TTAB should dismiss a Notice of Opposition to a trademark application for failure to state a claim where the trademarks are dissimilar as a matter of law. See, e.g., *Toho Co., Ltd. v. Sears Roebuck & Co.*, 645 F.2d 788 (9th Cir. 1981). Pursuant to Rule 12(b)(6), because Opposer’s opposition fails as a matter of law, it must be summarily dismissed. See *Syntex, Inc. v. E. R. Squibb & Sons, Inc.*, 14 U.S.P.Q.2d 1879 (T.T.A.B. 1990) (granting applicant’s motion to dismiss with prejudice for failure to state a claim because there was no likelihood of confusion between TOPRIN and TOPSYN); *Toho Co., Ltd.* 645 F.2d at 794 (affirming the district court’s granting of motion to dismiss opposition for failure to state a claim because the use of BAGZILLA on garbage bags

was unrelated as a matter of law to the protected literary and toy merchandising of GODZILLA.).

## II. The Relevant *DuPont* Factors Demonstrate No Likelihood of Confusion

Even assuming Opposer had properly stated a claim in opposition (which it did not), the substance of that claim lacks merit. Determination of the existence of a likelihood of confusion is based on an analysis of the probative facts relevant to the likelihood of confusion factors set forth in *In re E. I. DuPont DeNemours & Co.*, 476 F.2d 1357, 1361 (CCPA 1973). *See Shen Mfg. Co., Inc. v. The Ritz Hotel Ltd.*, 393 F.3d 1241 (Fed. Cir. 2004). Those factors are:

- (1) The similarity or dissimilarity of the marks in their entireties as to appearance, sound, connotation and commercial impression;
- (2) The similarity or dissimilarity and nature of the goods or services as described in an application or registration or in connection with which a prior mark is in use;
- (3) The similarity or dissimilarity of established, likely-to-continue trade channels;
- (4) The conditions under which and buyers to whom sales are made, i.e. "impulse" vs. careful, sophisticated purchasing;
- (5) The fame of the prior mark (sales, advertising, length of use);
- (6) The number and nature of similar marks in use on similar goods;
- (7) The nature and extent of any actual confusion;
- (8) The length of time during and conditions under which there has been concurrent use without evidence of actual confusion;
- (9) The variety of goods on which a mark is or is not used (house mark, "family" mark, product mark);
- (10) The market interface between applicant and the owner of a prior mark:
  - (a) a mere "consent" to register or use;
  - (b) agreement provisions designed to preclude confusion, i.e. limitations on continued use of the marks by each party;
  - (c) assignment of mark, application, registration and good will of the related business;
  - (d) laches and estoppel attributable to owner of prior mark and indicative of lack of confusion;
- (11) The extent to which applicant has a right to exclude others from use of its mark on its goods;
- (12) The extent of potential confusion, i.e., whether *de minimis* or substantial;
- (13) Any other established fact probative of the effect of use;

*Id.* (emphasis added.)

In determining whether a likelihood of confusion exists, however, the TTAB need not consider every factor. *Id.* (citing *Han Beauty Inc. v. Alberto-Culver Co.*, 236 F.3d 1333, 1336 (Fed. Cir. 2001) (“While it must consider each factor for which it has evidence, the [b]oard may focus its analysis on dispositive factors, such as similarity of the marks and relatedness of the goods.”) (emphasis added.)). The TTAB may ***dismiss an opposition based on a determination of the first DuPont factor alone.*** See *Champagne Louis Roederer, S.A. v. Delicato Vineyards*, 148 F.3d 1373, 1374-75 (Fed. Cir. 1998) (affirming the TTAB’s dismissal of opposition action where it “treated the dissimilarity of the marks with respect to appearance, sound, significance, and commercial impression as the dispositive *DuPont* factor, concluding that this dissimilarity alone precluded any reasonable likelihood of confusion.”); *Kellogg Co. v. Pack’em Enterprises, Inc.*, 951 F.2d 330 (Fed. Cir. 1991) (affirming TTAB decision finding no likelihood of confusion based on the first *DuPont* factor alone). As conclusively shown below, the first *DuPont* factor— “[t]he similarity or dissimilarity of the marks in their entirety as to appearance, sound connotation and commercial impression”—by itself is dispositive of this case. *In re E. I. DuPont Nemours & Co.*, 476 F.2d at 1361 (emphasis added). Thus, the Notice should be dismissed for failure to state a claim as a matter of law.

