

ESTTA Tracking number: **ESTTA268135**

Filing date: **02/23/2009**

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

Proceeding	91185393
Party	Plaintiff Hewlett-Packard Development Company, L.P.
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Submission	Motion for Summary Judgment
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Date	02/23/2009
Attachments	HP - Mot for Sum Judg.pdf (11 pages)(648217 bytes) HP - Decl for MSJ.pdf (5 pages)(234754 bytes) HP - Mot to Suspend.pdf (3 pages)(197366 bytes) HP - Exhibit A.pdf (10 pages)(792237 bytes) HP - Exhibit B.pdf (3 pages)(324790 bytes) HP - Exhibit C.pdf (4 pages)(475708 bytes) HP - Exhibit D.pdf (10 pages)(716073 bytes) HP - Exhibit E.pdf (5 pages)(417741 bytes) HP - Exhibit F.pdf (24 pages)(1248978 bytes)

I hereby certify that this correspondence is being deposited electronically with the Trademark Trial and Appeal Board on the date shown below.

Jeffrey E. Faucette

Dated: February 23, 2009

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

HEWLETT-PACKARD DEVELOPMENT
COMPANY, L.P.,

Opposer,

v.

VUDU, INC.,

Applicant.

Opposition No. 91185393

Serial No. 77/112,745

Filed: February 21, 2007

Published: March 25, 2008

Mark: **VUDU**

Opposer Hewlett-Packard Development
Company, L.P.'s Motion For Summary
Judgment

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1 **OPPOSER’S MOTION FOR SUMMARY JUDGMENT**

2 Opposer Hewlett-Packard Development Company, L.P. (“HP”), by and through its
3 counsel, hereby moves for summary judgment pursuant to Federal Rule of Civil Procedure
4 56 sustaining Opposition No. 91185393 on the ground that Applicant’s mark is likely to
5 cause confusion, mistake, or deception as to source, sponsorship or affiliation with
6 Opposer’s VOODOO mark.

7 This Motion is based on the memorandum in support set forth below, the declaration of
8 Jeffrey E. Faucette and the exhibits attached thereto, as well as the pleadings, documents and
9 records on file in this action and such further written or oral materials, evidence or
10 arguments as may be submitted to the Board prior to or at the hearing on this Motion. The
11 undisputed facts and arguments supporting this Motion are set forth below.

12 **MEMORANDUM IN SUPPORT OF OPPOSER’S**
13 **MOTION FOR SUMMARY JUDGMENT**

14 **INTRODUCTION**

15 HP owns two federal registrations for the mark VOODOO for use in connection with
16 personal computers and related services. HP’s VOODOO mark has been used in commerce
17 in connection with these goods and services since 1994. In 2007, Applicant filed an
18 application to register the mark VUDU in connection with goods and services permitting the
19 transmission and distribution of audio/visual content to televisions using set top boxes,
20 computers and computer software or the Internet to transmit the content. These marks sound
21 identical, have the identical connotation and vary only slightly in appearance. The goods
22 and services are related. The channels of trade are identical. In short, there is a likelihood of
23 confusion. HP’s motion for summary judgment should be granted and its opposition to this
24 application sustained.

25 **PROCEDURAL AND FACTUAL BACKGROUND**

26 On February 21, 2007, Applicant filed Application Serial No. 77/112,745 for VUDU
27 for use in connection with “[s]et top boxes, peripherals and software for use in the
28 transmission, storage and playback of audio and video content; computer software for use in

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1 computers for the transmission, storage and playback of audio and video content; software
2 for use in televisions for the transmission, storage and playback of audio and video content”
3 in Class 9; “providing consumer information used in the selection and purchase of audio and
4 video content” in Class 35; “audio and video broadcasting services, broadcasting audio and
5 video content over global computer networks, video-on-demand transmission services, pay-
6 per-view video and audio transmission services” in Class 38; “providing information in the
7 area of audio and video programming” in Class 41; and “providing a website featuring
8 temporary use of non-downloadable software allowing website users to store and playback
9 audio and video content for entertainment purposes” in Class 42 (“Applicant’s Intended
10 Goods and Services”). Declaration of Jeffrey E. Faucette in Support of Opposer’s Motion
11 for Summary Judgment (“Faucette Decl.”) Ex. A. This application was filed with the United
12 States Patent and Trademark Office (“USPTO”) on the basis of Applicant’s bona fide
13 intention to use the Proposed Mark in commerce under Section 1(b) of the Lanham Act, 15
14 U.S.C. §1051(b), and this application was assigned a Pseudo Mark of “VOODOO” by the
15 USPTO on February 28, 2007. *Id.*

16 On July 23, 2008, HP filed the above-captioned Opposition to Application Serial No.
17 77/112,745. On August 29, 2008, the Board entered an order granting Applicant’s motion
18 for an extension of answer or discovery or trial periods with consent. Pursuant to that order,
19 discovery is set to close on April 29, 2009, and HP’s pretrial disclosures are not due until
20 June 13, 2009. The parties exchanged their initial disclosures by November 25, 2008.

21 HP is the owner of U.S. Registration No. 2,988,445 issued on August 30, 2005, for the
22 word mark VODOO for use in connection with “computer systems, namely, personal and
23 gaming computers,” in Class 9; “custom manufacture of computers for others,” in Class 40;
24 and “custom design of computers for others; technical support services, namely, providing
25 information and assistance concerning the use and function of computer hardware and
26 software; and, information services, namely, providing information on computer systems,
27 computer design, technology and the industry to the public via connection to the global
28 computer network,” in Class 42 (“VOODOO Word Mark”). Faucette Decl. Ex. B. The

1 application for the VOODOO Word Mark was filed with the USPTO on October 29, 2001,
2 based on a first use in 1991 and a first use in commerce in January 1994. *Id.* HP is also the
3 owner of U.S. Registration No. 3,038,749 issued on January 10, 2006, for the design plus
4 word mark VOODOO, which consists in part of a stylized design of a picture of a mask
5 embedded in a diamond shape (“VOODOO Design Mark”) for use in connection with the
6 same goods and services as the VOODOO Word Mark. *Id.* Ex. C. The application for the
7 VOODOO Design Mark was filed with the USPTO on October 29, 2001, and claimed
8 priority based on previously filed home application Nos. 1,100,959 and 1,100,960, filed in
9 Canada on April 27, 2001. *Id.* The application was also based on a first use in Class 9 in
10 1991 and a first use in commerce in Class 9 in January 1994. *Id.*¹

11 Applicant has a second intent-to-use based application pending in the USPTO to
12 register the stylized word mark VUDU, Serial No. 77/229,745 (Class 9, 38, 41 & 42) (the
13 “Suspended Application”). Faucette Decl. Ex. D. The Suspended Application was filed on
14 July 13, 2007. A refusal to register under Section 2(d) of the Lanham Act, 15 U.S.C.
15 §1052(d), has been maintained against the application as of May 6, 2008, based on HP’s
16 VOODOO Word Mark and VOODOO Design Mark (collectively, the “VOODOO Marks”),
17 and the application is currently suspended pending the disposition of HP’s earlier-filed
18 application to register the word mark VOODOO, Serial No. 77/169,390 (Class 9), on the
19 ground that HP’s mark, if and when it registers, may be cited against Applicant’s Suspended
20 Application in a refusal to register under Section 2(d).

21 ARGUMENT

22 Federal Rule of Civil Procedure 56 provides for entry of summary judgment when

23
24 ¹HP has also filed an application for HP’s VOODOO mark for goods and services not
25 described in HP’s existing registrations. The application reflects HP’s substantial use of the
26 VOODOO marks on a wide range of goods and services—some of which are described in
27 HP’s existing registrations, some of which are within the reasonable zone of expansion of
28 HP’s existing registrations and some of which are beyond that zone. HP has pleaded these
common law uses of its VOODOO marks in this opposition, but the instant motion is based
solely on the likelihood of confusion between Applicant’s application and HP’s *existing*
registrations. The instant motion does *not* rely in any way upon HP’s extensive common law
uses of its VOODOO marks.

1 there “is no genuine issue as to any material fact,” and where the moving party is entitled to
2 judgment as a matter of law. The intended purpose of summary judgment “is to avoid an
3 unnecessary trial where more evidence than is already available could not reasonably be
4 expected to change the result.” *National Football League v. Jasper Alliance Corp.*, 16
5 U.S.P.Q.2d 1212, 1215 (T.T.A.B. 1990) (granting summary judgment to opposer in
6 opposition proceeding on likelihood of confusion grounds). “While the initial burden on a
7 motion for summary judgment is on the movant, if the movant’s position is supported by
8 affidavits and/or other evidence, the respondent must come forward with specific materials
9 of its own to show that there are triable issues of fact” *Id.* Based on the undisputed
10 facts set forth above and the law set forth below, the Board should grant summary judgment
11 in favor of HP on the ground of likelihood of confusion.

12 **HP IS ENTITLED TO SUMMARY JUDGMENT ON THE BASIS OF LIKELIHOOD**
13 **OF CONFUSION.**

14 An application to register a mark must be denied if there is a likelihood of confusion
15 with a registered trademark. Lanham Act §2(d), 15 U.S.C. §1052(d). If there are any
16 doubts, they must be resolved in favor of the senior user. *Nina Ricci, S.A.R.L. v. E.T.F.*
17 *Enters., Inc.*, 889 F.2d 1070, 1074 (Fed. Cir. 1989) (finding “there is ‘no excuse for even
18 approaching the well-known trademark of a competitor’”) (citation omitted). Whether a
19 likelihood of confusion exists is a question of law, based on underlying factual
20 determinations. *Lloyd’s Food Prods., Inc. v. Eli’s, Inc.*, 987 F.2d 766, 767 (Fed. Cir. 1993).

21 **A. HP Has Prior Rights To The VOODOO Trademark.**

22 HP’s trademark registrations for the VOODOO Word Mark and VOODOO Design
23 Mark establish HP’s priority. See Faucette Decl. Exs. A, B, C; see *Centraz Indus., Inc. v.*
24 *Spartan Chem. Co.*, 77 U.S.P.Q.2d 1698, 1699 (T.T.A.B. 2006) (“In view of opposer’s
25 ownership of a valid and subsisting registration, there is no issue regarding opposer’s
26 priority”).

1 **B. A Likelihood Of Confusion Exists Between Applicant’s Mark And HP’s**
2 **VOODOO Mark.**

3 Given HP’s priority, the Board must sustain HP’s Section 2(d) opposition if
4 Applicant’s use of the VUDU mark with the goods and services listed in its application
5 would create a likelihood of confusion with HP’s registered VOODOO mark. *See Warner*
6 *Bros., Inc. v. Road Runner Car Wash, Inc.*, 189 U.S.P.Q. 430, 432 (T.T.A.B. 1976). The
7 Board determines the likelihood of confusion after considering the applicable *DuPont*
8 factors. *In re E.I. DuPont de Nemours & Co.*, 177 U.S.P.Q. 563, 567 (C.C.P.A. 1973). A
9 consideration of the relevant *DuPont* factors² reveals that a likelihood of confusion exists
10 here.

11 **1. Applicant’s VUDU Mark Is Substantially Similar To HP’s VOODOO**
12 **Mark.**

13 The similarity of marks is to be considered with respect to appearance, sound and
14 connotation. *See DuPont*, 177 U.S.P.Q. at 567. To begin with, the sound of HP’s
15 VOODOO mark and Applicant’s VUDU mark are identical. A consumer hearing someone
16 discuss HP’s VOODOO goods or services will hear the same mark as someone discussing
17 Applicant’s VUDU goods or services. The Board has commonly found a likelihood of
18 confusion between phonetically equivalent marks despite differences in spelling. *See*
19 *Kabushiki Kaisha Hattori Tokeiten v. Scutto*, 228 U.S.P.Q. 461, 462 (T.T.A.B. 1985)
20 (similar appearance and pronunciation of SEYCOS and SEIKO creates likelihood of
21 confusion when marks are used on the same type of goods); *In re Energy Telecomms. &*
22 *Elec. Ass’n*, 222 U.S.P.Q. 350, 352 (T.T.A.B. 1983) (phonetic identity of marks ENTELEC
23 and INTELECT); *In re Pellerin Milnor Corp.*, 221 U.S.P.Q. 558, 560 (T.T.A.B. 1983)

25 ²Not all of the *DuPont* factors are relevant here, and HP has only set out the factors
26 relevant to the Board’s consideration of the likelihood of confusion in this case. *See, e.g., In*
27 *re Majestic Distilling Co.*, 315 F.3d 1311, 1315 (Fed. Cir. 2003) (“Not all of the *DuPont*
28 factors may be relevant or of equal weight in a given case, and ‘any one of the factors may control a particular case’”) (quoting *In re Dixie Rests., Inc.*, 105 F.3d 1405, 1406-07, 41 U.S.P.Q.2d 1531, 1533 (Fed. Cir. 1997)).

