

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

In re Application No.78/804,554  
Filed: February 1, 2006  
Published: July 24, 2007, in the *Official Gazette*  
For: **AIRPOD**

APPLE INC.,

Opposer,

vs.

BLUEAIR AB

Applicant.

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

**NOTICE OF OPPOSITION**

**UNITED STATES PATENT AND TRADEMARK OFFICE**

Trademark Trial and Appeal Board

P.O. Box 1451

Alexandria, Virginia 22313-1451

Dear Madam:

Apple Inc. ("Opposer"), a California corporation, located and doing business at 1 Infinite Loop, Cupertino, California 95014, believes that it will be damaged by the registration of the mark **AIRPOD** shown in Application Serial No.78/804,554 owned by BLUEAIR AB, ("Applicant"), a Swedish corporation, with a mailing address of Danderrydsgatan 11 114 26 Stockholm, Sweden, published in the *Official Gazette* of July 24, 2007, and hereby opposes registration thereof.

As grounds for opposition, Opposer alleges:

1. Opposer is the owner of Registration No. 2,835,698 for **IPOD** for "portable and handheld digital electronic devices for recording, organizing, transmitting, manipulating, and

01/29/2008 SWILSON 0000014 201430 78804554

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01-25-2008

reviewing audio files; computer software for use in organizing, transmitting, manipulating, and reviewing audio files on portable and handheld digital electronic devices" in International Class 9. Opposer's application for said registration was filed on October 18, 2001, and matured to registration on April 27, 2004. Opposer's registration has a Convention priority date of August 31, 2001 under § 44(d) of the Lanham Act, 15 U.S.C. § 1126(d). Opposer has used the mark **IPOD** on and in connection with the sale of the aforementioned goods since at least as early as October 2001.

2. Opposer is also the owner of Registration No. 3,089,360 for **IPOD** for "portable and handheld digital electronic devices for recording, organizing, transmitting, manipulating, and reviewing text, data, and audio files; computer software for use in organizing, transmitting, manipulating, and reviewing text, data, and audio files on portable and handheld digital electronic devices" in International Class 9. Opposer's application for said registration was filed on October 18, 2001, and matured to registration on May 9, 2006. Opposer's registration has a Convention priority date of August 31, 2001. Opposer has used the mark **IPOD** on and in connection with the sale of the aforementioned goods since at least as early as October 2001.

3. Opposer is also the owner of the following pending applications for the mark

**IPOD:**

- Serial No. 78/521,796 – filed November 23, 2004, with a priority filing date of July 28, 2004, for “retail store services and retail store services provided via communications networks featuring computers, computer software, computer peripherals and consumer electronics, and pre-recorded music, audio-visual and music-related products; product demonstrations provided in-store and via communications networks; information and consultation in connection with all of the foregoing” in International Class 35 and “computerized data storage and retrieval services for digital music, photographs, and audio-visual and text works; information and consultation in connection therewith” in International Class 39;

- Serial No. 78/653,661 – filed June 18, 2005 for “a full line of electronic and mechanical accessories for portable and handheld digital electronic devices for recording, organizing, transmitting, manipulating, and reviewing text, data, audio and video files; electronic docking stations; stands specially designed for holding portable and handheld digital electronic devices; battery chargers; battery packs; electrical connectors, wires, cables, and adaptors; wired and wireless remote controls for portable and handheld digital electronic devices; headphones and earphones; stereo amplifier and speaker base stations; automobile stereo adaptors; audio recorders; radio receivers; radio transmitters; image scanners; video viewers, namely video monitors for portable and handheld digital electronic devices; and, electronic memory card readers; a full line of computer software for portable and handheld digital electronic devices for recording, organizing, transmitting, manipulating, and reviewing text, data, audio, image, and video files; computer application software for recording and organizing calendars and schedules, to-do lists, and contact information; computer game software; and, computer software for clock and alarm clock functionality; carrying cases, sacks, and bags, all for use with portable and handheld digital electronic devices for recording, organizing, transmitting, manipulating, and reviewing text, data, audio, image, and video files” in International Class 9;
- Serial No. 78/653,669 – filed June 18, 2005 for “a full line of clothing, footwear, and headwear” in International Class 25; and
- Serial No. 78/653,667 – filed June 18, 2005 for “lanyards for portable and handheld digital electronic devices for recording, organizing, transmitting, manipulating, and reviewing text, data, audio, image, and video files” in International Class 22 and a “full line of holders, straps, armbands, and clips for portable and handheld digital electronic devices for recording, organizing, transmitting, manipulating, and reviewing text, data, audio, image, and video files” in International Class 9.

4. Opposer is also the owner of U.S. Trademark Application Serial No. 78/459,101 for the mark **POD**, filed July 29, 2004, with a convention priority filing date of January 30, 2004, for “portable and handheld digital electronic devices for recording, organizing, transmitting, manipulating, and reviewing audio files, and peripherals for use therewith; computer software for use in organizing, transmitting, manipulating, and reviewing audio files on portable and handheld digital electronic devices,” in International Class 9.

