

ESTTA Tracking number: **ESTTA307046**

Filing date: **09/18/2009**

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

Notice of Opposition

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

Opposer Information

Name	Apple Inc.
Granted to Date of previous extension	09/20/2009
Address	1 Infinite Loop Cupertino, CA 95014 UNITED STATES

Attorney information	Joseph Petersen Kilpatrick Stockton LLP 31 West 52nd Street, 14th Floor New York, NY 10019 UNITED STATES JPetersen@kilpatrickstockton.com, RPotter@kilpatrickstockton.com, Agarcia@kilpatrickstockton.com, ipefiling@kilpatrickstockton.com
----------------------	---

Applicant Information

Application No	76694138	Publication date	03/24/2009
Opposition Filing Date	09/18/2009	Opposition Period Ends	09/20/2009
Applicant	Continuity Health Solutions, L.L.C. 9304 Forrest Lane, Suite N272 Dallas, TX 75243 UNITED STATES		

Goods/Services Affected by Opposition

Class 009. All goods and services in the class are opposed, namely: MOBILE COMMUNICATIONS DEVICE THAT WIRELESSLY TRANSMITS, RECORDS AND STORES HEALTH CARE DATA FOR PATIENTS DURING PHYSICAL ACTIVITY
--

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	1078312	Application Date	03/25/1977
Registration Date	11/29/1977	Foreign Priority Date	NONE

Word Mark	APPLE
Design Mark	
Description of Mark	NONE
Goods/Services	Class 009. First use: First Use: 1976/04/00 First Use In Commerce: 1976/04/00 COMPUTERS AND COMPUTER PROGRAMS RECORDED ON PAPER AND TAPE

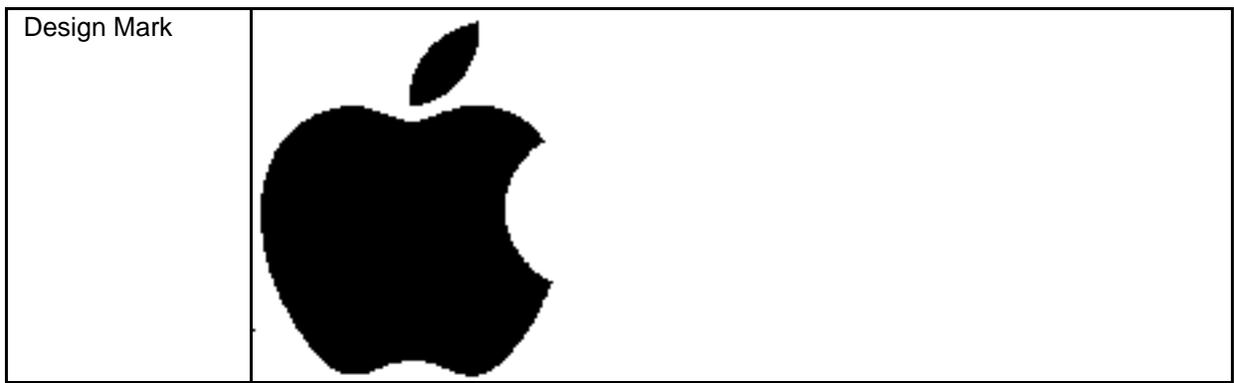
U.S. Registration No.	1114431	Application Date	03/20/1978
Registration Date	03/06/1979	Foreign Priority Date	NONE

Word Mark	NONE
Design Mark	
Description of Mark	THE MARK CONSISTS OF A SILHOUETTE OF AN APPLE WITH A BITE REMOVED.
Goods/Services	Class 009. First use: First Use: 1977/01/00 First Use In Commerce: 1977/01/00 COMPUTERS AND COMPUTER PROGRAMS RECORDED ON PAPER AND TAPE

U.S. Registration No.	2079765	Application Date	04/07/1995
Registration Date	07/15/1997	Foreign Priority Date	NONE

Word Mark	APPLE
Design Mark	
Description of Mark	NONE
Goods/Services	Class 038. First use: First Use: 1994/04/09 First Use In Commerce: 1994/04/09 communication filed by computer, namely, electronic transmission of data and documents via computer, delivery of messages by electronic transmission

U.S. Registration No.	2715578	Application Date	07/01/2002
Registration Date	05/13/2003	Foreign Priority Date	NONE
Word Mark	NONE		



Description of Mark	NONE
---------------------	------

Goods/Services	<p>Class 009. First use: First Use: 1977/01/01 First Use In Commerce: 1977/01/01 Computers hardware; computer hardware, namely, server, desktop, laptop, notebook and subnotebook computers; hand held and mobile computers; computer [terminals and] monitors; personal digital assistants; portable digital audio players; electronic organizers; computer keyboards, cables, modems; audio speakers; computer video control devices, namely, computer mice, [trackballs, joysticks and gamepads;] a full line of computer software for business, home, education, and developer use; computer programs for personal information management; database management software; [character recognition software; telephony management software;] electronic mail and messaging software; [telecommunications software, namely for paging;] database synchronization software; computer programs for accessing, browsing and searching online databases; operating system software; application development tool programs; blank computer storage media; fonts, typefaces, type designs and symbols recorded on magnetic media; computer software for use in providing multiple user access to a global computer information network for searching, retrieving, transferring, manipulating and disseminating a wide range of information; computer software for use as a programming interface; computer software for use in network server sharing; local and wide area networking software; computer software for matching, correction, and reproduction of color; computer software for use in digital video and audio editing; computer software for use in enhancing text and graphics; computer software for use in font justification and font quality; computer software for use to navigate and search a global computer information network, as well as to organize and summarize the information retrieved; computer software for use in word processing and database management; word processing software incorporating text, spreadsheets, still and moving images, sounds and clip art; computer software for use in authoring, downloading, transmitting, receiving, editing, extracting, encoding, decoding, playing, storing and organizing audio, video, still images and other digital data; computer software for analyzing and troubleshooting other computer software; children's educational software; computer game software; Computer graphics software; [Computer search engine software;] Web site development software; computer program which provides remote viewing, remote control, communications and software distribution within personal computer systems and across computer network; computer programs for file maintenance and data recovery; computer peripherals; instructional manuals packaged in association with the above</p>
----------------	--

U.S. Registration No.	2753069	Application Date	07/23/2002
-----------------------	---------	------------------	------------

Registration Date	08/19/2003	Foreign Priority Date	NONE
-------------------	------------	-----------------------	------

Word Mark	NONE
-----------	------

Design Mark	
Description of Mark	The mark consists of the design of an apple with a bite removed.
Goods/Services	<p>Class 042. First use: First Use: 1980/09/00 First Use In Commerce: 1980/09/00</p> <p>Application service provider (ASP), namely, hosting computer software applications of others; computer services, namely, displaying the web sites and images of others on a computer server; computer diagnostic services; installation of computer software; updating of computer software; maintenance of computer software; computer hardware development; integration of computer systems and networks; monitoring the computer systems of others for technical purposes and providing back-up computer programs and facilities; computer consultation, design, and testing services; consulting services in the field of design, selection, implementation and use of computer hardware and software systems for others; computer data recovery; computer programming for others; research and development of computer hardware and software; website design, creation and hosting services; computer services, namely, designing and implementing web sites for others; computer services, namely, providing search engines for obtaining data on a global computer network; providing use of on-line non-downloadable software for communications via local or global communications networks, including the Internet, intranets, and extranets; computer consultation, namely, analyzing data to detect, eradicate, and prevent the occurrence of computer viruses; computer consultation, namely, services relating to the protection of computer hardware, computer software, computer networks and computer systems against computer viruses, attacks, or failures; computer consultation, namely, services for optimizing the performance and functionality of computer software and communications networks; technical support services, namely, troubleshooting of computers, computer software, telecommunications, and the Internet systems; leasing of computers, computer peripherals and computer software; leasing computer facilities; providing information in a wide variety of fields over computer networks and global communication networks; computer services, namely, creating indexes of information, web sites and other information sources available on computer networks; providing information concerning a wide range of text, electronic documents, databases, graphics and audiovisual information</p>

U.S. Registration No.	2870477	Application Date	08/22/2002
Registration Date	08/03/2004	Foreign Priority Date	NONE
Word Mark	NONE		

Design Mark	
Description of Mark	The mark consists of the design of an apple with a bite removed.
Goods/Services	Class 038. First use: First Use: 1994/04/09 First Use In Commerce: 1994/04/09 Telecommunication services, namely, electronic transmission of data and images via computer networks; electronic mail services; providing on-line electronic bulletin boards for transmission of messages among computer users in the fields of business, creative design, education, computers, information technology, word processing, database management, entertainment, electronic commerce and telecommunications; telecommunications consultation; delivery of messages by electronic transmission; electronic transmission of data and information by computer, radio, mail, providing Internet access

U.S. Registration No.	3298028	Application Date	08/02/2006
Registration Date	09/25/2007	Foreign Priority Date	NONE

Word Mark	NONE
Design Mark	
Description of Mark	NONE
Goods/Services	Class 035. First use: First Use: 1981/03/01 First Use In Commerce: 1981/03/01 Arranging and conducting trade shows, and trade show expositions and exhibitions in the fields of computers, computer software, online services, information technology, and consumer electronics Class 041. First use: First Use: 1981/03/01 First Use In Commerce: 1981/03/01 Education and training services, namely, conducting classes, workshops, conferences and seminars in the field of computers, computer software, online services, information technology, internet website design, video products and consumer electronics; arranging of exhibitions, seminars and conferences; arranging professional workshop and training courses; computer education training services; training in the use and operation of computers and computer software; providing a website for the uploading, sharing, viewing and posting of

	<p>photographs, digital images, movies, videos, online journals, namely web blogs in general interest fields, and other related multimedia entertainment materials over a global computer network; providing fitness and exercise facilities; Physical fitness consultation and instruction; providing on-line publications in the nature of newsletters in the field of computers and education; providing information in the field of education via the internet; providing information in the field of entertainment via the Internet concerning movies, music, videos, television, celebrities, sports, news, history, science, politics, comedy, children's entertainment, animation, culture, current events</p>
--	--

U.S. Registration No.	3673592	Application Date	07/20/2007
Registration Date	08/25/2009	Foreign Priority Date	NONE

Word Mark	NONE
-----------	------



Description of Mark	The mark consists of a stylized person or antenna surrounded by concentric circles/broadcast waves.
---------------------	---

Goods/Services	<p>Class 009. First use: First Use: 2005/06/28 First Use In Commerce: 2005/06/28 Portable and handheld digital electronic devices for recording, organizing, transmitting, manipulating, and reviewing audio, video, images, and other multimedia content; computer software for use in organizing, transmitting, manipulating, reproducing, processing, streaming, playing and reviewing audio, video, images, and other multimedia content on digital electronic devices; computer hardware and software for controlling the operation of audio, video, and multimedia devices and for viewing, searching, or playing audio, video, images and other multimedia content; computer software for encoding, publishing and distributing audio, video, images, and other multimedia content via the internet and other communication networks; downloadable digital audio, video, and multimedia files and recordings featuring music, television, film, books, news, concerts, radio, sports, games, cultural events, and entertainment-related and educational programs; downloadable webcasts and podcasts featuring audio, video, and other downloadable multimedia broadcasts in the field of music, television, film, books, news, concerts, radio, sports, games, cultural events, and entertainment-related and educational programs</p> <p>Class 035. First use: First Use: 2005/06/28 First Use In Commerce: 2005/06/28 Retail store services featuring prerecorded audio, video, and other multimedia works in the field of entertainment and education; providing an online directory information service featuring information about audio, video, images, and other multimedia content in the fields of entertainment and education</p> <p>Class 038. First use: First Use: 2005/06/28 First Use In Commerce: 2005/06/28 Webcasting, namely, broadcasting via the internet; streaming of digital audio, video, images, and multimedia content via computer and communications networks; transmission of audio and video, namely, audio and video broadcasting services via computer and communications networks</p>
----------------	--

	Class 041. First use: First Use: 2005/06/28 First Use In Commerce: 2005/06/28 Non-downloadable webcasts and podcasts featuring audio, video and other media broadcasts in the fields of entertainment and education; Providing online databases of audio, video, images, and other multimedia content in the fields of entertainment and education
--	---

U.S. Registration No.	3679056	Application Date	01/13/2009
Registration Date	09/08/2009	Foreign Priority Date	NONE

Word Mark	NONE
-----------	------



Description of Mark	The mark consists of the design of an apple with a bite removed.
---------------------	--

Goods/Services	Class 009. First use: First Use: 1977/01/31 First Use In Commerce: 1977/01/31 Computers; computer hardware; computer peripherals; handheld computers; handheld mobile digital electronic devices for recording, organizing, transmitting, manipulating, and reviewing text, data, image, audio, and audiovisual files, for the sending and receiving of telephone calls, electronic mail, and other digital data, for use as a digital format audio player, handheld computer, personal digital assistant, electronic organizer, electronic notepad, camera, and global positioning system (GPS) electronic navigation device; digital audio and video recorders and players; personal digital assistants; electronic organizers; cameras; telephones; mobile phones; satellite navigational systems, namely, global positioning systems (GPS); electronic navigational devices, namely, global positioning satellite (GPS) based navigation receivers; computer game machines for use with external display screens, monitors, or televisions; a full line of accessories and parts for the aforementioned goods; stands, covers, cases, holsters, power adaptors, and wired and wireless remote controls for the aforementioned goods; computer memory hardware; computer disc drives; optical disc drives; computer networking hardware; computer monitors; flat panel display monitors; computer keyboards; computer cables; modems; computer mice; electronic docking stations; set top boxes; batteries; battery chargers; electrical connectors, wires, cables, and adaptors; devices for hands-free use; headphones; earphones; ear buds; audio speakers; microphones; and headsets; a full line of computer software for business, home, education, and developer use; user manuals for use with, and sold as a unit with, the aforementioned goods; downloadable audio and video files, movies, ring tones, video games, television programs, pod casts and audio books via the internet and wireless devices featuring music, movies, videos, television, celebrities, sports, news, history, science, politics, comedy, children's entertainment, animation, culture, current events and topics of general interest
----------------	--

Attachments	73162799#TMSN.jpeg (1 page)(bytes)
-------------	--

	76426501#TMSN.gif (1 page)(bytes) 78146716#TMSN.gif (1 page)(bytes) 78157042#TMSN.gif (1 page)(bytes) 78943482#TMSN.jpeg (1 page)(bytes) 77235043#TMSN.jpeg (1 page)(bytes) 77648705#TMSN.jpeg (1 page)(bytes) NOO - Continuity Health Solutions - 76694138.pdf (16 pages)(88926 bytes) NOO - Continuity - Exhibits.pdf (56 pages)(16562478 bytes) NOO - Continuity - Exhibits Last Page.pdf (1 page)(69732 bytes)
--	---

Certificate of Service

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

Signature	/Joseph Petersen/
Name	Joseph Petersen
Date	09/18/2009















2. Since at least as early as 1977, Opposer has extensively promoted, marketed, advertised, distributed and sold goods and services in connection with a family of trademarks consisting, in whole or in part, of the word APPLE and a visual equivalent of the word, to wit a logo depicting a stylized apple, as shown below:



(the “Apple Logo”).

3. Further, since at least as early as 2005, Opposer has extensively promoted, marketed, advertised, distributed and sold, among other things, portable and handheld digital electronic devices and webcasting services in connection with the mark shown below:



(the “Apple Telecommunications Mark”).

4. Opposer’s family of APPLE-based word marks, its Apple Logo and its Apple Telecommunications Mark (collectively, “Opposer’s Marks”) have achieved an extraordinary level of fame and consumer recognition. As a result of Opposer’s extensive advertising, promotion and use of Opposer’s Marks in connection with a variety of goods and services, Opposer’s Marks have acquired enormous goodwill, and have come to be identified immediately with Opposer as the source of goods and services.

5. Opposer’s Marks are famous under the Lanham Act, specifically 15 U.S.C. § 1125 *et seq.*, and are among the most valuable trademarks in the world. The extraordinary

level of fame and consumer recognition that Opposer's Marks currently enjoy cannot be seriously disputed.

6. For many years, Opposer's APPLE brand (including the Apple Logo) has consistently been recognized as one of the top brands in the United States and throughout the world. For example, Harris Interactive Inc., one of the world's largest market research firms, found Opposer's APPLE brand to be one of the 10 most recognized brands in the United States in its 2006 and 2007 *Harris Polls* of "best brands," which are based upon consumer responses. Attached as **Exhibit 1** is a printout of *The Harris Poll #71, July 17, 2007* of "Best Brands."

7. In addition, Interbrand has consistently recognized Opposer's APPLE brand as belonging in the top 50 of the world's most valuable brands. Attached as **Exhibit 2** are copies of the rankings, in reverse chronological order from 2008 through 2001, as compiled by Interbrand. Interbrand has given the APPLE brand the following rankings and U.S. dollar values over the past eight years:

- i. 2008: valuing the APPLE brand as the 24th most valuable brand in the entire world, with an estimated brand worth of U.S. \$13.724 billion.
- ii. 2007: valuing the APPLE brand as the 33rd most valuable brand in the entire world, with an estimated brand worth of U.S. \$11.037 billion.
- iii. 2006: valuing the APPLE brand as the 39th most valuable brand in the entire world, with an estimated brand worth of U.S. \$9.130 billion.
- iv. 2005: valuing the APPLE brand as the 41st most valuable brand in the entire world, with an estimated brand worth of U.S. \$7.985 billion.
- v. 2004: valuing the APPLE brand as the 43rd most valuable brand in the entire world, with an estimated brand worth of U.S. \$6.871 billion.
- vi. 2003: valuing the APPLE brand as the 50th most valuable brand in the entire world, with an estimated brand worth of U.S. \$5.55 billion.
- vii. 2002: valuing the APPLE brand as the 50th most valuable brand in the entire world, with an estimated brand worth of U.S. \$5.32 billion.

viii. 2001: valuing the APPLE brand as the 49th most valuable brand in the entire world, with an estimated brand worth of U.S. \$5.46 billion.

8. Furthermore, over the past four years, Millward Brown Optimor (“MBO”), a leading market research and brand valuation and management company, has found APPLE to be one of the top 100 brands in its annual assessment of the 100 most valuable brands in the world, entitled “Brandz – Top 100 Brand Rankings.” Opposer’s APPLE brand was ranked 29th in 2006, 16th in 2007, and 7th in MBO’s 2008 rankings. In MBO’s 2009 rankings, Opposer’s APPLE brand was assessed as the 6th most valuable brand in the world, with an estimated value of over US \$63 billion. Attached as **Exhibit 3** are copies of relevant pages of MBO’s rankings in reverse chronological order from 2009 through 2006.

9. Additionally, each year since 2006, *Fortune Magazine* has published its list of “America’s Most Admired Companies.” Apple has featured prominently in these rankings each year, placing 11th in 2006, and 7th in 2007. In 2008 and 2009, Apple topped the list, and was named “America’s Most Admired Company.” Attached as **Exhibit 4** are true and correct copies of printouts of *Fortune Magazine*’s “Most Admired Company” rankings in reverse chronological order from 2009 through 2006.

10. Moreover, in 2006 and 2008, *Business Week* magazine named Apple as the world’s most innovative company in its article on “The World’s Most Innovative Companies.” Attached as **Exhibit 5** are true and correct printouts from *Business Week*’s web site naming Apple as the world’s most innovative company in 2006 and 2008.

11. Opposer is the owner of numerous United States Registrations on the Principal Register for Opposer’s Marks, including, without limitation, the following registrations:

TRADEMARK	REG. NO.	FILING DATE/ REG. DATE	GOODS/SERVICES
APPLE	1,078,312	March 25, 1977 Nov. 29, 1977	Class 9: Computers and computer programs recorded on paper and tape.

