

ESTTA Tracking number: **ESTTA183256**

Filing date: **12/26/2007**

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

**Notice of Opposition**

Notice is hereby given that the following party opposes registration of the indicated application.

**Opposer Information**

Name	OpenTV, Inc.
Granted to Date of previous extension	12/26/2007
Address	275 Sacramento Street San Francisco, CA 94111 UNITED STATES

Attorney information	Grace Han Stanton Perkins Coie LLP 1201 Third Avenue, Suite 4800 Seattle, WA 98101 UNITED STATES pctrademarks@perkinscoie.com Phone:206-359-8000
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**Applicant Information**

Application No	77082330	Publication date	08/28/2007
Opposition Filing Date	12/26/2007	Opposition Period Ends	12/26/2007
Applicant	5 Star Linux, Inc. 8 BeiChenDong Road, B918 Beijing, CHINA		

**Goods/Services Affected by Opposition**

<p>Class 009. All goods and services in the class are opposed, namely: Audio and video receivers, signal decoder boxes, television set-top boxes and signal converters; consumer electronics hardware devices for playing audio and video from a computer hard disk drive and storing and playing transmissions from television and radio broadcasts and from computer networks, namely, audio and video disk recorders, remote controls, computer hardware and computer peripherals; computer client-server software for use in delivering, receiving and managing integrated voice, video and data from the Internet to display units and televisions; computer software for use in operating telecommunications devices; and user manuals and guides sold as a unit therewith</p>
<p>Class 038. All goods and services in the class are opposed, namely: Broadcasting programs via computer networks; electronic transmission of messages and data, delivery of messages via computer networks; video broadcasting and messaging services; video-on-demand transmission services, providing multiple-user access to a global computer information network; and providing consulting in the field of telecommunications</p>

**Grounds for Opposition**

Priority and likelihood of confusion	Trademark Act section 2(d)
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## Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	2703881	Application Date	09/12/2001
Registration Date	04/08/2003	Foreign Priority Date	NONE
Word Mark	OPENTV		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 1995/03/00 First Use In Commerce: 1995/03/00 Digital interactive products, namely, operating systems software for interactive television broadcasting; computer software development tools; computer software for the digital broadcast transmission of interactive data, audio and video; computer hardware and software for image and graphics processing; television receivers and direct broadcast satellite receivers		

U.S. Registration No.	2703882	Application Date	09/12/2001
Registration Date	04/08/2003	Foreign Priority Date	NONE
Word Mark	OPENTV		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 1995/03/00 First Use In Commerce: 1995/03/00 Business marketing consulting in the nature of assistance in helping third parties in the establishment and operation of interactive broadcasting services Class 038. First use: First Use: 1995/03/00 First Use In Commerce: 1995/03/00 Communications services, namely, radio broadcasting, cable, terrestrial and satellite television broadcasting; webcasting over a global computer network Class 041. First use: First Use: 1995/03/00 First Use In Commerce: 1995/03/00 Education, entertainment and information services, namely production of radio, television and webcast programs; conducting seminars, workshops, classes and user group forums, all in the field of interactive broadcasting; Class 042. First use: First Use: 1995/03/00 First Use In Commerce: 1995/03/00 Testing, analysis and evaluation of the goods and services of others for the purpose of certification; computer consulting services in the field of interactive broadcasting; technical consultation in the field of interactive broadcasting		

U.S. Registration No.	2635594	Application Date	12/18/1997
Registration Date	10/15/2002	Foreign Priority Date	11/28/1997
Word Mark	OPEN TV		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 1995/03/00 First Use In Commerce: 1995/03/00		