#### A. Appearance

The Notice fails at the outset because the marks at issue are patently dissimilar. Indeed, no common words are shared. Additionally, the marks, in their entirety, are clearly dissimilar in appearance. See *Kellogg Co. v. Pack’em Enterprises, Inc.*, 951 F.2d 330 (Fed. Cir. 1991) (affirming dismissal on summary judgment because there was no likelihood of confusion between the marks FROOTEE ICE and FROOT LOOPS based on dissimilar appearance); *Miller Brewing Co. v. Premier Beverages, Inc.*, 210 U.S.P.Q. 43, 48-49 (TTAB 1981) (finding no

likelihood of confusion based on dissimilarity between MILLER and OL' BOB MILLER'S); *Hershey Foods Corp. v. Cerreta*, 195 U.S.P.Q. 246 (T.T.A.B. 1977) (finding no likelihood of confusion based on dissimilarity between A BIG KISS FOR YOU and SEALED WITH A KISS).

The T.I.P.S. Mark consists of four words and a corresponding acronym, T.I.P.S. – TEACHER INSPIRED PRACTICAL STUFF. On the other hand, Opposer's putative mark consists of only one word, INSPIRATION, which is not any part of the T.I.P.S. Mark. Such patent dissimilarity of the marks precludes a likelihood of confusion. *See Shen Mfg. Co., Inc.*, 393 F.3d at 1243; *Bell Labs, Inc. v. Colonial Prods., Inc.*, 644 F. Supp. 542 (S.D. Fla. 1986) (finding no likelihood of confusion based on dissimilarity between FINAL and FINAL FLIP); *Champagne Louis Roederer, S.A.* 148 F.3d at 1375 (affirming TTAB finding of no likelihood of confusion between CRISTAL and CRYSTAL CREEK wines).

#### **B. Sound Connotation**

Just as the T.I.P.S. Mark and INSPIRATION are visually distinct from one another, the marks are also verbally dissimilar. *See Jet, Inc. v. Sewage Aeration Sys.*, 165 F.3d 419 (6th Cir. 1999) (finding the marks JET and AEROB-A-JET visually and verbally distinct). The T.I.P.S. Mark is a unique phrase consisting of ten (10) syllables, whereas INSPIRATION is a common four (4) syllable word. Moreover, the marks have only one syllable in common – “in.” As such, the marks are strikingly phonetically dissimilar. *See Shen Mfg. Co., Inc.*, 393 F.3d at 1243. Opposer's overbroad claim that it owns all marks containing some form of the word “INSPIRE” is frivolous and it should be rejected before more time and resources of the parties and this agency are wasted. *See Gruner + Jahr USA Publ'g v. Meredith Corp.*, 991 F.2d 1072, 1077 (2d Cir. 1993) (reasoning that the registration of a proper noun as a trademark does not by itself

“remove it from being available to others” or “grant exclusive possession” of variations of the word to the trademark registrant).

**C. Commercial Impression**

In determining whether two marks have similar commercial impressions, the TTAB has looked at whether purchasers or prospective purchasers—who are familiar with the opposer’s mark—would mistakenly believe upon encountering the applicant’s mark that the applicant’s mark originated with the opposer. *Puma-Sportschuhfabriken Rudolf Dassler KG v. Roller Derby Skate Corp.*, 206 U.S.P.Q. 255 (T.T.B.A. 1980) (“It is quite apparent that there are marked resemblances in the overall strip or stripe design formats and the commercial impressions which they convey which we believe are sufficient in and of themselves to cause purchasers and prospective purchasers familiar with Opposer’s Puma Formstrip mark upon encountering applicant’s stripe design on the same and competitive product to believe mistakenly that such athletic shoe originated with opposer.”). No purchaser or prospective purchaser familiar with the INSPIRATION mark would believe upon seeing the T.I.P.S. Mark that the T.I.P.S. Mark originated with Opposer.

In addition, the word “INSPIRATION” and “TEACHER INSPIRED PRACTICAL STUFF” evoke completely different images in the minds of relevant consumers. First, the marks are pronounced differently and do not even have one word in common. *Compare with In re Bioneurix Corp.*, 2006 WL 802403 (T.T.A.B. 2006) (“[B]ecause the marks—“AMORIN” and “AMORYN” only differ by one letter and may be pronounced identically, we find that the commercial impression of the marks is highly similar, if not the same.”). In addition, the T.I.P.S. Mark has additional terms, which create a different commercial impression in the minds of consumers.

