

ESTTA Tracking number: **ESTTA374968**

Filing date: **10/25/2010**

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	Amazon Technologies, Inc.
Granted to Date of previous extension	10/24/2010
Address	PO Box 8102, ATTN: Trademarks Reno, NV 89507 UNITED STATES

Attorney information	Purvi Patel Haynes and Boone, LLP 2323 Victory Ave., Suite 700 Dallas, TX 75219 UNITED STATES ipdocketing@haynesboone.com, purvi.patel@haynesboone.com, lisa.normand@haynesboone.com Phone:214-651-5917
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**Applicant Information**

Application No	77877058	Publication date	04/27/2010
Opposition Filing Date	10/25/2010	Opposition Period Ends	10/24/2010
Applicant	Kurishingal, Pravin , Jacob 102 Pecan Drive Rockwall, TX 75087 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 038. All goods and services in the class are opposed, namely: Telecommunication services in the nature of providing telephone features, namely, call waiting, call identification, call forwarding, and message waiting; Telecommunication services, namely, local and long distance transmission of voice, data, graphics and video by means of broadband, copper and optical or wireless networks
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**Grounds for Opposition**

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

U.S. Registration No.	3502586	Application Date	05/23/2007
Registration Date	09/16/2008	Foreign Priority Date	NONE

Word Mark	WHISPERNET
Design Mark	
Description of Mark	NONE
Goods/Services	Class 038. First use: First Use: 2007/11/19 First Use In Commerce: 2007/11/19 Wireless broadband communication services, and text and numeric wireless digital messaging services, all in the field of electronic works distributed to customers via hand-held devices; communication via wireless hand-held display devices for receiving and displaying electronically published works

U.S. Application No.	77650736	Application Date	01/15/2009
Registration Date	NONE	Foreign Priority Date	NONE

Word Mark	WHISPERSYNC
Design Mark	
Description of Mark	NONE
Goods/Services	Class 009. First use: Software for transmitting, receiving, downloading, streaming, broadcasting, sharing, displaying and transferring electronic works via hand-held devices; user generated content sharing software; software for sharing photos, videos, text, and electronic works via hand-held devices Class 038. First use: Wireless broadband communication services, and text and numeric wireless digital messaging services, all in the field of electronic works distributed to customers via hand-held devices; communication via hand-held devices for transmitting, receiving, downloading, streaming, broadcasting, sharing, displaying and transferring electronic works; providing an online website forum for the transmission of messages among computer users concerning ratings and recommendations related to literary, audio, audiovisual and electronic works; providing access to online directories, databases, current events and reference material in the entertainment and literary fields; providing online chat rooms,

	<p>internet forums and online communities for the transmission of photos, videos, text, and electronic works; transmission of podcasts; transmission of webcasts</p> <p>Class 041. First use:          Providing information in the field of electronic publishing in all forms, via the Internet or other computer or communications network; providing pre-recorded audio, visual and audiovisual works to hand-held devices via wireless networks</p> <p>Class 042. First use:          Application service provider featuring software for transmitting, receiving, downloading, streaming, broadcasting, sharing, displaying and transferring electronic works via hand-held devices; application service provider featuring software for sharing photos, videos, text, and electronic works via hand-held devices; providing a web site that gives computer users the ability to transfer and share photos, videos, text, and electronic works; providing search engines for obtaining data; providing search platforms to allow users to request content from and receive content to a hand-held device; interactive hosting services which allow users to publish and share their own content, text and images on-line; creating an on-line community for registered users to participate in discussions, get feedback, form virtual communities, and engage in social networking; document data transfer from one computer format to another; providing specific information as requested by users via the Internet or other computer or communications network; providing on-line web pages featuring user-defined information, which includes search engines and on-line web links to other web sites; providing a website that gives users the ability to create customized web pages featuring user-defined profiles</p>
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U.S. Application No.	77843021	Application Date	10/06/2009
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	WHISPERLINK		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 009. First use:          Software for transmitting, accessing, receiving, downloading, streaming, broadcasting, sharing, displaying, formatting, mirroring and transferring photos, videos, text, data, images and other electronic works; user generated content sharing software; software for ensuring computer, internet and password security</p> <p>Class 038. First use:          Wireless broadband communication services and text messaging services; communication services for transmitting, caching, accessing, receiving, downloading, streaming, broadcasting, sharing, displaying, formatting, mirroring and transferring electronic works via telecommunications networks, wireless communications networks, and the internet; providing an internet forum, online</p>		

chat rooms and online communities for the transmission of messages among computer users concerning reviews, ratings and recommendations related to literary, audio, visual, and audiovisual works; providing access to online directories, databases, current events websites and blogs, and on-line reference materials; providing access to auxiliary devices or electronic devices in the nature of e-readers, mobile phones, smartphones, portable electronic devices, portable digital devices, or computers; Streaming of audio, visual and audiovisual material via the Internet or other computer or communications network; providing online chat rooms, internet forums and online communities for the transmission of photos, videos, text, data, images and other electronic works; transmission of podcasts; transmission of webcasts