6. Consumers have adopted and have used in the marketplace the term “POD” as an abbreviation for Opposer's **IPOD** mark to refer to Opposer's **IPOD** products.

7. The marks referred to hereinabove will be hereafter collectively referred to as Opposer's Marks.

8. By virtue of Opposer's extensive use and promotion of Opposer's Marks, Opposer has established valuable goodwill in the marks, and the public has come to associate the **IPOD** and **POD** marks with Opposer. As such, the public has come to know **IPOD** and **POD** as an indication of products and services that originate from Opposer.

9. As a result of Opposer's extensive advertising, sales, and marketing, Opposer's **IPOD** mark is famous and well known to purchasers.

10. Applicant filed U.S. Trademark Application Serial No.78/804,554 (the "Application"), which is the subject of this Opposition, on February 1, 2006, based on its alleged bona fide intent to use the mark **AIRPOD**, in connection with "electric air purifying units for domestic use" in Class 11.

11. On information and belief, at a time subsequent to the filing date, Applicant filed an Amendment to Allege Use in this application, claiming use of the **AIRPOD** mark in U.S. commerce since June 7, 2006, with the goods identified in the application.

12. Applicant's **AIRPOD** mark is extremely similar to Opposer's Marks, the most prominent element of Applicant's Mark, "**POD**," being identical to Opposer's prior-filed **POD** application and the most prominent element of Opposer's **IPOD** mark, and the component "**AIR**" being highly, if not merely, descriptive of Applicant's goods, and the weaker element of Applicant's mark. The **AIR** component of Applicant's mark is also highly similar phonetically to the **I** prefix in Opposer's mark.

13. Applicant's goods as described in the Application, and with which Applicant is using the mark, are closely related to the goods and services identified in Opposer's registrations

and applications for Opposer's Marks and with which Opposer uses Opposer's Marks. Moreover, Applicant's goods are white plastic-encased portable electric units bearing a trade dress that resembles one or more of the distinctive trade dresses Opposer has used for its **IPOD** device.

14. On information and belief, Applicant chose the mark and trade dress intentionally to confuse consumer and trade on the fame and reputation of Opposer and its products.

15. Opposer began use of its **IPOD** mark in connection with its goods and services at least as early as October 2001, which is well prior to the Applicant's filing date of February 1, 2006 for the mark **AIRPOD**. The August 31, 2001 Convention priority date of Opposer's registrations and the filing dates of Opposer's pending applications for Opposer's Marks similarly pre-date the Application's February 1, 2006 filing date.

16. As a result of the similarity between Opposer's Marks and Applicant's **AIRPOD** mark and the highly related nature of the goods and services associated with each party's respective mark, Applicant's mark is likely to cause confusion, mistake or deception in the trade and among purchasers as to the source, origin or sponsorship of the parties' respective goods and services.

17. The **IPOD** mark was famous at the time Applicant filed the Application for the **AIRPOD** mark and when Applicant first commenced use of this mark.

18. Registration of the mark shown in the Application and use of Applicant's mark are likely to dilute Opposer's famous **IPOD** mark.

19. Registration of Applicant's mark shown in the opposed Application will result in damage to Opposer under the provisions of §2(d) of the Lanham Act, 15 U.S.C. §1052(d) and §43(c) of the Lanham Act, 15 U.S.C. §1125(c), pursuant to the allegations stated above.

20. If the Application is permitted to register, the registration would presumptively entitle Applicant to *prima facie* exclusive ownership and rights to the **AIRPOD** mark. Such registration would cause confusion among consumers as to the separate and distinct sources of Applicant's goods and Opposer's goods and services and the relationship of Opposer to Applicant, thereby damaging Opposer's goodwill in Opposer's Marks, diluting the value thereof, and resulting in irreparable harm to Opposer's business and reputation, all to the detriment of Opposer who has expended considerable sums and effort in promoting Opposer's Marks.

WHEREFORE, Opposer prays that this Opposition be sustained and that registration of U.S. Trademark Application Serial No.78/804,554 be denied.

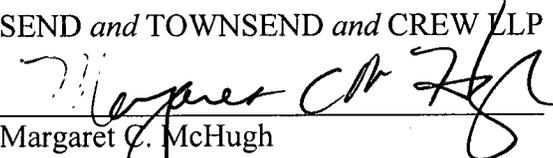
Please charge any necessary fee regarding this Opposition to the Deposit Account of Townsend and Townsend and Crew LLP, 20-1430, and credit any overpayment to such deposit account.