1 (slight spelling variations between MILTRON and MILLTRONICS does not overcome
2 essential similarity of marks); *In re South Bend Toy Mfg. Co.*, 218 U.S.P.Q. 479, 480
3 (T.T.A.B. 1983) (likelihood of confusion between LITTLE LADY and LIL' LADY
4 BUGGY); *In re Cresco Mfg. Co.*, 138 U.S.P.Q. 401, 402 (T.T.A.B. 1963) (identity of sound
5 in CRESCO and KRESSCO for related goods is sufficient basis alone for finding likelihood
6 of confusion); *In re Strathmore Prods., Inc.*, 136 U.S.P.Q. 81, 82 (T.T.A.B. 1962)
7 (likelihood of confusion between phonetically equivalent marks "GLISTEN" and
8 "GLISS'N").

9 While Applicant has adopted a non-traditional spelling of the word "voodoo," the
10 connotation remains the same. "Voodoo" is a religion of West African origin which has
11 come to be a term associated with sorcery and magic in the United States. In connection
12 with computers and technology, the most likely connotation among consumers is that these
13 devices work in magical and mysterious ways. This connotation applies equally to the use
14 of HP's VOODOO mark on the goods and services described in its registrations and to the
15 use of Applicant's VUDU mark on the goods and services described in its application.

16 Finally, the appearance of the marks is also substantially similar. The dominant visual
17 cue in both marks is the initial "V". Taken together, the appearance, sound and connotation
18 render these two marks substantially similar. This factor favors a finding of likelihood of
19 confusion.

20 **2. Applicant's Application Describes Goods And Services Which Are**
21 **Related To The Goods And Services Described In HP's Registrations.**

22 This factor requires examination of the "relatedness of the goods." *DuPont*, 177
23 U.S.P.Q. at 567. The fundamental question is whether the goods and services at issue can be
24 related in the mind of the consuming public as to the origin of the goods. *Recot, Inc. v. M.C.*
25 *Becton*, 54 U.S.P.Q.2d 1894, 1897 (Fed. Cir. 2000). The question "must be decided on the
26 basis of the identification of goods or services set forth in the application, regardless of what
27 the record may reveal as to the particular nature of applicant's goods, the particular channels
28 of trade, or the class of purchasers to which sales of the goods or services are directed."

1 *Packard Press Inc. v. Hewlett-Packard Co.*, 56 U.S.P.Q.2d 1351, 1355 (Fed. Cir. 2000). “It
2 is not necessary that these respective goods be identical or even competitive in order to
3 support a finding of likelihood of confusion.” *Time Warner Entm’t Co. v. Jones*, 65
4 U.S.P.Q.2d 1650, 1661 (T.T.A.B. 2002).

5 Here, this question can only be answered in favor of a finding of a likelihood of
6 confusion. HP’s registration describes, *inter alia*, “computer systems, namely, personal and
7 gaming computers,” in Class 9 and “technical support services, namely, providing
8 information and assistance concerning the use and function of computer hardware and
9 software; and, information services, namely, providing information on computer systems,
10 computer design, technology and the industry to the public via connection to the global
11 computer network,” in Class 42. Faucette Decl. Exs. B, C. Applicant’s application
12 describes, *inter alia*, “[s]et top boxes, peripherals and software for use in the transmission,
13 storage and playback of audio and video content; computer software for use in computers for
14 the transmission, storage and playback of audio and video content; software for use in
15 televisions for the transmission, storage and playback of audio and video content” in Class 9
16 and “providing a website featuring temporary use of non-downloadable software allowing
17 website users to store and playback audio and video content for entertainment purposes” in
18 Class 42. *Id.* Ex. A. Although there is no *per se* rule that computer hardware and software
19 are related goods, as described by Applicant, these goods and services are related. *See, e.g.,*
20 *In re Graphics Tech. Corp.*, 222 U.S.P.Q. 179, 181 (T.T.A.B. 1984) (finding AGILE for
21 software confusing similar to AGILE for computer data terminals; noting that it is “highly
22 likely” for consumers to mistakenly assume a common source when the same mark is used
23 on hardware and software).

24 HP anticipates that Applicant will focus on the term “set top box” and attempt to
25 distinguish a set top box from a computer in an effort to differentiate its application from
26 HP’s registrations. This is a distinction offering very little real difference. At its most basic,
27 a set top box is a device that provides a signal permitting the display of content on a
28

1 television set. Faucette Decl. ¶6 & Ex. E.³ Under this definition, a computer can be a “set
2 top box.” Personal computers sold today can be connected to televisions and provide a
3 signal permitting content to be displayed on the television, and computer companies also sell
4 other devices facilitating the connection of computers and their content to televisions under
5 the same trademark as the computers. *Id.* Ex. F (citing examples such as Dell, Apple and
6 Acer). Of course the rest of Applicant’s description makes clear that it is describing
7 something more like a computer than a mere transmission box—the description
8 encompasses the box, the peripherals and software necessary to use it, but it also covers
9 software to allow a computer to serve the same function as the set top box and software
10 allowing a television to have this audio/visual capability even without the set top box. Thus,
11 the use of the term “set top box” in the description does not distinguish Applicant’s
12 application from HP’s registrations.

13 Looking past Applicant’s anticipated argument, the overlap between these descriptions
14 of goods and services becomes most obvious in Applicant’s description of “computer
15 software for use in computers” and in the descriptions of how HP and Applicant both intend
16 to use the Internet. Certainly, consumers could use Applicant’s software in HP’s computers
17 to display Applicant’s proffered content. Consumers could also find both HP’s services and
18 Applicant’s services on the global computer network, i.e. the Internet. In sum, these are
19 related goods and this factor favors a finding of likelihood of confusion.

20 **3. Applicant’s Trade Channels Are The Same As HP’s Trade Channels.**

21 There are no express limitations in the identification of goods and services by
22 Applicant, and the Board must presume that Applicant’s goods and services will move
23 through all reasonable trade channels for such goods and services. *Centraz Indus. Inc. v.*
24 *Spartan Chem. Co., Inc.*, 77 U.S.P.Q.2d 1698, 1700 (T.T.A.B. 2006). HP’s registrations
25 describe personal computers and software and services distributed through the Internet;

26
27 ³Extrinsic evidence can be consulted to remove uncertainty as to the nature of the
28 goods or service that are identified in the application. *In re Continental Graphics Corp.*, 52
U.S.P.Q.2d 1374, 1376-77 (T.T.A.B. 1999).

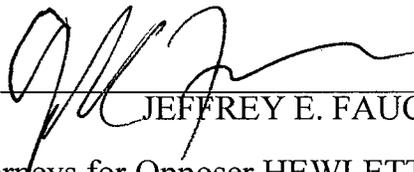
1 Applicant's application describes a set top box and computer software and services
2 distributed through the Internet. Thus, the trade channels are the same, and this factor favors
3 a finding of likelihood of confusion.

4 **CONCLUSION**

5 For all of the foregoing reasons, the Board should grant HP's motion for summary
6 judgment and sustain HP's Section 2(d) grounds of opposition to the Application.

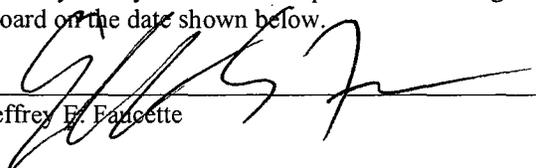
7
8 DATED: February 23, 2009.

9 HOWARD RICE NEMEROVSKI CANADY
10 FALK & RABKIN
11 A Professional Corporation

12 By: 
13 _____
14 JEFFREY E. FAUCETTE
15 Attorneys for Opposer HEWLETT-PACKARD
16 DEVELOPMENT COMPANY, L.P.

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1 I hereby certify that this correspondence is being deposited electronically with the Trademark Trial and Appeal
2 Board on the date shown below.

3 
Jeffrey E. Faucette

Dated: February 23, 2009

4
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Serial No. 77/112,745

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Published: March 25, 2008

Mark: **VUDU**

Declaration Of Jeffrey E. Faucette In
Support Of Opposer Hewlett-Packard
Development Company, L.P.'s Motion For
Summary Judgment

1 I, Jeffrey E. Faucette, declare as follows:

2 1. I am an attorney at Howard, Rice, Nemerovski, Canady, Falk & Rabkin, A
3 Professional Corporation, counsel of record for Opposer Hewlett-Packard Development
4 Company, L.P. ("HP"). I make this declaration in support of HP's Motion for Summary
5 Judgment. Except where otherwise indicated, this declaration is based upon my own
6 personal knowledge, and I could and would testify competently to the truth of the matters
7 stated herein if called upon to do so.

8 2. Attached hereto as Exhibit A is a true and correct copy of Application Serial No.
9 77/112,745, that I obtained from the United States Patent and Trademark Office website on
10 or about February 17, 2009, along with the corresponding Trademark Electronic Search
11 System (TESS) report and the February 28, 2007 Notice of Pseudo Mark, which I also
12 obtained from the United States Patent and Trademark Office website on or about the same
13 time.

14 3. On or about July 23, 2008, I filed HP's Opposition to Application Serial No.
15 77/112,745. On or about August 29, 2008, the Board extended Applicant's time to answer
16 the opposition, and all subsequent deadlines in connection with this proceeding. Pursuant to
17 the Board's order, discovery is set to close on April 29, 2009, and HP's pretrial disclosures
18 are due on June 13, 2009. The parties exchanged their initial disclosures by November 25,
19 2008.

20 4. HP owns two valid and subsisting registrations for the mark VOODOO.
21 Attached hereto as Exhibit B is a true and correct certified status and title copy of HP's
22 Registration No. 2,988,445, and attached hereto as Exhibit C is a true and correct certified
23 status and title copy of HP's Registration No. 3,038,749.

24 5. Attached hereto as Exhibit D is a true and correct copy of Application Serial No.
25 77/229,745, that I obtained from the United States Patent and Trademark Office website on
26 February 17, 2009, along with the corresponding Trademark Electronic Search System
27 (TESS) report, which I also obtained from the United States Patent and Trademark Office
28 website on or about the same time.

1 6. On February 17, 2009, I accessed the online encyclopedia site Wikipedia. I
2 performed a search for the term “set top box.” I then printed the article on Wikipedia under
3 the heading “Set-top box.” Attached hereto as Exhibit E is a true and correct copy of the
4 printout of the webpage en.wikipedia.org/w/index.php?title=Set-top_box&printable=yes.

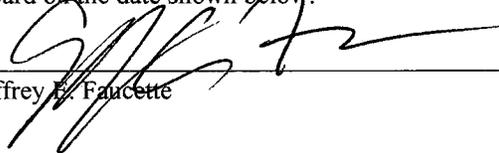
5 7. On February 17, 2009, I reviewed various websites offering personal computers
6 and related products for sale which could be connected to televisions and provide
7 audio/visual content to televisions. For example, on www.dell.com, Dell offers a desktop
8 computer with standard features permitting it to be connected via a standard HDMI
9 connector to a television with an HDMI connection. These Dell computers have “home
10 theater upgrades” including a Blu-Ray DVD player and a television tuner. I printed the page
11 displaying these desktop computers at www.dell.com/content/products/category.aspx/desktop-studio?c=us&cs=19&l=en&ref=dthp&s=dhs. Dell also offers televisions for sale under
12 the DELL mark, and Dell appears to own a registration (Registration Number 3215023) for
13 the mark DELL for, *inter alia*, “desktop computers” and “televisions.” On www.apple.com,
14 Apple offers a product called Apple TV which “turns your widescreen TV into a digital
15 entertainment hub.” I printed the page [store.apple.com/us/browse/home/shop_ipod/family/a](http://store.apple.com/us/browse/home/shop_ipod/family/apple_tv?mco=MTE3MzI)
16 [pple_tv?mco=MTE3MzI](http://store.apple.com/us/browse/home/shop_ipod/family/apple_tv?mco=MTE3MzI). Apple, Inc. also appears to own a registration (Registration
17 Number 3359045) for the mark APPLE TV for, *inter alia*, “computer hardware” and “set top
18 boxes.” On us.acer.com, Acer offers desktop computers for home use which come equipped
19 with a TV tuner card and an HDMI output port. I printed the page [us.acer.com/acer/product.](http://us.acer.com/acer/product.do?link=oln23g.redirect&changedAlts=&kcond5e.c2att92=450&CRC=2460066799)
20 [do?link=oln23g.redirect&changedAlts=&kcond5e.c2att92=450&CRC=2460066799](http://us.acer.com/acer/product.do?link=oln23g.redirect&changedAlts=&kcond5e.c2att92=450&CRC=2460066799). Acer
21 also appears to own a registration (Registration Number 3290412) for the mark ACER for,
22 *inter alia*, “computer hardware” and “set-top boxes for use with computers.” Attached
23 hereto as Exhibit F are true and correct copies of these printouts from the Dell, Apple and
24 Acer websites and true and correct copies of the DELL, APPLE TV and ACER registrations
25 and Trademark Applications and Registrations Retrieval (TARR) status reports that I
26 obtained from the United States Patent and Trademark Office website on February 17 and
27 February 18, 2009.
28

1 I declare under penalty of perjury under the laws of the United States of America that
2 the foregoing is true and correct to the best of my knowledge. Executed this 23th day of
3 February 2009, at San Francisco, California.

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5 
6 _____
7 JEFFREY E. FAUCETTE
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13 HOWARD
14 RICE
NEMEROVSKI
CANADY
FALK
& RABKIN
A Professional Corporation
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I hereby certify that this correspondence is being deposited electronically with the Trademark Trial and Appeal Board on the date shown below.