Class 041. First use:

Publishing of books, magazines, periodicals, literary works, visual works, audio works, and audiovisual works; providing non-downloadable pre-recorded audio, visual and audiovisual works via wireless networks; entertainment services, namely providing on-line portals that make works of fiction and non-fiction available, providing prerecorded audio, audiovisual, and multimedia works via the internet or other computer or communications networks, providing on-line computer games, on-line interactive stories, and on-line amusement arcades, publication of e-newsletters, blogs, and excerpts from books, periodicals, and literary works, and providing virtual environments in which users can interact for recreational, leisure, or entertainment purposes; providing information, news, articles and commentary in the field of entertainment, including, movies, television, audiovisual works, music, audio works, books, theatre, literary works, sporting events, recreational activities, leisure activities, tournaments, art, dance, musicals, exhibitions, sports instruction, clubs, radio, comedy, contests, visual works, games, gaming, festivals, museums, parks, cultural events, concerts, publishing, animation, current events, fashion shows, and multimedia presentations; providing information, news, articles and commentary in the field of education and educational institutions; educational services in the nature of classroom instruction and on-line distance learning on topics of current events, education, history, language, liberal arts, math, business, science, hobbies, technology, culture, sports, arts, psychology, and philosophy; interactive educational services, namely computer-based and computer-assisted educational, teaching, and training services; educational and entertainment services in the nature of podcasts, webcasts, and continuing programs featuring movies, television programs, audiovisual works, music, audio works, books, theatre, literary works, sporting events, recreational activities, leisure activities, tournaments, art, dance, musicals, exhibitions, sports instruction, clubs, radio, comedy, contests, visual works, games, gaming, festivals, museums, parks, cultural events, concerts, publishing, animation, current events, fashion, and multimedia presentations accessible via the internet or other computer or communications networks

Class 042. First use:

Providing on-line network services that enable users to access resources and share content, photos, videos, text, data, images and other electronic works relating to entertainment, including, movies, television, audiovisual works, music, audio works, books, theatre, literary works, sporting events, recreational activities, leisure activities, tournaments, art, dance, musicals, exhibitions, sports instruction, clubs, radio, comedy, contests, visual works, games, gaming, festivals, museums, parks, cultural events, concerts, publishing, animation, current events, fashion, multimedia presentations, history, language, liberal arts, math, business, science, technology, hobbies, culture, sports, arts, psychology, and philosophy; hosting of third party content, photos, videos, text, data, images, web sites and other electronic works; providing search engines; providing a web site that gives computer users the ability to transmit, cache, receive, download, stream, broadcast, display, format, transfer and share photos, videos, text, data, images and other electronic works; providing search platforms to allow users to request and receive photos, videos, text, data, images and electronic works;

	<p>interactive hosting services which allow users to publish and share their own photos, videos, text, data, images online; creating an online community for users to participate in discussions, obtain feedback, form virtual communities, and engage in social networking; maintenance and updating of software relating to computer, Internet and password security and prevention of computer, internet and password risks; providing information in the field of astronomy, weather, the environment, interior design, technology, computers, software, computer peripherals, computer hardware, geology, engineering, architecture, genealogy, medical research, and product research and testing via the internet or other computer or communications networks</p> <p>Class 045. First use: 183 Introduction, personal relationship, and social networking services provided via the Internet or other computer or communications network; dating services; on-line social networking services, namely, facilitating social introductions or interactions among individuals; on-line social networking services designed for people with a common desire to meet other people with similar interests; monitoring of computerized data and computer systems and networks for security purposes; providing on-line computer databases and on-line searchable databases in the field of social networking; providing a social networking website for entertainment purposes; providing searchable databases in the field of social networking</p>
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U.S. Application No.	77843024	Application Date	10/06/2009
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	WHISPERSHARE		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 009. First use: Software for transmitting, accessing, receiving, downloading, streaming, broadcasting, sharing, displaying, formatting, mirroring and transferring photos, videos, text, data, images and other electronic works; user generated content sharing software; software for ensuring computer, internet and password security</p> <p>Class 038. First use: Wireless broadband communication services and text messaging services; communication services for transmitting, caching, accessing, receiving, downloading, streaming, broadcasting, sharing, displaying, formatting, mirroring and transferring electronic works via telecommunications networks, wireless communications networks, and the internet; providing an internet forum, online chat rooms and online communities for the transmission of messages among computer users concerning reviews, ratings and recommendations related to literary, audio, visual, and audiovisual works; providing access to online</p>		