Based on the foregoing, there is no likelihood of confusion as a matter of law. Opposer's conclusory allegations of a likelihood of confusion are not enough to survive summary judgment. See *Int'l Ass'n of Machinists & Aerospace Workers v. Winship Green Nursing Ctr.*, 103 F.3d 196, 200 (1st Cir. 1996) (affirming district court's grant of summary judgment where there was no issue of fact respecting likelihood of confusion and noting, "[to] demonstrate likelihood of confusion a markholder (or one claiming by, through, or under her) must show more than the theoretical possibility of confusion."). Thus, Opposer's opposition should be dismissed.

**III. No Likelihood of Confusion Exists Because the Word INSPIRED is Laudatory, Weak, and Frequently Used in Trademarks and Names.**

As if the above reasons are not enough to reject the opposition (they are), there is more. It is settled law that suggestive, or even highly suggestive terms, because of their obvious connotation and possible frequent use as part of trade marks and names, have been considered to fall within the category of "weak" marks, and the scope of protection to which these marks are entitled has "been so limited as to permit the use and/or registration of the same mark for different goods or of a composite mark comprising this term plus other matter, whether such other matter be equally suggestive or even descriptive, for the same or similar goods." *Standard Brands Inc. v. Peters*, 191 U.S.P.Q. 168 (T.T.A.B. 1976) (finding that the "addition of the word "CORN", notwithstanding its nature, is sufficient to render the mark 'CORN-ROYAL' as a whole distinguishable from and registrable over 'ROYAL,' per se, . . .") (emphasis added)). As the TTAB noted:

There are certain names which are given different tags—descriptive, laudatory, or the like—which are known as "weak," meaning that an exclusive right in them is hard to obtain. Such names as "Superior," "Majestic," and "Royal" are so common that the use in and of itself imports nothing . . . .

*Id.* at 172. See also *Basic Vegetable Products Inc. et al. v. General Foods Corp.*, 165 U.S.P.Q. 781 (T.T.A.B. 1970) (“The theory behind this rests on the obvious character of the term and that purchasers have been exposed in a particular trade to such a plethora of trade designations containing this notation that they have become conditioned or accustomed to distinguish between the various marks by other features thereof, notwithstanding how slight they may be.”). *Id.* at 784.

The word INSPIRED is such a mark. The word INSPIRED is suggestive, has an obvious connotation, and is frequently used as part of trade names and marks. In fact, there is a plethora of trade names and marks that incorporate the word INSPIRED.<sup>3</sup> These include, just to name some, the following, which have all been approved and assigned registration numbers by the USPTO: SPIRIT INSPIRED (Reg. No. 2898030); INSPIRED ENERGY (Reg. No. 2809356); FUNDAMENTALLY INSPIRED BRANDING (Reg. No. 2792480); INSPIRED GIVING (Reg. No. 2545285); PASSIONFISH INSPIRED AMERICAN CUISINE (Reg. No. 2909862); DIVINELY INSPIRED JEWELRY (Reg. No. 2618077); SERVICE INSPIRED RESTAURANTS (Reg. No. 2785317); JAZZ INSPIRED (Reg. No. 2496571); and MARKETING INSPIRED MANAGEMENT (Reg. No. 1561306). Thus, INSPIRED is a common, suggestive and weak mark, over which Opposer cannot claim sole ownership.

Moreover, TEACHER INSPIRED PRACTICAL STUFF, which is comprised of a noun, followed by the common word INSPIRED, is analytically analogous to such marks as COOKER INSPIRED AMERICAN DINING (Reg. No. 2864598); CAFFENIE INSPIRED NOVELTIES (Reg. No. 2474317); and VISION INSPIRED PARTNERSHIP COMPUSERVE NETWORK

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<sup>3</sup> A basic USPTO search for INSPIRED produced 358 results in which a company has incorporated the word INSPIRED in its trademark or description; a basic search for INSPIRATION produced over 1000 results.

SERVICES (Reg. No. 1941210)—all of which are registered with the USPTO—which also begin their marks with a noun, followed by the weak, common word INSPIRED.

Furthermore, many companies, including the following, use INSPIRED, INSPIRE or INSPIRATION in their registered marks to refer to the educational services they offer: INSPIRED LEARNING, INSPIRED LIVES (Reg. No. 3026164); INSPIRED EDUCATION (Reg. No. 2718995); INSPIRE (Reg. No. 2830449); INSPIREQUEST (Reg. No.2578745); TEACH TRAIN INSPIRE (Reg. No. 2992817); ENVISION EDUCATE MOTIVATE INSPIRE (Reg. No.2656907); YOUR CHILD'S FUTURE IS OUR INSPIRATION (Reg. No. 2687534).