Jeffrey E. Faucette

Dated: February 23, 2009

JEFFREY E. FAUCETTE (Cal. Bar No. 193066)
ROBERT D. HALLMAN (Cal. Bar No. 239949)
HOWARD RICE NEMEROVSKI CANADY
FALK & RABKIN
A Professional Corporation
Three Embarcadero Center, 7th Floor
San Francisco, California 94111-4024
Telephone: 415/434-1600
Facsimile: 415/217-5910

Attorneys for Opposer
HEWLETT-PACKARD DEVELOPMENT
COMPANY, L.P.

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

HEWLETT-PACKARD DEVELOPMENT
COMPANY, L.P.,

Opposer,

v.

VUDU, INC.,

Applicant.

Opposition No. 91185393

Serial No. 77/112,745

Filed: February 21, 2007

Published: March 25, 2008

Mark: **VUDU**

Opposer Hewlett-Packard Development
Company, L.P.'s Motion To Suspend
Proceedings

HOWARD
RICE
NEMEROVSKI
CANADY
FALK
& RABKIN
A Professional Corporation

Trademark/Service Mark Application, Principal Register

Serial Number: 77112745
Filing Date: 02/21/2007

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	77112745
MARK INFORMATION	
*MARK	<u>VUDU</u>
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	VUDU
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font, style, size, or color.
APPLICANT INFORMATION	
*OWNER OF MARK	Marquee, Inc.
*STREET	2901 Tasman Drive
INTERNAL ADDRESS	Suite 101
*CITY	Santa Clara
*STATE (Required for U.S. applicants)	California
*COUNTRY	United States
*ZIP/POSTAL CODE (Required for U.S. applicants only)	95054
LEGAL ENTITY INFORMATION	
*TYPE	CORPORATION
*STATE/COUNTRY OF INCORPORATION	Delaware
GOODS AND/OR SERVICES SECTION	
INTERNATIONAL CLASS	009

DESCRIPTION	Set top boxes, peripherals and software for use in the transmission, storage and playback of audio and video content; computer software for use in computers for the transmission, storage and playback of audio and video content; software for use in televisions for the transmission, storage and playback of audio and video content
FILING BASIS	SECTION 1(b)
GOODS AND/OR SERVICES SECTION	
INTERNATIONAL CLASS	038
DESCRIPTION	audio and video broadcasting services, broadcasting audio and video content over global computer networks, video-on-demand transmission services, pay-per-view video and audio transmission services
FILING BASIS	SECTION 1(b)
GOODS AND/OR SERVICES SECTION	
INTERNATIONAL CLASS	041
DESCRIPTION	providing information in the area of audio and video programming, providing information used in the selection and purchase of audio and video content
FILING BASIS	SECTION 1(b)
GOODS AND/OR SERVICES SECTION	
INTERNATIONAL CLASS	042
DESCRIPTION	providing access to online, non-downloadable software for the transmission, storage and playback of audio and video content
FILING BASIS	SECTION 1(b)
ATTORNEY INFORMATION	
NAME	Harold J. Milstein
ATTORNEY DOCKET NUMBER	42301-1000
FIRM NAME	Heller Ehrman LLP
STREET	275 Middlefield Road
CITY	Menlo Park
STATE	California
COUNTRY	United States

ZIP/POSTAL CODE	94025-3506
PHONE	650 324 7000
FAX	650 324 0638
EMAIL ADDRESS	sv-trademark@hellerehrman.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
OTHER APPOINTED ATTORNEY	Lisa Greenwald-Swire, Thayer M. Preece, Chelsea E. Larsen, Beth M. Goldman, John C. Wilson
CORRESPONDENCE INFORMATION	
NAME	Harold J. Milstein
FIRM NAME	Heller Ehrman LLP
STREET	275 Middlefield Road
CITY	Menlo Park
STATE	California
COUNTRY	United States
ZIP/POSTAL CODE	94025-3506
PHONE	650 324 7000
FAX	650 324 0638
EMAIL ADDRESS	sv-trademark@hellerehrman.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
FEE INFORMATION	
NUMBER OF CLASSES	4
FEE PER CLASS	325
TOTAL FEE DUE	1300
SIGNATURE INFORMATION	
* SIGNATORY FILE	\\TICRS2\EXPORT12\771\127\77112745\xml1\APP0003.JPG
SIGNATORY'S NAME	Edward Lichty
SIGNATORY'S POSITION	Chief Operating Officer
FILING INFORMATION SECTION	

SUBMIT DATE	Wed Feb 21 17:11:55 EST 2007
TEAS STAMP	USPTO/BAS-38.114.141.2-20 070221171155320683-771127 45-360e132f0db216ce1b0d3f 47d3d5464e-ET-584-2007022 1170530798731

PTO Form 1472 (Rev 9/2006)
OMB No 0651-0009 (Exp 09/30/2008)

Trademark/Service Mark Application, Principal Register

Serial Number: 77112745

Filing Date: 02/21/2007

To the Commissioner for Trademarks:

MARK: VUDU (Standard Characters, see mark)

The literal element of the mark consists of VUDU. The mark consists of standard characters, without claim to any particular font, style, size, or color.

The applicant, Marquee, Inc., a corporation of Delaware, having an address of Suite 101, 2901 Tasman Drive, Santa Clara, California, United States, 95054, requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended.

International Class 009: Set top boxes, peripherals and software for use in the transmission, storage and playback of audio and video content; computer software for use in computers for the transmission, storage and playback of audio and video content; software for use in televisions for the transmission, storage and playback of audio and video content

Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

International Class 038: audio and video broadcasting services, broadcasting audio and video content over global computer networks, video-on-demand transmission services, pay-per-view video and audio transmission services

Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

International Class 041: providing information in the area of audio and video programming,

providing information used in the selection and purchase of audio and video content

Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

International Class 042: providing access to online, non-downloadable software for the transmission, storage and playback of audio and video content

Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

The applicant hereby appoints Harold J. Milstein and Lisa Greenwald-Swire, Thayer M. Preece, Chelsea E. Larsen, Beth M. Goldman, John C. Wilson of Heller Ehrman LLP, 275 Middlefield Road, Menlo Park, California, United States, 94025-3506 to submit this application on behalf of the applicant. The attorney docket/reference number is 42301-1000.

Correspondence Information: Harold J. Milstein

275 Middlefield Road
Menlo Park, California 94025-3506
650 324 7000(phone)
650 324 0638(fax)
sv-trademark@hellerehrman.com (authorized)

A fee payment in the amount of \$1300 will be submitted with the application, representing payment for 4 class(es).

Declaration

Signatory's Signature: signatory file

Signatory's Name: Edward Lichty

Signatory's Position: Chief Operating Officer

RAM Sale Number: 584

RAM Accounting Date: 02/22/2007

Serial Number: 77112745

Internet Transmission Date: Wed Feb 21 17:11:55 EST 2007

TEAS Stamp: USPTO/BAS-38.114.141.2-20070221171155320

683-77112745-360e132f0db216ce1b0d3f47d3d

5464e-ET-584-20070221170530798731

VUDU

Declaration

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

Signature Section:

Signature: 
Date Signed: Feb 20 2007
Signatory's Name: EDWARD LICHY
Signatory's Position: Chief Operating Officer



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VUDU

Word Mark	VUDU
Goods and Services	IC 009. US 021 023 026 036 038. G & S: Set top boxes, peripherals and software for use in the transmission, storage and playback of audio and video content; computer software for use in computers for the transmission, storage and playback of audio and video content; software for use in televisions for the transmission, storage and playback of audio and video content. IC 035. US 100 101 102. G & S: providing consumer information used in the selection and purchase of audio and video content IC 038. US 100 101 104. G & S: audio and video broadcasting services, broadcasting audio and video content over global computer networks, video-on-demand transmission services, pay-per-view video and audio transmission services IC 041. US 100 101 107. G & S: providing information in the area of audio and video programming IC 042. US 100 101. G & S: providing a website featuring temporary use of non-downloadable software allowing website users to store and playback audio and video content for entertainment purposes
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	77112745

Filing Date February 21, 2007
Current Filing Basis 1B
Original Filing Basis 1B
Published for Opposition March 25, 2008
Owner (APPLICANT) Marquee, Inc. CORPORATION DELAWARE Suite 101 2901 Tasman Drive Santa Clara CALIFORNIA 95054
Assignment Recorded ASSIGNMENT RECORDED
Attorney of Record Harold J. Milstein
Type of Mark TRADEMARK. SERVICE MARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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From: TMDesignCodeComments
Sent: Wednesday, February 28, 2007 00:07 AM
To: sv-trademark@hellerehrman.com
Subject: Notice of Pseudo Mark for Serial Number: 77112745

ATTORNEY REFERENCE NUMBER: 42301-1000

The USPTO may assign pseudo marks, as appropriate, to new applications to assist in searching the USPTO database for conflicting marks. They have no legal significance and will not appear on the registration certificate. A PSEUDO MARK may be assigned to marks that include words, numbers, compound words, symbols, or acronyms that can have alternative spellings or meanings. For example, if the mark comprises the words 'YOU ARE' surrounded by a design of a box, the pseudo mark field in the USPTO database would display the mark as 'YOU ARE SQUARE'. A mark filed as 'URGR8' would receive a pseudo mark of 'YOU ARE GREAT'. You are not required to respond to this notice. However, if you would like to suggest additions or changes to the pseudo mark assigned to your mark, please send an email to TMDesignCodeComments@USPTO.GOV or call 1-800-786-9199 to speak to a Customer Service representative. No fee is necessary. (Please include the serial number of your application on ALL correspondence with the USPTO.) The USPTO will review your request and update the record if appropriate. The USPTO will not send any further response to your e-mail. Check TESS in approximately two weeks to see if the requested changes have been entered. Requests deemed unnecessary or inappropriate will not be entered. **Pseudo marks assigned to the referenced serial number are listed below.**

PSEUDO MARK:

VOODOO

7169394



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

February 10, 2009

THE ATTACHED U.S. TRADEMARK REGISTRATION 2,988,445 IS CERTIFIED TO BE A TRUE COPY WHICH IS IN FULL FORCE AND EFFECT WITH NOTATIONS OF ALL STATUTORY ACTIONS TAKEN THEREON AS DISCLOSED BY THE RECORDS OF THE UNITED STATES PATENT AND TRADEMARK OFFICE.

REGISTERED FOR A TERM OF 10 YEARS FROM *August 30, 2005*

AMENDMENT/CORRECTION/NEW CERT(SEC7) ISSUED

SAID RECORDS SHOW TITLE TO BE IN:

***HEWLETT-PACKARD DEVELOPMENT COMPANY, L.P.
A TEXAS LIMITED PARTNERSHIP***

**By Authority of the
Under Secretary of Commerce for Intellectual Property
and Director of the United States Patent and Trademark Office**

**M. TARVER
Certifying Officer**



Int. Cls.: 9, 40 and 42

Prior U.S. Cls.: 21, 23, 26, 36, 38, 100, 101,
103 and 106

Reg. No. 2,988,445

United States Patent and Trademark Office

Registered Aug. 30, 2005

Corrected

OG Date Mar. 6, 2007

**TRADEMARK
SERVICE MARK
PRINCIPAL REGISTER**

VOODOO

HEWLETT-PACKARD DEVELOPMENT
COMPANY, L.P. (TEXAS LIMITED
PARTNERSHIP)

20555 STATE HIGHWAY 249
HOUSTON, TX 77070

OWNER OF CANADA REG. NO.
TMA576464, DATED 2-26-2003, EXPIRES
2-26-2018.

FOR: COMPUTER SYSTEMS,
NAMELY, PERSONAL AND GAMING
COMPUTERS, IN CLASS 9 (U.S. CLS. 21,
23, 26, 36 AND 38).

FIRST USE 0-0-1991; IN COMMERCE
1-0-1994.

FOR: CUSTOM MANUFACTURE OF
COMPUTERS FOR OTHERS, IN CLASS
40 (U.S. CLS. 100, 103 AND 106).

FIRST USE 0-0-1991; IN COMMERCE
1-0-1994.

FOR: CUSTOM DESIGN OF COMPU-
TERS FOR OTHERS; TECHNICAL SUP-
PORT SERVICES, NAMELY, PROVIDING
INFORMATION AND ASSISTANCE CON-
CERNING THE USE AND FUNCTION
OF COMPUTER HARDWARE AND
SOFTWARE; AND, INFORMATION SER-
VICES, NAMELY, PROVIDING INFOR-
MATION ON COMPUTER SYSTEMS,
COMPUTER DESIGN, TECHNOLOGY
AND THE INDUSTRY TO THE PUBLIC
VIA CONNECTION TO THE GLOBAL
COMPUTER NETWORK, IN CLASS 42
(U.S. CLS. 100 AND 101).

FIRST USE 0-0-1991; IN COMMERCE
1-0-1994.

SER. NO. 76-331,293, FILED 10-29-2001.