TRADEMARK	REG. NO.	FILING DATE/ REG. DATE	GOODS/SERVICES
	1,114,431	March 20, 1978 March 6, 1979	Class 9: Computers and computer programs recorded on paper and tape.
<p style="text-align: center;">APPLE</p>	2,079,765	April 7, 1995 July 15, 1997	Class 38: Communication filed by computer, namely, electronic transmission of data and documents via computer, delivery of messages by electronic transmission.
	2,715,578	July 1, 2002 May 13, 2003	Class 9: Computers hardware; computer hardware, namely, server, desktop, laptop, notebook and subnotebook computers; hand held and mobile computers; computer [terminals and] monitors; personal digital assistants; portable digital audio players; electronic organizers; computer keyboards, cables, modems; audio speakers; computer video control devices, namely, computer mice, [trackballs, joysticks and gamepads;] a full line of computer software for business, home, education, and developer use; computer programs for personal information management; database management software; [character recognition software; telephony management software;] electronic mail and messaging software; [telecommunications software, namely for paging;] database synchronization software; computer programs for accessing, browsing and searching online databases; operating system software; application development tool programs; blank computer storage media; fonts, typefaces, type designs and symbols recorded on magnetic media; computer software for use in providing multiple user access to a global computer information network for searching, retrieving, transferring, manipulating and disseminating a wide range of information; computer software for use as a programming interface; computer software for use in network server sharing; local and wide area networking software; computer

TRADEMARK	REG. NO.	FILING DATE/ REG. DATE	GOODS/SERVICES
			<p>software for matching, correction, and reproduction of color; computer software for use in digital video and audio editing; computer software for use in enhancing text and graphics; computer software for use in font justification and font quality; computer software for use to navigate and search a global computer information network, as well as to organize and summarize the information retrieved; computer software for use in word processing and database management. word processing software incorporating text, spreadsheets, still and moving images, sounds and clip art; computer software for use in authoring, downloading, transmitting, receiving, editing, extracting, encoding, decoding, playing, storing and organizing audio, video, still images and other digital data; computer software for analyzing and troubleshooting other computer software; children's educational software; computer game software; Computer graphics software; [Computer search engine software;] Web site development software; computer program which provides remote viewing, remote control, communications and software distribution within personal computer systems and across computer network; computer programs for file maintenance and data recovery; computer peripherals; instructional manuals packaged in association with the above.</p>
	2,753,069	<p>July 23, 2002 August 19, 2003</p>	<p>Class 42: Application service provider (ASP), namely, hosting computer software applications of others; computer services, namely, displaying the web sites and images of others on a computer server; computer diagnostic services; installation of computer software; updating of computer software; maintenance of computer software; computer hardware development; integration of computer systems and networks; monitoring the computer systems of others for technical</p>

TRADEMARK	REG. NO.	FILING DATE/ REG. DATE	GOODS/SERVICES
			<p>purposes and providing back-up computer programs and facilities; computer consultation, design, and testing services; consulting services in the field of design, selection, implementation and use of computer hardware and software systems for others; computer data recovery; computer programming for others; research and development of computer hardware and software; website design, creation and hosting services; computer services, namely, designing and implementing web sites for others; computer services, namely, providing search engines for obtaining data on a global computer network; providing use of on-line non-downloadable software for communications via local or global communications networks, including the Internet, intranets, and extranets; computer consultation, namely, analyzing data to detect, eradicate, and prevent the occurrence of computer viruses; computer consultation, namely, services relating to the protection of computer hardware, computer software, computer networks and computer systems against computer viruses, attacks, or failures; computer consultation, namely, services for optimizing the performance and functionality of computer software and communications networks; technical support services, namely, troubleshooting of computers, computer software, telecommunications, and the Internet systems; leasing of computers, computer peripherals and computer software; leasing computer facilities. providing information in a wide variety of fields over computer networks and global communication networks; computer services, namely, creating indexes of information, web sites and other information sources available on computer networks; providing information concerning a wide range of text, electronic documents, databases, graphics and audiovisual information.</p>

TRADEMARK	REG. NO.	FILING DATE/ REG. DATE	GOODS/SERVICES
	2,870,477	August 22, 2002 August 3, 2004	<p>Class 38: Telecommunication services, namely, electronic transmission of data and images via computer networks; electronic mail services; providing on-line electronic bulletin boards for transmission of messages among computer users in the fields of business, creative design, education, computers, information technology, word processing, database management, entertainment, electronic commerce and telecommunications; telecommunications consultation; delivery of messages by electronic transmission; electronic transmission of data and information by computer, radio, mail, providing Internet access.</p>
	3,298,028	August 2, 2006 September 25, 2007	<p>Class 35: Arranging and conducting trade shows, and trade show expositions and exhibitions in the fields of computers, computer software, online services, information technology, and consumer electronics.</p> <p>Class 41: Education and training services, namely, conducting classes, workshops, conferences and seminars in the field of computers, computer software, online services, information technology, internet website design, video products and consumer electronics; arranging of exhibitions, seminars and conferences; arranging professional workshop and training courses; computer education training services; training in the use and operation of computers and computer software; providing a website for the uploading, sharing, viewing and posting of photographs, digital images, movies, videos, online journals, namely web blogs in general interest fields, and other related multimedia entertainment materials over a global computer network; providing fitness and exercise facilities; Physical fitness consultation and instruction; providing on-line publications in the nature of newsletters in the field of computers and education; providing information in the field of education via the internet; providing information in the</p>

TRADEMARK	REG. NO.	FILING DATE/ REG. DATE	GOODS/SERVICES
			field of entertainment via the Internet concerning movies, music, videos, television, celebrities, sports, news, history, science, politics, comedy, children's entertainment, animation, culture, current events.
	3,673,592	July 20, 2007 August 25, 2009	<p>Class 9: Portable and handheld digital electronic devices for recording, organizing, transmitting, manipulating, and reviewing audio, video, images, and other multimedia content; computer software for use in organizing, transmitting, manipulating, reproducing, processing, streaming, playing and reviewing audio, video, images, and other multimedia content on digital electronic devices; computer hardware and software for controlling the operation of audio, video, and multimedia devices and for viewing, searching, or playing audio, video, images and other multimedia content; computer software for encoding, publishing and distributing audio, video, images, and other multimedia content via the internet and other communication networks; downloadable digital audio, video, and multimedia files and recordings featuring music, television, film, books, news, concerts, radio, sports, games, cultural events, and entertainment-related and educational programs; downloadable webcasts and podcasts featuring audio, video, and other downloadable multimedia broadcasts in the field of music, television, film, books, news, concerts, radio, sports, games, cultural events, and entertainment-related and educational programs.</p> <p>Class 35: Retail store services featuring prerecorded audio, video, and other multimedia works in the field of entertainment and education; providing an online directory information service featuring information about audio, video, images, and other multimedia content in the fields of entertainment and education.</p>

TRADEMARK	REG. NO.	FILING DATE/ REG. DATE	GOODS/SERVICES
			<p>Class 38: Webcasting, namely, broadcasting via the internet; streaming of digital audio, video, images, and multimedia content via computer and communications networks; transmission of audio and video, namely, audio and video broadcasting services via computer and communications networks.</p> <p>Class 41: Non-downloadable webcasts and podcasts featuring audio, video and other media broadcasts in the fields of entertainment and education; Providing online databases of audio, video, images, and other multimedia content in the fields of entertainment and education.</p>
	3,679,056	January 13, 2009 September 8, 2009	<p>Class 9: Computers; computer hardware; computer peripherals; handheld computers; handheld mobile digital electronic devices for recording, organizing, transmitting, manipulating, and reviewing text, data, image, audio, and audiovisual files, for the sending and receiving of telephone calls, electronic mail, and other digital data, for use as a digital format audio player, handheld computer, personal digital assistant, electronic organizer, electronic notepad, camera, and global positioning system (GPS) electronic navigation device; digital audio and video recorders and players; personal digital assistants; electronic organizers; cameras; telephones; mobile phones; satellite navigational systems, namely, global positioning systems (GPS); electronic navigational devices, namely, global positioning satellite (GPS) based navigation receivers; computer game machines for use with external display screens, monitors, or televisions; a full line of accessories and parts for the aforementioned goods; stands, covers, cases, holsters, power adaptors, and wired and wireless remote controls for the aforementioned goods; computer memory hardware; computer disc drives; optical disc drives; computer</p>

TRADEMARK	REG. NO.	FILING DATE/ REG. DATE	GOODS/SERVICES
			networking hardware; computer monitors; flat panel display monitors; computer keyboards; computer cables; modems; computer mice; electronic docking stations; set top boxes; batteries; battery chargers; electrical connectors, wires, cables, and adaptors; devices for hands-free use; headphones; earphones; ear buds; audio speakers; microphones; and headsets; a full line of computer software for business, home, education, and developer use; user manuals for use with, and sold as a unit with, the aforementioned goods. downloadable audio and video files, movies, ring tones, video games, television programs, pod casts and audio books via the internet and wireless devices featuring music, movies, videos, television, celebrities, sports, news, history, science, politics, comedy, children's entertainment, animation, culture, current events and topics of general interest.

Copies of the above-identified registrations are annexed as **Exhibit 6**.

12. The above-identified registrations are valid and in full force and effect. Indeed, affidavits have been filed and accepted pursuant to Sections 8 and 15 of the Lanham Act for Registration Nos. 1,078,312; 1,114,431; 2,079,765; and 2,715,578, rendering such registrations incontestable.

13. Notwithstanding Opposer’s prior rights, on November 10, 2008, applicant Continuity Health Solutions, LLC (“Applicant”) filed Application Serial No. 76/694,138 for “mobile communications device that wirelessly transmits, records and stores health care data for patients during physical activity” in International Class 9 for the following mark



(“Applicant’s Mark”).

14. Opposer is timely filing this Notice of Opposition.

15. Consumers familiar with the sorts of goods and services long associated with Opposer’s Marks are likely to assume that the goods offered under Applicant’s Mark originate from the same source. The dominant element of Applicant’s Mark is an apple design similar to Opposer’s Apple Logo and is the equivalent of Opposer’s APPLE word mark. The remainder of Applicant’s Mark is comprised of geometric objects representing a person, with an additional element representing sound waves. These are the two elements comprising Opposer’s Apple Telecommunications Mark. Viewed as a whole, Applicant’s Mark is very similar to Opposer’s Marks in appearance, connotation and overall commercial impression.

16. The services cited under Applicant’s Mark are very closely related to goods and services Opposer has long offered and provided in connection with Opposer’s Marks, and in some instances are nearly identical to services cited under existing registrations for Opposer’s Marks.

17. Accordingly, Applicant’s Mark so closely resembles Opposer’s Marks that Applicant’s use of Applicant’s Mark is likely to cause confusion, mistake or deception in the minds of consumers as to the origin or source of Applicant’s services in violation of Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d), with consequent injury to Opposer and the public.

18. Additionally, registration of Applicant’s Mark is likely to cause dilution of the distinctiveness of Opposer’s Marks by eroding consumers’ exclusive identification of Opposer’s

Marks with Opposer, and otherwise lessening the capacity of Opposer's Marks to identify and distinguish the goods and services of Opposer, in violation of Section 43(c)(1) of the Lanham Act, 15 U.S.C. § 1125(c)(1).

19. If Applicant is permitted to register Applicant's Mark, as specified in the application herein opposed, consumer confusion resulting in damage and injury to Opposer would be caused and would result by reason of the similarity between Applicant's Mark and Opposer's Marks. Persons familiar with Opposer's Marks would be likely to purchase Applicant's goods as and for goods associated with Opposer. Furthermore, any defect, objection or fault found with Applicant's goods marketed under Applicant's Mark would necessarily reflect upon and seriously injure the reputation which Opposer has established for its goods and services.

20. There is no issue as to priority. Opposer began using Opposer's Marks in commerce at least as early as 1977, well prior to the November 10, 2008 filing date of Applicant's intent-to-use based application.

21. If Applicant is granted the registration herein opposed, it would thereby obtain a *prima facie* exclusive right to the use of Applicant's Mark. Such registration would be a source of damage and injury to Opposer.

WHEREFORE, Opposer requests that this opposition be sustained and that the registration of Application Serial No. 76/694,138 be denied.

The opposition fee in the amount of \$300.00 for an opposition in one class is filed herewith. If for any reason this amount is insufficient, it is requested that Opposer's attorneys'

CERTIFICATE OF TRANSMITTAL

I hereby certify that a true copy of the foregoing NOTICE OF OPPOSITION is being filed electronically with the TTAB via ESTTA on this day, September 18th, 2009.

/s/ Robert N. Potter

Robert Potter

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing NOTICE OF OPPOSITION has been served on Applicant by depositing said copy with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to:

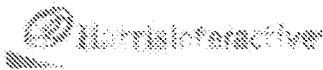
Continuity Health Solutions, LLC
9304 Forrest Lane
Suite N272
Dallas, Texas 75243

This the 18th day of September, 2009.

/s/ Robert N. Potter

Robert Potter

Exhibit 1



Information

COMPANY CLIENT SERVICES WHY PARTNER WITH US MEDIA & TV

The Harris Poll® #71, July 17, 2007

Coca Cola On Top For First Time In Annual 'Best Brands' Harris Poll

After Seven Years At Number One, Sony Drops To Second

Coca Cola continues its rise as it moves into the top position of the annual Harris Poll of "best brands" for the first time and rises from No. 3 last year. Sony, which had been in the top position for seven straight years, drops one spot to No. 2, while Toyota, previously in the fourth position, moves up to No. 3. Dell, which had been in the second spot last year drops two spots to No. 4 this year.

These are some of the results of a nationwide Harris Poll of 2,372 U.S. adults surveyed online by Harris Interactive® between June 5 and 11, 2007. Survey responses were unaided and a list of brand names was not presented to respondents. The results from this survey cannot be compared to results of the Harris Interactive 2007 EquiTrend Brand Study results, as the methodologies for the surveys differ.

The other places on the top-10 list of best brands are taken by Ford (No. 5), Kraft Foods (No. 6), Pepsi Cola (No. 7), Microsoft (No. 8), Apple (No. 9) and Honda (No. 10). Two brands dropped out of this list this year, Hewlett Packard (was No. 7) and General Electric (No. 8).

"Top of mind association with being "best" is a good position for any brand," said Robert Frank, Senior Vice President, Brand and Strategy Consulting, Harris Interactive. "For a truly successful brand relationship though, the objective is not just awareness, but to foster the ongoing process and outcome of brand engagement, which requires more custom and sophisticated measures based upon the interaction of the brand and its desired audience."

Analysis By Industry

Three industries are represented on this year's list. Four of the companies are from the Electronics industry, while three are each from Autos and Consumer and Package Goods.

Changes Since Last Year

Most of the brands in this year's Top 10 list have not moved up or down substantially. The most notable changes are Honda, falling from No. 6 to No. 10 and Kraft Foods which rose from No. 9 to No. 6.

A Decade Ago...

One interesting thing to note is the changes from 1997 and what a difference ten years makes. Only four of this year's top ten brands were on the list back then: Ford (which was No. 1), Sony (which was No. 3), Coca-Cola (which was No. 7) and Pepsi Cola (which was No. 10).

TABLE 1

BEST BRANDS

"We would like you to think about brands or names of products and services you know. Considering everything, which three brands do you consider the best?"

(All three replies combined)

Sign-up for Harris
About The Harris
The Harris Poll by
> 2008
> 2007
> 2006
> 2005
Search The Harris
News Room

Base: All Adults

	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Coca-Cola	*	8	7	7	*	*	6	5	7	2	4	3	1
Sony	3	1	3	1	2	1	1	1	1	1	1	1	2
Texsa	*	=10	*	3	=8	=7	4	*	*	5	6	4	3
Dell	*	*	*	*	*	5	*	2	3	3	2	2	4
Ford	2	3	1	3	1	4	2	3	6	5	5	5	5
Trail Foods	*	*	*	*	*	*	*	4	2	4	3	9	6
Pepsi Cola	*	*	10	*	*	*	*	7	=10	*	*	*	7
Microsoft	*	*	*	=8	6	*	7	*	5	*	=10	*	8
Apple	*	*	*	*	*	*	*	*	*	*	*	10	9
Ford	*	*	*	*	*	*	*	5	*	7	=7	8	10

Note: These are spontaneous replies. Respondents are not read or shown a list of brand names.

* Not in Top 10.

= Indicates a tie.

BRANDS THAT DROPPED OUT OF TOP-10 THIS YEAR

Hewlett Packard (was No. 7) and General Electric (was No. 8)

TABLE 2

NUMBER OF INDUSTRIES REPRESENTED IN THE TOP-TEN LIST

	2001	2002	2003	2004	2005	2006	2007
Electronics*	5	3	4	3	5	5	4
Automobiles	3	3	2	4	4	3	3
Consumer & packaged goods	2	3	4	3	2	2	3

Includes Microsoft

Methodology

This Harris Poll® was conducted online within the United States between June 5 and 11, 2007 among 2,372 adults. Figures for age, sex, race/ethnicity, education, region and household income were weighted where necessary to bring them into line with their actual proportions in the population. Propensity score weighting was also used to adjust for respondents' propensity to be online.

All sample surveys and polls, whether or not they use probability sampling, are subject to multiple sources of error which are most often not possible to quantify or estimate, including sampling error, coverage error, error associated with nonresponse, error associated with question wording and response options, and post-survey weighting and adjustments. Therefore, Harris Interactive avoids the words "margin of error" as they are misleading. All that can be calculated are different possible sampling errors with different probabilities for pure, unweighted, random samples with 100% response rates. These are only theoretical because no published polls come close to this ideal.

Respondents for this survey were selected from among those who have agreed to participate in Harris Interactive surveys. The data have been weighted to reflect the composition of the adult population. Because the sample is based on those who agreed to participate in the Harris Interactive panel, no estimates of theoretical sampling error can be calculated.

These statements conform to the principles of disclosure of the National Council on Public Polls.

J 30887

Q 557, 559, 560

©2007, Harris Interactive Inc. All rights reserved. Reproduction prohibited without the express written permission of Harris Interactive.



Printer Friendly Version of this Release

[PRIVACY](#) [INVESTOR RELATIONS](#) [SURVEY DEMO](#) [JOIN OUR PANEL](#) [SITE MAP](#) [SEARCH](#)

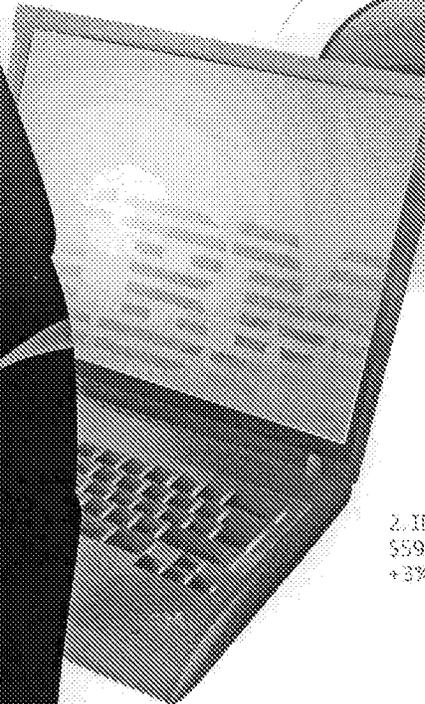
©2007 Harris Interactive Inc. All rights reserved.

Exhibit 2

Best Global Brands 2008

Creating and managing
brand value™

Interbrand



1. Coca-Cola
\$66,667 Million
+2% from 2007

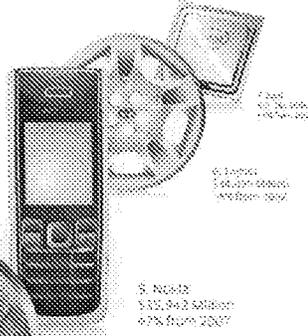
2. IBM
\$59,031 Million
+3% from 2007

3. Microsoft
\$59,007 Million
+1% from 2007

4. GE
\$51,086 Million
-3% from 2007

5. Nike
\$32,943 Million
+7% from 2007

6. Ford
\$24,027 Million
+10% from 2007



Lessons from the Best Global Brands

Building brand value

Collaborative branding

Activating employees

Are you acting
like a brand leader?