	<p>DIGITAL INTERACTIVE PRODUCTS, NAMELY, OPERATING SYSTEMS SOFTWARE FOR INTERACTIVE TELEVISION BROADCASTING; COMPUTER SOFTWARE DEVELOPMENT TOOLS; COMPUTER SOFTWARE FOR THE DIGITAL BROADCAST TRANSMISSION OF INTERACTIVE DATA, AUDIO AND VIDEO</p> <p>Class 038. First use: First Use: 1995/03/00 First Use In Commerce: 1995/03/00 COMMUNICATIONS SERVICES, NAMELY, RADIO BROADCASTING; CABLE, TERRESTRIAL AND SATELLITE TELEVISION BROADCASTING; WEBCASTING OVER A GLOBAL COMPUTER NETWORK</p> <p>Class 041. First use: First Use: 1995/03/00 First Use In Commerce: 1995/03/00 EDUCATION, ENTERTAINMENT AND INFORMATION SERVICES, NAMELY, PRODUCTION OF RADIO, TELEVISION AND GLOBAL COMPUTER NETWORK PROGRAMS</p>
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U.S. Registration No.	3088215	Application Date	04/10/2002
Registration Date	05/02/2006	Foreign Priority Date	NONE
Word Mark	OPENTV H2O		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 009. First use: First Use: 2002/02/10 First Use In Commerce: 2002/02/10 Interactive products, namely, computer software communication tools for converting online HTML content and scripting language into interactive television applications; computer software to allow content display for interactive television broadcasting and Internet webcasting and network communication; computer software for the digital transmission of interactive data, audio and video; computer hardware and computer software for image and graphics processing</p>		

U.S. Registration No.	2641627	Application Date	03/30/2000
Registration Date	10/29/2002	Foreign Priority Date	NONE
Word Mark	OPENSTREAMER		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 009. First use: First Use: 1999/06/07 First Use In Commerce: 1999/06/07 Computer software to allow broadcasters to multiplex data with audio and video signals</p>		

U.S. Registration No.	2459555	Application Date	03/30/2000
Registration Date	06/12/2001	Foreign Priority Date	NONE
Word Mark	OPENAUTHOR		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 009. First use: First Use: 1999/04/06 First Use In Commerce: 1999/04/06 Computer software to allow content development for interactive television</p>		

	broadcasting
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U.S. Registration No.	2539307	Application Date	03/24/2000
Registration Date	02/19/2002	Foreign Priority Date	NONE
Word Mark	OPENADVANTAGE		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 035. First use: First Use: 1999/05/00 First Use In Commerce: 1999/05/00 Business marketing consulting in the nature of assistance in helping third parties in the establishment and operation of interactive broadcasting services</p> <p>Class 041. First use: First Use: 1999/05/00 First Use In Commerce: 1999/05/00 Educational services, namely, conducting seminars, workshops, classes and user group forums; all in the field of interactive broadcasting</p> <p>Class 042. First use: First Use: 1999/05/00 First Use In Commerce: 1999/05/00 Testing, analysis and evaluation of the goods and services of others for the purpose of certification; computer consulting services in the field of interactive broadcasting; technical consultation in the field of interactive broadcasting</p>		

U.S. Application/Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	OPENTV PVR		
Goods/Services	Digital interactive products, namely, operating systems software for interactive television data, audio, video recording, and video playback and streaming; computer software for the interactive digital recording of data, audio and video; computer software for image and graphics processing and recording		

Attachments	76311574#TMSN.gif ( 1 page )( bytes ) 76311584#TMSN.gif ( 1 page )( bytes ) 75407729#TMSN.gif ( 1 page )( bytes ) 76013891#TMSN.gif ( 1 page )( bytes ) 76013890#TMSN.gif ( 1 page )( bytes ) 76009444#TMSN.gif ( 1 page )( bytes ) OPENPVR Notice of Opposition.pdf ( 13 pages )(638886 bytes )
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### Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Richard Ronald/ for Grace Han Stanton
Name	Richard Ronald
Date	12/26/2007

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

OpenTV, Inc.

Opposer,

v.

5 Star Linux, Inc.

Applicant.

Opposition No.: \_\_\_\_\_

NOTICE OF OPPOSITION

Application Serial No.: 77/082,330

Filing Date: January 12, 2007

Publication date: August 28, 2007

OpenTV, Inc. ("Opposer") believes that it will be damaged by the issuance of a registration for the mark OPENPVR ("Applicant's Mark") as applied for in Application Serial No. 77/082,330 and hereby opposes the Application. Opposer has timely filed an Extension to Oppose the Application and timely files this Notice of Opposition before the December 26, 2007 deadline.