Please direct all notices, pleadings and process regarding this matter to:

Margaret C. McHugh, Esq.  
Marie Seibel, Esq.  
TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, 8th Floor  
San Francisco, CA 94111-3834  
Telephone: (415) 576-0200  
Facsimile: (415) 576-0300  
Email: mcm@townsend.com

Respectfully submitted,

TOWNSEND and TOWNSEND and CREW LLP

By   
Margaret C. McHugh  
Attorneys for Opposer

Dated: January 22, 2008

PROOF OF SERVICE

STATE OF CALIFORNIA  
CITY AND COUNTY OF SAN FRANCISCO

I, Audrey Schlette, state:

I am employed in the City and County of San Francisco, State of California, over the age of 18 years, and not a party to the above-entitled case. My business address is Two Embarcadero Center, 8th Floor, San Francisco, California 94111.

On January 22, 2008, I served the foregoing **NOTICE OF OPPOSITION** on the parties in said action by depositing a true copy thereof with the United States Postal Service as first class mail, postage prepaid, at San Francisco, California, enclosed in a sealed envelope addressed as follows:

John R. Crossan  
Chapman and Cutler LLP  
111 W. Monroe Street, Suite 1700  
Chicago, IL 60603-4080

I declare under penalty of perjury under the laws of the State of California foregoing is true and correct. Executed on January 22, 2008, in San Francisco, C

  
Audrey Schlette

Int. Cl.: 9

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

Reg. No. 2,835,698

United States Patent and Trademark Office

Registered Apr. 27, 2004

Corrected

OG Date Sep. 20, 2005

**TRADEMARK  
PRINCIPAL REGISTER**

**IPOD**

APPLE COMPUTER, INC. (CALIFORNIA  
CORPORATION)  
1 INFINITE LOOP  
CUPERTINO, CA 95014  
PRIORITY CLAIMED UNDER SEC.  
44(D) ON SWITZERLAND APPLICATION  
NO. 08612/2001, FILED 8-31-2001.

FOR: PORTABLE AND HANDHELD  
DIGITAL ELECTRONIC DEVICES FOR  
RECORDING, ORGANIZING, TRANS-

MITTING, MANIPULATING, AND RE-  
VIEWING AUDIO FILES; COMPUTER  
SOFTWARE FOR USE IN ORGANIZING,  
TRANSMITTING, MANIPULATING, AND  
REVIEWING AUDIO FILES ON PORTA-  
BLE AND HANDHELD DIGITAL ELEC-  
TRONIC DEVICES, IN CLASS 9 (U.S.  
CLS. 21, 23, 26, 36 AND 38).

FIRST USE 10-23-2001; IN COMMERCE  
10-23-2001.

SER. NO. 75-982,871, FILED 10-18-2001.

*In testimony whereof I have hereunto set my hand  
and caused the seal of The Patent and Trademark  
Office to be affixed on Sep. 20, 2005.*

**DIRECTOR OF THE U.S. PATENT AND TRADEMARK OFFICE**

Int. Cl.: 9

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

Reg. No. 3,089,360

**United States Patent and Trademark Office**

Registered May 9, 2006

**TRADEMARK  
PRINCIPAL REGISTER**

**IPOD**

APPLE COMPUTER, INC. (CALIFORNIA CORPORATION)  
1 INFINITE LOOP  
CUPERTINO, CA 95014

FOR: PORTABLE AND HANDHELD DIGITAL ELECTRONIC DEVICES FOR RECORDING, ORGANIZING, TRANSMITTING, MANIPULATING, AND REVIEWING TEXT, DATA, AND AUDIO FILES; COMPUTER SOFTWARE FOR USE IN ORGANIZING, TRANSMITTING, MANIPULATING, AND REVIEWING TEXT, DATA, AND AUDIO FILES ON PORTABLE AND HANDHELD DIGITAL ELECTRO-

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

FIRST USE 10-23-2001; IN COMMERCE 10-23-2001.

PRIORITY CLAIMED UNDER SEC. 44(D) ON SWITZERLAND APPLICATION NO. 086122001, FILED 8-31-2001.

SER. NO. 78-089,144, FILED 10-18-2001.

DEZMONA MIZELLE, EXAMINING ATTORNEY



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**IPOD**

<b>Word Mark</b>	IPOD
<b>Goods and Services</b>	IC 039. US 100 105. G & S: Computerized data storage and retrieval services for digital music, photographs, and audio-visual and text works; information and consultation in connection therewith in International Class 39.  IC 035. US 100 101 102. G & S: Retail store services and retail store services provided via communications networks featuring computers, computer software, computer peripherals and consumer electronics, and pre-recorded music, audio-visual and music-related products; product demonstrations provided in-store and via communications networks; information and consultation in connection with all of the foregoing in International Class 35
<b>Standard Characters Claimed</b>	
<b>Mark Drawing Code</b>	(4) STANDARD CHARACTER MARK
<b>Serial Number</b>	78521796
<b>Filing Date</b>	November 23, 2004
<b>Current Filing Basis</b>	1B;44D
<b>Original Filing Basis</b>	1B;44D
<b>Owner</b>	(APPLICANT) APPLE INC. CORPORATION CALIFORNIA 1 INFINITE LOOP CUPERTINO CALIFORNIA 95014
<b>Assignment Recorded</b>	ASSIGNMENT RECORDED
<b>Attorney of Record</b>	Thomas R. La Perle
<b>Priority Date</b>	July 28, 2004
<b>Prior Registrations</b>	2835698

Type of Mark    SERVICE MARK  
Register        PRINCIPAL  
Live/Dead  
Indicator        LIVE

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Serial Number: 78521796 Assignment Information      Trademark Document Retrieval

Registration Number: (NOT AVAILABLE)

Mark

IPOD

(words only): IPOD

Standard Character claim: Yes

Current Status: An office action with a suspension inquiry has been mailed.