Sustainability's impact
on brand value

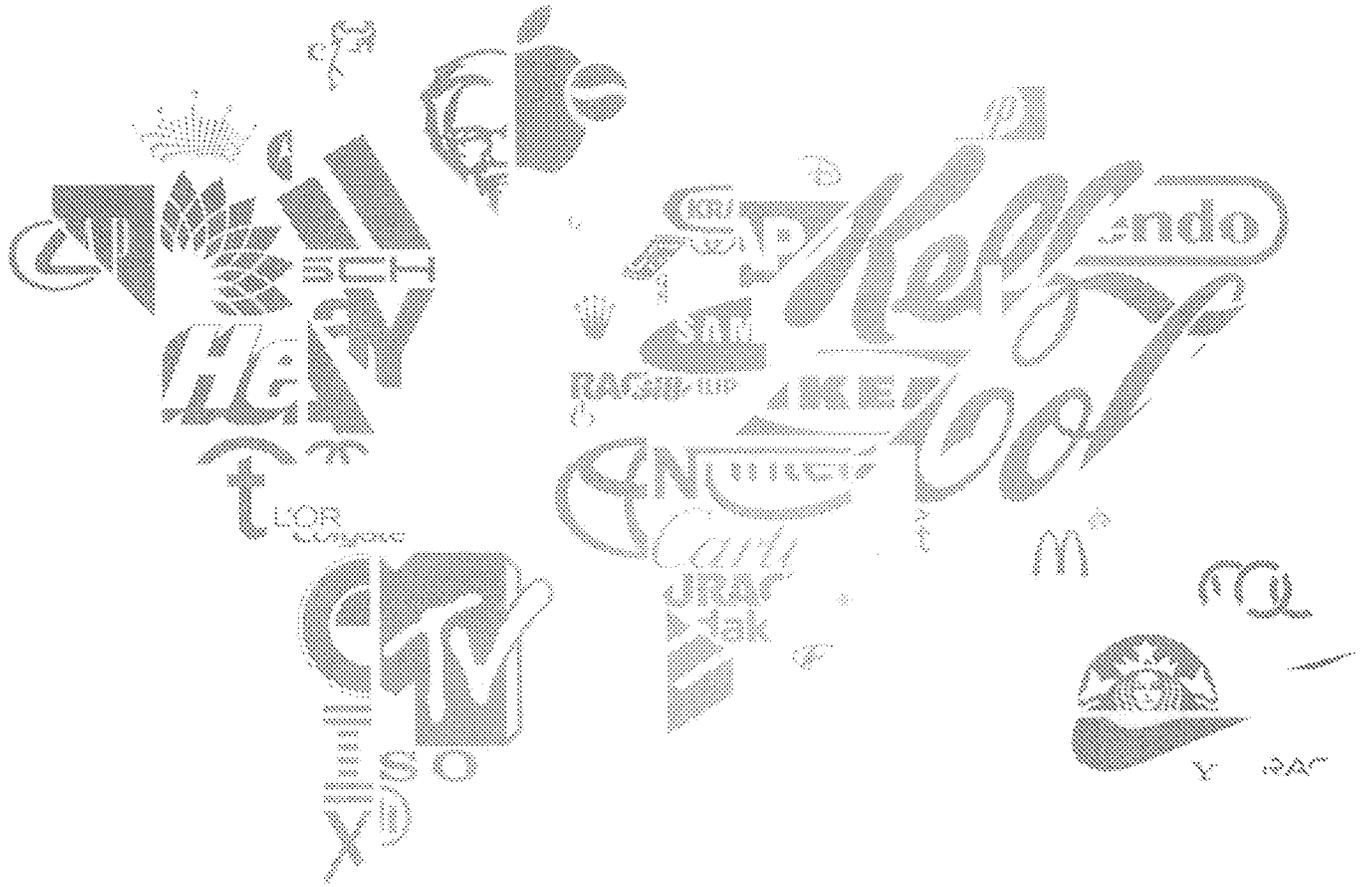
Marketing and sector
performance

The Red Thread of
brand value

Best Global Brands 2008

2008 Rank	2007 Rank	Brand	Country	Category	Brand Value (USD)	% Change
1	1		US	Beverages	26,079	+5%
2	3		US	Computer Software	18,264	+7%
3	2		US	Computer Software	16,209	-5%
4	4		US	Diversified	13,086	+3%
5	5		Finland	Consumer Electronics	11,841	+7%
6	6		Spain	Automotive	11,250	+6%
7	7		US	Computer Hardware	11,250	+5%
8	8		US	Restaurants	11,009	+6%
9	9		US	Media	10,250	+5%
10	10		US	Internet Services	10,000	+6%
11	11		South Korea	Automotive	10,000	+6%
12	12		US	Computer Hardware	10,000	+6%
13	13		Germany	Automotive	10,000	+6%
14	14		US	Personal Care	10,000	+6%
15	15		US	Financial Services	10,000	+6%
16	16		France	Luxury	10,000	+6%
17	17		US	Computer Services	10,000	+6%
18	18		US	Tobacco	10,000	+6%
19	19		US	Financial Services	10,000	+6%
20	20		Spain	Automotive	10,000	+6%
21	21		China	Consumer Electronics	10,000	+6%
22	22		Sweden	Retail	10,000	+6%
23	23		US	Computer Software	10,000	+6%
24	24		US	Consumer Electronics	10,000	+6%
25	25		Japan	Consumer Electronics	10,000	+6%
26	26		US	Beverages	10,000	+6%
27	27		US	Financial Services	10,000	+6%
28	28		Switzerland	Food/Beverages	10,000	+6%
29	29		US	Sportswear	10,000	+6%
30	30		US	Financial Services	10,000	+6%
31	31		Germany	Financial Services	10,000	+6%
32	32		Spain	Automotive	10,000	+6%
33	33		Spain	Automotive	10,000	+6%
34	34		Spain	Automotive	10,000	+6%
35	35		Spain	Automotive	10,000	+6%
36	36		Spain	Automotive	10,000	+6%
37	37		Spain	Automotive	10,000	+6%
38	38		Spain	Automotive	10,000	+6%
39	39		Spain	Automotive	10,000	+6%
40	40		Spain	Automotive	10,000	+6%
41	41		Spain	Automotive	10,000	+6%
42	42		Spain	Automotive	10,000	+6%
43	43		Spain	Automotive	10,000	+6%
44	44		Spain	Automotive	10,000	+6%
45	45		Spain	Automotive	10,000	+6%
46	46		Spain	Automotive	10,000	+6%
47	47		Spain	Automotive	10,000	+6%
48	48		Spain	Automotive	10,000	+6%
49	49		Spain	Automotive	10,000	+6%
50	50		Spain	Automotive	10,000	+6%

2008 Rank	2007 Rank	Brand	Country	Category	Brand Value (USD)	% Change
51	51		France	Personal Care	10,000	+6%
52	52		Spain	Automotive	10,000	+6%
53	53		Spain	Automotive	10,000	+6%
54	54		Spain	Automotive	10,000	+6%
55	55		Spain	Automotive	10,000	+6%
56	56		Spain	Automotive	10,000	+6%
57	57		Spain	Automotive	10,000	+6%
58	58		Spain	Automotive	10,000	+6%
59	59		Spain	Automotive	10,000	+6%
60	60		Spain	Automotive	10,000	+6%
61	61		Spain	Automotive	10,000	+6%
62	62		Spain	Automotive	10,000	+6%
63	63		Spain	Automotive	10,000	+6%
64	64		Spain	Automotive	10,000	+6%
65	65		Spain	Automotive	10,000	+6%
66	66		Spain	Automotive	10,000	+6%
67	67		Spain	Automotive	10,000	+6%
68	68		Spain	Automotive	10,000	+6%
69	69		Spain	Automotive	10,000	+6%
70	70		Spain	Automotive	10,000	+6%
71	71		Spain	Automotive	10,000	+6%
72	72		Spain	Automotive	10,000	+6%
73	73		Spain	Automotive	10,000	+6%
74	74		Spain	Automotive	10,000	+6%
75	75		Spain	Automotive	10,000	+6%
76	76		Spain	Automotive	10,000	+6%
77	77		Spain	Automotive	10,000	+6%
78	78		Spain	Automotive	10,000	+6%
79	79		Spain	Automotive	10,000	+6%
80	80		Spain	Automotive	10,000	+6%
81	81		Spain	Automotive	10,000	+6%
82	82		Spain	Automotive	10,000	+6%
83	83		Spain	Automotive	10,000	+6%
84	84		Spain	Automotive	10,000	+6%
85	85		Spain	Automotive	10,000	+6%
86	86		Spain	Automotive	10,000	+6%
87	87		Spain	Automotive	10,000	+6%
88	88		Spain	Automotive	10,000	+6%
89	89		Spain	Automotive	10,000	+6%
90	90		Spain	Automotive	10,000	+6%
91	91		Spain	Automotive	10,000	+6%
92	92		Spain	Automotive	10,000	+6%
93	93		Spain	Automotive	10,000	+6%
94	94		Spain	Automotive	10,000	+6%
95	95		Spain	Automotive	10,000	+6%
96	96		Spain	Automotive	10,000	+6%
97	97		Spain	Automotive	10,000	+6%
98	98		Spain	Automotive	10,000	+6%
99	99		Spain	Automotive	10,000	+6%
100	100		Spain	Automotive	10,000	+6%



ALL BRANDS ARE NOT CREATED EQUAL

Best Global Brands 2007

Interbrand



2. Best Global Brands

2007 Rank	Brand		Country of origin	Sector	2007 Brand Value (\$m)	Change in brand value
21	Samsung		Republic of Korea	Consumer Electronics	16,653	4%
22	Merrill Lynch		US	Financial Services	14,343	10%
23	HSBC		UK	Financial Services	13,683	17%
24	Nescafé		Switzerland	Beverages	12,850	4%
25	Sony		Japan	Consumer Electronics	12,607	10%
26	Pepsi		US	Beverages	12,588	2%
27	Oracle		US	Computer Software	12,448	9%
28	UPS		US	Transportation	12,013	12%
29	Nike		US	Sporting Goods	12,014	10%
30	Budweiser		US	Alcohol	11,652	0%
31	Dell		US	Computer Hardware	11,554	-6%
32	JPMorgan		US	Financial Services	11,433	12%
33	Apple		US	Computer Hardware	11,037	21%
34	SAP		Germany	Computer Software	10,850	6%
35	Goldman Sachs		US	Financial Services	10,663	11%
36	Canon		Japan	Computer Hardware	10,531	6%
37	Morgan Stanley		US	Financial Services	10,340	6%
38	Ikea		Sweden	Home Furnishings	10,047	15%
39	UBS		Switzerland	Financial Services	9,838	13%
40	Kellogg's		US	Food	9,341	6%

Best Global Brands 2006

A Ranking by Brand Value

Interbrand

BusinessWeek



4. Best Global Brands

Rank	Brand	Country of origin	Sector	2006 Brand Value (\$m)	Change in brand value
26	Sony	Japan	Consumer Electronics	11,895	9%
27	Budweiser	US	Alcohol	11,862	-2%
28	HSBC	UK	Financial Services	11,622	11%
29	Oracle	US	Computer Software	11,459	5%
30	Ford	US	Automotive	11,056	-16%
31	Nike	US	Sporting Goods	10,897	8%
32	UPS	US	Transportation	10,712	8%
33	JPMorgan	US	Financial Services	10,205	8%
34	SAP	Germany	Computer Software	10,007	11%
35	Canon	Japan	Computer Hardware	9,988	19%
36	Morgan Stanley	US	Financial Services	9,762	0%
37	Goldman Sachs	US	Financial Services	9,640	13%
38	Pfizer	US	Pharmaceuticals	9,591	-4%
39	Apple	US	Computer Hardware	9,138	14%
40	Kellogg's	US	Food	8,776	6%
41	Ikea	Sweden	Home Furnishings	8,763	12%
42	UBS	Switzerland	Financial Services	8,734	15%
43	Novartis	Switzerland	Pharmaceutica	7,880	2%
44	Siemens	Germany	Diversified	7,828	4%
45	Harley-Davidson	US	Automotive	7,739	3%
46	Gucci	Italy	Luxury	7,158	8%
47	eBay	US	Internet Services	6,755	18%
48	Philips	Netherlands	Diversified	6,730	14%
49	Accenture	Bermuda	Computer Services	6,728	10%
50	MTV	US	Media/Entertainment	6,627	0%
51	Nintendo	Japan	Consumer Electronics	6,559	1%
52	Gap	US	Apparel	6,415	-22%
53	L'Oreal	France	Personal Care	6,392	6%
54	Heinz	US	Food	6,223	-10%
55	Yahoo!	US	Internet Services	6,056	15%
56	Volkswagen	Germany	Automotive	6,032	7%
57	Xerox	US	Computer Hardware	5,919	4%
58	Colgate	US	Personal Care	5,833	9%
59	Wrigley's	US	Food	5,449	-2%
60	KFC	US	Restaurants	5,350	5%
61	Chanel	France	Luxury	5,156	8%
62	Avon	US	Personal Care	5,040	-3%
63	Nestlé	Switzerland	Food	4,932	4%
64	Kleenex	US	Personal Care	4,842	-2%
65	Amazon.com	US	Internet Services	4,707	11%

ANNUAL REPORT

GLOBAL BRANDS

BusinessWeek/Interbrand rank the companies that best built their images—and made them stick
BY ROBERT BERNER AND DAVID KILEY

ADVERTISERS WHO WANT TO REACH THE Publitz family of Montgomery, Ohio, have to leap a lot of hurdles. Telemarketing? Forget it—the family of five has Caller ID. The Internet? No way—they long ago installed spam and pop-up ad blockers on their three home computers. Radio? Rudy Publitz, 47, has non-commercial satellite radio in his car and in the home. Television? Not likely—the family records its favorite shows on TiVo and skips most ads. “The real beauty is that if we choose to shut advertising out, we can,” Rudy says. “We call the shots with advertisers today.”

The Publitzes and other ad-zapping consumers like them pose an enormous challenge these days to marketers trying to build new brands and nurture old ones. To get a reading on which brands are succeeding—and which aren’t—take a look at the fifth annual *BusinessWeek*/Interbrand ranking of the 100 most valuable global brands. The names that gained the most in value focus ruthlessly on every detail of their brands, honing simple, cohesive identities that are consistent in every product, in every market around the world, and in every contact with consumers. (In the ranking, which is compiled in partnership with brand consultancy Interbrand Corp., a dollar value is calculated for each brand using publicly available

data, projected profits, and variables such as market leadership.)

The best brand builders are also intensely creative in getting their message out. Many of the biggest and most established brands, from Coke to Marlboro, achieved their global heft decades ago by helping to pioneer the 30-second TV commercial. But it’s a different world now. The monolithic TV networks have splintered into scores of cable channels, and mass-market publications have given way to special-interest magazines aimed at smaller groups. Given that fragmentation, it’s not surprising that there’s a new generation of brands, including

Amazon.com, eBay, and Starbucks, that have amassed huge global value with little traditional advertising. They’ve discovered new ways to captivate and intrigue consumers. Now the more mature brands are going to school on the achievements of the upstarts and adapting the new techniques for themselves.

So how do you build a brand in a world in which consumers are increasingly in control of the media? The brands that rose to the top of our ranking all had widely varied marketing arsenals and were able to unleash different campaigns for different consumers in varied media almost simultaneously. They wove messages over multiple media channels and blurred the lines between ads and entertain-

THE BIG WINNERS

High tech and finance got it right in this year’s ranking. America’s electronic flea market, eBay, has ended up on top, a few rungs above Apple.

Samsung repeats from last year, as does HSBC. Joining the megabank is financial powerhouse UBS.

RANK 2005	BRAND	2005 BRAND VALUE (BILLIONS)	2004 BRAND VALUE (BILLIONS)	PERCENT CHANGE
55	EBAY	\$5.70	\$4.70	+21%
29	HSBC	10.43	8.67	+20
20	SAMSUNG	14.96	12.55	+19
41	APPLE	7.99	6.87	+16
44	UBS	7.57	6.53	+16

DATA: Interbrand Corp., JPMorgan Chase & Co., S&P 500, Morgan Stanley

RANK 2005 / 2004	2005 BRAND VALUE \$BILIONS	2004 BRAND VALUE \$BILIONS	PERCENT CHANGE	COUNTRY OF ORIGIN	DESCRIPTION	
15 17	BMW	17,126	15,886	8%	Germany	BMW is in the fast-lane, proving that the right mix of engineering and marketing can propel an auto makers' performance even in tough markets.
17 16	CISCO	16,992	15,948	4%	U.S.	Partnered with Microsoft to tackle Internet security and limit damage from viruses. A new focus on small business is paying off.
18 44	LOUIS VUITTON	16,077	NA	NA	France	With Uma Thurman promoting its hot new Monogram Cerises collection, the world's richest luxury brand seems unstoppable.
19 18	HONDA	15,788	14,874	6%	Japan	Consumers can't get enough of Honda. Now it plans to boost annual North American production to 1.4 million vehicles by 2007.
20 21	SAMSUNG	14,956	12,553	19%	S. Korea	One big brand marketed everywhere, plus an explosion of popular cell phones, is boosting sales of all its gadgets.
21 25	DELL	14,231	11,800	15%	U.S.	It has the biggest market share in personal computers and is now aggressively pushing printers, TVs, and laptops as PC demand slows.
22 19	FORD	13,159	14,475	-9%	U.S.	Mustang is red hot. But SUVs and pickups, which had been top money-makers, are cold, and competition hammers truck profit margins.
23 22	PEPSI	12,399	12,088	3%	U.S.	Increasing emphasis on Diet Pepsi and Hispanic marketing, plus big event advertising on the Super Bowl and Oscars is boosting brand growth.
24 23	NESCAFE	12,241	11,892	3%	Switzerland	Holding its own in the Starbucks era by offering ready-to-drink products such as Ice Java coffee coolers.
25 26	MERRILL LYNCH	12,018	11,499	5%	U.S.	Its revamped retail brokerage business is increasingly being recognized as the best performer in the industry.
26 24	BUDWEISER	11,878	11,848	0%	U.S.	The King of Beers sputtered a bit in 2004, owing to competition from domestic brewers and spirit makers. Bud is battling back with new products.
27 28	ORACLE	10,887	10,935	0%	U.S.	Winning the battle for PeopleSoft, and two other acquisitions, was easy. Oracle now has to integrate all of those products and employees.
28 20	SONY	10,754	12,759	-16%	Japan	Top priority for Sir Howard Stringer, Sony's first ever gaijin CEO: getting the company's consumer electronics biz back on track.
29 33	HSBC	10,429	8,671	20%	Britain	HSBC's three-year-old campaign, "The World's Local Bank," is paying dividends as it rebrands international acquisitions.
30 31	NIKE	10,114	9,260	9%	U.S.	While rivals branch out into hip hop, Nike focuses on athletics. The swoosh overtook Adidas as the biggest supplier of soccer shoes in Europe.
31 29	PFIZER	9,981	10,535	-5%	U.S.	Patent expirations and a weak new-product pipeline hurt the No. 1 drugmaker's prospects. A cost-cutting push won't cure those ailments.
32 NEW	UPS	9,923	New	New	U.S.	Buying regional shippers and rebranding them has enabled Brown to benefit from explosion in mail order and Net selling.
33 27	MORGAN STANLEY	9,777	11,498	-15%	U.S.	Very public management turmoil and the ouster of CEO Philip J. Purcell seriously damaged the firm's sterling reputation.
34 30	JPMORGAN	9,455	9,782	-3%	U.S.	JPMorgan Chase's venerable name has taken its lumps as the bank struggles to absorb its latest acquisition, Chicago's Bank One.
35 35	CANON	9,044	8,055	12%	Japan	Color copiers and top-notch cameras make Canon one of Japan's most profitable companies. Tennis star Maria Sharapova adds star quality.
36 34	SAP	9,006	8,323	8%	Germany	The software giant gained brand value thanks to innovation and smart marketing, but rival Oracle grabbed headlines with its PeopleSoft takeover.
37 37	GOLDMAN SACHS	8,495	7,954	7%	U.S.	Prestige and stability count for a lot, especially when other firms have high-profile management traumas.
38 NEW	GOOGLE	8,461	New	New	U.S.	Google spent \$5 million on marketing in 2004, a fraction of the totals spent by competitors. Yet more people than ever go to Google to search.
39 36	KELLOGG'S	8,306	8,029	3%	U.S.	Cereal is up and acquired brands like Keebler and Morningstar Farms are up even more. International growth is strong.
40 38	GAP	8,195	7,873	4%	U.S.	Sarah Jessica Parker couldn't fend off lackluster sales in 2004. Now the clothier is betting on remodeled stores to move more merchandise.
41 43	APPLE	7,985	6,871	15%	U.S.	With iPod-mania showing no signs of abating, Apple's brand is hotter than ever. That's giving a lift to Mac sales and sets the stage for new offerings.
42 40	IKEA	7,817	7,182	9%	Sweden	The Swedish furniture giant continues to boost sales through smart design and aggressive geographic expansion.
43 NEW	NOVARTIS	7,746	New	New	Switzerland	A heavy advertiser, it ran ads during the Super Bowl and is big in Internet search advertising.
44 45	UBS	7,565	6,526	16%	Switzerland	Its global brand strategy is winning new customers for private wealth management business.