As grounds for opposition, Opposer alleges as follows:

**I. PARTIES**

1. Opposer is a Delaware corporation having its principal place of business at 275 Sacramento Street, San Francisco, California 94111.

2. On information and belief, 5 Star Linux, Inc. ("Applicant") is a corporation incorporated in the British Virgin Islands, having a principle place of business at 8 BeiChenDong Road, B918, Beijing, China.

**II. OPPOSER'S MARK, GOODS, AND SERVICES**

3. Opposer provides software applications, media solutions and consulting services to a wide variety of media companies, including programmers and broadcasters, network operators, and device manufacturers around the world. Opposer's software has been incorporated into more than 96 million digital set-top boxes and televisions, enabling enhanced program guides, video-on-demand, PVR (personalized video recorders), interactive and addressable advertising, IPTV (Internet Protocol Television), high definition,

participation television, games and gaming, and a variety of consumer care and communications applications.

4. Opposer's OPENTV software applications and services were first launched in 1995.

5. Opposer owns U.S. trademark registrations for the mark OPENTV, as well as a family of "OPEN" marks (collectively, "Opposer's Marks"), as listed in Exhibit A (with copies of U.S. Certificates of Registration attached).

6. Opposer also has common law trademark rights in the mark OPENTV PVR, which it has used in conjunction with its products and services since September, 2005.

7. Through its efforts and the expenditure of considerable sums of money in connection with its advertising, promotional and market services, Opposer has developed valuable goodwill and consumer recognition in Opposer's Marks. As a result, Opposer's marks are distinctive and famous.

### **III. APPLICANT'S MARK AND SERVICES**

8. The Application was filed on January 12, 2007 ("Applicant's Filing Date") based on an intent to use the mark in commerce.

9. The Application was published in the Official Gazette on August 28, 2007.

10. By the Application, Applicant seeks to register the term OPENPVR as a trademark for the following goods ("Applicant's Goods and Services"):

"Audio and video receivers, signal decoder boxes, television set-top boxes and signal converters; consumer electronics hardware devices for playing audio and video from a computer hard disk drive and storing and playing transmissions from television and radio broadcasts and from computer networks, namely, audio and video disk recorders, remote controls, computer hardware and computer peripherals; computer client-server software for use in delivering, receiving and managing integrated voice, video and data from the Internet to display units and televisions; computer software for use in operating telecommunications devices; and user manuals and guides sold as a unit therewith" in International Class 9.

"Broadcasting programs via computer networks; electronic transmission of messages and data, delivery of messages via computer networks; video broadcasting and messaging services; video-on-demand transmission services, providing multiple-user access to a global computer information network; and providing consulting in the field of telecommunications" in International Class 38.

#### IV. CLAIMS

11. On information and belief, there is no issue concerning priority. Opposer's Marks include registrations for OPENTV that were both filed and used in commerce prior to Applicant's Filing Date. Opposer's common law rights in the OPENTV PVR mark also precede Applicant's Filing Date.

12. Opposer's Marks are distinctive for Opposer's Goods and Services.

13. Applicant's Goods, which include video receivers, signal decoder boxes, television set-top boxes, signal converters, computer client-server software for use in delivering, receiving and managing integrated voice, video and data from the Internet to display units and televisions, and computer software for use in operating telecommunications devices are related to one or more of Opposer's Goods and Services.

14. Applicant's Services, which include broadcasting programs via computer networks; electronic transmission of messages and data, delivery of messages via computer networks; video broadcasting and messaging services; video-on-demand transmission services, providing multiple-user access to a global computer information network; and providing consulting in the field of telecommunications are related to one or more of Opposer's Goods and Services.

15. On information and belief, Opposer's Goods and Services and Applicant's Goods and Services may be provided to the same types of consumers through the same channels of trade.

16. Applicant's Mark so resembles Opposer's Marks as to be likely, when applied to Applicant's Goods and Services, to cause confusion, to cause mistake, or to deceive as to

the origin, sponsorship, or approval of Applicant's Goods and Services, with consequent injury to Opposer, the trade and the public.