directories, databases, current events websites and blogs, and on-line reference materials; providing access to auxiliary devices or electronic devices in the nature of e-readers, mobile phones, smartphones, portable electronic devices, portable digital devices, or computers; Streaming of audio, visual and audiovisual material via the Internet or other computer or communications network; providing online chat rooms, internet forums and online communities for the transmission of photos, videos, text, data, images and other electronic works; transmission of podcasts; transmission of webcasts

Class 041. First use:

Publishing of books, magazines, periodicals, literary works, visual works, audio works, and audiovisual works; providing non-downloadable pre-recorded audio, visual and audiovisual works via wireless networks; entertainment services, namely providing on-line portals that make works of fiction and non-fiction available, providing prerecorded audio, audiovisual, and multimedia works via the internet or other computer or communications networks, providing on-line computer games, on-line interactive stories, and on-line amusement arcades, publication of e-newsletters, blogs, and excerpts from books, periodicals, and literary works, and providing virtual environments in which users can interact for recreational, leisure, or entertainment purposes; providing information, news, articles and commentary in the field of entertainment, including, movies, television, audiovisual works, music, audio works, books, theatre, literary works, sporting events, recreational activities, leisure activities, tournaments, art, dance, musicals, exhibitions, sports instruction, clubs, radio, comedy, contests, visual works, games, gaming, festivals, museums, parks, cultural events, concerts, publishing, animation, current events, fashion shows, and multimedia presentations; providing information, news, articles and commentary in the field of education and educational institutions; educational services in the nature of classroom instruction and on-line distance learning on topics of current events, education, history, language, liberal arts, math, business, science, hobbies, technology, culture, sports, arts, psychology, and philosophy; interactive educational services, namely computer-based and computer-assisted educational, teaching, and training services; educational and entertainment services in the nature of podcasts, webcasts, and continuing programs featuring movies, television programs, audiovisual works, music, audio works, books, theatre, literary works, sporting events, recreational activities, leisure activities, tournaments, art, dance, musicals, exhibitions, sports instruction, clubs, radio, comedy, contests, visual works, games, gaming, festivals, museums, parks, cultural events, concerts, publishing, animation, current events, fashion, and multimedia presentations accessible via the internet or other computer or communications networks

Class 042. First use:

Providing on-line network services that enable users to access resources and share content, photos, videos, text, data, images and other electronic works relating to entertainment, including, movies, television, audiovisual works, music, audio works, books, theatre, literary works, sporting events, recreational activities, leisure activities, tournaments, art, dance, musicals, exhibitions, sports instruction, clubs, radio, comedy, contests, visual works, games, gaming, festivals, museums, parks, cultural events, concerts, publishing, animation, current events, fashion, multimedia presentations, history, language, liberal arts, math, business, science, technology, hobbies, culture, sports, arts, psychology, and philosophy; hosting of third party content, photos, videos, text, data, images, web sites and other electronic works; providing search engines; providing a web site that gives computer users the ability to transmit, cache, receive, download, stream, broadcast, display, format, transfer and share photos, videos, text, data, images and other electronic works; providing search platforms to allow users to request and receive photos, videos, text, data, images and electronic works; interactive hosting services which allow users to publish and share their own photos, videos, text, data, images online; creating an online community for users to participate in discussions, obtain feedback, form virtual communities, and