Date of Status: 2007-10-23

Filing Date: 2004-11-23

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 114

Attorney Assigned:  
ALT JILL C Employee Location

Current Location: M5X -TMO Law Office 114 - Examining Attorney Assigned

Date In Location: 2007-10-22

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

---

1. APPLE INC.

Address:  
APPLE INC.  
1 INFINITE LOOP  
CUPERTINO, CA 95014  
United States

Legal Entity Type: Corporation

**State or Country of Incorporation:** California

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### GOODS AND/OR SERVICES

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**International Class:** 035

**Class Status:** Active

Retail store services and retail store services provided via communications networks featuring computers, computer software, computer peripherals and consumer electronics, and pre-recorded music, audio-visual and music-related products; product demonstrations provided in-store and via communications networks; information and consultation in connection with all of the foregoing in International Class 35

**Basis:** 1(b), 44(d)

**First Use Date:** (DATE NOT AVAILABLE)

**First Use in Commerce Date:** (DATE NOT AVAILABLE)

**International Class:** 039

**Class Status:** Active

Computerized data storage and retrieval services for digital music, photographs, and audio-visual and text works; information and consultation in connection therewith in International Class 39.

**Basis:** 1(b), 44(d)

**First Use Date:** (DATE NOT AVAILABLE)

**First Use in Commerce Date:** (DATE NOT AVAILABLE)

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### ADDITIONAL INFORMATION

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**Prior Registration Number(s):**

2835698

**Foreign Application Number:** 3957768

**Country:** Erpn Cmnty TM Ofc

**Foreign Filing Date:** 2004-07-28

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### MADRID PROTOCOL INFORMATION

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(NOT AVAILABLE)

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### PROSECUTION HISTORY

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**NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.**

2007-10-23 - Inquiry as to suspension mailed

2007-10-22 - Suspension Inquiry Written

2007-10-11 - LIE Checked Susp - To Atty For Action

2007-04-06 - Letter of suspension mailed

2007-04-05 - Suspension Letter Written

2007-03-31 - Amendment From Applicant Entered  
2007-03-31 - Communication received from applicant  
2007-02-10 - TEAS Response to Office Action Received  
2007-02-07 - Automatic Update Of Assignment Of Ownership  
2007-02-05 - Inquiry as to suspension mailed  
2007-02-05 - Suspension Inquiry Written  
2007-02-01 - LIE Checked Susp - To Atty For Action  
2007-02-01 - Assigned To LIE  
2006-07-20 - Letter of suspension mailed  
2006-07-19 - Suspension Letter Written  
2006-07-19 - Teas/Email Correspondence Entered  
2006-07-16 - Communication received from applicant  
2006-07-16 - TEAS Response to Office Action Received  
2006-07-11 - Letter of suspension mailed  
2006-07-10 - Suspension Letter Written  
2006-07-06 - Teas/Email Correspondence Entered  
2006-06-14 - Communication received from applicant  
2006-06-14 - TEAS Response to Office Action Received  
2006-06-06 - Inquiry as to suspension mailed  
2006-06-02 - Suspension Inquiry Written  
2006-05-18 - LIE Checked Susp - To Atty For Action  
2005-11-18 - Letter of suspension mailed  
2005-11-17 - Suspension Letter Written  
2005-11-15 - Teas/Email Correspondence Entered  
2005-11-07 - Communication received from applicant  
2005-11-07 - TEAS Response to Office Action Received  
2005-06-29 - Non-final action mailed

2005-06-28 - Non-Final Action Written

2005-06-28 - Assigned To Examiner

2004-12-02 - New Application Entered In Tram

---

**ATTORNEY/CORRESPONDENT INFORMATION**

---

**Attorney of Record**

Thomas R. La Perle

**Correspondent**

THOMAS R. LA PERLE  
APPLE COMPUTER, INC.