17. The registration of Applicant's Mark would prevent Opposer from exercising exclusive control over the goodwill and reputation associated with Opposer's Mark. Any defect, objection or fault found with Applicant's Goods or Services marketed or sold under Applicant's Mark will reflect upon and seriously injure the valuable reputation that Opposer has established for the Opposer's Goods and Services. Therefore, the registration of Applicant's Mark would damage and injure Opposer.

18. Registration of Applicant's Mark would also damage Opposer because such registration would grant a statutory exclusive right to Applicant in violation and derogation of the prior and superior rights of Opposer and would unduly narrow the scope of protection afforded to Opposer's Marks.

19. Registration of Applicant's Mark is likely to lessen the capacity of Opposer's Mark to identify and distinguish Opposer's Goods and Services and is likely to dilute the strength of Opposer's distinctive and famous Mark.

## **VI. REQUEST FOR RELIEF**

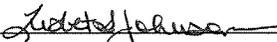
20. Opposer timely files this opposition. The Application was published for opposition on August 28, 2007. An extension of time to oppose was filed by Opposer and granted by the Trademark Office. The opposition deadline was Wednesday, December 26, 2007.

21. WHEREFORE, Opposer respectfully prays that its opposition be sustained and that the application for registration of Serial No. 77/082,330 be denied and refused. This Notice of Opposition is filed according to the rules governing electronic submissions to the Trademark Trial and Appeal Board, including payment of the requisite fee.

DATED: December 26, 2007.

**CERTIFICATE OF SERVICE**

I hereby certify that this, NOTICE OF OPPOSITION, is being deposited with the United States Postal Service with sufficient postage as first class mail on December 26, 2007 in an envelope addressed to counsel for Applicant: Cynthia R. Adwere, 1950 University Ave Fl 4, East Palo Alto, CA 94303-2250.

Signature:   
Printed Name: Lisbet S. Johnson

Respectfully submitted,

PERKINS COIE LLP



Grace Han Stanton  
Richard R. Ronald  
Attorneys for Opposer  
1201 Third Avenue, 48th Floor  
Seattle, Washington 98101-3099  
(206) 583-8888

## Exhibit A

Mark	Filing/Reg. Data	(Class) Goods and Services
OPENTV	Filed: 9/12/2001 Reg: 4/8/2003 Reg. No: 2703881	Digital interactive products, namely, operating systems software for interactive television broadcasting; computer software development tools; computer software for the digital broadcast transmission of interactive data, audio and video; computer hardware and software for image and graphics processing; television receivers and direct broadcast satellite receivers in Class 9
OPENTV	Filed: 9/12/2001 Reg: 4/8/2003 Reg. No: 2703882	<p>Business marketing consulting in the nature of assistance in helping third parties in the establishment and operation of interactive broadcasting services in Class 35</p> <p>Communications services, namely, radio broadcasting, cable, terrestrial and satellite television broadcasting; webcasting over a global computer network in Class 38.</p> <p>Education, entertainment and information services, namely production of radio, television and webcast programs; conducting seminars, workshops, classes and user group forums, all in the field of interactive broadcasting in Class 41</p> <p>Testing, analysis and evaluation of the goods and services of others for the purpose of certification; computer consulting services in the field of interactive broadcasting; technical consultation in the field of interactive broadcasting in Class 42.</p>
OPENTV & Design	Filed: 12/18/1997 Reg: 10/15/2002 Reg. No: 2635594	<p>Digital interactive products, namely, operating systems software for interactive television broadcasting; computer software development tools; computer software for the digital broadcast transmission of interactive data, audio and video in Class 9</p> <p>Communications services, namely, radio broadcasting; cable, terrestrial and satellite television broadcasting; webcasting over a global computer network in Class 38</p> <p>Education, entertainment and information services, namely, production of radio, television and global computer network programs in Class 41</p>
OPENTV H2O	Filed: 4/10/2002 Reg: 5/2/2006 Reg. No: 3088215	Interactive products, namely, computer software communication tools for converting online HTML content and scripting language into interactive television applications; computer software to allow content display for interactive television broadcasting and Internet webcasting and network communication; computer software for the digital transmission of interactive data, audio and video; computer hardware and computer software for image and graphics processing in Class 9
OPENSTREAMER	Filed: 3/30/2000 Reg: 10/29/2002 Reg. No: 2641627	Computer software to allow broadcasters to multiplex data with audio and video signals in Class 9
OPENAUTHOR	Filed: 3/30/2000 Reg: 6/12/2001 Reg. No: 2459555	Computer software to allow content development for interactive television broadcasting in Class 9
OPENADVANTAGE	Filed: 3/24/2000 Reg: 2/19/2002 Reg. No : 2539307	<p>Business marketing consulting in the nature of assistance in helping third parties in the establishment and operation of interactive broadcasting services in Class 35</p> <p>Educational services, namely, conducting seminars, workshops, classes and user group forums; all in the field of interactive broadcasting in Class 41</p> <p>Testing, analysis and evaluation of the goods and services of others for the purpose of certification; computer consulting services in the field of interactive broadcasting; technical consultation in the field of interactive broadcasting in Class 42</p>