	<p>engage in social networking; maintenance and updating of software relating to computer, Internet and password security and prevention of computer, internet and password risks; providing information in the field of astronomy, weather, the environment, interior design, technology, computers, software, computer peripherals, computer hardware, geology, engineering, architecture, genealogy, medical research, and product research and testing via the internet or other computer or communications networks</p> <p>Class 045. First use:</p> <p>183Introduction, personal relationship, and social networking services provided via the Internet or other computer or communications network; dating services; on-line social networking services, namely, facilitating social introductions or interactions among individuals; on-line social networking services designed for people with a common desire to meet other people with similar interests; monitoring of computerized data and computer systems and networks for security purposes; providing on-line computer databases and on-line searchable databases in the field of social networking; providing a social networking website for entertainment purposes; providing searchable databases in the field of social networking</p>
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Attachments	<p>77188453#TMSN.jpeg ( 1 page )( bytes )  77650736#TMSN.jpeg ( 1 page )( bytes )  77843021#TMSN.jpeg ( 1 page )( bytes )  77843024#TMSN.jpeg ( 1 page )( bytes )  Notice and Exhibits.pdf ( 18 pages )(705188 bytes )</p>
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### Certificate of Service

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

Signature	/Purvi Patel/
Name	Purvi Patel
Date	10/25/2010

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

<b>Amazon Technologies, Inc.,</b>	§	
	§	
Opposer,	§	Mark: <b>WHISPERID</b>
	§	- Serial No. 77/877,058
vs.	§	- Published April 27, 2010
	§	
<b>Pravin Kurishungal</b>	§	Opposition No. _____
	§	
Applicant.	§	

**NOTICE OF OPPOSITION**

Pravin Kurishungal (“Applicant”) filed Application Serial No. 77/877,058 for the mark WHISPERID (“Applicant’s Mark”) on November 20, 2009, based on an intent to use the mark in connection with telecommunications services in Class 38. Amazon Technologies, Inc. (“Opposer” or “Amazon”), a Nevada corporation, is the senior user and owner of a number of trademarks incorporating the term WHISPER, such as WHISPERNET and WHISPERSYNC, used in the U.S. and throughout the world in connection with, generally, broadband communication and transmission services in Class 38. Amazon also owns a U.S. trademark registration for WHISPERNET, as well as pending U.S. applications to register the marks WHISPERSYNC, WHISPERSHARE, and WHISPERLINK, all covering *inter alia* broadband communication and related transmission services. Accordingly, Amazon will be damaged by the registration of Applicant’s confusingly similar Mark for similar or identical services, which was published for purposes of opposition in the Official Gazette on April 27, 2010. Opposer filed a Request for Extension of Time to Oppose that extended the deadline for filing an opposition to October 25, 2010. Opposer has approached Applicant in an attempt to resolve this matter but, in light of the opposition deadline, hereby opposes the application.

The filing particulars of Applicant’s Mark are as follows:

<b>Mark:</b>	WhisperID
<b>Serial No.:</b>	77/877,058

<b>Filing Date:</b>	November 20, 2009
<b>Filing Basis:</b>	1(b)
<b>Publication:</b>	April 27, 2010
<b>Services:</b>	<b>International Class 38:</b> Telecommunication services in the nature of providing telephone features, namely, call waiting, call identification, call forwarding, and message waiting; Telecommunication services, namely, local and long distance transmission of voice, data, graphics and video by means of broadband, copper and optical or wireless networks

As grounds for opposition, Opposer alleges as follows:

1. Amazon, a global leader in e-commerce, has for many years manufactured and sold KINDLE-branded electronic reading devices. In connection with its Kindle e-reader device, since 2007, and well prior to the filing date of Applicant's Application, Amazon has offered and provided various services in the United States under the mark WHISPERNET, which is the subject of U.S. Reg. No. 3,502,586, including, but not limited to, broadband communications services allowing users to connect their Kindle devices to a wireless network for receiving electronic messages and for downloading electronically published works.
2. Since February of 2009, and well prior to the filing date of Applicant's Application, Amazon has also offered services under the mark WHISPERSYNC allowing users to synchronize data from their KINDLE devices with other compatible mobile devices.
3. Opposer is the senior user of its distinctive WHISPERNET and WHISPERSYNC marks, so there is no issue as to priority. In addition, Amazon's WHISPERLINK and WHISPERSHARE applications were filed prior to the filing of Applicant's Application.
4. Opposer's WHISPERNET and WHISPERSYNC services have received extensive media attention and consumer praise. Indeed, Opposer's groundbreaking wireless Kindle reading device with its WHISPERNET and WHISPERSYNC services revolutionized the way consumers interact with traditional print media in an innovative new format, and enabled consumers to wirelessly purchase and remotely download books, newspapers, magazines, and other electronic publications on-demand.