MS: 3TM

1 INFINITE LOOP

CUPERTINO, CA 95014

Phone Number: 408-974-2385

Fax Number: 408-253-0186



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# IPOD

**Word Mark** IPOD  
**Goods and Services** IC 009. US 021 023 026 036 038. G & S: full line of electronic and mechanical parts and fittings for portable and handheld digital electronic devices for recording, organizing, transmitting, manipulating, and reviewing text, data, audio and video files; electronic docking stations; stands specially designed for holding portable and handheld digital electronic devices; battery chargers; battery packs; electrical connectors, wires, cables, and adaptors; wired and wireless remote controls for portable and handheld digital electronic devices; headphones and earphones; stereo amplifier and speaker base stations; automobile stereo adapters; audio recorders; radio receivers; radio transmitters; video viewers, namely video monitors for portable and handheld digital electronic devices; and computer software for portable and handheld digital electronic devices for recording, organizing, transmitting, manipulating, and reviewing text, data, audio, image, and video files; computer application software for recording and organizing calendars and schedules, to-do lists, and contact information; computer game software; and, computer software for clock and alarm clock functionality; carrying cases, all for use with portable and handheld digital electronic devices for recording, organizing, transmitting, manipulating, and reviewing text, data, audio, image, and video files. FIRST USE: 20011023. FIRST USE IN COMMERCE: 20011023

**Standard Characters Claimed**  
**Mark Drawing Code** (4) STANDARD CHARACTER MARK  
**Serial Number** 78653661  
**Filing Date** June 18, 2005  
**Current Filing Basis** 1A  
**Original Filing Basis** 1B  
**Published for Opposition** December 12, 2006  
**Registration Number** 3341191

**Registration Date** November 20, 2007  
**Owner** (REGISTRANT) APPLE INC. CORPORATION CALIFORNIA 1 INFINITE LOOP CUPERTINO CALIFORNIA 95014  
**Assignment Recorded** ASSIGNMENT RECORDED  
**Attorney of Record** Lisa G. Widup  
**Prior Registrations** 2781793;2835698  
**Type of Mark** TRADEMARK  
**Register** PRINCIPAL  
**Live/Dead Indicator** LIVE

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**Serial Number:** 78653661 Assignment Information      Trademark Document Retrieval

**Registration Number:** 3341191

**Mark**

# IPOD

**(words only):** IPOD

**Standard Character claim:** Yes

**Current Status:** Registered.

**Date of Status:** 2007-11-20

**Filing Date:** 2005-06-18

**Transformed into a National Application:** No

**Registration Date:** 2007-11-20

**Register:** Principal

**Law Office Assigned:** LAW OFFICE 110

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**Current Location:** 650 -Publication And Issue Section

**Date In Location:** 2007-10-12

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

---

1. APPLE INC.

**Address:**

APPLE INC.  
1 INFINITE LOOP  
CUPERTINO, CA 95014  
United States

**Legal Entity Type:** Corporation

**State or Country of Incorporation:** California

### GOODS AND/OR SERVICES

**International Class:** 009

**Class Status:** Active

full line of electronic and mechanical parts and fittings for portable and handheld digital electronic devices for recording, organizing, transmitting, manipulating, and reviewing text, data, audio and video files; electronic docking stations; stands specially designed for holding portable and handheld digital electronic devices; battery chargers; battery packs; electrical connectors, wires, cables, and adaptors; wired and wireless remote controls for portable and handheld digital electronic devices; headphones and earphones; stereo amplifier and speaker base stations; automobile stereo adapters; audio recorders; radio receivers; radio transmitters; video viewers, namely video monitors for portable and handheld digital electronic devices; and computer software for portable and handheld digital electronic devices for recording, organizing, transmitting, manipulating, and reviewing text, data, audio, image, and video files; computer application software for recording and organizing calendars and schedules, to-do lists, and contact information; computer game software; and, computer software for clock and alarm clock functionality; carrying cases, all for use with portable and handheld digital electronic devices for recording, organizing, transmitting, manipulating, and reviewing text, data, audio, image, and video files

**Basis:** 1(a)

**First Use Date:** 2001-10-23

**First Use in Commerce Date:** 2001-10-23

### ADDITIONAL INFORMATION

**Prior Registration Number(s):**

2781793

2835698

### MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

### PROSECUTION HISTORY

**NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.**

2007-11-20 - Registered - Principal Register

2007-10-12 - Law Office Registration Review Completed

2007-10-12 - Assigned To LIE

2007-09-12 - Allowed for Registration - Principal Register (SOU accepted)

2007-09-12 - Assigned To Examiner

2007-09-06 - TEAS Extension Received

2007-09-01 - Statement of use processing complete

2007-08-21 - Amendment to Use filed  
2007-08-21 - TEAS Statement of Use Received  
2007-04-10 - Changes/Corrections After Pub Approval Entered  
2007-04-10 - Assigned To Petition Staff  
2007-03-06 - Notice of allowance - mailed  
2007-02-23 - FAX RECEIVED  
2007-02-07 - Assignment Of Ownership Not Updated Automatically  
2006-12-12 - Published for opposition  
2006-11-22 - Notice of publication  
2006-10-24 - Law Office Publication Review Completed  
2006-10-24 - Assigned To LIE  
2006-10-20 - Assigned To LIE  
2006-10-17 - Approved for Pub - Principal Register (Initial exam)  
2006-10-04 - Examiner's amendment mailed  
2006-10-03 - Examiner's Amendment Entered  
2006-10-03 - Examiners Amendment - Written  
2006-05-22 - Final refusal mailed  
2006-05-22 - Final Refusal Written  
2006-04-28 - Teas/Email Correspondence Entered  
2006-04-17 - Communication received from applicant  
2006-04-17 - TEAS Response to Office Action Received  
2006-01-19 - Non-final action mailed  
2006-01-18 - Non-Final Action Written  
2006-01-10 - Assigned To Examiner  
2005-06-22 - New Application Entered In Tram