Int. Cl.: 9

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

United States Patent and Trademark Office

Reg. No. 2,703,881

Registered Apr. 8, 2003

**TRADEMARK  
PRINCIPAL REGISTER**

**OPENTV**

OPENTV, INC. (DELAWARE CORPORATION)  
401 EAST MIDDLEFIELD ROAD  
MOUNTAIN VIEW, CA 94043

FOR: DIGITAL INTERACTIVE PRODUCTS,  
NAMELY, OPERATING SYSTEMS SOFTWARE  
FOR INTERACTIVE TELEVISION BROADCAST-  
ING; COMPUTER SOFTWARE DEVELOPMENT  
TOOLS; COMPUTER SOFTWARE FOR THE DIGI-  
TAL BROADCAST TRANSMISSION OF INTERAC-  
TIVE DATA, AUDIO AND VIDEO; COMPUTER  
HARDWARE AND SOFTWARE FOR IMAGE AND

GRAPHICS PROCESSING; TELEVISION RECEI-  
VERS AND DIRECT BROADCAST SATELLITE RE-  
CEIVERS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND  
38).

FIRST USE 3-0-1995; IN COMMERCE 3-0-1995.

SEC. 2(F).

SER. NO. 76-311,574, FILED 9-12-2001.

JILL PRATER, EXAMINING ATTORNEY

Int. Cls.: 35, 38, 41 and 42

Prior U.S. Cls.: 100, 101, 102, 104 and 107

Reg. No. 2,703,882

United States Patent and Trademark Office

Registered Apr. 8, 2003

**SERVICE MARK  
PRINCIPAL REGISTER**

**OPENTV**

OPENTV, INC. (DELAWARE CORPORATION)  
401 EAST MIDDLEFIELD ROAD  
MOUNTAIN VIEW, CA 94043

FOR: BUSINESS MARKETING CONSULTING IN THE NATURE OF ASSISTANCE IN HELPING THIRD PARTIES IN THE ESTABLISHMENT AND OPERATION OF INTERACTIVE BROADCASTING SERVICES, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 3-0-1995; IN COMMERCE 3-0-1995.

FOR: COMMUNICATIONS SERVICES, NAMELY, RADIO BROADCASTING, CABLE, TERRESTRIAL AND SATELLITE TELEVISION BROADCASTING; WEBCASTING OVER A GLOBAL COMPUTER NETWORK, IN CLASS 38 (U.S. CLS. 100, 101 AND 104).

FIRST USE 3-0-1995; IN COMMERCE 3-0-1995.

FOR: EDUCATION, ENTERTAINMENT AND INFORMATION SERVICES, NAMELY PRODUCTION OF RADIO, TELEVISION AND WEBCAST PRO-

GRAMS; CONDUCTING SEMINARS, WORKSHOPS, CLASSES AND USER GROUP FORUMS, ALL IN THE FIELD OF INTERACTIVE BROADCASTING; IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 3-0-1995; IN COMMERCE 3-0-1995.