5. Since their introduction in 2007 and 2009, respectively, Opposer's WHISPERNET and WHISPERSYNC offerings have consistently received accolades for innovation, design, and customer satisfaction and have enjoyed exponential growth and popularity.
6. Opposer's WHISPERNET and WHISPERSYNC offerings have continuously been promoted in a variety of media and are advertised at several websites, including <kindle.com> and <amazonkindle.com>.
7. Amazon owns the following U.S. trademark filings for marks incorporating the term WHISPER, which are collectively referred to as Amazon's "WHISPER Marks":

Mark	Class(es)
WHISPERNET Reg. No.: 3,502,586 Filed: May 23, 2007	38
WHISPERSYNC App. No.: 77/650,736 Filed: January 15, 2009	9, 38, 41, 42
WHISPERLINK App. No.: 77/843,021 Filed: October 6, 2009	9, 38, 41, 42, 45
WHISPERSHARE App. No.: 77/843,024 Filed: October 6, 2009	9, 38, 41, 42, 45

True and correct copies of printouts from the electronic database records of the PTO showing the current status and title of the registration and applications for these trademarks, as well as true and correct copies of the applicable Certificate of Registration, are attached hereto.

8. Amazon's Registration No. 3,502,586 is valid, subsisting, unrevoked, and uncancelled and constitutes *prima facie* evidence of the validity of the registered mark, the registration thereof,

and of Amazon's ownership of the mark shown therein, as provided in Section 33(a) of the Trademark Act.

9. Amazon's registration relied on herein constitutes constructive notice of Amazon's claim of ownership of such registration under Section 22 of the Trademark Act and confers a right of priority over Applicant nationwide in effect as of the filing date of the application, as provided in Section 7(c) of the Trademark Act.
10. Opposer, through extensive sales, advertising, and promotion of the services provided under one or more of its WHISPER Marks, has developed, at great expense and effort, valuable goodwill in its WHISPER Marks.
11. By virtue of Amazon's widespread and continuous use of the marks WHISPERNET and WHISPERSYNC, Amazon has established extensive common-law rights in these marks.
12. In addition, the purchasing public readily associates the marks WHISPERNET and WHISPERSYNC with Opposer's offerings.
13. If Applicant is permitted to register the mark shown in Applicant's Application, Applicant's corresponding *prima facie* exclusive right to use the WHISPERID mark in nationwide commerce will conflict with Opposer's lawful and *prima facie* exclusive right to use the WHISPERNET and WHISPERSYNC marks.
14. Applicant's Mark incorporates in its entirety the most distinctive element of each of Amazon's WHISPER Marks.
15. The form of Applicant's mark—that is, the arbitrary term WHISPER followed by the somewhat descriptive element ID—mimics the form of Amazon's WHISPER marks, resulting in Applicant's Marks being visually and phonetically similar to Amazon's WHISPER marks. Thus, consumers familiar with Opposer's WHISPER Marks will incorrectly assume that Opposer is the origin of Applicant's WHISPERID services, and that the WHISPERID brand belongs in Amazon's family of WHISPER Marks.

16. Applicant's Mark is confusingly similar to Opposer's WHISPER Marks because it creates a commercial impression that is highly similar to the commercial impression of Amazon's WHISPER Marks.
17. The services covered by Applicant's Mark fall in Class 38, and are similar and closely related to those covered by Opposer's WHISPER Marks.
18. Applicant's Mark is especially likely to cause such consumer confusion in light of the fact that Applicant's Application identifies: "Telecommunication services, namely, . . . transmission of voice, data, graphics and video by means of broadband . . . or wireless networks" as the services offered under the mark—services that are virtually identical to those services for which Opposer has registered its WHISPERNET Mark, and which are also virtually identical to the services identified in the filings for Opposer's other WHISPER Marks. Further, the respective services are marketed or will be marketed to the same consumers and potential consumers in the same channels of trade, thereby increasing the likelihood of confusion.
19. By virtue of the foregoing, Opposer will be damaged by Applicant's use and registration of Applicant's Mark, as such registration and use in connection with the services identified in the corresponding application is likely to cause consumers to become confused, mistaken, or deceived and to falsely suggest a connection with Amazon and/or its WHISPER Marks, within the meaning of Section 2(d) of the Trademark Act, 15 U.S.C. § 1052(d).
20. In view of Amazon's prior rights in its WHISPER Marks and/or the U.S. registration and applications therefor, Applicant is not entitled to registration of Applicant's Mark, pursuant to Section 2(d) of the Trademark Act, 15 U.S.C. § 1052(d).
21. By reason of the foregoing, Amazon will be gravely damaged by the registration of Applicant's Mark.