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**ATTORNEY/CORRESPONDENT INFORMATION**

---

**Attorney of Record**

Lisa G. Widup

**Correspondent**

Lisa G. Widup

APPLE INC

1 INFINITE LOOP # MS 3TM

CUPERTINO CA 95014

Phone Number: 408-974-4954

Fax Number: 408-253-0186



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**IPOD**

<b>Word Mark</b>	IPOD
<b>Goods and Services</b>	IC 025. US 022 039. G & S: full line of clothing, footwear, and headwear
<b>Standard Characters Claimed</b>	
<b>Mark Drawing Code</b>	(4) STANDARD CHARACTER MARK
<b>Serial Number</b>	78653669
<b>Filing Date</b>	June 18, 2005
<b>Current Filing Basis</b>	1B
<b>Original Filing Basis</b>	1B
<b>Published for Opposition</b>	July 11, 2006
<b>Owner</b>	(APPLICANT) Apple Computer, Inc. CORPORATION CALIFORNIA 1 Infinite Loop Cupertino CALIFORNIA 95014
<b>Assignment Recorded</b>	ASSIGNMENT RECORDED
<b>Attorney of Record</b>	Thomas R. La Perle
<b>Prior Registrations</b>	2781793;2835698
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	PRINCIPAL
<b>Live/Dead Indicator</b>	LIVE

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**Serial Number:** 78653669 Assignment Information      Trademark Document Retrieval

**Registration Number:** (NOT AVAILABLE)

**Mark**

# IPOD

**(words only):** IPOD

**Standard Character claim:** Yes

**Current Status:** An opposition is now pending at the Trademark Trial and Appeal Board.

**Date of Status:** 2007-01-09

**Filing Date:** 2005-06-18

**Transformed into a National Application:** No

**Registration Date:** (DATE NOT AVAILABLE)

**Register:** Principal

**Law Office Assigned:** LAW OFFICE 110

**Attorney Assigned:**  
WOOD CAROLINE Employee Location

**Current Location:** 650 -Publication And Issue Section

**Date In Location:** 2006-06-01

---

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

---

1. Apple Computer, Inc.

**Address:**

Apple Computer, Inc.  
1 Infinite Loop  
Cupertino, CA 95014  
United States

**Legal Entity Type:** Corporation

**State or Country of Incorporation:** California

**Fax Number:** 408-253-0186

---

**GOODS AND/OR SERVICES**

---

**International Class:** 025

**Class Status:** Active

full line of clothing, footwear, and headwear

**Basis:** 1(b)

**First Use Date:** (DATE NOT AVAILABLE)

**First Use in Commerce Date:** (DATE NOT AVAILABLE)

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**ADDITIONAL INFORMATION**

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**Prior Registration Number(s):**

2781793

2835698

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**MADRID PROTOCOL INFORMATION**

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(NOT AVAILABLE)

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**PROSECUTION HISTORY**

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**NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.**

2007-02-23 - FAX RECEIVED

2007-02-07 - Assignment Of Ownership Not Updated Automatically

2007-01-09 - Opposition instituted for Proceeding

2006-08-09 - Extension Of Time To Oppose Received

2006-07-11 - Published for opposition

2006-06-21 - Notice of publication

2006-05-24 - Law Office Publication Review Completed

2006-05-19 - Assigned To LIE

2006-05-15 - Approved for Pub - Principal Register (Initial exam)