**SOFTBANK SON HAS
A NEW BROADBAND
STRATEGY**

**JOHN KERRY
HIS NEW PLAN FOR
FOREIGN POLICY**

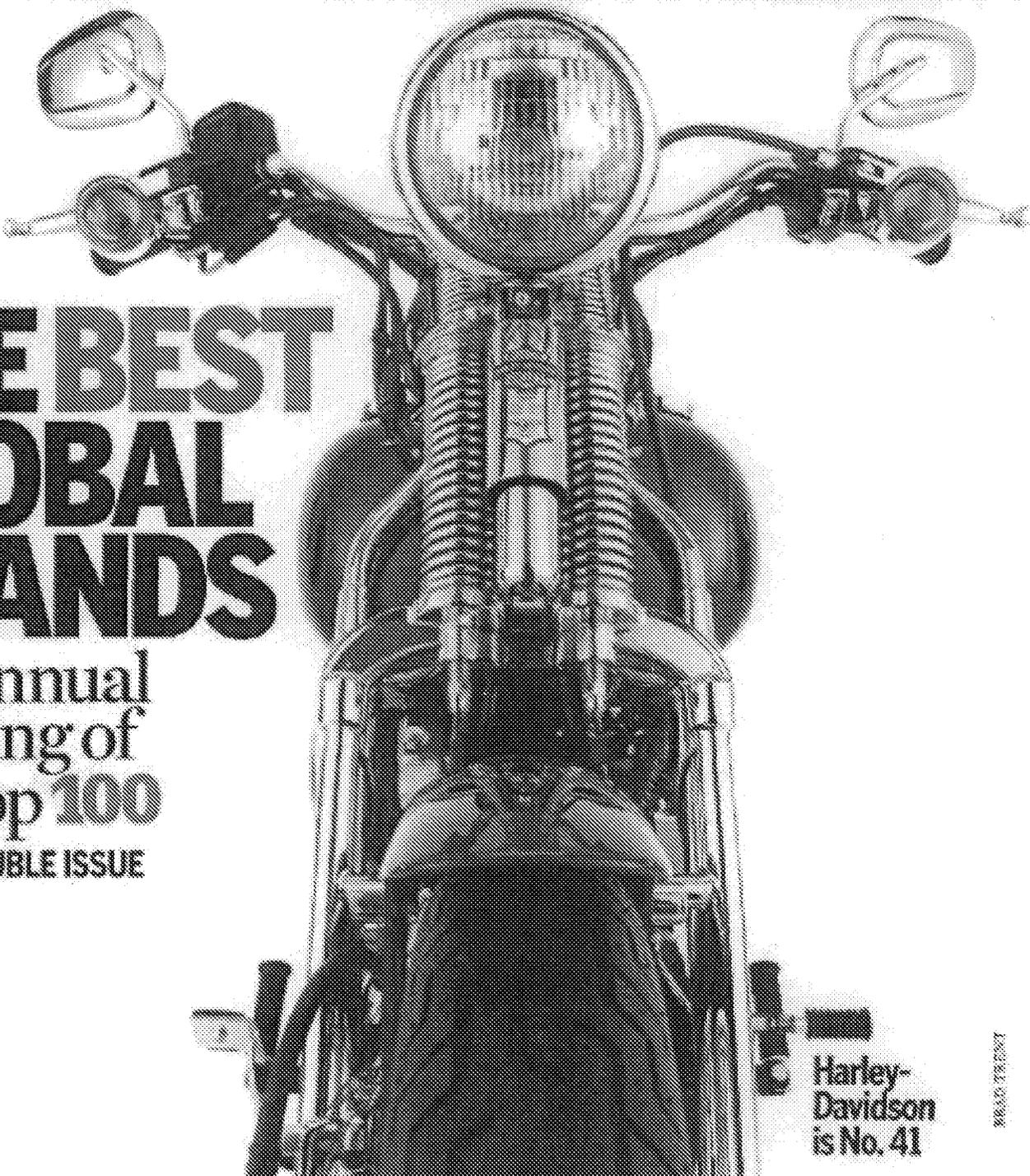
**AMERICAN EXPRESS
LAUNCHING A CREDIT
CARD WAR**

The McGraw-Hill Companies

BusinessWeek

ASIAN EDITION / AUGUST 9-16, 2004

www.businessweek.com



THE BEST GLOBAL BRANDS

Our Annual
Ranking of
The Top 100

SPECIAL DOUBLE ISSUE

Harley-
Davidson
is No. 41

BRAD TRENT

RANK 2004 / 2003		2004 BRAND VALUE \$MILLIONS	2003 BRAND VALUE \$MILLIONS	PERCENT CHANGE	COUNTRY OF OWNERSHIP	DESCRIPTION	
16	17	CISCO	15,948	15,789	1%	U.S.	The networking behemoth used slick TV ads and key acquisitions like Linksys to extend its reach.
17	19	BMW	15,886	15,106	5%	Germany	The Bavarian auto maker is powering higher sales with a raft of new models from the sleek 6 Series sports coupe to the X3 baby SUV.
18	18	HONDA	14,874	15,626	-5%	Japan	Overtaken by Nissan at home and falling further behind rival Toyota in the U.S. market.
19	14	FORD	14,475	17,066	-15%	U.S.	Ford is trying to make quality "Job One" again after an embarrassing run of glitches, but leery consumers haven't yet regained trust.
20	20	SONY	12,759	13,153	-3%	Japan	It was late to the LCD TV boom, and the PS2 video game console is slipping. Worse, rival Samsung is in Sony's face.
21	25	SAMSUNG	12,553	10,846	16%	S. Korea	No longer known just for undercutting the prices of big Japanese brands, the Korean consumer-electronics dynamo is suddenly cool.
22	23	PEPSI	12,066	11,777	2%	U.S.	Targeted marketing and ads abroad with stars like soccer icon David Beckham have enabled the No. 2 cola maker to steal some of Coke's fizz.
23	21	NESCAFE	11,892	12,336	-4%	Switzerland	It's still the world's favorite instant coffee but even products like Ice Java struggle against hip upscale brands like Starbucks.
24	22	BUDWEISER	11,846	11,894	0%	U.S.	The growing global low-carb trend has left Bud flat. Plus, it's under attack from bulked-up and feisty rival Miller.
25	29	DELL	11,500	10,367	11%	U.S.	With its reputation for low prices and fast delivery, Dell continues to leave competitors in the dust.
26	27	MERRILL LYNCH	11,499	10,521	9%	U.S.	A painful overhaul is behind it. Now the retail brokerage is back in hiring and expansion mode.
27	26	MORGAN STANLEY	11,498	10,691	8%	U.S.	The investment bank's reputation is rising along with mergers and stock issuances, its specialty.
28	24	ORACLE	10,935	11,263	-3%	U.S.	The database-software business is up, but CEO Lawrence Ellison's fight to buy rival PeopleSoft makes Oracle look like a corporate raider.
29	28	PFIZER	10,635	10,455	2%	U.S.	The pharma industry's powerhouse, with 11 products each expected to top \$1 billion in annual sales this year.
30	31	J.P. MORGAN	9,782	9,120	7%	U.S.	The marquee investment bank had a solid year, and now can extend its reach with its \$58 billion acquisition of Bank One Corp.
31	33	NIKE	9,260	8,167	13%	U.S.	With allegations of sweatshop operations behind it and a growing soccer line, Nike rules the athletic market.
32	30	MERCK	9,911	9,407	-6%	U.S.	The drugmaker has tried to bolster its lineup with more partnerships, but patent expirations and research flops still pinch.
33	37	HSBC	8,671	7,865	10%	Britain	After snapping up Household International in 2003, the "world's local bank" is making inroads in the U.S. market.
34	35	SAP	8,323	7,714	8%	Germany	Its establishment image and sharp marketing have helped SAP thrive in a volatile software market.
35	39	CANON	8,055	7,192	12%	Japan	Hot digital cameras and printers boosted sales. Next up: an expanded line of sleek color copiers.
36	38	KELLOGG'S	8,029	7,438	8%	U.S.	Jumping on the low-carb bandwagon has kept Kellogg's cereal business crackling.
37	41	GOLDMAN SACHS	7,954	7,039	13%	U.S.	With record profits, it remains one of the most prestigious institutions on Wall Street.
38	36	GAP	7,873	7,668	2%	U.S.	The retail chain has revived its brand with fresh fashions and celebrity endorsements.
39	NEW	SIEMENS	7,470	New	New	Germany	The Munich conglomerate behind everything from phones to power plants is seeing a payoff from years of global image building.
40	43	IKEA	7,182	6,918	4%	Sweden	The Swedish home furnishing chain is now pushing cheap chic furnishings as far as Russia and Asia.
41	44	HARLEY-DAVIDSON	7,057	6,775	4%	U.S.	The motorcycle icon has lowered seat heights to woo women and trimmed prices, but production limits put a brake on growth.
42	40	HEINZ	7,026	7,097	-1%	U.S.	Despite wacky colors and cute ads, it's proving hard to boost value in foods like ketchup and beans.
43	50	APPLE	6,871	5,554	24%	U.S.	The iPod digital music player gave one of tech's coolest brands the consumer electronics hit of the year.
44	45	LOUIS VUITTON	6,602	6,708	-2%	France	It has a hot Murakami line and Jennifer Lopez in its ads, but is Vuitton getting over-exposed?

BusinessWeek

AUGUST 4, 2003

www.businessweek.com

BOND MARKET
IS IT SIGNALING
INFLATION?

VERIZON
IVAN
SEIDENBERG'S
GUTSY BET

MUTUAL FUNDS
OUR NEW
A-LIST

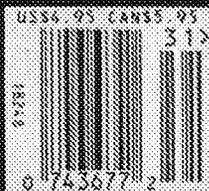
CHINA
SIGNS OF A YUAN
REVALUATION

RUSSIA
BOOMING
ECONOMY,
AUTHORITARIAN
POLITICS

THE BEST GLOBAL BRANDS

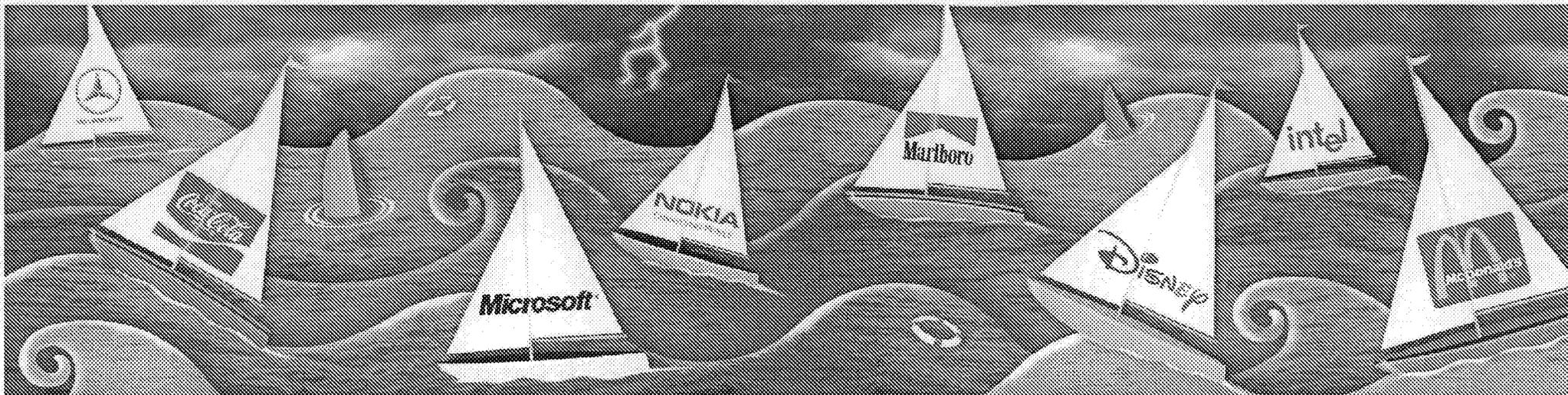
Annual Ranking of the Top 100

PAGE 58



The Global Brand Scoreboard

RANK	2001 BRAND VALUE \$BILLIONS	2002 BRAND VALUE \$BILLIONS	PERCENT CHANGE	COUNTRY OF OWNERSHIP	DESCRIPTION	
40	HEINZ	7.10	7.35	-3	U.S.	The world's favorite ketchup now comes in upside-down bottles and colors like "stellar blue." But competition took a bite.
41	GOLDMAN SACHS	7.04	7.19	-2	U.S.	Raising capital for Corporate America made it arguably the most prestigious investment bank. But a drought in mergers and equity issuances took a toll.
42	VOLKSWAGEN	6.94	7.21	-4	Germany	The stalwart maker of quality mass-market cars suffered from high costs, an aging lineup, fierce French competition, and a slew of overlapping brands.
43	IKEA	6.92	6.55	+6	Sweden	The chain made flat-packed furniture both affordable and fashionable, bringing its concept of democratic design to 31 countries.
44	HARLEY-DAVIDSON	6.78	6.27	+9	U.S.	Aging customers still think Harley when they think motorcycle. They're also rich enough to afford such innovations as the sleek \$18,000 V-Rod.
45	LOUIS VUITTON	6.71	7.05	-5	France	A downturn in tourism slowed this awesome profit machine fueled by monogrammed bags and accessories.
46	MTV	6.28	6.08	+3	U.S.	Still a big favorite among teens, and not just in the U.S., MTV International was one of the fastest growing businesses at parent Viacom Inc.
47	L'OREAL	5.60	5.09	+10	France	Who's boycotting France? Not the millions of women who made L'Oréal the No. 1 cosmetics seller in the U.S.
48	XEROX	5.58	5.31	+5	U.S.	With new financing and a range of hot color products, the troubled copier company's image was on the mend.
49	KFC	5.58	5.35	+4	U.S.	The chicken chain goose global business by promoting local fare—tempura crispy strips in Japan and potato-and-onion croquettes in Holland.
50	APPLE	5.55	5.32	+4	U.S.	The "i"s have it—iPod, iTunes, and iBooks lifted the perennial underdog, while the innovative Music Store download service left rivals in the dust.
51	PIZZA HUT	5.31	6.05	-12	U.S.	The dough wasn't rising. Asian restaurant sales were hurt by SARS, while at home the chain was slow to sling popular new products such as wings.
52	ACCENTURE	5.30	5.18	-2	U.S.	Hit hard by the slump in telecom, the consulting icon took its own advice and nimbly built its outsourcing specialty.
53	GUCCI	5.10	5.30	-4	Italy	Chief designer Tom Ford was still a hit on the catwalks of Paris and New York, but Gucci's profits were shredded by economic stagnation and SARS.
54	KLEENEX	5.06	5.04	0	U.S.	From aromatherapy tissues to 3-D holiday boxes, this leader still managed to pull out some fresh ideas.
55	WRIGLEY'S	5.06	4.75	+7	U.S.	Hip ad campaigns to relaunch core brands Juicy Fruit and Doublemint and introduction of new sugar-free gum reinvigorated the chew-chew train.
56	COLGATE	4.69	4.60	+2	U.S.	As it neared the end of its second century, the brand continued to win over more smiles.
57	AVON	4.63	4.40	+5	U.S.	The Avon Ladies were on a tear, leveraging healthy R&D and marketing budgets through online sales and an expanding door-to-door network.
58	SUN MICROSYSTEMS	4.47	4.77	-6	U.S.	A perception that this computer maker wasn't keeping up with technology trends made it appear as less than cutting edge.
59	PHILIPS	4.46	4.56	-2	Netherlands	In Europe, its name equals home electronics, but Philips struggled with awareness in the U.S. and perennially tough competition from Asia.
60	NESTLE	4.46	4.43	+1	Switzerland	From chocolate to baby formula, the Swiss food giant keeps the world's pantry stocked.
61	CHANEL	4.32	4.27	+1	France	A symbol of Parisian sophistication for mom's generation, but Chanel had a harder time luring younger customers.
62	DANONE	4.24	4.05	+5	France	The maker of Dannon yogurt, already a powerhouse in Europe, was betting big on emerging markets.
63	KRAFT	4.17	4.08	+2	U.S.	The master of line extensions scored with new frozen-pizza flavors and other products but lost share on its cheese business to private labels.
64	AOL	3.96	4.33	-8	U.S.	Often dubbed the "Internet on training wheels," the king of the dial-up services risked losing subscribers as they graduated to broadband connections.
65	YAHOO!	3.90	3.86	+1	U.S.	This Internet icon scared again but will have to watch out for the Net's next killer brand: Google.
66	TIME	3.78	3.68	+3	U.S.	After winning a National Magazine Award for coverage of September 11, the weekly ramped up again with excellent war reporting and photography.
67	ADIDAS	3.69	3.69	0	Germany	The maker of athletic shoes and clothing suffered from a plunge in U.S. sales as youths balked at paying more than \$100 for a pair of sneakers.
68	ROLEX	3.67	3.69	0	Switzerland	Tough times failed to put a dent in the popularity of the signature Swiss watches.
69	BP	3.58	3.39	+6	Britain	John Browne was once again front and center with his controversial "Beyond Petroleum" campaign. A megadeal in Russia also helped.



THE BEST GLOBAL BRANDS

BusinessWeek and **INTERBRAND** tell you what they're worth

Wireless phones. Consumer electronics. Memory chips. Could you pick three tougher lines of business to be in right now? Somehow, with just such a portfolio, Samsung Electronics Co. managed to more than double its profits in the most recent quarter, to \$1.6 billion.

How? Once a humdrum manufacturer of commodity electronics largely sold under other companies' names, South Korea-based Samsung is reaping the rewards of moving aggressively into higher-end products that carry fatter profit margins. It has invested heavily to produce cutting-edge designs, from flat-panel TV monitors that

can be hung on walls like paintings to an elegantly thin DVD player. The company moved up the memory-chip price chain to sell more devices to video game makers. And it became the No. 3 producer of cell phones, with a premium-priced line that includes handsets with color screens.