For the foregoing reasons, among others, Opposer respectfully asks the Board to grant its Opposition and deny registration of Applicant's Mark.

This Notice of Opposition is being filed electronically, so no duplicate copy is in order. The fee required by Section 2.6(a)(17) of the Trademark Rules of Practice, 37 C.F.R. § 2.6(a)(17), will be paid simultaneously with the filing.

Respectfully submitted,

AMAZON TECHNOLOGIES, INC.

Date: October 25, 2010



~~Purvi J. Patel, Attorney for Opposer~~  
Lisa Normand, Attorney for Opposer  
Haynes and Boone, LLP  
2323 Victory Avenue, Suite 700  
Dallas, TX 75219  
Phone: 214-651-5917  
Facsimile: 214-200-0812  
*purvi.patel@haynesboone.com*  
File: 43603.35

D-1884569\_4.DOC

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

**Amazon Technologies, Inc.,**

Opposer,

vs.

**Pravin Kurishingal**

Applicant.

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Mark: **WHISPERID**  
- Serial No. 77/877,058  
- Published April 27, 2010

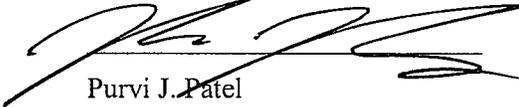
Opposition No. \_\_\_\_\_

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on this 25th day of October, 2010, a copy of the foregoing *Notice of Opposition* was served via first class mail, postage prepaid to the Applicant, with a courtesy copy to Applicant's counsel via email, as follows:

Pravin Kurishingal  
102 Pecan Drive  
Rockwall, TX 75087

Jay Bhattacharya of Bhattacharya & Associates, P.C., at [jb@jbalaw.com](mailto:jb@jbalaw.com)



Purvi J. Patel

**Int. Cl.: 38**

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

**United States Patent and Trademark Office**

**Reg. No. 3,502,586**

**Registered Sep. 16, 2008**

**SERVICE MARK  
PRINCIPAL REGISTER**

**WHISPERNET**

AMAZON TECHNOLOGIES, INC. (NEVADA  
CORPORATION)  
PO BOX 8102  
ATTN: TRADEMARKS  
RENO, NV 89507

FOR: WIRELESS BROADBAND COMMUNICA-  
TION SERVICES, AND TEXT AND NUMERIC  
WIRELESS DIGITAL MESSAGING SERVICES, ALL  
IN THE FIELD OF ELECTRONIC WORKS DISTRIB-  
UTED TO CUSTOMERS VIA HAND-HELD DEVI-  
CES; COMMUNICATION VIA WIRELESS HAND-  
HELD DISPLAY DEVICES FOR RECEIVING AND

DISPLAYING ELECTRONICALLY PUBLISHED  
WORKS, IN CLASS 38 (U.S. CLS. 100, 101 AND 104).

FIRST USE 11-19-2007; IN COMMERCE 11-19-2007.

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

SN 77-188,453, FILED 5-23-2007.

JOHN DALIER, EXAMINING ATTORNEY



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# WHISPERNET

<b>Word Mark</b>	WHISPERNET
<b>Goods and Services</b>	IC 038. US 100 101 104. G & S: Wireless broadband communication services, and text and numeric wireless digital messaging services, all in the field of electronic works distributed to customers via hand-held devices; communication via wireless hand-held display devices for receiving and displaying electronically published works. FIRST USE: 20071119. FIRST USE IN COMMERCE: 20071119
<b>Standard Characters Claimed</b>	
<b>Mark Drawing Code</b>	(4) STANDARD CHARACTER MARK
<b>Serial Number</b>	77188453
<b>Filing Date</b>	May 23, 2007
<b>Current Filing Basis</b>	1A
<b>Original Filing Basis</b>	1B
<b>Published for Opposition</b>	April 29, 2008
<b>Registration Number</b>	<b>3502586</b>
<b>Registration Date</b>	September 16, 2008
<b>Owner</b>	(REGISTRANT) AMAZON TECHNOLOGIES, INC. CORPORATION NEVADA PO BOX 8102 ATTN: TRADEMARKS RENO NEVADA 89507
<b>Assignment Recorded</b>	ASSIGNMENT RECORDED
<b>Attorney of Record</b>	Leslie C. Ruiter
<b>Type of Mark</b>	SERVICE MARK