*In testimony whereof I have hereunto set my hand
and caused the seal of The Patent and Trademark
Office to be affixed on Mar. 6, 2007.*

DIRECTOR OF THE U.S. PATENT AND TRADEMARK OFFICE

Int. Cls.: 9, 40 and 42

Prior U.S. Cls.: 21, 23, 26, 36, 38, 100, 101, 103 and 106

United States Patent and Trademark Office

Reg. No. 2,988,445

Registered Aug. 30, 2005

TRADEMARK
SERVICE MARK
PRINCIPAL REGISTER

VOODOO

VOODOO CREATIVE COMPUTER SOLUTIONS
LTD. (CANADA CORPORATION)
1313 CENTRE STREET SOUTH
CALGARY, ALBERTA, CANADA T2G 2E3

FOR: COMPUTER SYSTEMS, NAMELY, PERSONAL AND GAMING COMPUTERS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 0-0-1991; IN COMMERCE 1-0-1994.

FOR: CUSTOM MANUFACTURE OF COMPUTERS FOR OTHERS, IN CLASS 40 (U.S. CLS. 100, 103 AND 106).

FIRST USE 0-0-1991; IN COMMERCE 1-0-1994.

FOR: CUSTOM DESIGN OF COMPUTERS FOR OTHERS; TECHNICAL SUPPORT SERVICES,

NAMELY, PROVIDING INFORMATION AND ASSISTANCE CONCERNING THE USE AND FUNCTION OF COMPUTER HARDWARE AND SOFTWARE; AND, INFORMATION SERVICES, NAMELY, PROVIDING INFORMATION ON COMPUTER SYSTEMS, COMPUTER DESIGN, TECHNOLOGY AND THE INDUSTRY TO THE PUBLIC VIA CONNECTION TO THE GLOBAL COMPUTER NETWORK, IN CLASS 42 (U.S. CLS. 100 AND 101).

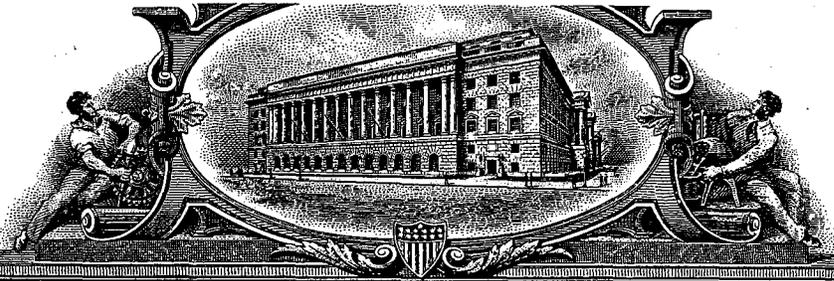
FIRST USE 0-0-1991; IN COMMERCE 1-0-1994.

OWNER OF CANADA REG. NO. TMA576464,
DATED 2-26-2003, EXPIRES 2-26-2018.

SER. NO. 76-331,293, FILED 10-29-2001.

TINA L. SNAPP, EXAMINING ATTORNEY

7169394



THE UNITED STATES OF AMERICA

**TO ALL TO WHOM THESE PRESENTS SHALL COME:
UNITED STATES DEPARTMENT OF COMMERCE**

United States Patent and Trademark Office

February 11, 2009

THE ATTACHED U.S. TRADEMARK REGISTRATION 3,038,749 IS CERTIFIED TO BE A TRUE COPY WHICH IS IN FULL FORCE AND EFFECT WITH NOTATIONS OF ALL STATUTORY ACTIONS TAKEN THEREON AS DISCLOSED BY THE RECORDS OF THE UNITED STATES PATENT AND TRADEMARK OFFICE.

REGISTERED FOR A TERM OF 10 YEARS FROM *January 10, 2006*

AMENDMENT/CORRECTION/NEW CERT (SEC 7) ISSUED

SAID RECORDS SHOW TITLE TO BE IN:

*HEWLETT- PACKARD DEVELOPMENT COMPANY, L.P. COMPOSED OF
HPQ HOLDINGS, LLC, DELAWARE LIMITED LIABILITY COMPANY
A TEXAS LIMITED PARTNERSHIP*

By Authority of the
Under Secretary of Commerce for Intellectual Property
and Director of the United States Patent and Trademark Office


N. WILLIAMS
Certifying Officer



Int. Cls.: 9, 40 and 42

Prior U.S. Cls.: 21, 23, 26, 36, 38, 100, 101,
103 and 106

Reg. No. 3,038,749

United States Patent and Trademark Office

Registered Jan. 10, 2006

Corrected

OG Date Mar. 6, 2007

TRADEMARK
SERVICE MARK
PRINCIPAL REGISTER



HEWLETT-PACKARD DEVELOPMENT
COMPANY, L.P. (TEXAS LIMITED
PARTNERSHIP)
20555 STATE HIGHWAY 249
HOUSTON, TX 77070

PRIORITY CLAIMED UNDER SEC.
44(D) ON CANADA APPLICATION NO.
1,100,959, FILED 4-27-2001, REG. NO.
TMA576769, DATED 3-3-2003, EXPIRES 3-
3-2018.

THE MARK CONSISTS, IN PART, OF
A STYLIZED DESIGN OF A PICTURE
OF A MASK EMBEDDED IN A DIA-
MOND SHAPE.

FOR: (BASED ON USE IN COM-
MERCE) (BASED ON 44(D) PRIORITY
APPLICATION) COMPUTER SYSTEMS,
NAMELY, PERSONAL AND GAMING
COMPUTERS, IN CLASS 9 (U.S. CLS. 21,
23, 26, 36 AND 38).

FIRST USE 0-0-1991; IN COMMERCE
1-0-1994.

FOR: (BASED ON 44(D) PRIORITY
APPLICATION) CUSTOM MANUFACT-
TURE OF COMPUTERS FOR OTHERS,
IN CLASS 40 (U.S. CLS. 100, 103 AND
106).

FOR: (BASED ON 44(D) PRIORITY
APPLICATION) CUSTOM DESIGN OF
COMPUTERS FOR OTHERS; TECHNICAL
SUPPORT SERVICES, NAMELY,
PROVIDING INFORMATION AND ASSIS-
TANCE CONCERNING THE USE AND
FUNCTION OF COMPUTER HARD-
WARE AND SOFTWARE; AND, INFOR-
MATION SERVICES, NAMELY,
PROVIDING INFORMATION ON COM-
PUTER SYSTEMS, COMPUTER DESIGN,
TECHNOLOGY AND THE INDUSTRY
TO THE PUBLIC VIA CONNECTION TO
THE GLOBAL COMPUTER NETWORK,
IN CLASS 42 (U.S. CLS. 100 AND 101).

SER. NO. 76-330,778, FILED 10-29-2001.

*In testimony whereof I have hereunto set my hand
and caused the seal of The Patent and Trademark
Office to be affixed on Mar. 6, 2007.*

DIRECTOR OF THE U.S. PATENT AND TRADEMARK OFFICE

Int. Cls.: 9, 40 and 42

Prior U.S. Cls.: 21, 23, 26, 36, 38, 100, 101,
103 and 106

Reg. No. 3,038,749

United States Patent and Trademark Office

Registered Jan. 10, 2006

Corrected

OG Date Jan. 23, 2007

TRADEMARK
SERVICE MARK
PRINCIPAL REGISTER



VOODOO CREATIVE COMPUTER LTD.
(CANADA CORPORATION)
1313 CENTRE STREET SOUTH
CALGARY, ALBERTA, CANADA T2G
2E3

PRIORITY CLAIMED UNDER SEC.
44(D) ON CANADA APPLICATION NO.
1,100,959, FILED 4-27-2001, REG. NO.
TMA576769, DATED 3-3-2003, EXPIRES 3-
3-2018.

THE MARK CONSISTS, IN PART, OF
A STYLIZED DESIGN OF A PICTURE
OF A MASK EMBEDDED IN A DIA-
MOND SHAPE.

FOR: (BASED ON USE IN COM-
MERCE) (BASED ON 44(D) PRIORITY
APPLICATION) COMPUTER SYSTEMS,
NAMELY, PERSONAL AND GAMING
COMPUTERS, IN CLASS 9 (U.S. CLS. 21,
23, 26, 36 AND 38).

FIRST USE 0-0-1991; IN COMMERCE
1-0-1994.

FOR: (BASED ON 44(D) PRIORITY
APPLICATION) CUSTOM MANUFAC-
TURE OF COMPUTERS FOR OTHERS,
IN CLASS 40 (U.S. CLS. 100, 103 AND
106).

FOR: (BASED ON 44(D) PRIORITY
APPLICATION) CUSTOM DESIGN OF
COMPUTERS FOR OTHERS; TECHNICAL
SUPPORT SERVICES, NAMELY,
PROVIDING INFORMATION AND ASSIS-
TANCE CONCERNING THE USE AND
FUNCTION OF COMPUTER HARD-
WARE AND SOFTWARE; AND, INFOR-
MATION SERVICES, NAMELY,
PROVIDING INFORMATION ON COM-
PUTER SYSTEMS, COMPUTER DESIGN,
TECHNOLOGY AND THE INDUSTRY
TO THE PUBLIC VIA CONNECTION TO
THE GLOBAL COMPUTER NETWORK,
IN CLASS 42 (U.S. CLS. 100 AND 101).

SER. NO. 76-330,778, FILED 10-29-2001.

*In testimony whereof I have hereunto set my hand
and caused the seal of The Patent and Trademark
Office to be affixed on Jan. 23, 2007.*

DIRECTOR OF THE U.S. PATENT AND TRADEMARK OFFICE

Int. Cls.: 9, 40 and 42

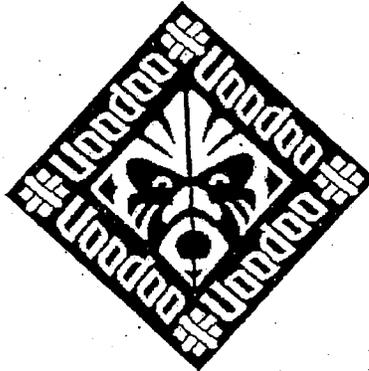
Prior U.S. Cls.: 21, 23, 26, 36, 38, 100, 101, 103 and 106

United States Patent and Trademark Office

Reg. No. 3,038,749

Registered Jan. 10, 2006

TRADEMARK
SERVICE MARK
PRINCIPAL REGISTER



VOODOO CREATIVE COMPUTER SOLUTIONS
LTD. (CANADA CORPORATION)
1313 CENTRE STREET SOUTH
CALGARY, ALBERTA, CANADA T2G 2E3

FOR: (BASED ON USE IN COMMERCE) (BASED ON 44(D) PRIORITY APPLICATION) COMPUTER SYSTEMS, NAMELY, PERSONAL AND GAMING COMPUTERS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 0-0-1991; IN COMMERCE 1-0-1994.

FOR: (BASED ON 44(D) PRIORITY APPLICATION) CUSTOM MANUFACTURE OF COMPUTERS FOR OTHERS, IN CLASS 40 (U.S. CLS. 100, 103 AND 106).

FOR: (BASED ON 44(D) PRIORITY APPLICATION) CUSTOM DESIGN OF COMPUTERS FOR OTHERS; TECHNICAL SUPPORT SERVICES, NAMELY, PROVIDING INFORMATION AND AS-

SISTANCE CONCERNING THE USE AND FUNCTION OF COMPUTER HARDWARE AND SOFTWARE; AND, INFORMATION SERVICES, NAMELY, PROVIDING INFORMATION ON COMPUTER SYSTEMS, COMPUTER DESIGN, TECHNOLOGY AND THE INDUSTRY TO THE PUBLIC VIA CONNECTION TO THE GLOBAL COMPUTER NETWORK, IN CLASS 42 (U.S. CLS. 100 AND 101).

PRIORITY CLAIMED UNDER SEC. 44(D) ON CANADA APPLICATION NO. 1,100,959, FILED 4-27-2001, REG. NO. TMA576769, DATED 3-3-2003, EXPIRES 3-3-2018.

THE MARK CONSISTS, IN PART, OF A STYLIZED DESIGN OF A PICTURE OF A MASK EMBEDDED IN A DIAMOND SHAPE.

SER. NO. 76-330,778, FILED 10-29-2001.