FOR: TESTING, ANALYSIS AND EVALUATION OF THE GOODS AND SERVICES OF OTHERS FOR THE PURPOSE OF CERTIFICATION; COMPUTER CONSULTING SERVICES IN THE FIELD OF INTERACTIVE BROADCASTING; TECHNICAL CONSULTATION IN THE FIELD OF INTERACTIVE BROADCASTING, IN CLASS 42 (U.S. CLS. 100 AND 101).

FIRST USE 3-0-1995; IN COMMERCE 3-0-1995.

SEC. 2(F).

SER. NO. 76-311,584, FILED 9-12-2001.

JILL PRATER, EXAMINING ATTORNEY

Int. Cls.: 9, 38 and 41

Prior U.S. Cls.: 21, 23, 26, 36, 38, 100, 101,  
104 and 107

Reg. No. 2,635,594

United States Patent and Trademark Office  
Corrected

Registered Oct. 15, 2002  
OG Date July 1, 2003

TRADEMARK  
SERVICE MARK  
PRINCIPAL REGISTER



OPENTV, INC. (DELAWARE CORPORATION)  
401 EAST MIDDLEFIELD ROAD  
MOUNTAIN VIEW, CA 94043, BY ASSIGNMENT; BY ASSIGNMENT; BY ASSIGNMENT, BY CHANGE OF NAME THOMSON MULTIMEDIA (SOCIÉT ANONYME) (FRANCE CORPORATION) 92648 BOULOGNE, FRANCE

PRIORITY CLAIMED UNDER SEC. 44(D) ON FRANCE APPLICATION NO. 97/706485, FILED 11-28-1997, REG. NO. 97/706485, DATED 11-28-1997, EXPIRES 11-28-2007.

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

SEC. 2(F) IN PART AS TO "OPEN TV".

FOR: DIGITAL INTERACTIVE PRODUCTS, NAMELY, OPERATING SYSTEMS SOFTWARE FOR INTERACTIVE TELEVISION BROADCASTING; COMPU-

TER SOFTWARE DEVELOPMENT TOOLS; COMPUTER SOFTWARE FOR THE DIGITAL BROADCAST TRANSMISSION OF INTERACTIVE DATA, AUDIO AND VIDEO, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).  
FIRST USE 3-0-1995; IN COMMERCE 3-0-1995.

FOR: COMMUNICATIONS SERVICES, NAMELY, RADIO BROADCASTING; CABLE, TERRESTRIAL AND SATELLITE TELEVISION BROADCASTING; WEB-CASTING OVER A GLOBAL COMPUTER NETWORK, IN CLASS 38 (U.S. CLS. 100, 101 AND 104).

FIRST USE 3-0-1995; IN COMMERCE 3-0-1995.

FOR: EDUCATION, ENTERTAINMENT AND INFORMATION SERVICES, NAMELY, PRODUCTION OF RADIO, TELEVISION AND GLOBAL COMPUTER NETWORK PROGRAMS, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 3-0-1995; IN COMMERCE 3-0-1995.

SER. NO. 75-407,729, FILED 12-18-1997.

*In testimony whereof I have hereunto set my hand  
and caused the seal of The Patent and Trademark  
Office to be affixed on July 1, 2003.*

DIRECTOR OF THE U.S. PATENT AND TRADEMARK OFFICE

Int. Cl.: 9

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

United States Patent and Trademark Office

Reg. No. 3,088,215

Registered May 2, 2006

**TRADEMARK  
PRINCIPAL REGISTER**

**OPENTV H2O**

OPENTV, INC. (DELAWARE CORPORATION)  
275 SACRAMENTO STREET  
SAN FRANCISCO, CA 94111

FOR: INTERACTIVE PRODUCTS, NAMELY,  
COMPUTER SOFTWARE COMMUNICATION  
TOOLS FOR CONVERTING ONLINE HTML CON-  
TENT AND SCRIPTING LANGUAGE INTO INTER-  
ACTIVE TELEVISION APPLICATIONS; COMPUTER  
SOFTWARE TO ALLOW CONTENT DISPLAY FOR  
INTERACTIVE TELEVISION BROADCASTING  
AND INTERNET WEBCASTING AND NETWORK  
COMMUNICATION; COMPUTER SOFTWARE FOR  
THE DIGITAL TRANSMISSION OF INTERACTIVE  
DATA, AUDIO AND VIDEO; COMPUTER HARD-

WARE AND COMPUTER SOFTWARE FOR IMAGE  
AND GRAPHICS PROCESSING, IN CLASS 9 (U.S.  
CLS. 21, 23, 26, 36 AND 38).