Thus, based on the foregoing, it is clear that INSPIRE, INSPIRED and INSPIRATION are frequently contained in other registered marks in the same exact manner as they are in the T.I.P.S. Mark, and moreover, are frequently used by companies to refer to the educational services they offer. Thus, Opposer cannot as a matter of law claim sole ownership over INSPIRED or INSPIRATION. Accordingly, assuming the TTAB does not dismiss this action for failure to state a claim (which it should), it should enter summary judgment against Opposer because its opposition fails as a matter of law.

### CONCLUSION

Opposer contends, with no basis whatsoever, that the T.I.P.S. Mark is confusingly similar to INSPIRATION. As this Motion and Applicant's Motion to Dismiss conclusively demonstrate, however, there is no likelihood of confusion between the two marks as a matter of law. Opposer has failed to allege facts sufficient to deny registration of the T.I.P.S. Mark. Accordingly, TIPS is entitled to have the Board grant its motion to dismiss the Notice with prejudice, or alternatively, enter summary judgment as set forth hereinabove against Opposer dismissing the opposition with prejudice.

WHEREFORE, Applicant TIPS respectfully requests that the Trademark Trial and Appeal Board enter an Order granting Applicant's Motion to Dismiss, or in the alternative, granting this Motion entering summary judgment against Opposer Inspiration Software, Inc. to the extent and for the reasons set forth hereinabove, dismissing the Notice of Opposition with prejudice as a matter of law, and granting such other and further relief as the Board deems just and proper.

Respectfully submitted:

**HERRON JACOBS ORTIZ**

Attorneys for TIPS

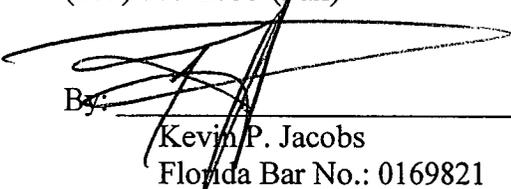
1401 Brickell Avenue

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(305) 779-8103

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By: 

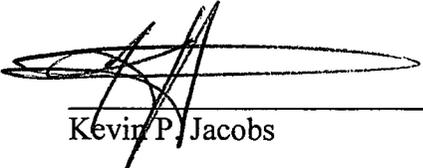
Kevin P. Jacobs

Florida Bar No.: 0169821

**CERTIFICATE OF SERVICE**

I hereby certify that this document was sent via the Electronic System for Trademark Trials and Appeals to the Trademark Trial and Appeal Board and U.S. Mail to the Service List below.

April 12, 2006

  
Kevin P. Jacobs

**Service List**

Trademark Trial and Appeal Board  
U.S. Patent and Trademark Office  
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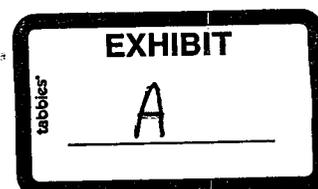
Applicant. )

DECLARATION OF MARIA CALAMITO-PROTO

1. My name is Maria Calamito-Proto. I am over eighteen (18) years of age, am competent to furnish this declaration, and do so based upon my personal knowledge of the facts stated herein. I offer this declaration in support of Applicant's Motion for Summary Judgment.

2. I am the President of Teacher Inspired Practical Stuff, Inc. ("TIPS"), the Applicant in the above-styled proceeding. TIPS is a private corporation organized under the laws of Florida.

3. On August 21, 2003, TIPS applied to register with the USPTO the mark T.I.P.S. — TEACHER INSPIRED PRACTICAL STUFF (Serial No. 76/541630) (the "T.I.P.S. Mark") for printed course materials, books, lesson plans, theme units, and curriculum support materials, all featuring academic subjects, for the education of elementary school students, in International Class 16, and for educational services, namely, providing learning centers featuring instruction in academic courses for elementary school students, in International Class 41.



4. I have reviewed Inspiration Software Inc.'s ("Inspiration") Notice of Opposition and Opposition to Applicant's Motion to Dismiss filed in the above-styled proceeding and am familiar with the purported claims alleged therein.

5. The marks INSPIRATION, on one hand, and T.I.P.S. - TEACHER INSPIRED PRACTICAL STUFF, on the other, are so patently dissimilar from one another that there can be no likelihood of confusion.

6. The T.I.P.S. Mark consists of four (4) words and a corresponding acronym. The INSPIRATION mark consists of only one (1) word, which is not identical to any word in the T.I.P.S. Mark.