TINA L. SNAPP, EXAMINING ATTORNEY

Trademark/Service Mark Application, Principal Register

Serial Number: 77229745

Filing Date: 07/13/2007

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	77229745
MARK INFORMATION	
*MARK	<u>\\TICRS2\EXPORT13\772\297\77229745\xml1\APP0002.JPG</u>
SPECIAL FORM	YES
USPTO-GENERATED IMAGE	NO
LITERAL ELEMENT	VUDU
COLOR MARK	NO
DESCRIPTION OF THE MARK (and Color Location, if applicable)	The mark consists of Stylized letters VUDU.
PIXEL COUNT ACCEPTABLE	YES
PIXEL COUNT	328 x 300
APPLICANT INFORMATION	
*OWNER OF MARK	Marquee, Inc.
*STREET	2901 Tasman Drive
INTERNAL ADDRESS	Suite 101
*CITY	Santa Clara
*STATE (Required for U.S. applicants)	California
*COUNTRY	United States
*ZIP/POSTAL CODE (Required for U.S. applicants only)	95054
LEGAL ENTITY INFORMATION	
*TYPE	CORPORATION

*STATE/COUNTRY OF INCORPORATION	Delaware
GOODS AND/OR SERVICES SECTION	
INTERNATIONAL CLASS	009
DESCRIPTION	Set top boxes, peripherals and software for use in the transmission, storage and playback of audio and video content; computer software for use in computers for the transmission, storage and playback of audio and video content; software for use in televisions for the transmission, storage and playback of audio and video content
FILING BASIS	SECTION 1(b)
GOODS AND/OR SERVICES SECTION	
INTERNATIONAL CLASS	038
DESCRIPTION	audio and video broadcasting services, broadcasting audio and video content over global computer networks, video-on-demand transmission services, pay-per-view video and audio transmission services
FILING BASIS	SECTION 1(b)
GOODS AND/OR SERVICES SECTION	
INTERNATIONAL CLASS	041
DESCRIPTION	providing information in the area of audio and video programming, providing information used in the selection and purchase of audio and video content
FILING BASIS	SECTION 1(b)
GOODS AND/OR SERVICES SECTION	
INTERNATIONAL CLASS	042
DESCRIPTION	providing access to online, non-downloadable software for the transmission, storage and playback of audio and video content
FILING BASIS	SECTION 1(b)
ATTORNEY INFORMATION	
NAME	Harold J. Milstein
ATTORNEY DOCKET NUMBER	42301-1000
FIRM NAME	Heller Ehrman LLP

STREET	275 Middlefield Road
CITY	Menlo Park
STATE	California
COUNTRY	United States
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PHONE	650 324 7000
FAX	650 324 0638
EMAIL ADDRESS	sv-trademark@hellerehrman.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
OTHER APPOINTED ATTORNEY	Lisa Greenwald-Swire, Thayer M. Preece, Chelsea E. Larsen, Beth M. Goldman, John C. Wilson
CORRESPONDENCE INFORMATION	
NAME	Harold J. Milstein
FIRM NAME	Heller Ehrman LLP
STREET	275 Middlefield Road
CITY	Menlo Park
STATE	California
COUNTRY	United States
ZIP/POSTAL CODE	94025-3506
PHONE	650 324 7000
FAX	650 324 0638
EMAIL ADDRESS	sv-trademark@hellerehrman.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
FEE INFORMATION	
NUMBER OF CLASSES	4
FEE PER CLASS	325
TOTAL FEE DUE	1300
SIGNATURE INFORMATION	

* SIGNATORY FILE	\\TICRS2\EXPORT13\772\297\77229745\xml1\APP0003.JPG
SIGNATORY'S NAME	John Kogan
SIGNATORY'S POSITION	CFO
FILING INFORMATION SECTION	
SUBMIT DATE	Fri Jul 13 20:34:46 EDT 2007
TEAS STAMP	USPTO/BAS-38.114.141.2-20 070713203446530807-772297 45-37067bd101fd9a922f57d2 29d654cd2462-ET-2983-2007 0713202530920697

PTO Form 1476 (Rev 9/2006)
OMB No. 0651-0069 (Exp 09/30/2008)

Trademark/Service Mark Application, Principal Register

Serial Number: 77229745

Filing Date: 07/13/2007

To the Commissioner for Trademarks:

MARK: VUDU (stylized and/or with design, see mark)

The literal element of the mark consists of VUDU. The applicant is not claiming color as a feature of the mark. The mark consists of Stylized letters VUDU.

The applicant, Marquee, Inc., a corporation of Delaware, having an address of Suite 101, 2901 Tasman Drive, Santa Clara, California, United States, 95054, requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended.

International Class 009: Set top boxes, peripherals and software for use in the transmission, storage and playback of audio and video content; computer software for use in computers for the transmission, storage and playback of audio and video content; software for use in televisions for the transmission, storage and playback of audio and video content

Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

International Class 038: audio and video broadcasting services, broadcasting audio and video content over global computer networks, video-on-demand transmission services, pay-per-view video and audio

transmission services

Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

International Class 041: providing information in the area of audio and video programming, providing information used in the selection and purchase of audio and video content

Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

International Class 042: providing access to online, non-downloadable software for the transmission, storage and playback of audio and video content

Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

The applicant hereby appoints Harold J. Milstein and Lisa Greenwald-Swire, Thayer M. Preece, Chelsea E. Larsen, Beth M. Goldman, John C. Wilson of Heller Ehrman LLP, 275 Middlefield Road, Menlo Park, California, United States, 94025-3506 to submit this application on behalf of the applicant. The attorney docket/reference number is 42301-1000.

Correspondence Information: Harold J. Milstein

275 Middlefield Road
Menlo Park, California 94025-3506
650 324 7000(phone)
650 324 0638(fax)
sv-trademark@hellerehrman.com (authorized)

A fee payment in the amount of \$1300 will be submitted with the application, representing payment for 4 class(es).

Declaration

Signatory's Signature: signatory file

Signatory's Name: John Kogan

Signatory's Position: CFO

RAM Sale Number: 2983

RAM Accounting Date: 07/16/2007

Serial Number: 77229745

Internet Transmission Date: Fri Jul 13 20:34:46 EDT 2007

TEAS Stamp: USPTO/BAS-38.114.141.2-20070713203446530

807-77229745-37067bd101fd9a922f57d229d65

4cd2462-ET-2983-20070713202530920697

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Declaration

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

Signature Section:

Signature: 
Date Signed: 7/17/07
Signatory's Name: John Kogan
Signatory's Position: CEO



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Word Mark VUDU
Goods and Services IC 009. US 021 023 026 036 038. G & S: Set top boxes, peripherals and software for use in the transmission, storage and playback of audio and video content; computer software for use in computers for the transmission, storage and playback of audio and video content; software for use in televisions for the transmission, storage and playback of audio and video content

IC 038. US 100 101 104. G & S: audio and video broadcasting services, broadcasting audio and video content over global computer networks, video-on-demand transmission services, pay-per-view video and audio transmission services

IC 041. US 100 101 107. G & S: providing information in the area of audio and video programming, providing information used in the selection and purchase of audio and video content for entertainment purposes

IC 042. US 100 101. G & S: providing temporary use of online, non-downloadable software for the transmission, storage and playback of audio and video content

Mark Drawing Code (5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM

Serial Number 77229745

Filing Date July 13, 2007

Current Filing Basis 1B

Original Filing 1B

Basis

Owner (APPLICANT) VUDU, INC. CORPORATION DELAWARE 2901 TASMAN DRIVE, SUITE 101
SANTA CLARA CALIFORNIA 95054

Assignment Recorded ASSIGNMENT RECORDED

Attorney of Record Harold J. Milstein

Description of Mark Color is not claimed as a feature of the mark. The mark consists of Stylized letters VUDU.

Type of Mark TRADEMARK. SERVICE MARK

Register PRINCIPAL

Live/Dead Indicator LIVE

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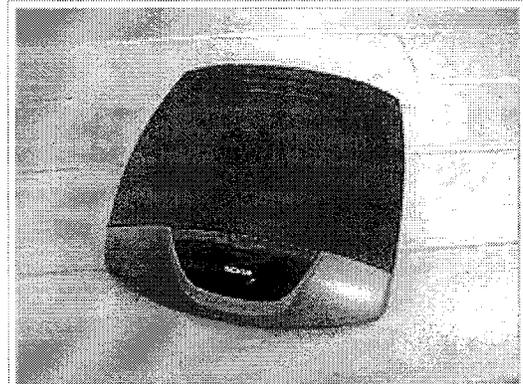
Set-top box

From Wikipedia, the free encyclopedia

A **set-top box** (STB) or **set-top unit** (STU) is a device that connects to a television and an external source of signal, turning the signal into content which is then displayed on the television screen.

Contents

- 1 History
- 2 Digital television
- 3 Many TV signal sources
 - 3.1 IPTV
- 4 Ambiguities in the definition
- 5 Software quality
- 6 See also
- 7 References
- 8 External links



A Nokia Mediamaster 260 S digital satellite-television set-top box

History

Before the All-Channel Receiver Act of 1962 required US television receivers to be able to tune the entire VHF and UHF range (which in North America was NTSC-M channels 2 through 83 on 54 to 890 MHz), a set-top box known as a UHF converter would be installed at the receiver to shift a portion of the UHF-TV spectrum onto low-VHF channels for viewing. As some 1960s-era twelve-channel TV sets remained in use for many years, and Canada and Mexico were slower than the US to require UHF tuners to be factory-installed in new TV's, a market for these converters continued to exist for much of the 1970s.

Cable television represented a possible alternative to deployment of UHF converters as broadcasts could be frequency-shifted to VHF channels at the cable head-end instead of the final viewing location. Unfortunately, cable brought a new problem; most cable systems could not accommodate the full 54-390 MHz VHF/UHF frequency range and the twelve channels of VHF space were quickly exhausted on most systems. Adding any additional channels therefore needed to be done by inserting the extra signals into cable systems on non-standard frequencies, typically either below VHF channel 7 (midband) or directly above VHF channel 13 (superband).

These frequencies corresponded to non-television services (such as two-way radio) over-the-air and were therefore not on standard TV receivers. Before cable-ready TV sets became common in the late 1980s, a set-top box known as a cable converter box was needed to receive the additional analog cable TV channels and convert them to frequencies that could be seen on a regular TV. These boxes often provided a wired or wireless remote control which could be used to shift one selected channel to a low-VHF frequency (most often channels 3 or 4) for viewing. Block conversion of the entire affected frequency band onto UHF, while less common, was used by some models to provide full VCR compatibility and the ability to drive multiple TV sets, albeit with a somewhat non-standard channel

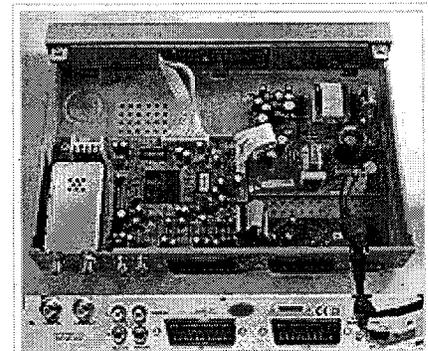
numbering scheme.

Newer television receivers greatly reduced the need for external set-top boxes, although cable converter boxes continue to be used to descramble premium cable channels and to receive digital cable channels, along with using interactive services like video on demand, pay per view, and home shopping through television. Satellite and microwave-based services also require specific external receiver hardware, so the use of set-top boxes of various formats never completely disappeared.

Digital television

Special digital set-top boxes are available for receiving digital television broadcasts on TV sets that do not have a built in digital tuner. In the case of direct broadcast satellite (mini-dish) systems such as SES Astra, Dish Network, DirecTV or Astro, the set-top box is an integrated receiver/decoder (or IRD).

In the United Kingdom, digital set-top boxes (often referred to as *digiboxes*, after Sky Digital's trademark for their unit) are usually for digital terrestrial television through services such as Freeview, a service operated by the Freeview Consortium, or through digital satellite with BSkyB and also with digital cable. They are used to access television as well as audio and interactive services through the "Red Button" promoted by broadcasters such as the BBC with BBC Red Button or Sky with Sky Active. Current Freeview set-top boxes and digital televisions are not capable of decoding the protocol DVB-T2 that terrestrial High-definition will use in 2009, so viewers will need to purchase an HD receiver when the time comes.



A consumer Palcom DSL-350 satellite-receiver, the IF demodulation tuner is on the bottom left, and a Fujitsu MPEG decoder CPU in the center of the board. Power supply on the right.

In Australia set-top boxes are the principal means of receiving digital terrestrial broadcasts as comparably few television sets have in-built digital tuners. The Foxtel set-top boxes (including the Foxtel iQ unit) are also used to receive subscription television from Foxtel. For HDTV receiving they are using Beyonwiz manufactured media centers which came to market at March 2007.

In the United States, deployment of a very basic coupon-eligible converter box is supported through a \$40 federal subsidy to encourage viewers of over-the-air television to adopt ATSC standards before the shutdown of full-power analog broadcasts planned for February 17, 2009. These boxes are not readily available in Canada and Mexico, where broadcasters are not yet required to transition to digital television, although ATSC-capable tuners are appearing in some new TV's and television-related products such as computer video capture cards, satellite receivers and DVD recorders.

Globally, some boxes also have a built-in digital video recorder (or DVR) which often utilises the electronic programme guide scheduling data and records content to an internal hard drive.

Many TV signal sources

The signal source might be an ethernet cable , a satellite dish, a coaxial cable (see cable television), a

telephone line (including DSL connections), Broadband over Power Line, or even an ordinary VHF or UHF antenna. Content, in this context, could mean any or all of video, audio, Internet webpages, interactive games, or other possibilities.

IPTV

In IPTV networks, the set-top box is a small computer providing two-way communications on an IP network, and decoding the video streaming media. IP set-top boxes have a built in home network interface which can be Ethernet or one of the existing wire home networking technologies such as HomePNA.

In the US and France, IPTV is being used by telephone companies (often on ADSL or optical fibre networks) as a means to compete with traditional local cable television monopolies.

Most of the set top boxes in France are distributed by the Internet providers and allow the consumer to have access to IPTV, VoIP, Internet and media centre functionalities.