But just as critical as the turnover in product was the face-lift Samsung gave its brand. Last year, it took a first stab at creating a new image with visually arresting ads such as

one that posed an impossibly stylish woman in blue makeup, yellow nail polish, and ostrich feathers next to one of its TV monitors. This year, it plans to spend \$200 million on ads focused on the company's promise to provide a "DigitAll Experience." That's an attempt to drive home the link between Samsung's new upscale image and the lifestyle its customers crave, says Eric B. Kim, executive vice-president for global marketing operations. Says Kim: "This is our first attempt to be at the leading edge rather than being a follower."

Now more than ever companies see the power of a strong brand. At a time when battered investors, customers, and employees are questioning whom

they can trust, the ability of a familiar brand to deliver proven value flows straight to the bottom line. If, shaken by the plummeting stock market and concerned about the security of their jobs, consumers start cutting back on spending, they're more likely to stick with names they know they can rely on. "When a brand earns our trust, we not only repeat our purchases, but we also tell all of our friends about it," says David Martin, U.S. president of New York-based In-

terbrand Corp., a pioneering brand consultant that teamed up with *BusinessWeek* to create our second annual ranking of the most valuable global brands.

Brands usually aren't listed on corporate balance sheets, but they can go further in determining a company's success than a new factory or technological breakthrough. That's because nurturing a strong brand, even in bad times, can allow companies to command premium prices. Purveyors of products ranging from Budweiser beer to BMW cars have been able to keep growing without succumbing to the pricing pressures of an intensely promotional environment. A strong brand also can open the door when growth depends on breaking into new markets. Starbucks Corp., among the fastest-growing brands, recently set up shop in Vienna, one of Europe's café capitals, and says 400 of its planned 1,200 new store openings this year will be overseas.

To sort out which global brands are holding their ground and which are crumbling, Interbrand and *BusinessWeek* created a ranking of the top 100 by dollar value. The list by Interbrand, a unit of Omnicom Group Inc., is based on the idea that strong brands have the power to lift sales and earnings. Interbrand attempts to figure out how much of a boost each brand delivers, how stable that boost is likely to be, and how much those future earnings are worth today. The value that is assigned is strictly for the products with the brand on them, not for others sold by that company. Therefore, Coca-Cola Co.—easily the top brand again this year, with a value approaching \$70 billion—is ranked just on those products carrying the Coke name, not Sprite or Powerade.

Because Interbrand relies on a rigorous analysis of cash flows rather than mere consumer perceptions to calculate brand values, changes in the business climate or a category's economics can have a strong impact on those values. An economic downturn can erode values even among companies that have resisted the temptation to cut marketing budgets, slash prices, or compromise on quality. In today's perilous eco-

nomie climate, it's no surprise, then, that 49 out of the 100 brands on our list—and 7 of the top 10—fell in value this year. That compares with 41 that dropped in value in our 2001 ranking. Some of the hardest-hit brands represent industries—telecommunications, finance, travel, and luxury goods—that have been body-slammed by the downturn.

Take Boeing Co., whose ambitious brand-influencing efforts—from advertising to relocating its headquarters from Seattle to Chicago—helped put it on the list last year at \$4

billion. But September 11's devastating impact on air travel almost instantly put on hold airlines' plans to expand their fleets, causing Boeing's hard-won brand value to plunge 27% this year, to \$3 billion—a billion dollars of value wiped out.

Still, some companies compounded the problems of a down economy with management missteps. AT&T plunged 30% in value, losing its place among the top 10 brands. The company spent hundreds of millions on aggressive, youth-oriented ads and upgraded the range of licensed products that bear the AT&T name in order to shed its stodgy Ma Bell image. But it didn't deliver enough exciting new products and services fast enough to sell customers on a "new" AT&T.

Amid the carnage, though, many companies found ways to add value to their brands. Samsung was easily the fastest-growing, its value rising an estimated 30% to \$8.3 billion. While Coke continues to struggle to get back its rhythm in the U.S., its sales are still growing in the developing world, buttressed by a strong

global marketing effort behind the World Cup. Thus, Coke eked out a 1% gain, adding \$700 million in brand value. Despite losing some highly publicized battles in the courtroom over its tobacco liability, Philip Morris Cos. saw its venerable Marlboro brand push into the Top 10, adding 10% to its value. The company used deep pockets to squeeze rival brands out of prime display positions in stores.

Other winners exploited their strong brands by launching extensions into new products and categories. Too often, new fla-

The World's 10 Most Valuable Brands

RANK	BRAND	2002 BRAND VALUE (\$BILLIONS)
1	COCA-COLA	69.6
2	MICROSOFT	64.1
3	IBM	51.2
4	GE	41.3
5	INTEL	39.9
6	NOKIA	38.8
7	DISNEY	29.3
8	McDONALD'S	26.4
9	MARLBORO	24.2
10	MERCEDES	21.0

Data: Interbrand Corp., J.P. Morgan Chase & Co.

The Global Brand Scoreboard

RANK	2002 BRAND VALUE \$BILLIONS	2001 BRAND VALUE \$BILLIONS	PERCENT CHANGE	COUNTRY OF OWNERSHIP	DESCRIPTION	
40	KELLOGG'S	7.19	7.01	+3	U.S.	Stabs at innovation, and a Disney alliance that put Buzz Lightyear on cereal boxes, renewed the brand's relevance.
41	LOUIS VUITTON	7.05	7.05	0	France	Still a fashion must-have, particularly in Asia, but sales have been anemic because of post-September 11 travel decline.
42	SAP	6.78	6.31	+7	Germany	SAP has delivered on theme, "The best-run e-businesses run SAP." The software maker benefited from a flight to established suppliers.
43	CANON	6.72	6.68	+2	Japan	A reasonable performance in a camera market that is exhibiting almost no growth. And it's gaining on Xerox in copiers.
44	IKEA	6.55	6.01	+9	Sweden	Resonant brand benefited from the weak economy, which made more customers willing to assemble their own tables.
45	PEPSI	6.39	6.21	+3	U.S.	Innovations keep coming, like lemon-flavored Pepsi Twist. But biggest challenge is a consumer shift to bottled water and juices.
46	HARLEY-DAVIDSON	6.27	5.53	+13	U.S.	Masterful job of selling Baby Boomers on a high-margin symbol of youthful rebellion.
47	MTV	6.08	6.60	-8	U.S.	Phenomenal success of <i>The Osbournes</i> shows MTV still has its spark. Unfortunately, the ad market is dead.
48	PIZZA HUT	6.08	6.00	+1	U.S.	Tough market, but the chain upgraded its restaurants and added new products like P-Zone, Twisted Crust, and Quesadilla.
49	KFC	5.35	5.26	+2	U.S.	Introduced Popcorn Chicken, new Chicken Twister sandwich, and restaurants co-branded with corporate sibling Pizza Hut.
50	APPLE	5.32	5.46	-3	U.S.	A well-received new iMac couldn't overcome weak sales to consumers and design professionals.
51	XEROX	5.31	6.02	-12	U.S.	Trying to dodge its stodgy image, with digital and high-speed copiers. But a financial cloud lingers.
52	GUCCI	5.30	5.37	-1	Italy	The ongoing allure of lead designer Tom Ford could offset a slow start in 2002.
53	ACCENTURE	5.18	N/A	N/A	U.S.	In light of former parent Arthur Andersen's fate, Accenture's branding initiative looks like sheer brilliance.
54	L'OREAL	5.08	N/A	N/A	France	No slowdown here. The brand now gets more than half its sales outside Europe, thanks to smart acquisitions.
55	KLEENEX	5.04	5.09	-1	U.S.	Kleenex held most of its value because of innovations like antibacterial tissues, wet wipes, and car door pockets.
56	SUN	4.78	5.15	-7	U.S.	Sun still leads in servers, but must deal with the implosion of the dot-com market.
57	WRIGLEY'S	4.75	4.83	-5	U.S.	Innovations kept the Wrigley's brand fresh. Can "functional" products like toothpaste and mouthwash add further shine?
58	REUTERS	4.61	5.24	-12	Britain	Reuters lost considerable ground to Bloomberg as customers fled its old-fashioned image and poor service.
59	COLGATE	4.60	4.57	+1	U.S.	A toothpaste/mouthwash combo and other novelties helped offset slipping share in other product areas.
60	PHILIPS	4.56	4.90	-7	Netherlands	Patent in Europe but weak in North America, this brand was dogged by tough consumer-electronics markets and lackluster U.S. marketing.
61	NESTLE	4.43	N/A	N/A	Switzerland	The king of chocolate, cookies, and baby food is eating up U.S. ice cream with Dreyer's.
62	AVON	4.40	4.37	+1	U.S.	A makeover of its sales force and product lines boosted U.S. sales. But Avon has stumbled with its foray into retail sales.
63	AOL	4.33	4.50	-4	U.S.	Few signs of promised synergies following merger with Time Warner, AOL's subscriber growth has slowed.
64	CHANEL	4.27	4.27	0	France	The perfume and fashion icon held its own in a tough global economy.
65	KRAFT	4.08	4.03	+1	U.S.	Still dominates lineup stretching from soups to salad dressings, but isn't afraid to use its muscle to get a better display.
66	DANONE	4.05	N/A	N/A	France	No. 1 in yogurt outside the U.S. and No. 2 in water, Danone is well-positioned to benefit from health worries.
67	YAHOO!	3.86	4.38	-12	U.S.	Forget the ad slump, Yahoo needs to prove it is relevant to consumers as they become more experienced at browsing.
68	ADIDAS	3.69	3.66	+1	Germany	Benefited from World Cup fever, but still has a long way to go to rival Nike among trend-conscious youth.
69	ROLEX	3.69	3.70	0	Switzerland	There's nothing like a classy watch in bad times, but Rolex's proved sales must wait.

Data: Interbrand Corp., J.P. Morgan Chase & Co., BusinessWeek

THE 100 TOP BRANDS

Our first ranking of the world's most valuable brands

The table that follows ranks 100 global brands that have a value greater than \$1 billion. The brands were selected according to two criteria: they had to be global in nature, deriving 20% or more of sales from outside their home country. They also had to be publicly available, with marketing and financial data on which to base the calculation. That excluded some big

brands, such as Visa, GE, Nike, and Xerox. The table of individual brands is followed by a table of leading brand portfolios. Some firms combine great individual brand value by managing a group of brands. Procter & Gamble, for example, owns Pampers, Crest, and Tide.

There are many ways to rank brands, but our rankings rely on little more than a simple calculation. We selected Interbrand's method because it values brands the same way analysts value other assets on the basis of how much they're expected to earn in the future. Those future earnings are then discounted to a present value based on how risky the earnings are, that is, the likelihood that they will actually materialize.

To start the process, Interbrand first figures out what percentage of a firm's revenues are accounted for by the brand. Next, with the help of analysts from 4,000 firms, Interbrand projects the net earnings for that segment of the business. Instead of then deducting a charge for the cost of owning the valuable assets, on the theory that whatever income is generated beyond that cost is due to intangible factors. This is the economic value added by such intangibles as patents, customer lists, and, of course, the brand.

The next step is to estimate the earnings generated by the brand from the earnings generated by a firm's intangibles. For example, are people buying Shell gas because of the brand name or because the gas station is conveniently located? Interbrand uses market research and interviews with industry executives to sift through those variables.

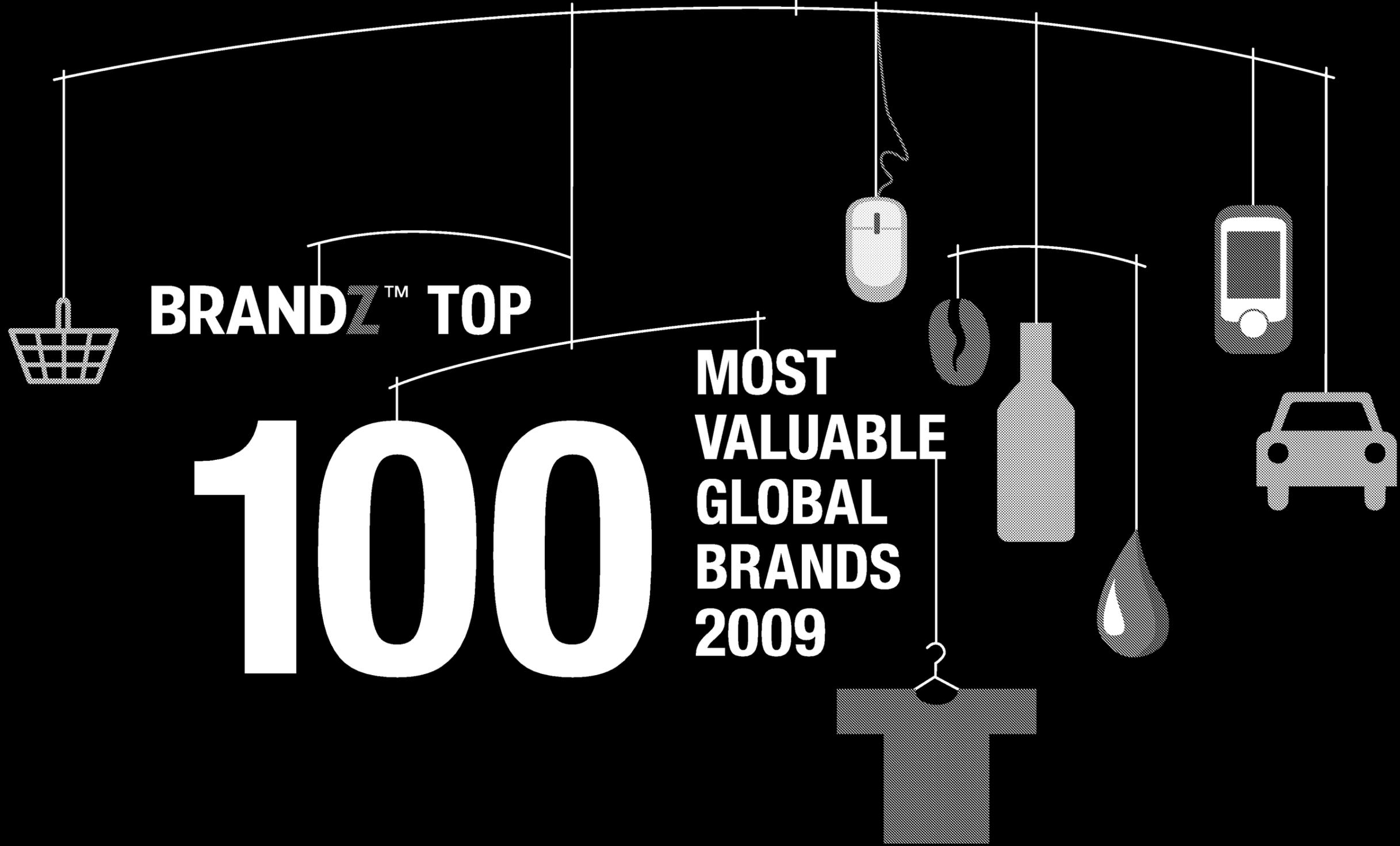
The final and final piece is to measure the strength of the brand in order to figure out how risky those future brand earnings are. To calculate the brand's strength, Interbrand looks at seven factors, including the brand's market leadership, its stability and its ability to cross geographical and cultural borders. The risk analysis produces a discount rate which is applied to the brand earnings to come up with a net present value of the brand. Interbrand and Interbrand believe that this figure comes closest to representing the true economic value of that singular array of forces that make up a brand.

RANK	2001 BRAND VALUE	2000 BRAND VALUE	MARKET CAP.	INDUSTRY	DESCRIPTION
1	100.0	95.0	100.0	Technology	Microsoft
2	85.0	80.0	85.0	Technology	IBM
3	75.0	70.0	75.0	Technology	Oracle
4	65.0	60.0	65.0	Technology	Microsoft
5	55.0	50.0	55.0	Technology	Microsoft
6	45.0	40.0	45.0	Technology	Microsoft
7	35.0	30.0	35.0	Technology	Microsoft
8	25.0	20.0	25.0	Technology	Microsoft
9	15.0	10.0	15.0	Technology	Microsoft
10	10.0	5.0	10.0	Technology	Microsoft

Rank	2002 BRAND VALUE	2003 BRAND VALUE
1	10.0	10.0
2	8.0	8.0
3	7.0	7.0
4	6.0	6.0
5	5.0	5.0
6	4.0	4.0
7	3.0	3.0
8	2.0	2.0
9	1.0	1.0
10	0.5	0.5
11	0.4	0.4
12	0.3	0.3
13	0.2	0.2
14	0.1	0.1
15	0.1	0.1
16	0.1	0.1
17	0.1	0.1
18	0.1	0.1
19	0.1	0.1
20	0.1	0.1
21	0.1	0.1
22	0.1	0.1
23	0.1	0.1
24	0.1	0.1
25	0.1	0.1
26	0.1	0.1
27	0.1	0.1
28	0.1	0.1
29	0.1	0.1
30	0.1	0.1
31	0.1	0.1
32	0.1	0.1
33	0.1	0.1
34	0.1	0.1
35	0.1	0.1
36	0.1	0.1
37	0.1	0.1
38	0.1	0.1
39	0.1	0.1
40	0.1	0.1
41	0.1	0.1
42	0.1	0.1
43	0.1	0.1
44	0.1	0.1
45	0.1	0.1
46	0.1	0.1
47	0.1	0.1
48	0.1	0.1
49	0.1	0.1
50	0.1	0.1

Interbrand

Exhibit 3



BRANDZ™ TOP

100

**MOST
VALUABLE
GLOBAL
BRANDS
2009**

THE TOP 100

* The brand value of Coca-Cola includes Diet Coke, Coke Light and Coke Zero
 ** The brand value of Pepsi includes Diet Pepsi and Pepsi
 *** Budweiser's value includes both Bud Light and Bud
 **** ING value includes ING Bank and ING Insurance
 Source: Millward Brown Optimor (including data from BrandZ, Datamonitor, and Bloomberg)

TOP 100 Most Valuable Global Brands 2009							
#	Brand	Brand Value 09 (\$M)	% Brand Value Change 09 vs. 08	#	Brand	Brand Value 09 (\$M)	% Brand Value Change 09 vs. 08
1	Google	100,039	16%	26	amazon.com	21,294	85%
2	Microsoft	76,249	8%	27	中國銀行 BANK OF CHINA	21,192	9%
3	Coca-Cola	67,625	16%	28	at&t	20,059	67%
4	IBM	66,622	20%	29	LV	19,395	5%
5	M	66,575	34%	30	HSBC	19,079	3%
6	Apple	63,113	14%	31	Walmart	18,945	N/A
7	中國移動通信 CHINA MOBILE	61,283	7%	32	Wintrend	18,233	N/A
8	Shell	59,793	-16%	33	CISCO	17,965	-25%
9	verizon	53,727	45%	34	verizon	17,713	-8%
10	Marlboro	49,460	33%	35	PPG Industries	17,467	-20%
11	Walmart	41,083	19%	36	VISA	16,353	N/A
12	ICBC (Asia) 工商業亞洲	38,056	36%	37	Bank of America	16,228	-34%
13	NOKIA Omnivox People	35,163	-20%	38	China Southern	16,035	10%
14	TOYOTA	29,907	-15%	39	docomo	15,776	5%
15	Mercedes-Benz	27,842	-9%	40	Mercedes-Benz	15,499	-14%
16	BlackBerry	27,478	100%	41	Bank of America	15,480	-53%
17	hp	26,745	-9%	42	Bank of America	15,422	1%
18	Bank of America	23,948	-15%	43	accenture	15,076	7%
19	SAP	23,615	9%	44	pepsi **	14,996	-3%
20	Disney	23,110	-3%	45	L'ORÉAL	14,991	-9%
21	TESCO	22,938	-1%	46	Bank of America	14,963	-40%
22	Gillette	22,919	6%	47	GlaxoSmithKline	14,961	-1%
23	Intel	22,851	4%	48	Bank of America	14,894	-22%
24	中國建設銀行	22,811	16%	49	citi	14,608	-52%
25	ORACLE	21,438	-6%	50	HONDA The Power of Dreams	14,571	-12%