7. The T.I.P.S. Mark and INSPIRATION are also verbally dissimilar from one another in that the T.I.P.S. Mark is a unique phrase consisting of ten (10) syllables and INSPIRATION is a common four (4) syllable word. Moreover, the marks have only one syllable in common - "in."

8. The name INSPIRED is a common, suggestive word which has an obvious connotation and is frequently used in trade names and marks.

9. No purchaser or prospective purchaser who is familiar with Inspiration's mark would believe that, upon seeing the T.I.P.S. Mark, the T.I.P.S. Mark is sponsored by, affiliated with, or originated with Inspiration.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 11, 2006.

Maria Calamito-Proto  
MARIA CALAMITO-PROTO



## United States Patent and Trademark Office

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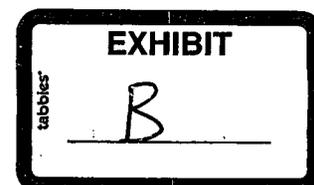
## TTABVUE. Trademark Trial and Appeal Board Inquiry System

## Summary

**Query:** Document contains all words: INSPIRATION SOFTWARE, INC.**Number of results:** 73**Results are in reverse chronological order**

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Proceeding Filing Date	Defendant(s), Property(ies)	Plaintiff(s), Property(ies)
<u>78366006</u> 01/24/2006	<u>Kidspirational Inc.</u> <b>Mark:</b> RHYMES 2 GROW WITH <b>S#:</b> 78366006	<u>Inspiration Software, Inc.</u>
<u>78589469</u> 01/06/2006	<u>Parsley, Brian</u> <b>Mark:</b> INSPHIRED <b>S#:</b> 78589469	<u>Inspiration Software, Inc.</u>
<u>91167694</u> 11/10/2005	<u>EDUCATIONAL BROADCASTING CORPORATION</u> <b>Mark:</b> LIFE, INSPIRED <b>S#:</b> 78468977	<u>Inspiration Software, Inc.</u> <b>Mark:</b> INSPIRATION <b>S#:</b> 74311306 <b>R#:</b> 1864117
<u>78422143</u> 11/16/2005	<u>Kids II, Inc.</u> <b>Mark:</b> BRIGHT INSPIRATIONS <b>S#:</b> 78422143	<u>Inspiration Software, Inc.</u>
<u>78468977</u> 08/09/2005	<u>EDUCATIONAL BROADCASTING CORPORATION</u> <b>Mark:</b> LIFE, INSPIRED <b>S#:</b> 78468977	<u>Inspiration Software, Inc.</u> <b>Mark:</b> INSPIRATION <b>S#:</b> 74311306 <b>R#:</b> 1864117
<u>91165795</u> 07/07/2005	<u>Inspired Life Ministries, Inc.</u> <b>Mark:</b> INSPIRED PARENTS <b>S#:</b> 78419132	<u>INSPIRATION SOFTWARE, INC.</u> <b>Mark:</b> INSPIRATION <b>S#:</b> 74311686 <b>R#:</b> 1768514
<u>91165677</u> 06/17/2005	<u>FAMILY DIRECT, INC.</u> <b>Mark:</b> TOYS THAT INSPIRE THE IMAGINATION <b>S#:</b> 76472318	<u>Inspiration Software, Inc.</u>
<u>91165602</u> 06/08/2005	<u>Nobel Learning Communities, Inc.</u> <b>Mark:</b> INSPIRATION . . . MOTIVATION . . . EDUCATION <b>S#:</b> 78397364	<u>Inspiration Software, Inc.</u>
<u>91165538</u> 06/10/2005	<u>Target Brands, Inc.</u> <b>Mark:</b> READ. BE INSPIRED. WRITE BACK <b>S#:</b> 78335268	<u>Inspiration Software, Inc.</u>
<u>78419132</u> 03/31/2005	<u>Inspired Life Ministries, Inc.</u> <b>Mark:</b> INSPIRED PARENTS <b>S#:</b> 78419132	<u>Inspiration Software, Inc.</u> <u>INSPIRATION SOFTWARE, INC.</u> <b>Mark:</b> INSPIRATION <b>S#:</b> 74311686 <b>R#:</b> 1768514
<u>76472318</u> 03/02/2005	<u>FAMILY DIRECT, INC.</u> <b>Mark:</b> TOYS THAT INSPIRE THE IMAGINATION <b>S#:</b> 76472318	<u>Inspiration Software, Inc.</u>
<u>78306433</u> 03/01/2005	<u>Inspirasian Limited</u> <b>Mark:</b> INSPIRASIAN <b>S#:</b> 78306433	<u>Inspiration Software, Inc.</u>
<u>78335268</u> 03/01/2005	<u>Target Brands, Inc.</u> <b>Mark:</b> READ. BE INSPIRED. WRITE BACK	<u>Inspiration Software, Inc.</u>