**Register** PRINCIPAL  
**Live/Dead Indicator** LIVE

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### Record 1 out of 1

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# WHISPERSYNC

**Word Mark** WHISPERSYNC

**Goods and Services** IC 009. US 021 023 026 036 038. G & S: Software for transmitting, receiving, downloading, streaming, broadcasting, sharing, displaying and transferring electronic works via hand-held devices; user generated content sharing software; software for sharing photos, videos, text, and electronic works via hand-held devices

IC 038. US 100 101 104. G & S: Wireless broadband communication services, and text and numeric wireless digital messaging services, all in the field of electronic works distributed to customers via hand-held devices; communication via hand-held devices for transmitting, receiving, downloading, streaming, broadcasting, sharing, displaying and transferring electronic works; providing an online website forum for the transmission of messages among computer users concerning ratings and recommendations related to literary, audio, audiovisual and electronic works; providing access to online directories, databases, current events and reference material in the entertainment and literary fields; providing online chat rooms, internet forums and online communities for the transmission of photos, videos, text, and electronic works; transmission of podcasts; transmission of webcasts

IC 041. US 100 101 107. G & S: Providing information in the field of electronic publishing in all forms, via the Internet or other computer or communications network; providing pre-recorded audio, visual and audiovisual works to hand-held devices via wireless networks

IC 042. US 100 101. G & S: Application service provider featuring software for transmitting, receiving, downloading, streaming, broadcasting, sharing, displaying and transferring electronic works via hand-held devices; application service provider featuring software for sharing photos, videos, text, and electronic works via hand-held devices; providing a web site that gives computer users the ability to transfer and share photos, videos, text, and electronic works; providing search engines for obtaining data; providing search platforms to allow users to request content from and receive content to a hand-held device; interactive hosting services which allow users to publish and share their own content, text and images on-line; creating an on-line community for registered users to participate in discussions, get feedback, form virtual communities, and engage in social networking; document data transfer from one computer format to another; providing specific information as requested by users via the Internet or other computer or communications network; providing on-line web pages featuring user-defined information, which includes search engines and on-line web links to other web sites; providing a website that gives users the ability to create customized web pages featuring user-defined profiles

**Standard  
Characters  
Claimed****Mark****Drawing  
Code** (4) STANDARD CHARACTER MARK**Serial  
Number** 77650736**Filing Date** January 15, 2009**Current  
Filing Basis** 1B**Original  
Filing Basis** 1B**Published  
for  
Opposition** June 8, 2010**Owner** (APPLICANT) AMAZON TECHNOLOGIES, INC. CORPORATION NEVADA PO BOX 8102 ATTN:  
TRADEMARKS RENO NEVADA 89507**Assignment  
Recorded** ASSIGNMENT RECORDED**Attorney of  
Record** Susan M. Natland**Type of Mark** TRADEMARK. SERVICE MARK**Register** PRINCIPAL**Live/Dead  
Indicator** LIVE[TESS HOME](#)[NEW USER](#)[STRUCTURED](#)[FREE FORM](#)[BROWSE DICT](#)[SEARCH OG](#)[TOP](#)[HELP](#)

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# WHISPERLINK

**Word Mark** WHISPERLINK

**Goods and Services**

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IC 038. US 100 101 104. G & S: Wireless broadband communication services and text messaging services; communication services for transmitting, caching, accessing, receiving, downloading, streaming, broadcasting, sharing, displaying, formatting, mirroring and transferring electronic works via telecommunications networks, wireless communications networks, and the internet; providing an internet forum, online chat rooms and online communities for the transmission of messages among computer users concerning reviews, ratings and recommendations related to literary, audio, visual, and audiovisual works; providing access to online directories, databases, current events websites and blogs, and on-line reference materials; providing access to auxiliary devices or electronic devices in the nature of e-readers, mobile phones, smartphones, portable electronic devices, portable digital devices, or computers; Streaming of audio, visual and audiovisual material via the Internet or other computer or communications network; providing online chat rooms, internet forums and online communities for the transmission of photos, videos, text, data, images and other electronic works; transmission of podcasts; transmission of webcasts

