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

Proceeding	91200355
Party	Plaintiff Motorola Mobility, Inc., Motorola Trademark Holdings, LLC
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Date	02/06/2012
Attachments	Appendix B.pdf (4 pages)(141704 bytes)

APPENDIX B

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

Application Serial No. 78/575,442)	
Filed: February 25, 2005)	
Published: February 22, 2011, in the <i>Official Gazette</i>)	Opposition No. 91200355
For: SOUND MARK)	
)	
Motorola Mobility, Inc. and Motorola Trademark Holdings, LLC,)	
)	
Opposers,)	
vs.)	
Nextel Communications, Inc.)	
)	
Applicant.)	

**DECLARATION OF PETER ALOUMANIS IN SUPPORT OF OPPOSERS' MOTION
FOR SUMMARY JUDGMENT ON THE ISSUES OF RES JUDICATA AND
COLLATERAL ESTOPPEL**

I, Peter Aloumanis, under penalty of perjury, declare as follows:

1. I am Vice President of Product Development for Motorola Mobility, Inc. I have worked at Motorola Mobility, Inc. since its inception in January 2011. Prior to that, I worked at its predecessor-in-interest, Motorola, Inc., for 26 years. In my position at Motorola Mobility, Inc., I have personal knowledge of its business activities as well as the business activities of its predecessor corporation, Motorola, Inc. I am making this declaration based on my personal knowledge and in support of Motorola's motion for summary judgment in the "Chirp Tone" service mark opposition.

2. Effective January 4, 2011, the corporation formerly known as Motorola, Inc. underwent a corporate reorganization. As part of that reorganization, Motorola, Inc. changed its name to Motorola Solutions, Inc. and spun off a new and separate corporate entity named

Motorola Mobility Holdings, Inc. Motorola Mobility Holdings, Inc. is comprised of two businesses: mobile devices and home products. Opposer Motorola Mobility, Inc. is a subsidiary of Motorola Mobility Holdings, Inc. and is its main U.S. operating company. The corporate reorganization also led to the creation of Motorola Trademark Holdings, LLC (a Delaware limited liability company). Motorola Trademark Holdings, LLC is a holding company for various trademarks. Opposers Motorola Mobility, Inc. and Motorola Trademark Holdings, LLC are each successors-in-interest to certain business activities and intellectual property rights of the corporation formerly known as Motorola, Inc.

3. Prior to the 2011 reorganization, in addition to other products and services, the corporation formerly known as Motorola, Inc. manufactured and supplied iDEN® handsets and infrastructure to its customers. “I-D-E-N” refers to a proprietary “integrated digital enhanced network” infrastructure technology that enables iDEN®-enabled handsets to function on the iDEN® network. The primary distinguishing feature of iDEN® products is that they incorporate a push-to-talk walkie-talkie feature into a cellular telephone handset.

4. Motorola Mobility, Inc. is the successor-in-interest to Motorola, Inc.’s iDEN® handset business. As the successor-in-interest to the iDEN® handset business, Motorola Mobility, Inc. manufactures and sells a full line of handsets that incorporate a push-to-talk walkie-talkie feature into a cellular telephone handset. Through a cooperation agreement with Motorola Solutions, Inc., Motorola Mobility, Inc. also sells infrastructure equipment to its customers that enables the iDEN® handsets to operate on the proprietary iDEN® network.

5. Motorola Trademark Holdings, LLC is also a successor-in-interest to Motorola, Inc. with respect to certain intellectual property rights formerly owned by Motorola, Inc.

Motorola Trademark Holdings, LLC is the owner of various trademark rights relating to the iDEN® handsets and infrastructure.

6. Motorola Mobility, Inc. and Motorola Trademark Holdings, LLC will be damaged if Nextel Communications, Inc. (“Nextel”) is granted a service mark registration for the “Chirp Tone” sound emitted by Motorola Mobility, Inc.’s iDEN® handsets. A federal service mark registration covering the “Chirp Tone” would entitle Nextel to certain statutory rights that Nextel could attempt to assert against Motorola Mobility, Inc.’s ongoing use of the “Chirp Tone” in connection with cellular handsets and infrastructure equipment it supplies to its customers. Any resulting litigation would be costly and time-consuming for both Motorola Mobility, Inc. (as the manufacturer and seller of iDEN® handsets) and for Motorola Trademark Holdings, LLC (as the owner of certain intellectual property rights relating to iDEN® products), both of whom may be called upon to indemnify or otherwise defend iDEN® customers.

I certify under penalty of perjury of the laws of the United States of America that the foregoing is true and correct.

Dated: 2/2, 2012

By: Peter Aloumanis
Name: Peter Aloumanis
Title: CVP Prod Dev