#	Brand	Brand Value 09 (\$M)	% Brand Value Change 09 vs. 08	#	Brand	Brand Value 09 (\$M)	% Brand Value Change 09 vs. 08
51	SIEMENS	13,562	-8%	76	ZARA	8,609	-1%
52	Bank of America	13,292	23%	77	O2	8,601	36%
53	Bank of America	13,242	-6%	78	Standard Chartered	8,219	20%
54	eBay	12,970	16%	79	Red Bull	8,154	N/A
55	BBVA	12,549	33%	80	中國工商銀行	8,052	168%
56	Colgate	12,396	17%	81	YAHOO!	7,927	-31%
57	Bank of America	12,254	-17%	82	Bank of America	7,862	13%
58	H&M	12,061	8%	83	J.P.Morgan	7,852	-20%
59	NIKE	11,999	-4%	84	Bank of America	7,777	-8%
60	SUBWAY	10,997	6%	85	Bank of America	7,512	-18%
61	Bank of America	10,991	N/A	86	GUCCI	7,468	15%
62	Bank of America	10,911	34%	87	Bank of America	7,427	7%
63	T-Mobile	10,864	22%	88	Bank of America	7,415	-38%
64	WRIGLEY'S	10,841	N/A	89	Bank of America	7,260	-40%
65	Auchan	10,586	48%	90	BARCLAYS	6,992	-5%
66	CHASE	10,582	-17%	91	Bank of America	6,922	-27%
67	NISSAN	10,206	-13%	92	Morgan Stanley	6,765	-40%
68	Bank of America	9,719	19%	93	ING ****	6,743	-55%
69	FedEx Corporation	9,491	-17%	94	Bank of America	6,721	10%
70	Bank of America	9,280	-40%	95	IKEA	6,713	-21%
71	Bank of America	9,189	14%	96	NIVEA	6,572	24%
72	Билайн	8,884	N/A	97	ESPRIT	6,571	-17%
73	Canon	8,779	-29%	98	Bradesco	6,565	N/A
74	Bank of America	8,638	49%	99	TIM	6,409	-19%
75	AVON	8,631	20%	100	L'Oréal	6,394	N/A



Millward Optima

Optima

Top 100 Most Powerful

BRANDS

08

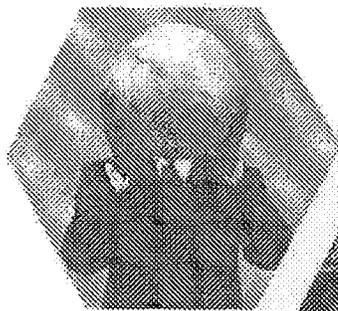
brandz

The A to Z of brands



Top 100 Brands

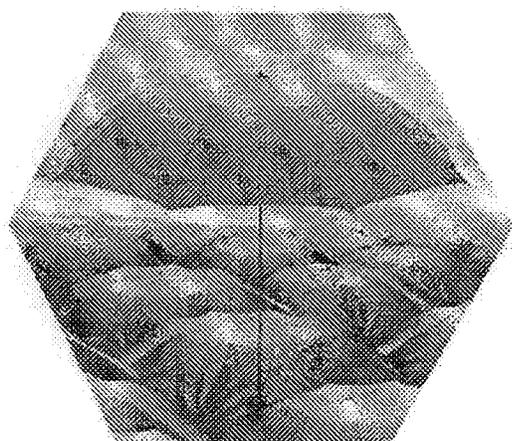
POSITION	BRAND*	BRAND VALUE \$M	BRAND VALUE CHANGE
1	Google	86,057	30%
2	GE (General Electric)	71,379	15%
3	Microsoft	70,887	29%
4	Coca-Cola (1)	58,208	17%
5	China Mobile	57,225	39%
6	IBM	55,335	65%
7	Apple	55,206	123%
8	McDonald's	49,499	49%
9	Nokia	43,975	39%
10	Marlboro	37,324	-5%
11	Vodafone	36,962	75%
12	Toyota	35,194	5%
13	Wal-Mart	34,547	-6%
14	Bank of America	33,092	15%
16	Cit	30,218	-10%
15	HP	29,278	17%
17	BMW	28,015	9%
18	ICBC	28,004	70%
19	Louis Vuitton	25,739	13%
20	American Express	24,816	7%
21	Wells Fargo	24,739	2%
22	Cisco	24,101	28%
23	Disney	23,706	5%
24	UPS	23,610	-4%
25	Tesco	23,208	39%
26	Oracle	22,904	29%
27	Intel	22,027	18%
28	Porsche	21,718	62%
29	SAP	21,669	20%
30	Gillette	21,523	20%
31	China Construction Bank	19,603	82%
32	Bank of China	19,413	42%
33	Verizon Wireless	19,202	18%
34	Royal Bank of Canada	18,925	39%
35	HSBC	18,479	6%
36	Mercedes	16,044	1%



2007

BRANDZTM

Top 100 Most Powerful Brands



BRANDZ Top 100 Brand Ranking

BRANDZ RANKING

Rank	Brand	Brand Value (\$bn)	Brand Value Change (%)
1	Google	66,434	27%
2	GE (General Electric)	61,880	11%
3	Microsoft	54,951	-11%
4	Coca Cola (*)	44,134	7%
5	China Mobile	41,314	5%
6	Marlboro	39,100	2%
7	Wal-Mart	36,880	-2%
8	Citi	33,706	9%
9	IBM	33,572	-7%
10	Toyota	33,437	11%
11	McDonald's	33,108	14%
12	Nokia	31,670	19%
13	Bank of America	28,767	1%
14	BMW	25,751	8%
15	HP	24,967	27%
16	Apple	24,738	55%
17	UPS	24,580	13%
18	Wells Fargo	24,284	N.A.
19	American Express	23,113	23%
20	Louis Vuitton	22,636	16%
21	Disney	22,572	2%
22	Vodafone	21,107	-12%
23	NTT DoCoMo	19,450	0%
24	Cisco	18,812	-10%
25	Intel	18,707	-26%
26	Home Depot	18,035	-33%
27	SAP	18,103	N.A.
28	Gillette	17,954	1%
29	Mercedes	17,813	0%
30	Oracle	17,809	28%
31	HSBC	17,457	26%
32	Tesco	16,649	7%
33	ICBC	16,460	N.A.
34	Verizon Wireless	16,261	9%
35	Starbucks	16,057	45%
36	Honda	15,466	7%

*Source: Millward Brown Optimor (including data from BRANDZ, Datamonitor, and Bloomberg)

2006

 MillwardBrown
Optimor

BRANDZ™

Top 100
Most
Powerful
Brands

BRANDZ™ Top 100 Brand Ranking

#	Brand	Parent	Value (\$m)
1	Microsoft	Microsoft Corp.	62,039
2	GE	GE	55,834
3	Coca-Cola	The Coca-Cola Company	41,406
4	China Mobile	China Mobile (Hong Kong) Limited	39,168
5	Marlboro	Altria Group, Inc.	38,510
6	Wal-Mart	Wal-Mart Stores, Inc.	37,567
7	Google	Google Inc.	37,445
8	IBM	International Business Machines Corp.	36,084
9	Citibank	Citigroup Inc.	31,028
10	Toyota	Toyota Motor Corporation	30,201
11	McDonald's	McDonald's Corporation	28,985
12	Bank of America	Bank of America Corporation	28,155
13	Home Depot	The Home Depot (R)	27,311
14	Nokia	Nokia Corporation	26,334
15	Intel	Intel Corporation	25,456
16	Vodafone	Vodafone Group Plc	24,072
17	BMW	BMW Group	23,870
18	Disney	The Walt Disney Company	22,727
19	UPS	United Parcel Service of America, Inc.	21,870
20	Cisco	Cisco Systems, Inc.	20,922
21	BP	British Petroleum Company	19,732
22	T-Mobile	T-Mobile USA, Inc.	19,511
23	WTT DeL'Or	WTT DeL'Or, Inc.	19,518
24	Louis Vuitton	Louis Vuitton Moët Hennessy - LVMH, SA	19,479
25	American Express	American Express Company	18,780
26	Dea	Dea, Inc.	18,703
27	alltel	alltel Corporation	17,832
28	Mercedes	DaimlerChrysler AG	17,807
29	Apple	Apple Computer, Inc.	15,476
30	tesco	Tesco PLC	15,354
31	Telcel	Telcel, S.A.	15,186
32	Verizon Wireless	Verizon Communications Inc.	14,908
33	Honda	Honda Motor Co., Ltd.	14,594
34	Yahoo!	Yahoo! Inc.	14,101
35	Oracle	Oracle	13,913
36	HSBC	HSBC Holdings plc	13,889

Source: Millward Brown Optimor (with data from Euromonitor International and Bloomberg)

Exhibit 4



News | Markets | Technology | Personal Finance | Small Business | CNN.com

Enter quotes

Search Fortune



Subscribe to The Fortune 500 Magazine
Magazine Customer Service

Home | Fortune 500 | Technology | Leadership | Management | Rankings | Video | Publications | RSS

WORLD'S MOST ADMIRABLE COMPANIES

2009

Jobs by

Full List | By Location | Best & Worst | No. 1s | Industries

Apple

1 of 50

MOST ADMIRABLE
Top 50 rank: 1
Rank in Computers: 2 (Previous rank: 2)
Overall score: 7.07

Why it's admired
 It's been a rocky year for Apple: CEO Steve Jobs' health made headlines, and critics said Cupertino wasn't being open enough about it. But customers remained loyal to the brand that made white ear buds cool. As much of the computer industry struggled, Apple shipped 22.7 million iPods during its first quarter (up 3 percent from last year), 2.5 million Macs (up 9 percent), and 4.4 million iPhones. No wonder Apple tops our Most Admired list for the second year in a row. —Alyssa Abkowitz



Address: 1 Infinite Loop
 Cupertino, CA 95014
Phone: 408-996-1010
Website: www.apple.com

Get Quotes AAPL | Financials | Latest Results
 Add AAPL to Portfolio | Add AAPL to Alerts

Job openings... at Apple

- Quartz Engineering
Cupertino, CA - Apple
 - Handwriting Recognition Engineer
Cupertino, CA - Apple
 - AirPort Firmware Engineer
Cupertino, CA - Apple
 - Sr. Trademark/Brand Protection Counsel
Cupertino, CA - Apple
 - Tooling and Process Engineer (Metals)
Cupertino, CA - Apple
- [See All Jobs](#)

Search All Jobs from Across the Web

Job title or company | Location

- New key indicator of reputation
- Innovation
- People management
- Use of corporate assets
- Social responsibility
- Quality of management
- Financial soundness
- Long-term investment
- Quality of products/services
- Global competitiveness

Industry rank

- 1
- 1
- 3
- 5
- 3
- 2
- 3
- 1
- 5

...Top 50 Headquarters



Show: Top 50 | All Most Admired: The Americas | Europe | Asia/Australia

...What Readers Say

They speak out on the Most Admired...
 Goldman Sachs, Morgan Chase, and Bank of America in the Top 50?? Y...

How about Genentech: 9 billion in sales with significant profit, wha...

AT&T most admired? Not by their rank and the employees. 12,000.

Sponsored Links

- Solar Stock Pick - EVSO
- Emerging Green Energy Co. Growth Stock Investment
- Are you "PM" Certified?
Villanova Project Management Certification 8 weeks - Enroll Now.
- Bankruptcy
Looking for Alternatives to Bankruptcy?
- Countrywide® Home Loans
No Cash Required For Closing Costs. Call Or Apply Online Now.

[Buy a link here](#)

Find companies you most admire

Industry: Computers

Most Admired

Rank	Company	Overall score
1	Xerox	7.28

2	Apple	7.87	Have your say
3	Hewlett-Packard	7.84	
More competitors		See all	

From the March 16, 2009 issue

*Designated as an international industry. Prior year's ranks, unless otherwise noted, are ranks in the World's Most Admired Companies listing.

Sponsored Links

Solar Stock Pick - EVSO
Emerging Green Energy Co. Growth Stock Investment
www.EvolutionSolar.com

Are you "PM" Certified?
Villanova Project Management Certification 8 weeks- Enroll Now.
www.VillanovaU.com/PM

Bankruptcy
Looking for Alternatives to Bankruptcy?
JustClickLocal.com

[Buy a link here](#)

- Filter by criteria:
- Innovation
 - Quality of management
 - People management
 - Financial soundness
 - Use of corporate assets
 - Long-term investment
 - Social responsibility
 - Product/service quality
 - Global competitiveness

Select Industry(s) [See All](#)

Select State(s) [See All](#)

Select Country(s) [See All](#)

Get more Most Admired data (now this tool counts) 

Video [\(3\)](#)



Least admired companies
Fortune's Stanley Tang looks at qualities, like financial health, that could land a company on the...
[inelegant list Watch](#)

Top 3

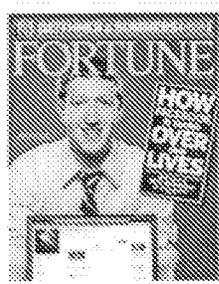
Company	Innovation	People Management	Financial Soundness	Industry rank
Apple	1	1	1	2
Walt Disney	2	2	2	1
Google	3	3	3	1

[See the rest](#)

How we pick the Most Admired

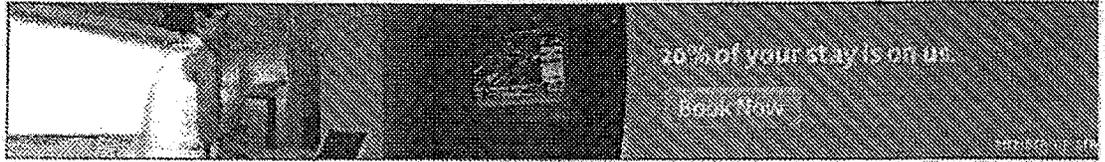
This year Fortune has revamped the Most Admired Survey by combining the former America's Most Admired Company (AMAC) survey and the former World's Most Admired Company (WMAC) survey into one... [More](#)

- [LATEST ISSUE](#)
- [FORTUNE Asia](#)
- [FORTUNE EUROPE](#)



How Facebook is taking over our lives

[Table of Contents](#)
[Reprint Issues](#)
[Subscribe](#)



CNNMoney.com News | Markets | Technology | Personal Finance | Small Business | CNN.com

Enter quotes



Home Fortune 500 Technology Investing Management Rankings

AMERICA'S MOST ADMIRABLE COMPANIES 2008

Find compar

Top 20 No. 1s Full list Best & Worst Companies States Industries Global

- Innovation
- People management
- Use of corporate e
- Social responsibility

Top 20

For the 20 most admired companies overall. FORTUNE's survey asked businesspeople to vote for the companies that they admired most, from any industry.

Rank	Company
1	Apple
2	Berkshire Hathaway
3	General Electric
4	Google
5	Toyota Motor
6	Starbucks
7	FedEx
8	Procter & Gamble
9	Johnson & Johnson
10	Goldman Sachs Group
11	Target
12	Southwest Airlines
13	American Express
14*	BMW
14*	Costco Wholesale
16	Microsoft
17	United Parcel Service

Most Admired Companies HQs

Show: Top 20 | Full list

Industry: For multiple selections, hold down the <Ctrl> key

State: For multiple selections, hold down the <Ctrl> key

Get more Most Adr

What readers say...

- Safeway should be ranked one of the WORST companies to work for!
- Indeed these are amongst the most admired companies overall. One t...
- I work for the IKAN CORPORATION in Houston Texas. We sell video pro...

Have your say

Stocks

Motley Fool don't think so. The Advisor in the bea

96% of the picks t up. 83% are beati than tripled...

Activision is up 80 earning returns if they're recommen

Click here for *TI

*Results as of 5/13/08

18	Cisco Systems
19	3M
20	Nordstrom

From the March 17, 2008 issue

Indicates a tie.

Sponsored Links

"Teeth Whiteners Exposed"

7 Teeth Whitening Products Tested, Rated, and Reviewed. A Must Read!
www.best-teeth-whitening.com

Countrywide® Home Loans

No Closing Cost Refi Options. No Points or Processing Fees. Call Now.
www.Countrywide.com

What's your credit score?

The U.S. Average is 692. See your 2008 report and score now for \$0!
FreeCreditReport.com

Sponsored Links

"Teeth Whitening C
7 Teeth Whitening Pro
Must Read!

Countrywide® Hom
No Closing Cost Refi (C
Call Now.

What's your credit!
The U.S. Average is 6
for \$0!

GEICO Car Insuran
GEICO could save you
quote.

Best compa

State

California

New York

Texas

See the rest

Buy a link here

**Most admir
manager**

Company

Medco Health Solutio

BMW

Walt Disney

See the rest

Most admir

Company

Apple

Nike

Medco Health Solutio

See the rest

Industry ch:



ONLINE PROGRAMS

ASSOCIATE'S DEGREES
 Associate of Arts in Business
 Associate of Arts in Health Care Administration
 Associate of Arts in Information Technology

BACHELOR'S DEGREES
 Bachelor of Science in Business / Management
 Bachelor of Science in Criminal Justice Administration
 Bachelor of Science in Health Administration

MASTER'S DEGREES
 Master of Arts in Education/Curriculum
 Master of Business Administration
 Master of Information Systems

Enter quotes 

CNNMoney.com News | Markets | Technology | Personal Finance | Small Business | CNN.com



[Home](#) [Fortune 500](#) [Technology](#) [Investing](#) [Management](#) [Rankings](#)

WORLD'S MOST ADMIRABLE COMPANIES 2007



Get

Top 50 No. 1s Full list Best & Worst Countries America's Most Admired Industries

2007 All-Stars

For the 50 most admired companies overall, FORTUNE's survey asked businesspeople to vote for the companies that they admired most, from any industry

Rank	Company	Country
1	General Electric	U.S.
2	Toyota Motor	Japan
3	Procter & Gamble	U.S.
4	Johnson & Johnson	U.S.
5	Apple ¹	U.S.
6	Berkshire Hathaway	U.S.
7	FedEx	U.S.
	Microsoft	U.S.
9	BMW	Germany
10	PepsiCo	U.S.
11	IBM	U.S.
12	Target	U.S.
13	Wal-Mart Stores	U.S.
14	United Parcel Service	U.S.
15	Costco Wholesale	U.S.
16	Walt Disney	U.S.
17	Singapore Airlines	Singapore

Ordinary



Think you need away \$1000s

Even if you hav ment, we can s today. This Isn' some other ga

This is a uniqu TWO TOP stoc

[Click](#)

Sponsored Links

"Teeth Whiteners 7 Teeth Whitening I Must Read!

Countrywide® Hi No Closing Cost Re Call Now.

What's your cred The U.S. Average is for \$0!

GEICO Car Insur: GEICO could save quote.

18	Exxon Mobil	U.S.
19	Boeing	U.S.
20	Nokia	Finland
21	Citigroup	U.S.
22	Bank of America	U.S.
23	Honda Motor	Japan
24	Coca-Cola	U.S.
	Caterpillar	U.S.
25*	Nestlé	Switzerland
27	Dell	U.S.
28	Toyota Industries	Japan
	Intel	U.S.
	Tesco	Britain
	DuPont	U.S.
	Cisco Systems	U.S.
32*	Walgreen	U.S.
34*	Samsung Electronics	South Korea
	Anheuser-Busch	U.S.
36	BP	Britain
37*	Best Buy	U.S.
37*	Siemens	Germany
39	Home Depot	U.S.
40	L'Oréal	France
41	Sony	Japan
42	Motorola	U.S.
43	Hewlett-Packard	U.S.
44	Northwestern Mutual	U.S.
45	Lowe's	U.S.
46	Canon	Japan
47	Deere	U.S.
48*	HSBC Holdings	Britain
48*	Xerox	U.S.