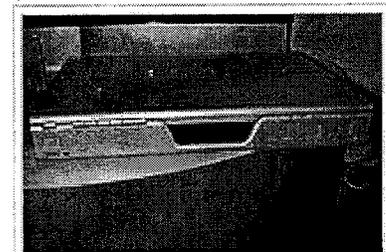
Ambiguities in the definition

With the advent of flat panel televisions set-top boxes are now deeper in profile than the tops of most modern TV sets. Because of this set-top boxes are often placed beneath televisions and the term set-top box has become something of a misnomer.

A set-top box does not necessarily contain a tuner of its own. A box connected to a television (or VCR) set's SCART connector is fed with the baseband television signal from the set's tuner, and can ask the television to display the returned processed signal instead.

This SCART feature had been used for connection to analogue decoding equipment by Pay TV operators in Europe, and in the past was used for connection to teletext equipment before the decoders became built-in. The outgoing signal could be of the same nature as the incoming signal, or RGB component video, or even an "insert" over the original signal, thanks to the "fast switching" feature of SCART.

In case of analogue pay-TV, this approach avoided the need for a second remote control. The use of digital television signals in more modern pay-TV schemes requires that decoding take place before the digital-to-analogue conversion step, rendering the video outputs of an analogue SCART connector no longer suitable for interconnection to decryption hardware. Standards such as DVB's Common Interface and ATSC's CableCARD therefore use a PCMCIA-like card inserted as part of the digital signal path as their alternative to a tuner-equipped set-top box.



Pace Micro Technology
DC757X Set top box

The distinction between external tuner or demodulator boxes (traditionally considered to be "set-top boxes") and storage devices (such as VCR, DVD or disc-based PVR units) is also blurred by the increasing deployment of satellite and cable tuner boxes with hard discs, network or USB interfaces built-in.

Devices with computer terminal-like capabilities, such as the WebTV thin-client, also fall into a grey

area.

Software quality

As complexity of the set-top box increases, the software quality practices of the industry become obvious and many systems have bugs.^[1] However, users of software-based solutions such as Windows Vista's Media Center and MythTV have a very flexible list of possible features ranging from basic DVR-like functionality to features such as DVD copying, home automation, and house-wide music/video file playing.

See also

Related Technologies:

- Apple TV
- ATSC tuner
- Audio
- Cable modem
- Connectivity: RS-232, USB, Bluetooth and Wi-Fi
- Digital television adapter (DTA)
- DOCSIS
- DTVPal converter boxes
- DVB
- Free-to-air
- FTA receiver
- Integrated Services Digital Broadcasting
- Interactive television
- IPTV
- QAM tuner
- QPSK
- Satellite dish
- SlingBox
- Symbol rate
- Cable Converter Box
- Media extender, Digital media receiver or HDD media player

FLOSS Technologies:

- The Freedom Box, a STB with Free Software: www.freedombox.tv

Mobile phone interaction with the STB

- ITEA WellCom Project using Bluetooth and NFC for authentication, pairing and seamless service access
- SES Astra Bluetooth enabled Set Top Box (STB)

References

1.^ "The Chimera of Software Quality".

<http://www.computer.org/portal/site/computer/menuitem.eb7d70008ce52e4b0ef1bd108bcd45f3/index.jsp?>

[computer.org](http://www.computer.org/portal/site/computer/menuitem.eb7d70008ce52e4b0ef1bd108bcd45f3/index.jsp?&pName=computer_level1&path=computer/homepage/Aug07&file=profession.xml&xsl=article.xsl&jsessionId=HILtV9yJh01bCLb3GTQCZJL2VxGNxZPZLvJWXJpJwsjg2711JmW9.080322)

External links

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Categories: [Consumer electronics](#) | [Satellite television](#) | [Cable television](#)

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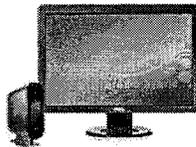
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Windows Media Center is available only in Genuine Windows Vista® Home Premium and Genuine Windows Vista® Ultimate. TV playback and recording features require an integrated or external USB TV tuner. May not be compatible with all cable systems and local broadcast signals. For full functionality of Windows Media Center, Internet access is required.

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Int. Cls.: 2, 9, 36, 37, 40 and 42

Prior U.S. Cls.: 6, 11, 16, 21, 23, 26, 36, 38, 100, 101, 102, 103 and 106

Reg. No. 3,215,023

Registered Mar. 6, 2007

United States Patent and Trademark Office

**TRADEMARK
SERVICE MARK
PRINCIPAL REGISTER**

DELL INC. (DELAWARE CORPORATION)
MS#8033
ONE DELL WAY
ROUND ROCK, TX 78682

FOR: TONER CARTRIDGES AND INK JET CARTRIDGES, IN CLASS 2 (U.S. CLS. 6, 11 AND 16).

FIRST USE 3-25-2003; IN COMMERCE 3-25-2003.

FOR: DESKTOP COMPUTERS, NOTEBOOK COMPUTERS, LAPTOP COMPUTERS, SERVERS, COMPUTER PERIPHERAL DEVICES AND PARTS AND FITTINGS THEREFOR; MONITORS, KEYBOARDS, MICE, PRINTERS, SCANNERS, FACSIMILE DEVICES, REMOTE CONTROL DEVICES, PROJECTORS, CO-PROCESSORS, MODEMS, HARD AND FLOPPY DISK DRIVES, TAPE DRIVES, CD READ/WRITE DRIVES, DIGITAL VIDEO READ/WRITE DRIVES, OPTICAL DRIVES, DATA STORAGE DEVICES, DOCKING STATIONS, BATTERY CHARGERS, SPEAKERS AND, ELECTRONIC OR MAGNETIC CARDS AND MEMORY ADD ONS, MEMORY BOARDS AND CHIPS, CABLES AND CONNECTORS, ALL FOR USE WITH COMPUTERS; COMPUTER OPERATING AND UTILITY SOFTWARE ALL SOLD TOGETHER AS A UNIT; PERSONAL AND HANDHELD COMPUTERS; PERSONAL DIGITAL ASSISTANT (PDA), ELECTRONIC ORGANIZERS, ELECTRONIC NOTEPADS, MEMORY CARDS, COMPACT FLASH CARDS; SMART MEDIA CARDS, COMPUTER STYLUS, BATTERIES, BATTERY CHARGERS, DIGITAL AUDIO RECORDERS, AND DIGITAL AUDIO PLAYBACK DEVICES, MP3 PLAYERS, HEADPHONES, HANDHELD CARRYING CASES, ELECTRIC POWER ADAPTERS, VEHICLE ELECTRIC POWER ADAPTERS, KEYBOARDS, SCANNERS, CRADLES FOR RECHARGING AND CONNECTING TO OTHER DEVICES AND PERIPHERALS, ELECTRIC CABLES AND CONNECTORS

FOR THE ABOVE COMPUTER HARDWARE AND COMPUTER PERIPHERALS, NAMELY MODEMS, COMPUTER CABLES, HANDHELD COMPUTERS WITH WIRELESS E-MAIL AND WIRELESS ACCESS TO ELECTRONIC COMMUNICATIONS NETWORKS; PROJECTORS; AND ELECTRONIC INSTRUCTION MANUALS SOLD THEREWITH AS A UNIT FOR ALL THE AFORESAID GOODS; 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 A PORTABLE AND HANDHELD DIGITAL ELECTRONIC DEVICES; TELEVISIONS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 7-31-1992; IN COMMERCE 7-31-1992.

FOR: CREDIT SERVICES; LEASING OF COMPUTERS, IN CLASS 36 (U.S. CLS. 100, 101 AND 102).

FIRST USE 7-31-1992; IN COMMERCE 7-31-1992.

FOR: MAINTENANCE AND REPAIR OF COMPUTER HARDWARE; INSTALLATION OF COMPUTER NETWORKS; INSTALLATION OF COMPUTER SYSTEMS, IN CLASS 37 (U.S. CLS. 100, 103 AND 106).

FIRST USE 7-31-1992; IN COMMERCE 7-31-1992.

FOR: CUSTOM MANUFACTURE OF COMPUTERS FOR OTHERS, IN CLASS 40 (U.S. CLS. 100, 103 AND 106).

FIRST USE 7-31-1992; IN COMMERCE 7-31-1992.

FOR: TECHNICAL SUPPORT SERVICES, NAME-
LY, TROUBLESHOOTING OF COMPUTER HARD-
WARE AND SOFTWARE PROBLEMS;
CONSULTING SERVICES IN THE FIELD OF DE-
SIGN, SELECTION, IMPLEMENTATION AND USE
OF COMPUTER HARDWARE AND SOFTWARE
SYSTEMS FOR OTHERS, IN CLASS 42 (U.S. CLS.
100 AND 101).

FIRST USE 7-31-1992; IN COMMERCE 7-31-1992.

OWNER OF U.S. REG. NOS. 1,616,571, 2,806,770
AND OTHERS.

THE MARK CONSISTS OF THE WORD DELL
WITH A STYLIZED E IN A DIAMOND SHAPE THAT
APPEARS AS A SLANTED E WITHIN THE WORD.

SER. NO. 78-717,252, FILED 9-21-2005.

HENRY S. ZAK, EXAMINING ATTORNEY

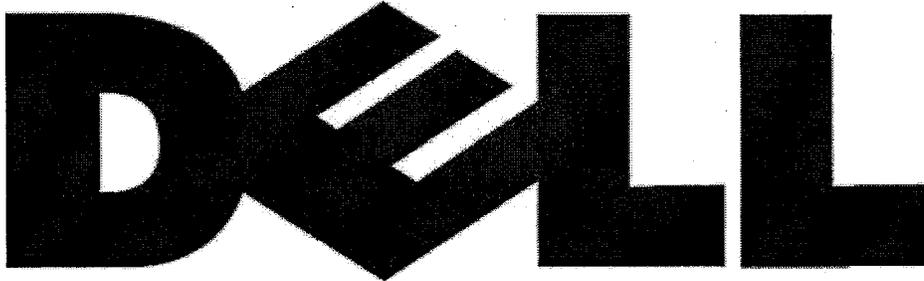
Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2009-02-18 14:12:21 ET

Serial Number: 78717252 Assignment Information Trademark Document Retrieval

Registration Number: 3215023

Mark



(words only): DELL

Standard Character claim: No

Current Status: Registered.

Date of Status: 2007-03-06

Filing Date: 2005-09-21

Transformed into a National Application: No

Registration Date: 2007-03-06

Register: Principal

Law Office Assigned: LAW OFFICE 117

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

Current Location: 650 -Publication And Issue Section

Date In Location: 2007-03-06

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

1. Dell Inc.

Address:
Dell Inc.
MS#8033 One Dell Way

Round Rock, TX 78682
United States
Legal Entity Type: Corporation
State or Country of Incorporation: Delaware
Phone Number: 512-723-6483
Fax Number: 512-283-6483

GOODS AND/OR SERVICES

International Class: 002
Class Status: Active
toner cartridges and ink jet cartridges
Basis: 1(a)
First Use Date: 2003-03-25
First Use in Commerce Date: 2003-03-25

International Class: 009
Class Status: Active
Desktop computers, notebook computers, laptop computers, servers, computer peripheral devices and parts and fittings therefor; monitors, keyboards, mice, printers, scanners, facsimile devices, remote control devices, projectors, co-processors, modems, hard and floppy disk drives, tape drives, CD read/write drives, digital video read/write drives, optical drives, data storage devices, docking stations, battery chargers, speakers and, electronic or magnetic cards and memory add ons, memory boards and chips, cables and connectors, all for use with computers; computer operating and utility software all sold together as a unit; personal and handheld computers; Personal digital assistant (PDA), electronic organizers, electronic notepads, memory cards, compact flash cards; smart media cards, computer styli, batteries, battery chargers, digital audio recorders, and digital audio playback devices, mp3 players, headphones, handheld carrying cases, electric power adapters, vehicle electric power adapters, keyboards, scanners, cradles for recharging and connecting to other devices and peripherals, electric cables and connectors for the above computer hardware and computer peripherals, namely modems, computer cables, handheld computers with wireless e-mail and wireless access to electronic communications networks; projectors; and electronic instruction manuals sold therewith as a unit for all the aforesaid goods; 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 a portable and handheld digital electronic devices; televisions
Basis: 1(a)
First Use Date: 1992-07-31
First Use in Commerce Date: 1992-07-31

International Class: 036
Class Status: Active
Credit Services; Leasing of computers
Basis: 1(a)
First Use Date: 1992-07-31
First Use in Commerce Date: 1992-07-31

International Class: 037
Class Status: Active
Maintenance and repair of computer hardware; Installation of computer networks; Installation of

computer systems

Basis: 1(a)

First Use Date: 1992-07-31

First Use in Commerce Date: 1992-07-31

International Class: 040

Class Status: Active

Custom manufacture of computers for others

Basis: 1(a)

First Use Date: 1992-07-31

First Use in Commerce Date: 1992-07-31

International Class: 042

Class Status: Active

Technical support services, namely, troubleshooting of computer hardware and software problems;
Consulting services in the field of design, selection, implementation and use of computer hardware and software systems for others

Basis: 1(a)

First Use Date: 1992-07-31

First Use in Commerce Date: 1992-07-31

ADDITIONAL INFORMATION

Description of Mark: The mark consists of The word DELL with a stylized E in a diamond shape that appears as a slanted E within the word.