FIRST USE 2-10-2002; IN COMMERCE 2-10-2002.

OWNER OF U.S. REG. NO. 2,635,594.

SEC. 2(F) OPENTV.

SN 78-120,772, FILED 4-10-2002.

LINDA E. BLOHM, EXAMINING ATTORNEY

**Int. Cl.: 9**

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

**United States Patent and Trademark Office**

**Reg. No. 2,641,627**

**Registered Oct. 29, 2002**

**TRADEMARK  
PRINCIPAL REGISTER**

**OPENSTREAMER**

OPENTV, INC. (DELAWARE CORPORATION)  
401 EAST MIDDLEFIELD ROAD  
MOUNTAIN VIEW, CA 94043

FIRST USE 6-7-1999; IN COMMERCE 6-7-1999.

FOR: COMPUTER SOFTWARE TO ALLOW  
BROADCASTERS TO MULTIPLEX DATA WITH  
AUDIO AND VIDEO SIGNALS, IN CLASS 9 (U.S.  
CLS. 21, 23, 26, 36 AND 38).

SER. NO. 76-013,891, FILED 3-30-2000.

MARK T. MULLEN, EXAMINING ATTORNEY

**Int. Cl.: 9**

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

**United States Patent and Trademark Office**

**Reg. No. 2,459,555**

**Registered June 12, 2001**

**TRADEMARK  
PRINCIPAL REGISTER**

**OPENAUTHOR**

OPENTV, INC. (DELAWARE CORPORATION)  
401 EAST MIDDLEFIELD ROAD  
MOUNTAIN VIEW, CA 94043

FIRST USE 4-6-1999; IN COMMERCE 4-6-1999.

FOR: COMPUTER SOFTWARE TO ALLOW CON-  
TENT DEVELOPMENT FOR INTERACTIVE TELE-  
VISION BROADCASTING, IN CLASS 9 (U.S. CLS. 21,  
23, 26, 36 AND 38).

SER. NO. 76-013,890, FILED 3-30-2000.

MARK T. MULLEN, EXAMINING ATTORNEY

**Int. Cls.: 35, 41 and 42**

**Prior U.S. Cls.: 100, 101, 102 and 107**

**United States Patent and Trademark Office**

**Reg. No. 2,539,307**

**Registered Feb. 19, 2002**

**SERVICE MARK  
PRINCIPAL REGISTER**

**OPENADVANTAGE**

OPENTV, INC. (DELAWARE CORPORATION)  
401 EAST MIDDLEFIELD ROAD  
MOUNTAIN VIEW, CA 94043

FOR: BUSINESS MARKETING CONSULTING IN THE NATURE OF ASSISTANCE IN HELPING THIRD PARTIES IN THE ESTABLISHMENT AND OPERATION OF INTERACTIVE BROADCASTING SERVICES, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 5-0-1999; IN COMMERCE 5-0-1999.

FOR: EDUCATIONAL SERVICES, NAMELY, CONDUCTING SEMINARS, WORKSHOPS, CLASSES AND USER GROUP FORUMS; ALL IN THE FIELD OF INTERACTIVE BROADCASTING, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 5-0-1999; IN COMMERCE 5-0-1999.

FOR: TESTING, ANALYSIS AND EVALUATION OF THE GOODS AND SERVICES OF OTHERS FOR THE PURPOSE OF CERTIFICATION; COMPUTER CONSULTING SERVICES IN THE FIELD OF INTERACTIVE BROADCASTING; TECHNICAL CONSULTATION IN THE FIELD OF INTERACTIVE BROADCASTING, IN CLASS 42 (U.S. CLS. 100 AND 101).

FIRST USE 5-0-1999; IN COMMERCE 5-0-1999.

SER. NO. 76-009,444, FILED 3-24-2000.

MARK T. MULLEN, EXAMINING ATTORNEY