IC 041. US 100 101 107. G & S: Publishing of books, magazines, periodicals, literary works, visual works, audio works, and audiovisual works; providing non-downloadable pre-recorded audio, visual and audiovisual works via wireless networks; entertainment services, namely providing on-line portals that make works of fiction and non-fiction available, providing prerecorded audio, audiovisual, and multimedia works via the internet or other computer or communications networks, providing on-line computer games, on-line interactive stories, and on-line amusement arcades, publication of e-newsletters, blogs, and excerpts from books, periodicals, and literary works, and providing virtual environments in which users can interact for recreational, leisure, or entertainment purposes; providing information, news, articles and commentary in the field of entertainment, including, movies, television, audiovisual works, music, audio works, books, theatre, literary works, sporting events, recreational activities, leisure activities, tournaments, art, dance, musicals, exhibitions, sports instruction, clubs, radio, comedy, contests, visual works, games, gaming, festivals, museums, parks, cultural events, concerts, publishing, animation, current events, fashion shows, and multimedia presentations; providing information, news, articles and commentary in the field of education and educational institutions; educational services in the nature

of classroom instruction and on-line distance learning on topics of current events, education, history, language, liberal arts, math, business, science, hobbies, technology, culture, sports, arts, psychology, and philosophy; interactive educational services, namely computer-based and computer-assisted educational, teaching, and training services. educational and entertainment services in the nature of podcasts, webcasts, and continuing programs featuring movies, television programs, audiovisual works, music, audio works, books, theatre, literary works, sporting events, recreational activities, leisure activities, tournaments, art, dance, musicals, exhibitions, sports instruction, clubs, radio, comedy, contests, visual works, games, gaming, festivals, museums, parks, cultural events, concerts, publishing, animation, current events, fashion, and multimedia presentations accessible via the internet or other computer or communications networks

IC 042. US 100 101. G & S: Providing on-line network services that enable users to access resources and share content, photos, videos, text, data, images and other electronic works relating to entertainment, including, movies, television, audiovisual works, music, audio works, books, theatre, literary works, sporting events, recreational activities, leisure activities, tournaments, art, dance, musicals, exhibitions, sports instruction, clubs, radio, comedy, contests, visual works, games, gaming, festivals, museums, parks, cultural events, concerts, publishing, animation, current events, fashion, multimedia presentations, history, language, liberal arts, math, business, science, technology, hobbies, culture, sports, arts, psychology, and philosophy; hosting of third party content, photos, videos, text, data, images, web sites and other electronic works; providing search engines; providing a web site that gives computer users the ability to transmit, cache, receive, download, stream, broadcast, display, format, transfer and share photos, videos, text, data, images and other electronic works; providing search platforms to allow users to request and receive photos, videos, text, data, images and electronic works; interactive hosting services which allow users to publish and share their own photos, videos, text, data, images online; creating an online community for users to participate in discussions, obtain feedback, form virtual communities, and engage in social networking; maintenance and updating of software relating to computer, Internet and password security and prevention of computer, internet and password risks. providing information in the field of astronomy, weather, the environment, interior design, technology, computers, software, computer peripherals, computer hardware, geology, engineering, architecture, genealogy, medical research, and product research and testing via the internet or other computer or communications networks

IC 045. US 100 101. G & S: 183 Introduction, personal relationship, and social networking services provided via the Internet or other computer or communications network; dating services; on-line social networking services, namely, facilitating social introductions or interactions among individuals; on-line social networking services designed for people with a common desire to meet other people with similar interests; monitoring of computerized data and computer systems and networks for security purposes; providing on-line computer databases and on-line searchable databases in the field of social networking; providing a social networking website for entertainment purposes; providing searchable databases in the field of social networking

**Standard  
Characters  
Claimed**

**Mark  
Drawing  
Code** (4) STANDARD CHARACTER MARK

**Serial  
Number** 77843021

**Filing Date** October 6, 2009

**Current  
Filing  
Basis** 1B

**Original  
Filing  
Basis** 1B

**Owner** (APPLICANT) Lupton, Inc. CORPORATION DELAWARE 2711 Centreville Road, Suite 400 Wilmington DELAWARE 19809

**Attorney of  
Record** Purvi J. Patel

**Type of  
Mark** TRADEMARK. SERVICE MARK

**Register** PRINCIPAL

**Live/Dead  
Indicator** LIVE

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Filing  
Basis** 1B

**Owner** (APPLICANT) Lupton, Inc. CORPORATION DELAWARE 2711 Centreville Road, Suite 400 Wilmington DELAWARE 19809

**Attorney of  
Record** Purvi J. Patel

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