How the co

Country

- United States
- Japan
- Britain
- France
- Germany

See all countries

Most admired management

Company

- Procter & Gamble
- FedEx
- General Electric

See the rest

Most admired

Company

- Apple
- FedEx
- Walt Disney

See the rest

Industry ch

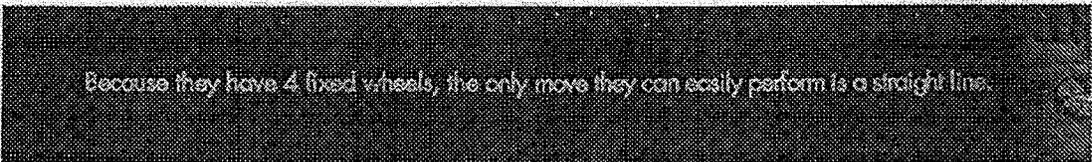
Company

- Tesco
- Nestlé
- Bank of America

See the rest

How we pick the Most Admired

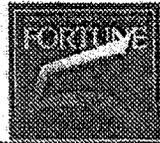
Last fall Hay Group executives and d



CNNMoney.com

News | Markets | Technology | Personal Finance | Small Business | CNN.com

Enter quotes



[Home](#) [Fortune 500](#) [Technology](#) [Investing](#) [Management](#) [Rankings](#)

FORTUNE AMERICA'S MOST ADMIRABLE COMPANIES 2006

Top 20 **Full list** **Companies** **Industries**
 No. 1s Best & Worst States Global

Top 20

For the 20 most admired companies overall, FORTUNE's survey asked businesspeople to vote for the companies that they admired most, from any industry.

Rank	Company
1	General Electric
2	FedEx
3	Southwest Airlines
4	Procter & Gamble
5	Starbucks
6	Johnson & Johnson
7	Berkshire Hathaway
8	Dell
9	Toyota Motor
10	Microsoft
11	Apple Computer
12	Wal-Mart Stores
13*	United Parcel Service
13*	Home Depot
15*	PepsiCo
15*	Costco Wholesale

Get n
d

Stoc



Motley F
don't think so.
Advisor in the l

96% of the plci
up. 83% are be
than tripled...

Activision is up
earning return:
they're recomr

Click here for

*Results as of 6/13/06

How the st

- State
- [California](#)
- [New York](#)
- [Texas](#)
- See the most a**

Most admi

Company
[General Electric](#)

17	American Express
18	Goldman Sachs Group
19	Intl. Business Machines
20	3M

Next, see: [Full list: 303 companies, 8 key scores](#)

Plus: [Most admired companies in your state](#)

Notes: *Indicates a tie in rank.

Procter & Gambl
Google
See the rest

Most admi
Company
Apple Computer
Google
UnitedHealth Grc
See the rest

Industry cl
Company
Home Depot
IBM
Toyota
See the rest

How we pi companies
The Most Admire corporate reputa started with the

© 2008 Cable News Network. A Time Warner Company. All Rights Reserved. Terms under which this service is provided to y

[Home](#) [Portfolio](#) [Calculators](#) [Contact Us](#) [Newsletters](#) [Podcasts](#) [RSS](#) [Mobile](#) [Widgets](#) [Press Center](#) [Site Map](#) [L](#)
[Advertise with Us](#) [Magazine](#) [Customer Service](#) [Download Fortune Lists](#) [Reprints](#) [Career Opportunities](#) [Special Sections](#) [Confer](#)

Live Quotes automatically refresh, but individual equities are delayed 15 minutes for Nasdaq, and 20 minutes for other exchanges. Market indexes a
 which is delayed by two minutes. All times are ET.

* : Time reflects local markets trading time. † - Intraday data delayed 15 minutes for Nasdaq, and 20 minutes for other excha
 Copyright © 2008 BigCharts.com Inc. All rights reserved. Please see our Terms of Use. MarketWatch, the MarketWatch logo, and BigCharts are
 Inc. Intraday data delayed 15 minutes for Nasdaq, and 20 minutes for other exchanges. All Times are ET. Intraday data provided by Interactive Data
 Terms of Use. Historical, current end-of-day data, and splits data provided by Interactive Data Pricing and Reference Data. Fundamental data p
 provided by Edgar Online Inc.. Earnings data provided by FactSet CallStreet, LLC.

Exhibit 5



THE MOST INNOVATIVE COMPANIES

3 of 51

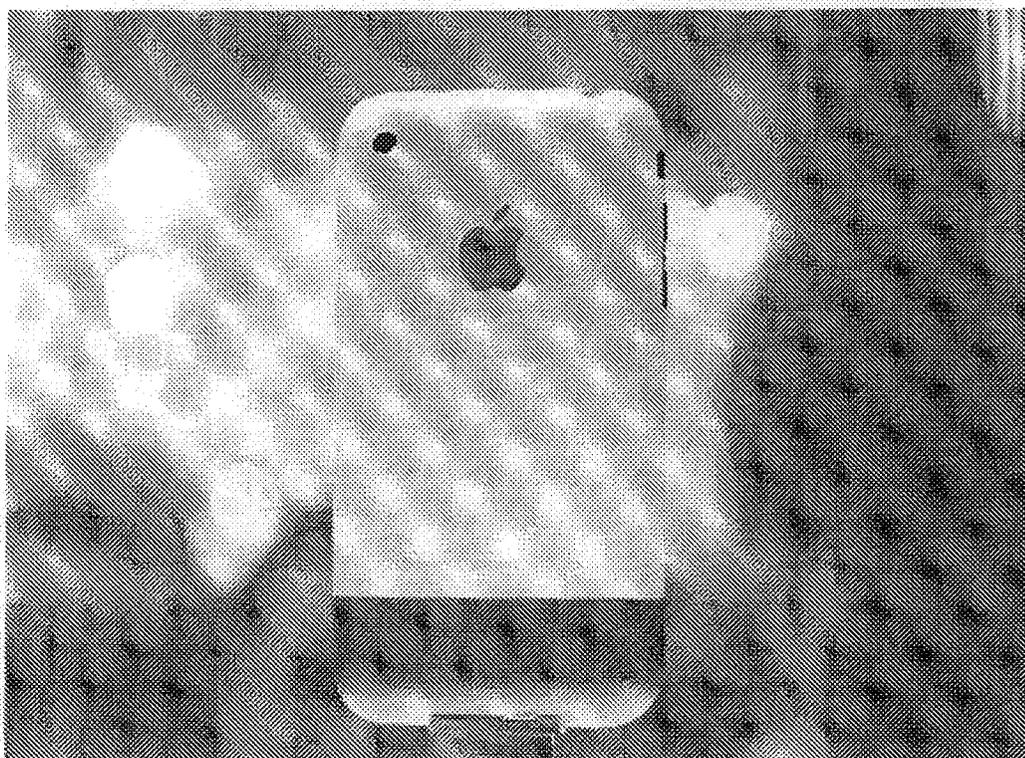
1. Apple

2006 rank: 1

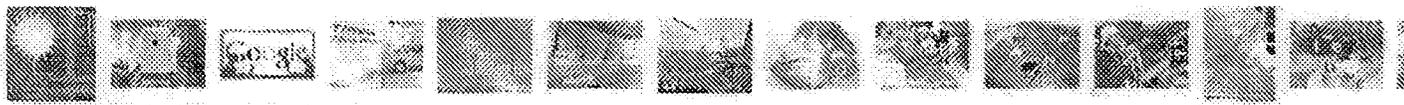
As our first-place innovator for the third year in a row, Apple reigns again. The iPod creator is a master of superb product, store, and experience design. Now that it's invading the living room and the cell-phone market, will it continue the winning streak?

[More on Apple](#)

- [Special Report](#)
- [Reader comments](#)
- [More Slide Shows](#)



GETTY IMAGES



The World's 50 Most Innovative Companies

In a climate when innovation efforts and research and development budgets are likely to see more scrutiny than ever, our 2008 list of the World's Most Innovative Companies adds three financial

measures to the mix to determine the rankings. For this year's list, votes cast in the proprietary BusinessWeek-BCG survey received 80% of the overall weighting, stock returns were weighted 10%, while three-year revenue and margin growth each got 5%. While these changes -- only votes from our survey counted in the past -- marked the biggest shift yet in our rankings of the World's Most Innovative Companies, there are some similarities to previous years. Once again, Apple's design whizzes lead our list, followed by Google's search geniuses and Toyota's hybrid car mavens. But the added financial metrics and the greater diversity of our survey, which polled more global and C-suite respondents than ever also helped to produce a few big changes. Global names such as Tata Group and Nintendo, both making their first appearance, landed in the top 10. Traditional innovation icon 3M plummeted from No. 7 to No. 22. And dark horses such as No. 18 General Motors, which has suffered through a tumultuous year financially, received a surprising number of votes thanks to concept cars like the electric Chevrolet Volt and the Detroit automaker's renewed focus on design. For a full explanation of our methodology, click here -- and see the footnotes at the bottom of the table.

Special Report: Inside Innovation

Slide Show: The World's 50 Most Innovative Companies

Click column heading once to reorder from highest to lowest. Click twice to reorder from lowest to highest.

Rank	Company	HQ Country	HQ Continent	Revenue Growth 2004-07* (in %)	Margin Growth 2004-07* (in %)	Stock Returns 2004-07* (in %)	Most Known for Its Innovation... (% who think so)
1	APPLE	USA	North America	47	59	83	Products (52%)
2	GOOGLE	USA	North America	73	5	53	Customer Experience (26%)
3	TOYOTA MOTOR	Japan	Asia	12	1	15	Processes (38%)
4	GENERAL ELECTRIC	USA	North America	9	1	3	Processes (43%)
5	MICROSOFT	USA	North America	16	8	12	Products (26%)
6	TATA GROUP	India	Asia	NA	NA	NA	Products (55%)
7	NINTENDO	Japan	Asia	37	4	77	Products (63%)
8	PROCTER & GAMBLE	USA	North America	16	4	12	Processes (30%)
9	SONY	Japan	Asia	8	13	17	Products (55%)
10	NOKIA	Finland	Europe	20	2	35	Products (36%)
11	AMAZON.COM	USA	North America	29	-11	28	Customer Experience (33%)
12	IBM	USA	North America	1	11	4	Processes (31%)
13	RESEARCH IN MOTION	Canada	North America	56	-1	51	Products (37%)
14	BMW	Germany	Europe	6	-5	11	Customer Experience (40%)
15	HEWLETT-PACKARD	USA	North America	10	17	35	Processes, Business Models, and Customer Experience (27% each)
16	HONDA MOTOR	Japan	Asia	12	6	14	Products (40%)
17	WALT DISNEY	USA	North America	6	14	7	Customer Experience (63%)
18	GENERAL MOTORS	USA	North America	-2	-98	-11	Products (55%)
19	RELIANCE INDUSTRIES	India	Asia	31	-7	94	Business Models (31%)
20	BOEING	USA	North America	9	32	21	Products (63%)
21	GOLDMAN SACHS GROUP	USA	North America	30	6	28	Processes and Business Models (33% each)
22	3M	USA	North America	7	5	3	Products (45%)
23	WAL-MART STORES	USA	North America	10	-2	-2	Processes (45%)
24	TARGET	USA	North America	11	3	NA	Customer Experience (67%)
25	FACEBOOK	USA	North America	NA	NA	NA	Customer Experience (51%)
26	SAMSUNG ELECTRONICS	South Korea	Asia	2	-14	8	Products (42%)
27	AT&T	USA	North America	43	6	23	Customer Experience (33%)
28	VIRGIN GROUP	Britain	Europe	NA	NA	NA	Customer Experience (47%)
29	AUDI	Germany	Europe	11	11	41	Products (50%)
30	MCDONALD'S	USA	North America	7	-7	25	Customer Experience (42%)
31	DAIMLER	Germany	Europe	-11	37	28	Products (35%)
32	STARBUCKS	USA	North America	23	-2	-13	Customer Experience (60%)
33	EBAY	USA	North America	33	-37	-17	Business Models (28%)
34	VERIZON COMMUNICATIONS	USA	North America	12	NA	9	Services (41%)

35 CISCO SYSTEMS	USA	North America	20	-5	12 Products (35%)
36 ING GROEP	Netherlands	Europe	7	4	11 Services (41%)
37 SINGAPORE AIRLINES	Singapore	Asia	9	5	20 Customer Experience (55%)
38 SIEMENS	Germany	Europe	1	21	22 Products (41%)
39 COSTCO WHOLESALE	USA	North America	11	-5	14 Customer Experience (46%)
40 HSBC	Britain	Europe	12	-1	4 Services (33%)
41 BANK OF AMERICA	USA	North America	12	NA	NA Customer Experience and Services (23% each)
42 EXXON MOBIL	USA	North America	11	7	25 Processes (50%)
43 NEWS CORP.	USA	North America	4	4	4 Business Models (47%)
44 BP	Britain	Europe	14	-5	11 Processes (42%)
45 NIKE	USA	North America	8	-1	14 Customer Experience (43%)
46 DELL	USA	North America	7	-12	-17 Business Models (37%)
47 VODAFONE GROUP	Britain	Europe	7	-21	15 Business Models (33%)
48 INTEL	USA	North America	4	-10	6 Products (53%)
49 SOUTHWEST AIRLINES	USA	North America	15	9	-9 Customer Experience (30%)
50 AMERICAN EXPRESS	USA	North America	3	1	3 Customer Experience (35%)

DATA: Analysis and data provided in collaboration with the innovation practice of the Boston Consulting Group and 800-YearScience. Reuters and Compustat were used for financial and industry data and Bloomberg for total shareholder returns.

*Compound growth rates for revenue and operating margins are based on 2004-07 fiscal year data as originally stated. Operating margin is earnings before interest and taxes, as a percentage of revenue. Where possible, quarterly and semi-annual data were used to bring performance for pre-June year-ends closer to December, 2007. Financial figures were converted in local currency.

**Stock returns are annualized, 12/01/04 to 12/31/07, and adjusted for price appreciation and dividends.

***Calculating three-year compound annual growth rate for operating margins was not possible when either figure was negative.

Copyright 2003-2009 by The McGraw-Hill Companies, Inc. All rights reserved.



Exhibit 6

Int. Cl.: 9

Prior U.S. Cl.: 26

United States Patent Office

Reg. No. 1,078,312

Registered Nov. 29, 1977

TRADEMARK

Principal Register

APPLE

Apple Computer, Inc. (California corporation)
20863 Stevens Creek Blvd.
Cupertino, Calif. 95014

For: COMPUTERS AND COMPUTER PROGRAMS
RECORDED ON PAPER AND TAPE, in CLASS 9
(U.S. CL. 26).

First use during April 1976; in commerce during April
1976.

Ser. No. 120,444, filed Mar. 25, 1977.

G. T. GLYNN, Examiner

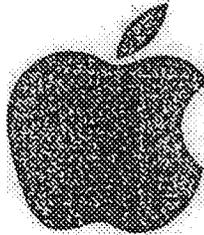
Int. Cl.: 9

Prior U.S. Cl.: 26, 38

United States Patent and Trademark Office

Reg. No. 1,114,431
Registered Mar. 6, 1979

TRADEMARK
Principal Register



Apple Computer, Inc. (California corporation)
10260 Bandley Drive
Cupertino, Calif. 95014

For: COMPUTERS AND COMPUTER PROGRAMS
RECORDED ON PAPER AND TAPE, in CLASS 9
(U.S. CLS. 26 and 38).

First use during January 1977; in commerce January
1977.

The mark consists of a silhouette of an apple with a
bite removed.

Owner of Reg. No. 1,078,312.

Ser. No. 162,799, filed Mar. 20, 1978.

J. TINGLEY, Examiner

Int. Cl.: 38

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

Reg. No. 2,079,765

United States Patent and Trademark Office

Registered July 15, 1997

**SERVICE MARK
PRINCIPAL REGISTER**

APPLE

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

FOR: COMMUNICATION FILED BY COMPUTER, NAMELY, ELECTRONIC TRANSMISSION OF DATA AND DOCUMENTS VIA COMPUTER, DELIVERY OF MESSAGES BY ELEC-

TRONIC TRANSMISSION, IN CLASS 38 (U.S. CLS. 100, 101 AND 104).

FIRST USE 4-9-1994; IN COMMERCE 4-9-1994.

OWNER OF U.S. REG. NOS. 1,200,280, 1,819,400, AND OTHERS.

SN 74-660,120, FILED 4-7-1995.

WON TEAK OH, EXAMINING ATTORNEY

Int. Cl.: 9

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

United States Patent and Trademark Office

Reg. No. 2,715,578

Registered May 13, 2003

**TRADEMARK
PRINCIPAL REGISTER**



APPLE COMPUTER, INC. (CALIFORNIA CORPORATION)

1 INFINITE LOOP

CUPERTINO, CA 95014

FOR: COMPUTERS HARDWARE; COMPUTER HARDWARE, NAMELY, SERVER, DESKTOP, LAPTOP, NOTEBOOK AND SUBNOTEBOOK COMPUTERS; HAND HELD AND MOBILE COMPUTERS; COMPUTER TERMINALS AND MONITORS; PERSONAL DIGITAL ASSISTANTS; PORTABLE DIGITAL AUDIO PLAYERS; ELECTRONIC ORGANIZERS; COMPUTER KEYBOARDS, CABLES, MODEMS; AUDIO SPEAKERS; COMPUTER VIDEO CONTROL DEVICES, NAMELY, COMPUTER MICE, TRACKBALLS, JOYSTICKS AND GAMEPADS; A FULL LINE OF COMPUTER SOFTWARE FOR BUSINESS, HOME, EDUCATION, AND DEVELOPER USE; COMPUTER PROGRAMS FOR PERSONAL INFORMATION MANAGEMENT; DATABASE MANAGEMENT SOFTWARE; CHARACTER RECOGNITION SOFTWARE; TELEPHONY MANAGEMENT SOFTWARE; ELECTRONIC MAIL AND MESSAGING SOFTWARE; TELECOMMUNICATIONS SOFTWARE, NAMELY FOR PAGING; DATABASE SYNCHRONIZATION SOFTWARE; COMPUTER PROGRAMS FOR ACCESSING, BROWSING AND SEARCHING ONLINE DATABASES; OPERATING SYSTEM SOFTWARE; APPLICATION DEVELOPMENT TOOL PROGRAMS; BLANK COMPUTER STORAGE MEDIA; FONTS, TYPEFACES, TYPE DESIGNS AND SYMBOLS RECORDED ON MAGNETIC MEDIA; COMPUTER SOFTWARE FOR USE IN PROVIDING MULTIPLE USER ACCESS TO A GLOBAL COMPUTER INFORMATION NETWORK FOR SEARCHING, RETRIEVING,

TRANSFERRING, MANIPULATING AND DISSEMINATING A WIDE RANGE OF INFORMATION; COMPUTER SOFTWARE FOR USE AS A PROGRAMMING INTERFACE; COMPUTER SOFTWARE FOR USE IN NETWORK SERVER SHARING; LOCAL AND WIDE AREA NETWORKING SOFTWARE; COMPUTER SOFTWARE FOR MATCHING, CORRECTION, AND REPRODUCTION OF COLOR; COMPUTER SOFTWARE FOR USE IN DIGITAL VIDEO AND AUDIO EDITING; COMPUTER SOFTWARE FOR USE IN ENHANCING TEXT AND GRAPHICS; COMPUTER SOFTWARE FOR USE IN FONT JUSTIFICATION AND FONT QUALITY; COMPUTER SOFTWARE FOR USE TO NAVIGATE AND SEARCH A GLOBAL COMPUTER INFORMATION NETWORK, AS WELL AS TO ORGANIZE AND SUMMARIZE THE INFORMATION RETRIEVED; COMPUTER SOFTWARE FOR USE IN WORD PROCESSING AND DATABASE MANAGEMENT; WORD PROCESSING SOFTWARE INCORPORATING TEXT, SPREADSHEETS, STILL AND MOVING IMAGES, SOUNDS AND CLIP ART; COMPUTER SOFTWARE FOR USE IN AUTHORIZING, DOWNLOADING, TRANSMITTING, RECEIVING, EDITING, EXTRACTING, ENCODING, DECODING, PLAYING, STORING AND ORGANIZING AUDIO, VIDEO, STILL IMAGES AND OTHER DIGITAL DATA; COMPUTER SOFTWARE FOR ANALYZING AND TROUBLESHOOTING OTHER COMPUTER SOFTWARE; CHILDREN'S EDUCATIONAL SOFTWARE; COMPUTER GAME SOFTWARE; COMPUTER GRAPHICS SOFTWARE; COMPUTER SEARCH ENGINE SOFTWARE; WEB SITE DEVELOPMENT SOFTWARE; COMPUTER PROGRAM WHICH PROVIDES REMOTE VIEWING, REMOTE CONTROL, COMMUNICATIONS

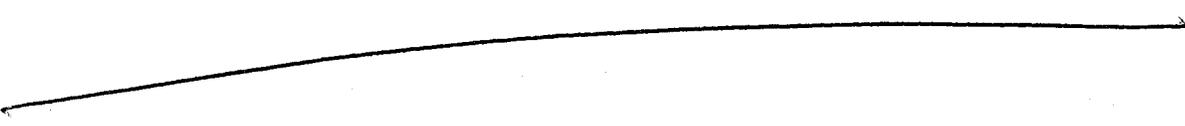
AND SOFTWARE DISTRIBUTION WITHIN PERSONAL COMPUTER SYSTEMS AND ACROSS COMPUTER NETWORK; COMPUTER PROGRAMS FOR FILE MAINTENANCE AND DATA RECOVERY; COMPUTER PERIPHERALS; INSTRUCTIONAL MANUALS PACKAGED IN ASSOCIATION WITH THE ABOVE , IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 1-1-1977; IN COMMERCE 1-1-1977.