Prior Registration Number(s):

1616571

1860272

2762787

2806770

MADRID PROTOCOL INFORMATION

USPTO Reference Number: A0010013

International Registration Number: 0972757

International Registration Date: 2007-10-22

Original Filing Date with USPTO: 2007-10-22

International Registration Status: Application For IR Registered By IB

Date of International Registration Status: 2008-09-04

International Registration Renewal Date: 2017-10-22

Irregularity Reply by Date: (DATE NOT AVAILABLE)

Madrid History:

09-04-2008 - 15:32:30 - Application For IR Registered By IB

06-06-2008 - 16:07:50 - Manually Certified

03-04-2008 - 09:02:50 - Irregularity Notice Received From IB

02-28-2008 - 21:03:15 - Irregularity Response Sent To IB

02-28-2008 - 10:22:32 - Response To Irregularity Reviewed And Accepted

02-26-2008 - 20:26:45 - Irregularity Response Received From Applicant
12-01-2007 - 11:42:58 - Irregularity Notice Received From IB
10-22-2007 - 21:01:01 - IR Certified And Sent To IB
10-22-2007 - 12:19:06 - Manually Certified
10-22-2007 - 12:02:05 - New Application For IR Received

PROSECUTION HISTORY

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

2007-03-06 - Registered - Principal Register
2006-12-19 - Published for opposition
2006-11-29 - Notice of publication
2006-10-26 - Law Office Publication Review Completed
2006-10-24 - Assigned To LIE
2006-10-06 - Approved for Pub - Principal Register (Initial exam)
2006-10-05 - Teas/Email Correspondence Entered
2006-10-04 - Communication received from applicant
2006-10-04 - TEAS Response to Office Action Received
2006-04-04 - Non-final action e-mailed
2006-04-04 - Non-Final Action Written
2006-03-28 - Assigned To Examiner
2005-09-28 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Daniel J. Noonan

Correspondent

DANIEL J. NOONAN
DELL LEGAL DEPARTMENT
MS#8033
ONE DELL WAY
ROUND ROCK, TX 78682
Phone Number: 512-723-6483

Fax Number: 512-283-6483

Search

Shop iPod Apple TV

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Search Store



Apple TV. Entertain the possibilities. HD movie rentals, HD TV shows, photos, and more.

Select your Apple TV.

40GB¹

Mac + PC
802.11n Wi-Fi wireless²
40GB hard drive for up to 50 hours of video
Apple Remote
Ships: Within 24hrs
Free Shipping

\$229.00

Gift package available
Select

160GB¹

Mac + PC
802.11n Wi-Fi wireless²
160GB hard drive for up to 200 hours of video
Apple Remote
Ships: Within 24hrs
Free Shipping

\$329.00

Gift package available
Select

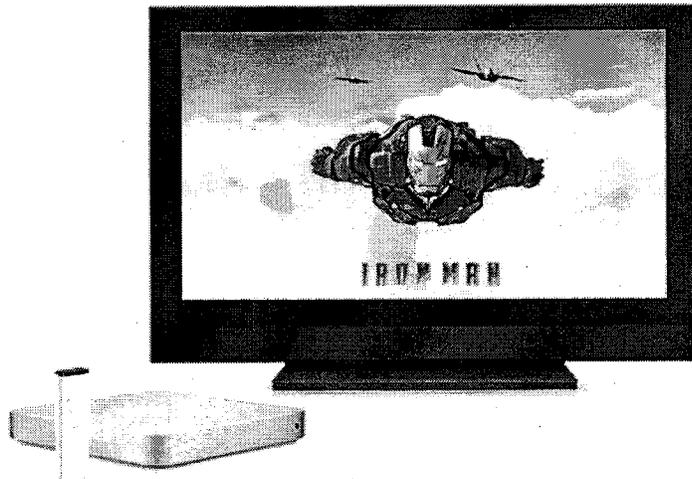


Free shipping on orders over \$50. Free software update for current owners

- Overview
What you need
Gallery
Warranty

HD movie rentals, HD TV shows, and more. Coming to a widescreen TV near you.

With a huge selection of on-demand HD movies and HD TV shows — and one-click access to all your music and photos — Apple TV turns your widescreen TV into a digital entertainment hub.



HD movie rentals from your living room. With a few clicks of your remote, you can rent high-definition movies from the same place you watch them: your widescreen TV.



The best TV shows in HD. Buy your favorite TV shows from leading networks — commercial free — and watch them in stunning HD anytime you want. It's à la carte high definition TV.



All your music and photos, all in one place. With Apple TV, your home entertainment system becomes the best place to shop the iTunes Store, play your music, and show off digital photos in gorgeous slideshows set to your favorite songs.

What's in the box

- Apple TV
Apple Remote
Power cord
Printed documentation



Requirements

- Widescreen (16 by 9) enhanced-definition or high-definition television with an HDMI, DVI, or component video input port
Wired or wireless network
iTunes Store account
Broadband Internet connection (fees may apply)

You can also order from The Apple Store by calling 1-800-MY-APPLE.

Other Stores: [Education](#) | [Business](#) | [International](#) | [Choose...](#)

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Iron Man will be available on iTunes beginning September 30, 2008, in the U.S. and Canada. *Iron Man*, the movie © 2008 MVL Film Finance LLC. Iron Man, the character TM and © 2008 Marvel Entertainment. All rights reserved.
Available on iTunes. Title availability is subject to change. Select titles are available in HD. (1) 1GB = 1 billion bytes, actual formatted capacity less. (2) Based on an IEEE 602 11n draft specification.

Int. Cl.: 9

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

United States Patent and Trademark Office

Reg. No. 3,359,045

Registered Dec. 25, 2007

**TRADEMARK
PRINCIPAL REGISTER**

APPLE TV

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

FOR: COMPUTER HARDWARE; COMPUTER NETWORKING HARDWARE; SET TOP BOXES; DIGITAL ELECTRONIC DEVICES FOR RECORDING, ORGANIZING, TRANSMITTING, RECEIVING, MANIPULATING, PLAYING AND REVIEWING TEXT, DATA, IMAGE, AUDIO AND VIDEO FILES; COMPUTER SOFTWARE FOR USE IN ORGANIZING, TRANSMITTING, RECEIVING, MANIPULATING, PLAYING AND REVIEWING TEXT, DATA, IMAGE, AUDIO, AND VIDEO FILES; COMPUTER HARDWARE AND COMPUTER SOFTWARE FOR THE REPRODUCTION, PROCESSING AND STREAMING OF AUDIO, VIDEO AND MULTIMEDIA CONTENT; COMPUTER HARDWARE AND SOFTWARE FOR CONTROLLING THE OPERATION OF AUDIO AND VIDEO DEVICES AND FOR VIEWING, SEARCHING AND/OR PLAYING AUDIO, VIDEO, TELEVISION, MOVIES, PHOTOGRAPHS AND OTHER DIGITAL IMAGES, AND

OTHER MULTIMEDIA CONTENT, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 3-21-2007; IN COMMERCE 3-21-2007.

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

PRIORITY CLAIMED UNDER SEC. 44(D) ON TRINIDAD/TOBAGO APPLICATION NO. 37955, FILED 11-13-2006.

OWNER OF U.S. REG. NOS. 1,078,312, 2,808,567 AND OTHERS.

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

SER. NO. 77-152,380, FILED 4-9-2007.

ANGELA GAW, EXAMINING ATTORNEY

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

This page was generated by the TARR system on 2009-02-18 14:17:05 ET

Serial Number: 77152380 Assignment Information Trademark Document Retrieval

Registration Number: 3359045

Mark

APPLE TV

(words only): APPLE TV

Standard Character claim: Yes

Current Status: Registered.

Date of Status: 2007-12-25

Filing Date: 2007-04-09

Transformed into a National Application: No

Registration Date: 2007-12-25

Register: Principal

Law Office Assigned: LAW OFFICE 104

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

Current Location: 650 -Publication And Issue Section

Date In Location: 2007-12-25

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
Fax Number: 408-253-0186

GOODS AND/OR SERVICES

International Class: 009

Class Status: Active

Computer hardware; computer networking hardware; set top boxes; digital electronic devices for recording, organizing, transmitting, receiving, manipulating, playing and reviewing text, data, image, audio and video files; computer software for use in organizing, transmitting, receiving, manipulating, playing and reviewing text, data, image, audio, and video files; computer hardware and computer software for the reproduction, processing and streaming of audio, video and multimedia content; computer hardware and software for controlling the operation of audio and video devices and for viewing, searching and/or playing audio, video, television, movies, photographs and other digital images, and other multimedia content

Basis: 1(a)

First Use Date: 2007-03-21

First Use in Commerce Date: 2007-03-21

ADDITIONAL INFORMATION

Disclaimer: "TV"

Prior Registration Number(s):

1078312

2034964

2808567

Foreign Application Number: 37955

Country: Trinidad / Tobago

Foreign Filing Date: 2006-11-13

MADRID PROTOCOL INFORMATION

USPTO Reference Number: A0008054

International Registration Number: 0928475

International Registration Date: 2007-05-07

Original Filing Date with USPTO: 2007-05-07

International Registration Status: Application For IR Registered By IB

Date of International Registration Status: 2007-08-02

International Registration Renewal Date: 2017-05-07

Irregularity Reply by Date: (DATE NOT AVAILABLE)

Madrid History:

06-26-2008 - 10:33:54 - Ceasing Of Effect Reviewed - No Action Required By Office

03-27-2008 - 09:34:52 - Partial Ceasing Of Effect To Be Processed

08-02-2007 - 13:35:11 - Application For IR Registered By IB
05-07-2007 - 21:00:55 - IR Certified And Sent To IB
05-07-2007 - 20:32:07 - New Application For IR Received
05-07-2007 - 20:32:07 - Automatically Certified

PROSECUTION HISTORY

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

2007-12-25 - Registered - Principal Register
2007-10-09 - Published for opposition
2007-09-19 - Notice of publication
2007-09-04 - Law Office Publication Review Completed
2007-09-04 - Assigned To LIE
2007-07-25 - Approved for Pub - Principal Register (Initial exam)
2007-07-24 - Teas/Email Correspondence Entered
2007-07-24 - Communication received from applicant
2007-07-24 - TEAS Response to Office Action Received
2007-07-19 - Non-final action mailed
2007-07-18 - Non-Final Action Written
2007-07-05 - Assigned To Examiner
2007-04-13 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record
Thomas R. La Perle

Correspondent
THOMAS R. LA PERLE
APPLE INC.
1 INFINITE LOOP
CUPERTINO, CA 95014-2083
Phone Number: 408-974-2385
Fax Number: 408-253-0186

7

Empowering people

United States

Products Service & Support Where to buy

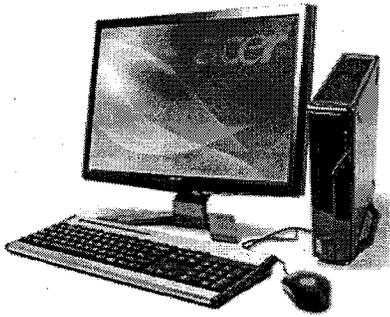
Product Registration

Consumer Desktops

[| See Products |](#)

Acer recommends Windows Vista® Business for Business Computing
 Acer recommends Windows Vista® Home Premium for Personal Computing

Aspire® L5100



Save valuable desk real estate without giving up the power and features you need. The Aspire® AL5100 is powered by an AMD Athlon™ X2 Dual-Core Processor and includes ample storage space.

The Aspire® AL5100-U3790A is available at select retail outlets.

Display sold separately.

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Benefits

Save space while saving power

Configurations

AL5100-U3790A

Genuine Windows Vista® Home Premium , AMD Athlon™ X2 Dual-Core Processor 4050e (2 x 512KB L2 cache, 2.1GHz), 3GB (2/1) DDR2 667 SDRAM, 320GB SATA hard drive, Super-Multi drive, multi-in-one card reader, ATI Radeon™ X1250 graphics, 802.11b/g WLAN, gigabit LAN

Part Number PT.SA40X.136 Where to Buy

Operating System	<ul style="list-style-type: none"> ➤ Genuine Windows Vista® Home Premium
Processor	<ul style="list-style-type: none"> ➤ AMD Athlon™ X2 Dual-Core Processor 4050e (2 x 512KB L2 cache, 2.1GHz)
Chipset	<ul style="list-style-type: none"> ➤ AMD™ 690G
Memory	<ul style="list-style-type: none"> ➤ 3GB (2/1) DDR2 SODIMM SDRAM installed in two of two memory slots User upgradeable up to 4GB (one 2GB memory card in each slot)* * If upgrading after initial purchase, one or more of the memory cards provided with the system may have to be replaced with optional larger memory cards in order to achieve the maximum capacity.
Storage	<ul style="list-style-type: none"> ➤ 320GB* SATA hard drive Slot-loaded variable-speed Super-Multi drive Multi-in-one card reader for optional MultiMediaCard™, Secure Digital card, Memory Stick®, Memory Stick PRO™ or xD-Picture Card™ *When referring to storage capacity, GB stands for one billion bytes and MB stands for one million bytes. Some utilities may indicate varying storage capacities. Total user-accessible capacity may vary depending on operating environments.
Video	<ul style="list-style-type: none"> ➤ Integrated ATI Radeon™ X1250 graphics TV tuner card VGA, HDMI™ (High-Definition Multimedia Interface™), DVI-I, S-video/composite/AV-in, SPDIF output, FM antenna input and digital/analog TV antenna input ports
Audio	<ul style="list-style-type: none"> ➤ Embedded high-definition audio with 5.1-channel audio support Two external USB speakers Headphones, microphone and five audio ports
Interface Ports	<ul style="list-style-type: none"> ➤ DC-in Headphones Microphone HDMI™ (High-Definition Multimedia Interface™)

DVI-I
 Four-pin FireWire® (IEEE 1394)
 Six-pin FireWire® (IEEE 1394)
 RJ-45 LAN
 S-video/composite/AV-in
 SPDIF output
 FM antenna input
 digital/analog TV antenna input
 Five audio
 Six USB 2.0 (two front, four back)

- Communications** ↗ 802.11b/g WLAN
 Gigabit LAN
- Included Software** ↗ Acer® Arcade Live
 Acer® Empowering Technology
 Adobe® Acrobat® Reader
 eSobi™*
 Microsoft® Works 8.5 (full version)
 Microsoft® Office Home & Student 2007 (60-day trial)
 McAfee® Internet Security Suite (trial version)
 NTI Media Maker™
- *OEM, not full-featured, version.