**S#:**78335268

<u>78397364</u>	<u>Nobel Learning Communities, Inc.</u>	<u>Inspiration Software, Inc.</u>
03/01/2005	<b>Mark:</b> INSPIRATION . . . MOTIVATION . . . EDUCATION <b>S#:</b> <u>78397364</u>	
<u>91164083</u>	<u>Teacher Inspired Practical Stuff, Inc.</u>	<u>INSPIRATION SOFTWARE, INC.</u>
01/25/2005	<b>Mark:</b> T.I.P.S. - TEACHER INSPIRED PRACTICAL STUFF <b>S#:</b> <u>76541630</u>	<b>Mark:</b> INSPIRATION <b>S#:</b> <u>74311686</u> <b>R#:</b> <u>1768514</u>
<u>91164074</u>	<u>Inspired eLearning Inc</u>	<u>INSPIRATION SOFTWARE, INC.</u>
01/25/2005	<b>Mark:</b> INSPIRED ELEARNING EDUCATION FOR YOUR ENTERPRISE <b>S#:</b> <u>78259505</u>	<b>Mark:</b> INSPIRATION <b>S#:</b> <u>74311686</u> <b>R#:</b> <u>1768514</u>
<u>91164064</u>	<u>Correales, Diana</u>	<u>Inspiration Software, Inc.</u>
01/25/2005	<b>Mark:</b> PARENTS INSPIRATION INSTITUTE <b>S#:</b> <u>76553615</u>	
<u>78351892</u>	<u>Schneider, Gary</u>	<u>Inspiration Software, Inc.</u>
11/30/2004	<b>Mark:</b> INSPIRE <b>S#:</b> <u>78351892</u>	<u>INTRA/AMERICA BEAUTY NETWORK, INC</u>
<u>78365820</u>	<u>Caesars Entertainment, Inc.</u>	<u>Inspiration Software, Inc.</u>
11/30/2004	<b>Mark:</b> BE INSPIRED <b>S#:</b> <u>78365820</u>	
<u>91163028</u>	<u>FAVERO, Mauro, S.</u>	<u>Inspiration Software, Inc.</u>
11/08/2004	<b>Mark:</b> INSPIRIZED <b>S#:</b> <u>78112873</u>	<b>Mark:</b> INSPIRATION <b>S#:</b> <u>74311686</u> <b>R#:</b> <u>1768514</u>
<u>78259505</u>	<u>Inspired eLearning Inc</u>	<u>Inspiration Software, Inc.</u>
10/20/2004	<b>Mark:</b> INSPIRED ELEARNING EDUCATION FOR YOUR ENTERPRISE <b>S#:</b> <u>78259505</u>	<u>INSPIRATION SOFTWARE, INC.</u> <b>Mark:</b> INSPIRATION <b>S#:</b> <u>74311686</u> <b>R#:</b> <u>1768514</u>
<u>76553615</u>	<u>Correales, Diana</u>	<u>Inspiration Software, Inc.</u>
10/20/2004	<b>Mark:</b> PARENTS INSPIRATION INSTITUTE <b>S#:</b> <u>76553615</u>	
<u>76541630</u>	<u>Teacher Inspired Practical Stuff, Inc.</u>	<u>Inspiration Software, Inc.</u>
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<u>76535375</u>	<u>Alpha Xi Delta Fraternity</u>	<u>Inspiration Software, Inc.</u>
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<u>91161700</u>	<u>Guideposts, a Church Corporation</u>	<u>INSPIRATION SOFTWARE, INC.</u>
08/09/2004	<b>Mark:</b> DAILY GUIDEPOSTS YOUR SOURCE OF INSPIRATION <b>S#:</b> <u>76510277</u>	<b>Mark:</b> INSPIRATION <b>S#:</b> <u>74311686</u> <b>R#:</b> <u>1768514</u>