OWNER OF U.S. REG. NOS. 1,078,312, 2,180,949 AND OTHERS.

SER. NO. 76-426,501, FILED 7-1-2002.

JAMES A. RAUEN, EXAMINING ATTORNEY



Int. Cl.: 42

Prior U.S. Cls.: 100 and 101

United States Patent and Trademark Office

Reg. No. 2,753,069

Registered Aug. 19, 2003

**SERVICE MARK
PRINCIPAL REGISTER**



APPLE COMPUTER, INC. (CALIFORNIA CORPORATION)

1 INFINITE LOOP

CUPERTINO, CA 95014

FOR: APPLICATION SERVICE PROVIDER (ASP), NAMELY, HOSTING COMPUTER SOFTWARE APPLICATIONS OF OTHERS; COMPUTER SERVICES, NAMELY, DISPLAYING THE WEB SITES AND IMAGES OF OTHERS ON A COMPUTER SERVER; COMPUTER DIAGNOSTIC SERVICES; INSTALLATION OF COMPUTER SOFTWARE; UPDATING OF COMPUTER SOFTWARE; MAINTENANCE OF COMPUTER SOFTWARE; COMPUTER HARDWARE DEVELOPMENT; INTEGRATION OF COMPUTER SYSTEMS AND NETWORKS; MONITORING THE COMPUTER SYSTEMS OF OTHERS FOR TECHNICAL PURPOSES AND PROVIDING BACK-UP COMPUTER PROGRAMS AND FACILITIES; COMPUTER CONSULTATION, DESIGN, AND TESTING SERVICES; CONSULTING SERVICES IN THE FIELD OF DESIGN, SELECTION, IMPLEMENTATION AND USE OF COMPUTER HARDWARE AND SOFTWARE SYSTEMS FOR OTHERS; COMPUTER DATA RECOVERY; COMPUTER PROGRAMMING FOR OTHERS; RESEARCH AND DEVELOPMENT OF COMPUTER HARDWARE AND SOFTWARE; WEBSITE DESIGN, CREATION AND HOSTING SERVICES; COMPUTER SERVICES, NAMELY, DESIGNING AND IMPLEMENTING WEB SITES FOR OTHERS; COMPUTER SERVICES, NAMELY, PROVIDING SEARCH ENGINES FOR OBTAINING DATA ON A GLOBAL COMPUTER NETWORK; PROVIDING USE OF ON-LINE NON-DOWNLOADABLE SOFTWARE FOR COMMUNICATIONS VIA LOCAL OR

GLOBAL COMMUNICATIONS NETWORKS, INCLUDING THE INTERNET, INTRANETS, AND EXTRANETS; COMPUTER CONSULTATION, NAMELY, ANALYZING DATA TO DETECT, ERADICATE, AND PREVENT THE OCCURRENCE OF COMPUTER VIRUSES; COMPUTER CONSULTATION, NAMELY, SERVICES RELATING TO THE PROTECTION OF COMPUTER HARDWARE, COMPUTER SOFTWARE, COMPUTER NETWORKS AND COMPUTER SYSTEMS AGAINST COMPUTER VIRUSES, ATTACKS, OR FAILURES; COMPUTER CONSULTATION, NAMELY, SERVICES FOR OPTIMIZING THE PERFORMANCE AND FUNCTIONALITY OF COMPUTER SOFTWARE AND COMMUNICATIONS NETWORKS; TECHNICAL SUPPORT SERVICES, NAMELY, TROUBLESHOOTING OF COMPUTERS, COMPUTER SOFTWARE, TELECOMMUNICATIONS, AND THE INTERNET SYSTEMS; LEASING OF COMPUTERS, COMPUTER PERIPHERALS AND COMPUTER SOFTWARE; LEASING COMPUTER FACILITIES; PROVIDING INFORMATION IN A WIDE VARIETY OF FIELDS OVER COMPUTER NETWORKS AND GLOBAL COMMUNICATION NETWORKS; COMPUTER SERVICES, NAMELY, CREATING INDEXES OF INFORMATION, WEB SITES AND OTHER INFORMATION SOURCES AVAILABLE ON COMPUTER NETWORKS; PROVIDING INFORMATION CONCERNING A WIDE RANGE OF TEXT, ELECTRONIC DOCUMENTS, DATABASES, GRAPHICS AND AUDIOVISUAL INFORMATION, IN CLASS 42 (U.S. CLS. 100 AND 101).

FIRST USE 9-0-1980; IN COMMERCE 9-0-1980.

OWNER OF U.S. REG. NOS. 1,114,431, 1,401,154
AND OTHERS.

SER. NO. 78-146,716, FILED 7-23-2002.

THE MARK CONSISTS OF THE DESIGN OF AN
APPLE WITH A BITE REMOVED.

JAMES A. RAUEN, EXAMINING ATTORNEY

Int. Cl.: 38

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

United States Patent and Trademark Office

Reg. No. 2,870,477

Registered Aug. 3, 2004

SERVICE MARK
PRINCIPAL REGISTER



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

FOR: TELECOMMUNICATION SERVICES, NAMELY, ELECTRONIC TRANSMISSION OF DATA AND IMAGES VIA COMPUTER NETWORKS; ELECTRONIC MAIL SERVICES; PROVIDING ON-LINE ELECTRONIC BULLETIN BOARDS FOR TRANSMISSION OF MESSAGES AMONG COMPUTER USERS IN THE FIELDS OF BUSINESS, CREATIVE DESIGN, EDUCATION, COMPUTERS, INFORMATION TECHNOLOGY, WORD PROCESSING, DATABASE MANAGEMENT, ENTERTAINMENT, ELECTRONIC COMMERCE AND TELECOMMUNICATIONS; TELECOMMUNICATIONS CONSULTATION; DELIVERY OF MESSA-

GES BY ELECTRONIC TRANSMISSION; ELECTRONIC TRANSMISSION OF DATA AND INFORMATION BY COMPUTER, RADIO, MAIL, PROVIDING INTERNET ACCESS, IN CLASS 38 (U.S. CLS. 100, 101 AND 104).

FIRST USE 4-9-1994; IN COMMERCE 4-9-1994.

OWNER OF U.S. REG. NOS. 113,028, 1,421,062, AND OTHERS.

THE MARK CONSISTS OF THE DESIGN OF AN APPLE WITH A BITE REMOVED.

SN 78-157,042, FILED 8-22-2002.

MICHELE SWAIN, EXAMINING ATTORNEY

Int. Cls.: 35 and 41

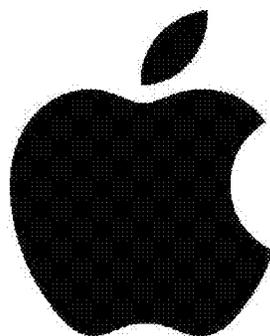
Prior U.S. Cls.: 100, 101, 102 and 107

United States Patent and Trademark Office

Reg. No. 3,298,028

Registered Sep. 25, 2007

**SERVICE MARK
PRINCIPAL REGISTER**



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

FOR: ARRANGING AND CONDUCTING TRADE SHOWS, AND TRADE SHOW EXPOSITIONS AND EXHIBITIONS IN THE FIELDS OF COMPUTERS, COMPUTER SOFTWARE, ONLINE SERVICES, INFORMATION TECHNOLOGY, AND CONSUMER ELECTRONICS, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 3-1-1981; IN COMMERCE 3-1-1981.

FOR: EDUCATION AND TRAINING SERVICES, NAMELY, CONDUCTING CLASSES, WORKSHOPS, CONFERENCES AND SEMINARS IN THE FIELD OF COMPUTERS, COMPUTER SOFTWARE, ONLINE SERVICES, INFORMATION TECHNOLOGY, INTERNET WEBSITE DESIGN, VIDEO PRODUCTS AND CONSUMER ELECTRONICS; ARRANGING OF EXHIBITIONS, SEMINARS AND CONFERENCES; ARRANGING PROFESSIONAL WORKSHOP AND TRAINING COURSES; COMPUTER EDUCATION TRAINING SERVICES; TRAINING IN THE USE AND OPERATION OF COMPUTERS AND COMPUTER SOFTWARE; PROVIDING A WEBSITE FOR THE UPLOADING, SHARING, VIEWING AND

POSTING OF PHOTOGRAPHS, DIGITAL IMAGES, MOVIES, VIDEOS, ONLINE JOURNALS, NAMELY WEB BLOGS IN GENERAL INTEREST FIELDS, AND OTHER RELATED MULTIMEDIA ENTERTAINMENT MATERIALS OVER A GLOBAL COMPUTER NETWORK; PROVIDING FITNESS AND EXERCISE FACILITIES; PHYSICAL FITNESS CONSULTATION AND INSTRUCTION; PROVIDING ON-LINE PUBLICATIONS IN THE NATURE OF NEWSLETTERS IN THE FIELD OF COMPUTERS AND EDUCATION; PROVIDING INFORMATION IN THE FIELD OF EDUCATION VIA THE INTERNET; PROVIDING INFORMATION IN THE FIELD OF ENTERTAINMENT VIA THE INTERNET CONCERNING MOVIES, MUSIC, VIDEOS, TELEVISION, CELEBRITIES, SPORTS, NEWS, HISTORY, SCIENCE, POLITICS, COMEDY, CHILDREN'S ENTERTAINMENT, ANIMATION, CULTURE, CURRENT EVENTS, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 3-1-1981; IN COMMERCE 3-1-1981.

OWNER OF U.S. REG. NOS. 1,114,431, 2,753,069 AND OTHERS.

SER. NO. 78-943,482, FILED 8-2-2006.

JEFFERY COWARD, EXAMINING ATTORNEY

Int. Cls.: 9, 35, 38, and 41

**Prior U.S. Cls.: 21, 23, 26, 36, 38, 100, 101, 102, 104,
and 107**

Reg. No. 3,673,592

United States Patent and Trademark Office

Registered Aug. 25, 2009

**TRADEMARK
SERVICE MARK
PRINCIPAL REGISTER**



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

FOR: PORTABLE AND HANDHELD DIGITAL ELECTRONIC DEVICES FOR RECORDING, ORGANIZING, TRANSMITTING, MANIPULATING, AND REVIEWING AUDIO, VIDEO, IMAGES, AND OTHER MULTIMEDIA CONTENT; COMPUTER SOFTWARE FOR USE IN ORGANIZING, TRANSMITTING, MANIPULATING, REPRODUCING, PROCESSING, STREAMING, PLAYING AND REVIEWING AUDIO, VIDEO, IMAGES, AND OTHER MULTIMEDIA CONTENT ON DIGITAL ELECTRONIC DEVICES; COMPUTER HARDWARE AND SOFTWARE FOR CONTROLLING THE OPERATION OF AUDIO, VIDEO, AND MULTIMEDIA DEVICES AND FOR VIEWING, SEARCHING, OR PLAYING AUDIO, VIDEO, IMAGES AND OTHER MULTIMEDIA CONTENT; COMPUTER SOFTWARE FOR ENCODING, PUBLISHING AND DISTRIBUTING AUDIO, VIDEO, IMAGES, AND OTHER MULTIMEDIA CONTENT VIA THE INTERNET AND OTHER COMMUNICATION NETWORKS; DOWNLOADABLE DIGITAL AUDIO, VIDEO, AND MULTIMEDIA FILES AND RECORDINGS FEATURING MUSIC, TELEVISION, FILM, BOOKS, NEWS, CONCERTS, RADIO, SPORTS, GAMES, CULTURAL EVENTS, AND ENTERTAINMENT-RELATED AND EDUCATIONAL PROGRAMS; DOWNLOADABLE WEBCASTS AND PODCASTS FEATURING AUDIO, VIDEO, AND OTHER DOWNLOADABLE MULTIMEDIA BROADCASTS IN THE FIELD OF MUSIC, TELEVISION, FILM, BOOKS, NEWS, CONCERTS, RADIO,

SPORTS, GAMES, CULTURAL EVENTS, AND ENTERTAINMENT-RELATED AND EDUCATIONAL PROGRAMS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 6-28-2005; IN COMMERCE 6-28-2005.

FOR: RETAIL STORE SERVICES FEATURING PRERECORDED AUDIO, VIDEO, AND OTHER MULTIMEDIA WORKS IN THE FIELD OF ENTERTAINMENT AND EDUCATION; PROVIDING AN ONLINE DIRECTORY INFORMATION SERVICE FEATURING INFORMATION ABOUT AUDIO, VIDEO, IMAGES, AND OTHER MULTIMEDIA CONTENT IN THE FIELDS OF ENTERTAINMENT AND EDUCATION, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 6-28-2005; IN COMMERCE 6-28-2005.

FOR: WEBCASTING, NAMELY, BROADCASTING VIA THE INTERNET; STREAMING OF DIGITAL AUDIO, VIDEO, IMAGES, AND MULTIMEDIA CONTENT VIA COMPUTER AND COMMUNICATIONS NETWORKS; TRANSMISSION OF AUDIO AND VIDEO, NAMELY, AUDIO AND VIDEO BROADCASTING SERVICES VIA COMPUTER AND COMMUNICATIONS NETWORKS, IN CLASS 38 (U.S. CLS. 100, 101 AND 104).

FIRST USE 6-28-2005; IN COMMERCE 6-28-2005.

FOR: NON-DOWNLOADABLE WEBCASTS AND PODCASTS FEATURING AUDIO, VIDEO AND OTHER MEDIA BROADCASTS IN THE FIELDS OF

ENTERTAINMENT AND EDUCATION; PROVIDING ONLINE DATABASES OF AUDIO, VIDEO, IMAGES, AND OTHER MULTIMEDIA CONTENT IN THE FIELDS OF ENTERTAINMENT AND EDUCATION, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 6-28-2005; IN COMMERCE 6-28-2005.

THE MARK CONSISTS OF A STYLIZED PERSON OR ANTENNA SURROUNDED BY CONCENTRIC CIRCLES/BROADCAST WAVES.

SN 77-235,043, FILED 7-20-2007.

APRIL ROACH, EXAMINING ATTORNEY

Int. Cl.: 9

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

Reg. No. 3,679,056

United States Patent and Trademark Office

Registered Sep. 8, 2009

TRADEMARK
PRINCIPAL REGISTER



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

FOR: COMPUTERS; COMPUTER HARDWARE; COMPUTER PERIPHERALS; HANDHELD COMPUTERS; HANDHELD MOBILE DIGITAL ELECTRONIC DEVICES FOR RECORDING, ORGANIZING, TRANSMITTING, MANIPULATING, AND REVIEWING TEXT, DATA, IMAGE, AUDIO, AND AUDIOVISUAL FILES, FOR THE SENDING AND RECEIVING OF TELEPHONE CALLS, ELECTRONIC MAIL, AND OTHER DIGITAL DATA, FOR USE AS A DIGITAL FORMAT AUDIO PLAYER, HANDHELD COMPUTER, PERSONAL DIGITAL ASSISTANT, ELECTRONIC ORGANIZER, ELECTRONIC NOTEPAD, CAMERA, AND GLOBAL POSITIONING SYSTEM (GPS) ELECTRONIC NAVIGATION DEVICE; DIGITAL AUDIO AND VIDEO RECORDERS AND PLAYERS; PERSONAL DIGITAL ASSISTANTS; ELECTRONIC ORGANIZERS; CAMERAS; TELEPHONES; MOBILE PHONES; SATELLITE NAVIGATIONAL SYSTEMS, NAMELY, GLOBAL POSITIONING SYSTEMS (GPS); ELECTRONIC NAVIGATIONAL DEVICES, NAMELY, GLOBAL POSITIONING SATELLITE (GPS) BASED NAVIGATION RECEIVERS; COMPUTER GAME MACHINES FOR USE WITH EXTERNAL DISPLAY SCREENS, MONITORS, OR TELEVISIONS; A FULL LINE OF ACCESSORIES AND PARTS FOR THE AFOREMENTIONED GOODS; STANDS, COVERS, CASES, HOLSTERS, POWER ADAPTORS, AND WIRED AND WIRELESS REMOTE CONTROLS FOR THE AFOREMENTIONED GOODS; COMPUTER MEMORY HARDWARE; COMPUTER DISC DRIVES; OPTICAL DISC DRIVES; COMPUTER NETWORKING HARD-

WARE; COMPUTER MONITORS; FLAT PANEL DISPLAY MONITORS; COMPUTER KEYBOARDS; COMPUTER CABLES; MODEMS; COMPUTER MICE; ELECTRONIC DOCKING STATIONS; SET TOP BOXES; BATTERIES; BATTERY CHARGERS; ELECTRICAL CONNECTORS, WIRES, CABLES, AND ADAPTORS; DEVICES FOR HANDS-FREE USE; HEADPHONES; EARPHONES; EAR BUDS; AUDIO SPEAKERS; MICROPHONES; AND HEADSETS; A FULL LINE OF COMPUTER SOFTWARE FOR BUSINESS, HOME, EDUCATION, AND DEVELOPER USE; USER MANUALS FOR USE WITH, AND SOLD AS A UNIT WITH, THE AFOREMENTIONED GOODS; DOWNLOADABLE AUDIO AND VIDEO FILES, MOVIES, RING TONES, VIDEO GAMES, TELEVISION PROGRAMS, POD CASTS AND AUDIO BOOKS VIA THE INTERNET AND WIRELESS DEVICES FEATURING MUSIC, MOVIES, VIDEOS, TELEVISION, CELEBRITIES, SPORTS, NEWS, HISTORY, SCIENCE, POLITICS, COMEDY, CHILDREN'S ENTERTAINMENT, ANIMATION, CULTURE, CURRENT EVENTS AND TOPICS OF GENERAL INTEREST, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 1-31-1977; IN COMMERCE 1-31-1977.

OWNER OF U.S. REG. NOS. 1,114,431, 2,753,069 AND OTHERS.

THE MARK CONSISTS OF THE DESIGN OF AN APPLE WITH A BITE REMOVED.

SER. NO. 77-648,705, FILED 1-13-2009.

JERI J. FICKES, EXAMINING ATTORNEY