Drive Bays ↗ One internal 3.5" (occupied)

Expansion Slots ↗ One Mini PCI for TV tuner card
 One Mini Card for WLAN card.

Dimensions ↗ 9.8" (250mm) W x 7.9" (200mm) D x 2.4" (60mm) H

User Interface ↗ USB keyboard and optical mouse

Power Supply ↗ 135 watts

Security Features ↗ Kensington® lock slot

Compliance ↗ PC2001

Limited Warranty* ↗ One-year limited warranty*

*For a free copy of the standard limited warranty end-users should see a reseller where Acer products are sold or write to Acer America Corporation, Warranty Department, P.O. Box 6137, Temple, TX 76503.

↗ Specifications are subject to change without notice.

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Int. Cl.: 9

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

Reg. No. 3,290,412

United States Patent and Trademark Office

Registered Sep. 11, 2007

TRADEMARK
PRINCIPAL REGISTER

The image shows the Acer logo, which consists of the word "acer" in a bold, lowercase, sans-serif font. The letters are black and have a slightly textured or stippled appearance, giving it a three-dimensional or metallic look. The logo is centered horizontally and vertically within the page.

ACER INCORPORATED (TAIWAN CORPORATION)
7F, NO. 137, SEC. 2, CHIEN KUO RD.
TAIPEI, TAIWAN

FOR: LCD TELEVISION; DVD PLAYERS; DVD RECORDERS; STEREO TUNER; HOME SLIDE, MOVIE, VIDEO, AND LCD PROJECTORS; GATEWAY ROUTER IN THE NATURE OF COMPUTER CONTROL HARDWARE; SMART DIGITAL PHONES; PERSONAL DIGITAL ASSISTANTS; VIDEO GAME MACHINE FOR USE WITH TELEVISIONS; CABLE TELEVISION CONVERTERS; INTERNET PHONES; VIDEO PHONES; DIGITAL TELEVISION SETS; PERSONAL COMPUTERS FOR USE IN AUTOMOBILES; LIQUID CRYSTAL DISPLAY COMPUTER MONITORS; COMPUTER HARDWARE, NAMELY, WIRELESS ACCESS POINT DEVICES; HANDHELD COMPUTERS; PC CAMERA; DIGITAL STILL CAMERA; DUAL MODE DIGITAL CAMERA; COMPUTER WORKSTATIONS COMPRISING COMPUTERS, COMPUTER MONITORS, COMPUTER KEYBOARDS, COMPUTER HARDWARE, COMPUTER PERIPHERALS, AND COMPUTER OPERATING SOFTWARE; COMPUTER ACCESSORIES NAMELY, STORAGE BOXES; SERVER APPLIANCE FOR STORAGE AREA NETWORKS; COMPUTER HARDWARE; COMPUTER SOFTWARE AND COMPUTER PROGRAMS FOR MANAGEMENT AND OPERATION OF WIRELESS TELECOMMUNICATIONS DEVICES, COMPUTER SOFTWARE FOR ACCESSING, SEARCHING, INDEXING, AND RETRIEVING INFORMATION AND DATA FROM GLOBAL COMPUTER NETWORKS AND GLOBAL COMMUNICATION NETWORKS, AND FOR BROWSING AND NAVIGATING THROUGH WEB SITES ON SAID NETWORKS, AND COMPUTER SOFTWARE FOR SENDING AND RECEIVING SHORT MESSAGES AND ELECTRONIC MAIL AND FOR FILTERING NON-TEXT INFORMATION FROM THE DATA; PERSONAL COMPUTERS; DESKTOP COMPUTERS; NOTEBOOK COMPUTERS; HANDHELD COMPUTERS; PORTABLE COMPUTERS; LAPTOP COMPUTERS; PERSONAL

COMPUTER TELEVISIONS, NAMELY, PERSONAL COMPUTERS FOR RECEPTION AND PLAYING OF TELEVISION PROGRAMS; MOBILE COMPUTERS; NETWORK ACCESS SERVER HARDWARE; RACK-MOUNT SERVERS; VIDEO-ON-DEMAND SERVERS; VOICE OVER INTERNET PROTOCOL COMMUNICATION SERVERS; COMPUTER MOTHER BOARD; SET-TOP BOXES FOR USE WITH COMPUTERS; COMPUTER PERIPHERALS; COMPUTER KEYBOARDS; COMPUTER MOUSE; COMPUTER WIRELESS KEYBOARDS; MODEMS; COMPUTER FAX AND WIRELESS MODEM CARDS; PCMCIA CARDS; COMPUTER PERIPHERAL CARDS, NAMELY, ETHERNET NETWORK CARDS; WIRELESS NETWORK CARDS; COMPUTER HARDWARE WIRELESS DEVICES, NAMELY, ELECTRONIC HAND HELD UNITS FOR THE WIRELESS RECEIPT OF TRANSMISSION OF DATA THAT MAY ALSO HAVE THE CAPACITY TO TRANSMIT AND RECEIVE VOICE COMMUNICATIONS; TELECOMMUNICATION DEVICES, NAMELY, TELEPHONES, MOBILE TELEPHONES AND PERSONAL DIGITAL ASSISTANTS; TELEPHONES; INTERNET PHONES; MOBILE PHONES; WIRELESS INTERNET PHONES; LOW-POWER MOBILE PHONES; POWER SUPPLIES; SWITCHING POWER SUPPLIES; INTEGRATED CIRCUITS; COMPUTER DISK DRIVES; OPTICAL COMPUTER DISK DRIVES; COMPUTER MEMORIES; DATA STORAGE EQUIPMENT, NAMELY, BLANK FLOPPY DISKS, MAGNETIC DISKS AND OPTICAL DISKS, ALL FEATURING MEMORY FOR COMPUTERS; PRINTED CIRCUIT BOARDS; COMPUTER INTERFACE BOARDS; VIDEO DISPLAY CARDS; VGA CARDS; CATHODE RAY TUBE COMPUTER MONITORS; COMPUTER CHIPS; NETWORK ACCESS SERVER OPERATING SOFTWARE; OPTICAL CD RECORDERS; CD REWRITABLE RECORDER; WIRELESS DEVICES, NAMELY, ELECTRONIC HANDLED UNITS FOR THE WIRELESS RECEIPT OF TRANSMISSION OF DATA THAT MAY ALSO HAVE THE CAPACITY TO TRANSMIT AND RECEIVE VOICE COMMUNICATIONS, SCANNERS,

PRINTERS, AND COMMUNICATION SERVERS, IN
CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

OWNER OF U.S. REG. NOS. 1,486,012, 2,193,224,
AND 2,197,236.

SER. NO. 78-702,329, FILED 8-29-2005.

FIRST USE 3-9-2001; IN COMMERCE 3-9-2001.

DOMINICK J. SALEMI, EXAMINING ATTORNEY

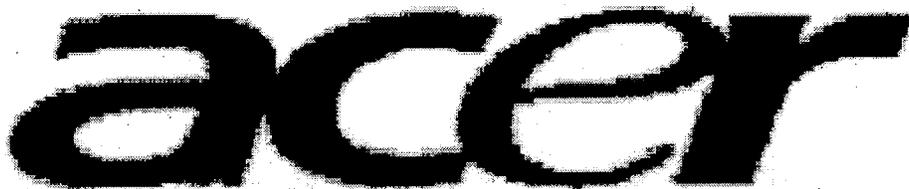
Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2009-02-18 14:19:51 ET

Serial Number: 78702329 Assignment Information Trademark Document Retrieval

Registration Number: 3290412

Mark

The image shows the Acer logo, which consists of the word "acer" in a bold, lowercase, sans-serif font. The letters are black and have a slightly textured or grainy appearance.

(words only): ACER

Standard Character claim: No

Current Status: Registered.

Date of Status: 2007-09-11

Filing Date: 2005-08-29

Transformed into a National Application: No

Registration Date: 2007-09-11

Register: Principal

Law Office Assigned: LAW OFFICE 106

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

Current Location: 650 -Publication And Issue Section

Date In Location: 2007-09-11

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

1. Acer Incorporated

Address:

Acer Incorporated
7F, No. 137, Sec. 2, Chien Kuo Rd.

Taipei
Taiwan

Legal Entity Type: Corporation

State or Country of Incorporation: Taiwan

GOODS AND/OR SERVICES

International Class: 009

Class Status: Active

LCD television; DVD players; DVD recorders; stereo tuner; home slide, movie, video, and LCD projectors; gateway router in the nature of computer control hardware; smart digital phones; personal digital assistants; video game machine for use with televisions; cable television converters; internet phones; video phones; digital television sets; personal computers for use in automobiles; liquid crystal display computer monitors; computer hardware, namely, wireless access point devices; handheld computers; pc camera; digital still camera; dual mode digital camera; computer workstations comprising computers, computer monitors, computer keyboards, computer hardware, computer peripherals, and computer operating software; computer accessories namely, storage boxes; server appliance for storage area networks; computer hardware; computer software and computer programs for management and operation of wireless telecommunications devices, computer software for accessing, searching, indexing, and retrieving information and data from global computer networks and global communication networks, and for browsing and navigating through web sites on said networks, and computer software for sending and receiving short messages and electronic mail and for filtering non-text information from the data; personal computers; desktop computers; notebook computers; handheld computers; portable computers; laptop computers; personal computer televisions, namely, personal computers for reception and playing of television programs; mobile computers; network access server hardware; rack-mount servers; video-on-demand servers; voice over internet protocol communication servers; computer mother board; set-top boxes for use with computers; computer peripherals; computer keyboards; computer mouse; computer wireless keyboards; modems; computer fax and wireless modem cards; PCMCIA cards; computer peripheral cards, namely, Ethernet network cards; wireless network cards; computer hardware wireless devices, namely, electronic hand held units for the wireless receipt of transmission of data that may also have the capacity to transmit and receive voice communications; telecommunication devices, namely, telephones, mobile telephones and personal digital assistants; telephones; internet phones; mobile phones; wireless internet phones; low-power mobile phones; power supplies; switching power supplies; integrated circuits; computer disk drives; optical computer disk drives; computer memories; data storage equipment, namely, blank floppy disks, magnetic disks and optical disks, all featuring memory for computers; printed circuit boards; computer interface boards; video display cards; VGA cards; cathode ray tube computer monitors; computer chips; network access server operating software; optical CD recorders; CD rewritable recorder; wireless devices, namely, electronic handled units for the wireless receipt of transmission of data that may also have the capacity to transmit and receive voice communications, scanners, printers, and communication servers

Basis: 1(a)

First Use Date: 2001-03-09

First Use in Commerce Date: 2001-03-09

ADDITIONAL INFORMATION

Color(s) Claimed: Color is not claimed as a feature of the mark.

Prior Registration Number(s):

1486012
2193224
2197236

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.

- 2007-09-11 - Registered - Principal Register
- 2007-06-26 - Published for opposition
- 2007-06-06 - Notice of publication
- 2007-04-25 - Law Office Publication Review Completed
- 2007-04-25 - Assigned To LIE
- 2007-04-02 - Approved for Pub - Principal Register (Initial exam)
- 2007-03-10 - Teas/Email Correspondence Entered
- 2007-03-09 - Communication received from applicant
- 2007-03-09 - TEAS Response to Office Action Received
- 2006-12-29 - TEAS Change Of Correspondence Received
- 2006-10-16 - Final refusal e-mailed
- 2006-10-16 - Final Refusal Written
- 2006-10-16 - Previous allowance count withdrawn
- 2006-10-08 - Approved for Pub - Principal Register (Initial exam)
- 2006-09-16 - Teas/Email Correspondence Entered
- 2006-09-15 - Communication received from applicant
- 2006-09-15 - TEAS Response to Office Action Received
- 2006-03-17 - NON-FINAL ACTION E-MAILED

2006-03-17 - Non-Final Action Written

2006-03-17 - Non-final action e-mailed

2006-03-17 - Non-Final Action Written

2006-03-15 - Assigned To Examiner

2005-09-06 - New Application Entered In Tram

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