2006-04-27 - Teas/Email Correspondence Entered

2006-04-14 - Communication received from applicant

2006-04-14 - TEAS Response to Office Action Received

2006-01-19 - Non-final action mailed

2006-01-18 - Non-Final Action Written

2006-01-10 - Assigned To Examiner

2005-06-22 - New Application Entered In Tram

---

**ATTORNEY/CORRESPONDENT INFORMATION**

---

**Attorney of Record**

Thomas R. La Perle

**Correspondent**

Margaret C. McHugh

Townsend and Townsend and Crew LLP

Two Embarcadero Center 8th Floor

San Francisco, CA 94111-3834

Phone Number: 408-974-2385

Fax Number: 408-253-0186



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# IPOD

<b>Word Mark</b>	IPOD
<b>Goods and Services</b>	IC 022. US 001 002 007 019 022 042 050. G & S: Lanyards for portable and handheld digital electronic devices for recording, organizing, transmitting, manipulating, and reviewing text, data, audio, image, and video files. FIRST USE: 20041019. FIRST USE IN COMMERCE: 20041019
	IC 009. US 021 023 026 036 038. G & S: full line of holders, straps, armbands, and clips for portable and handheld digital electronic devices for recording, organizing, transmitting, manipulating, and reviewing text, data, audio, image, and video files. FIRST USE: 20020717. FIRST USE IN COMMERCE: 20020717
<b>Standard Characters Claimed</b>	
<b>Mark Drawing Code</b>	(4) STANDARD CHARACTER MARK
<b>Serial Number</b>	78653667
<b>Filing Date</b>	June 18, 2005
<b>Current Filing Basis</b>	1B
<b>Original Filing Basis</b>	1B
<b>Published for Opposition</b>	July 11, 2006
<b>Owner</b>	(APPLICANT) APPLE INC. CORPORATION CALIFORNIA 1 INFINITE LOOP CUPERTINO CALIFORNIA 95014
<b>Assignment Recorded</b>	ASSIGNMENT RECORDED
<b>Attorney of Record</b>	Lisa G. Widup
<b>Prior Registrations</b>	2781793;2835698

Type of Mark      TRADEMARK  
Register          PRINCIPAL  
Live/Dead  
Indicator          LIVE

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**Serial Number:** 78653667 Assignment Information      Trademark Document Retrieval

**Registration Number:** (NOT AVAILABLE)

**Mark**

# IPOD

**(words only):** IPOD

**Standard Character claim:** Yes

**Current Status:** A non-final refusal of the Statement of Use filed for this application has been mailed.

**Date of Status:** 2007-09-18

**Filing Date:** 2005-06-18

**Transformed into a National Application:** No

**Registration Date:** (DATE NOT AVAILABLE)

**Register:** Principal

**Law Office Assigned:** LAW OFFICE 110

**Attorney Assigned:**  
WOOD CAROLINE Employee Location

**Current Location:** MIX -TMO Law Office 110 - Examining Attorney Assigned

**Date In Location:** 2007-09-18

---

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

---

1. APPLE INC.

**Address:**  
APPLE INC.  
1 INFINITE LOOP  
CUPERTINO, CA 95014  
United States  
**Legal Entity Type:** Corporation

**State or Country of Incorporation:** California

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### GOODS AND/OR SERVICES

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**International Class:** 009

**Class Status:** Active

full line of holders, straps, armbands, and clips for portable and handheld digital electronic devices for recording, organizing, transmitting, manipulating, and reviewing text, data, audio, image, and video files

**Basis:** 1(b)

**First Use Date:** 2002-07-17

**First Use in Commerce Date:** 2002-07-17

**International Class:** 022

**Class Status:** Active

Lanyards for portable and handheld digital electronic devices for recording, organizing, transmitting, manipulating, and reviewing text, data, audio, image, and video files

**Basis:** 1(b)

**First Use Date:** 2004-10-19

**First Use in Commerce Date:** 2004-10-19

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### ADDITIONAL INFORMATION

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**Prior Registration Number(s):**

2781793

2835698

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### MADRID PROTOCOL INFORMATION

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(NOT AVAILABLE)

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### PROSECUTION HISTORY

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**NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.**

2007-09-18 - Non-final action mailed

2007-09-18 - SU - Non-Final Action - Written

2007-08-30 - Statement of use processing complete

2007-08-08 - Amendment to Use filed

2007-08-08 - TEAS Statement of Use Received

2007-03-30 - Extension 1 granted

2007-03-30 - Extension 1 filed

2007-03-30 - TEAS Extension Received

- 2007-02-07 - Automatic Update Of Assignment Of Ownership
- 2006-10-03 - Notice of allowance - mailed
- 2006-07-11 - Published for opposition
- 2006-06-21 - Notice of publication
- 2006-05-24 - Law Office Publication Review Completed
- 2006-05-19 - Assigned To LIE
- 2006-05-15 - Approved for Pub - Principal Register (Initial exam)
- 2006-04-28 - Teas/Email Correspondence Entered
- 2006-04-17 - Communication received from applicant
- 2006-04-17 - TEAS Response to Office Action Received
- 2006-01-19 - Non-final action mailed
- 2006-01-18 - Non-Final Action Written
- 2006-01-10 - Assigned To Examiner
- 2005-06-22 - New Application Entered In Tram

---

**ATTORNEY/CORRESPONDENT INFORMATION**

---

**Attorney of Record**

Lisa G. Widup

**Correspondent**

Lisa G. Widup

APPLE INC.