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78112873 08/05/2004	<u>FAVERO, Mauro, S.</u> <b>Mark:</b> INSPIRIZED <b>S#:</b> <u>78112873</u>	<u>Inspiration Software, Inc.</u> <b>Mark:</b> INSPIRATION <b>S#:</b> <u>74311686</u> <b>R#:</b> <u>1768514</u>
91160838 06/03/2004	<u>Weekly Reader Corp.</u> <b>Mark:</b> INSPIRE THE FUTURE <b>S#:</b> <u>78215859</u>	<u>Inspiration Software, Inc.</u> <b>Mark:</b> INSPIRATION <b>S#:</b> <u>74311686</u> <b>R#:</b> <u>1768514</u>
76233406 05/17/2004	<u>Cybermax, Inc.</u> <b>Mark:</b> INSPIRE <b>S#:</b> <u>76233406</u>	<u>Acer Incorporated</u> <b>Mark:</b> ASPIRE <b>S#:</b> <u>74722020</u> <b>R#:</b> <u>2124703</u> <u>Acer Inc. and Acer America Corporation</u> <u>Inspiration Software, Inc.</u>
76510277 05/10/2004	<u>Guideposts, a Church Corporation</u> <b>Mark:</b> DAILY GUIDEPOSTS YOUR SOURCE OF INSPIRATION <b>S#:</b> <u>76510277</u>	<u>INSPIRATION SOFTWARE, INC.</u> <b>Mark:</b> INSPIRATION <b>S#:</b> <u>74311686</u> <b>R#:</b> <u>1768514</u>
91160332 04/23/2004	<u>Edwards Lifesciences Corporation</u> <b>Mark:</b> INSPIRATION FROM LIFE FOR LIFE <b>S#:</b> <u>78239018</u>	<u>Inspiration Software, Inc.</u>
91160103 03/29/2004	<u>The Marguerite Petersen Foundation</u> <b>Mark:</b> INSPIRATION POINT <b>S#:</b> <u>76438186</u>	<u>INSPIRATION SOFTWARE, INC.</u>
78215859 03/05/2004	<u>Weekly Reader Corp.</u> <b>Mark:</b> INSPIRE THE FUTURE <b>S#:</b> <u>78215859</u>	<u>Inspiration Software, Inc.</u> <b>Mark:</b> INSPIRATION <b>S#:</b> <u>74311686</u> <b>R#:</b> <u>1768514</u>
91159417 02/02/2004	<u>Inspired Leap Consulting Inc.</u> <b>Mark:</b> INSPIRED LEAP <b>S#:</b> <u>78212794</u>	<u>INSPIRATION SOFTWARE, INC</u>
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78239018 01/22/2004	<u>Edwards Lifesciences Corporation</u> <b>Mark:</b> INSPIRATION FROM LIFE FOR LIFE <b>S#:</b> <u>78239018</u>	<u>Inspiration Software, Inc.</u>
76438186 12/22/2003	<u>The Marguerite Petersen Foundation</u> <b>Mark:</b> INSPIRATION POINT <b>S#:</b> <u>76438186</u>	<u>INSPIRATION SOFTWARE, INC.</u> <u>INSPIRATION SOFTWARE, INC.</u>
91158904 12/19/2003	<u>In2Books, Inc.</u> <b>Mark:</b> INSPIRATION CENTER <b>S#:</b> <u>76468188</u>	<u>INSPIRATION SOFTWARE, INC.</u>

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11/03/2003	<b>Mark:</b> INSPIRED LEAP <b>S#:</b> <u>78212794</u>	
<u>91158140</u>	<u>Whirlpool Properties, Inc.</u>	<u>INSPIRATION SOFTWARE, INC.</u>
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<u>91158146</u>	<u>SPIREMEDIA, INC.</u>	<u>INSPIRATION SOFTWARE, INC.</u>
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<u>91158092</u>	<u>Leszynski Group, Inc.</u>	<u>Inspiration Software, Inc</u>
10/06/2003	<b>Mark:</b> INSPIRE <b>S#:</b> <u>78176368</u>	
<u>91158098</u>	<u>Mitten Group, Inc., The</u>	<u>Inspiration Software, Inc</u>
10/06/2003	<b>Mark:</b> ASPIRE. INSPIRE. <b>S#:</b> <u>76404801</u>	<b>Mark:</b> INSPIRATION <b>S#:</b> <u>74311686</u> <b>R#:</b> <u>1768514</u>
<u>91158119</u>	<u>Inspire International, Inc.</u>	<u>INSPIRATION SOFTWARE, INC.</u>
10/06/2003	<b>Mark:</b> INSPIRE INTERNATIONAL INC. <b>S#:</b> <u>76441108</u>	<b>Mark:</b> INSPIRATION <b>S#:</b> <u>74311686</u> <b>R#:</b> <u>1768514</u>
<u>91158145</u>	<u>Inspiring Solutions, Inc.</u>	<u>INSPIRATION SOFTWARE, INC.</u>
10/06/2003	<b>Mark:</b> INSPIRING SOLUTIONS <b>S#:</b> <u>76384940</u>	<b>Mark:</b> INSPIRATION <b>S#:</b> <u>74311686</u> <b>R#:</b> <u>1768514</u>
<u>91158079</u>	<u>Roy, Debra E.</u>	<u>Inspiration Software, Inc.</u>
09/29/2003	<b>Mark:</b> INSPIRINGS <b>S#:</b> <u>76458575</u>	
<u>91158048</u>	<u>In2Books, Inc.</u>	<u>Inspiration Software, Inc. (Inspiration)</u>
09/29/2003	<b>Mark:</b> INSPIRATION CENTER <b>S#:</b> <u>76468184</u>	
<u>76468188</u>	<u>In2Books, Inc.</u>	<u>Inspiration Software, Inc.</u>
09/15/2003	<b>Mark:</b> INSPIRATION CENTER <b>S#:</b> <u>76468188</u>	<u>INSPIRATION SOFTWARE, INC.</u>
<u>91157813</u>	<u>IDEA Health &amp; Fitness, Inc.</u>	<u>Inspiration Software, Inc</u>
09/08/2003	<b>Mark:</b> INSPIRE THE WORLD TO FITNESS <b>S#:</b> <u>78174282</u>	
<u>91157769</u>	<u>Windsor, Tiffany M.</u>	<u>Inspiration Software, Inc. ("Inspiration")</u>
09/08/2003	<b>Mark:</b> INSPIRED AT HOME <b>S#:</b> <u>78116152</u>	

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<a href="#">91157891</a> 09/03/2003	<a href="#">Miller, Susan</a> <b>Mark:</b> INSPIRATION NATION <b>S#:</b> <a href="#">76407537</a>	<a href="#">INSPIRATION SOFTWARE, INC.</a> <b>Mark:</b> INSPIRATION <b>S#:</b> <a href="#">74311686</a> <b>R#:</b> <a href="#">1768514</a>
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<a href="#">76407537</a> 06/18/2003	<a href="#">Miller, Susan</a> <b>Mark:</b> INSPIRATION NATION <b>S#:</b> <a href="#">76407537</a>	<a href="#">INSPIRATION SOFTWARE, INC.</a> <a href="#">INSPIRATION SOFTWARE, INC.</a> <b>Mark:</b> INSPIRATION <b>S#:</b> <a href="#">74311686</a> <b>R#:</b> <a href="#">1768514</a>
<a href="#">78174282</a> 06/11/2003	<a href="#">IDEA Health &amp; Fitness, Inc.</a> <b>Mark:</b> INSPIRE THE WORLD TO FITNESS <b>S#:</b> <a href="#">78174282</a>	<a href="#">Inspiration Software, Inc</a>
<a href="#">78116152</a> 06/10/2003	<a href="#">Windsor, Tiffany M.</a> <b>Mark:</b> INSPIRED AT HOME <b>S#:</b> <a href="#">78116152</a>	<a href="#">Inspiration Software, Inc. ("Inspiration")</a>

91157444 Inspired Path, Inc.  
 06/09/2003 **Mark:** INSPIRED PATH **S#:**76409922

91156928 Inspired Path, Inc.  
 06/09/2003 **Mark:** INSPIRED PATH **S#:**76392177

76409922 Inspired Path, Inc.  
 05/06/2003 **Mark:** INSPIRED PATH **S#:**76409922  
**R#:**2711134

91156103 Inspired Education, Inc.  
 04/07/2003 **Mark:** INSPIRED EDUCATION, INC.  
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 03/04/2003

76417635 Inspired Education, Inc.  
 01/10/2003 **Mark:** INSPIRED EDUCATION, INC.  
**S#:**76417635

76228781 Siemens Aktiengesellschaft  
 12/04/2002 **Mark:** BE INSPIRED **S#:**76228781

91155251 Siemens Aktiengesellschaft  
 02/10/2002 **Mark:** BE INSPIRED **S#:**76228781

91124358 GERALD HAMAN  
 07/06/2001 **Mark:** INSPIRATION UNIVERSITY  
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91123755 IDEAFOREST.COM, INC.,  
 07/02/2001 **Mark:** ARTS.CRAFTS.INSPIRATION  
**S#:**76001124

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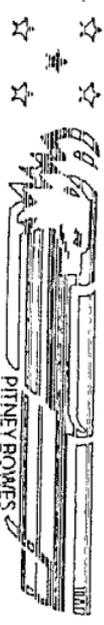
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