1 INFINITE LOOP # MS3TM

CUPERTINO CA 95014-2084

Phone Number: 408-974-4954

Fax Number: 408-253-0186



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TARR Status ASSIGN Status TDR TTAB Status ( Use the "Back" button of the Internet Browser to return to TESS)

# POD

<b>Word Mark</b>	POD
<b>Goods and Services</b>	IC 009. US 021 023 026 036 038. G & S: portable and handheld digital electronic devices for recording, organizing, transmitting, manipulating, and reviewing audio files, and peripherals for use therewith; computer software for use in organizing, transmitting, manipulating, and reviewing audio files on portable and handheld digital electronic devices
<b>Standard Characters Claimed</b>	
<b>Mark Drawing Code</b>	(4) STANDARD CHARACTER MARK
<b>Serial Number</b>	78459101
<b>Filing Date</b>	July 29, 2004
<b>Current Filing Basis</b>	1B;44E
<b>Original Filing Basis</b>	1B;44D
<b>Published for Opposition</b>	August 15, 2006
<b>Owner</b>	(APPLICANT) Apple Computer, Inc. CORPORATION CALIFORNIA 1 Infinite Loop Cupertino CALIFORNIA 95014
<b>Assignment Recorded</b>	ASSIGNMENT RECORDED
<b>Attorney of Record</b>	Thomas R. La Perle
<b>Priority Date</b>	January 30, 2004
<b>Prior Registrations</b>	2835698
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	PRINCIPAL

Live/Dead  
Indicator

LIVE

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**Serial Number:** 78459101 Assignment Information      Trademark Document Retrieval

**Registration Number:** (NOT AVAILABLE)

**Mark**

**POD**

**(words only):** POD

**Standard Character claim:** Yes

**Current Status:** An opposition is now pending at the Trademark Trial and Appeal Board.

**Date of Status:** 2007-02-12

**Filing Date:** 2004-07-29

**Transformed into a National Application:** No

**Registration Date:** (DATE NOT AVAILABLE)

**Register:** Principal

**Law Office Assigned:** LAW OFFICE 103

**Attorney Assigned:**  
MADDEN ANNE THERESE Employee Location

**Current Location:** 845 -TTAB

**Date In Location:** 2008-01-12

---

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

---

1. Apple Computer, Inc.

**Address:**

Apple Computer, Inc.  
1 Infinite Loop  
Cupertino, CA 95014  
United States

**Legal Entity Type:** Corporation

**State or Country of Incorporation:** California

**Phone Number:** 408-974-2385

**Fax Number:** 408-253-0186

---

**GOODS AND/OR SERVICES**

---

**International Class:** 009

**Class Status:** Active

portable and handheld digital electronic devices for recording, organizing, transmitting, manipulating, and reviewing audio files, and peripherals for use therewith; computer software for use in organizing, transmitting, manipulating, and reviewing audio files on portable and handheld digital electronic devices

**Basis:** 1(b), 44(e)

**First Use Date:** (DATE NOT AVAILABLE)

**First Use in Commerce Date:** (DATE NOT AVAILABLE)

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**ADDITIONAL INFORMATION**

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**Prior Registration Number(s):**

2835698

**Foreign Application Number:** 3634623

**Foreign Registration Number:** 3634623

**Foreign Registration Date:** 2005-12-21

**Country:** Erpn Cmnty TM Ofc

**Foreign Filing Date:** 2004-01-30

**Foreign Expiration Date:** 2014-01-30

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**MADRID PROTOCOL INFORMATION**

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(NOT AVAILABLE)

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**PROSECUTION HISTORY**

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**NOTE:** To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2008-01-03 - Opposition terminated for Proceeding

2008-01-03 - Opposition dismissed for Proceeding

2007-02-12 - Opposition instituted for Proceeding

2007-02-07 - Assignment Of Ownership Not Updated Automatically

2006-12-22 - Opposition instituted for Proceeding

2006-08-30 - Extension Of Time To Oppose Received

2006-08-15 - Published for opposition

2006-07-26 - Notice of publication  
2006-06-26 - Law Office Publication Review Completed  
2006-06-23 - Assigned To LIE  
2006-06-20 - Approved for Pub - Principal Register (Initial exam)  
2006-05-11 - Teas/Email Correspondence Entered  
2006-05-01 - Communication received from applicant  
2006-05-01 - TEAS Response to Office Action Received  
2006-02-27 - LIE Checked Susp - To Atty For Action  
2005-08-25 - Letter of suspension mailed  
2005-08-24 - Suspension Letter Written  
2005-08-24 - Teas/Email Correspondence Entered  
2005-08-18 - Communication received from applicant  
2005-08-18 - TEAS Response to Office Action Received  
2005-03-16 - Non-final action mailed  
2005-03-03 - Non-Final Action Written  
2005-03-03 - Assigned To Examiner  
2004-08-10 - New Application Entered In Tram

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**ATTORNEY/CORRESPONDENT INFORMATION**

**Attorney of Record**

Thomas R. La Perle

**Correspondent**

Margaret C. McHugh, Esq.  
TOWNSEND AND TOWNSEND AND CREW LLP  
TWO EMBARCADERO CENTER 8TH FLOOR  
SAN FRANCISCO, CA 94111-3834  
Phone Number: 408-974-2385  
Fax Number: 408-253-0186