

ESTTA Tracking number: **ESTTA485079**

Filing date: **07/24/2012**

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	ABM Wireless, Inc. d/b/a Mobileistic
Granted to Date of previous extension	07/28/2012
Address	205 Marcus Blvd. Hauppauge, NY 11788 UNITED STATES

Attorney information	Brian A. Bloom CERTILMAN BALIN ADLER & HYMAN, LLP 90 Merrick Avenue, 9th Floor East Meadow, NY 11554 UNITED STATES bbloom@certilmanbalin.com Phone:(516) 296-7160
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Applicant Information

Application No	85448268	Publication date	05/29/2012
Opposition Filing Date	07/24/2012	Opposition Period Ends	07/28/2012
Applicant	Mophie, Inc. 2850 Red Hill Avenue, Suite 128 Santa Ana, CA 92705 UNITED STATES		

Goods/Services Affected by Opposition

<p>Class 009. First Use: 2009/04/00 First Use In Commerce: 2009/04/00 Opposed goods and services in the class: (Based on Use in Commerce) carrying and protective cases, namely, armbands used as a case, belt clips used as a case, holsters, hard cases, soft cases, and silicone cases for use with mobile electronic devices in the nature of mobile phones, digital audio and video players, personal digital assistants, electronic personal organizers, and cameras, and mobile computing devices in the nature of handheld computers, tablet computers and electronic notepads; peripherals and accessories, namely, battery chargers, USB cables and power converters for use with mobile electronic devices; protective screen shields for mobile electronic devices; (Based on Intent to Use) cases and covers with integrated keyboard and battery for mobile electronic devices, namely, mobile phones, digital audio and video players, personal digital assistants, electronic personal organizers, cameras and mobile computing devices in the nature of handheld computers, tablet computers and electronic notepads; docking station with integrated keyboard and battery for mobile electronic devices, namely, mobile phones, digital audio and video players, personal digital assistants, electronic personal organizers, cameras and mobile computing devices in the nature of handheld computers, tablet computers and electronic notepads; wireless electronic devices, namely, wireless headphones, headsets, and ear buds, wireless headphones, headsets and ear buds for use with mobile electronic devices, and wireless speakers; wireless electronic devices using wireless personal area network technology, namely, wireless headphones, headsets, and ear</p>

buds, wireless headphones, headsets and ear buds for use with mobile electronic devices, and wireless speakers; wireless receivers and transmitters for mobile electronic devices integrated as part of a battery pack; television tuners integrated into a carrying or protective case and battery pack for mobile electronic devices; digital media receivers integrated into a carrying or protective case and battery packs for mobile electronic devices; radio receivers and radio signal tuners integrated into a carrying or protective case and battery packs for mobile electronic devices; wireless receivers and transmitters for mobile electronic devices; and software for mobile electronic devices and computers related to battery power management and remote control operations

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.	4011446	Application Date	10/28/2010
Registration Date	08/16/2011	Foreign Priority Date	NONE
Word Mark	M		
Design Mark			
Description of Mark	The mark consists of the lower case letter "m" substantially contained within a darker circle and partially forming the right border of the circle.		
Goods/Services	<p>Class 009. First use: First Use: 2006/01/01 First Use In Commerce: 2006/01/01 Telecommunication products and cellular phone accessories, namely, wireless equipment in the nature of cellular phones, headsets for cell phones, earphones, cellular phone battery chargers, batteries, memory cards, antennas, electronic data cables, carrying cases for cell phones, adapters and accessories for portable music players in the nature of carrying cases and protective covers</p> <p>Class 035. First use: First Use: 2006/01/01 First Use In Commerce: 2006/01/01 Distributorship services and retail store services in the field of telephone handsets and telecommunication products, cellular phones and cellular phone accessories, namely, wireless equipment, chargers, batteries, memory cards, headsets, data cables, antennas, cases, navigation equipment, adaptors, accessories for portable music players; Retail store services featuring telecommunications service plans and telecommunications service activation</p>		
U.S. Registration No.	4051955	Application Date	10/29/2010
Registration Date	11/08/2011	Foreign Priority Date	NONE
Word Mark	MOBILEISTIC		

Design Mark	
Description of Mark	The mark consists of the stylized wording "mobileistic" in lower caps with the letter "m" substantially contained within a darker circle and partially forming the right border of the circle.
Goods/Services	Class 009. First use: First Use: 2006/01/01 First Use In Commerce: 2006/01/01 Telecommunication products and cellular phone accessories, namely, wireless equipment in the nature of cellular phones, portable media players, cell phone battery chargers, batteries, memory cards, headsets for cell phones, data electronic cables, antennas, carrying cases for cell phones, GPS navigation devices, clips, holders, adaptors and accessories for portable music players in the nature of carrying cases, media storage devices in the nature of memory cards and flash drives, hands free devices and holders thereto, headsets, earphones and data electronic cables Class 035. First use: First Use: 2006/01/01 First Use In Commerce: 2006/01/01 Distributorship services and retail store services in the field of telephone handsets and telecommunication products, cellular phones and cellular phone accessories, namely, wireless equipment, chargers, batteries, memory cards, headsets, data cables, antennas, cases, navigation equipment, adaptors, accessories for portable music players; Retail store services featuring telecommunications service plans and telecommunications service activation

U.S. Application No.	85660328	Application Date	06/25/2012
Registration Date	NONE	Foreign Priority Date	NONE

Word Mark	M WORKS!
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Design Mark	
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Description of Mark	The mark consists of the lower case letter "m" substantially contained within a darker circle and partially forming the right border of the circle to the left of the word "works" in lowercase lettering following by an exclamation mark.
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Goods/Services	Class 009. First use: Telecommunication products and cellular phone accessories, namely, wireless equipment in the nature of cellular phones, headsets for cell phones, earphones, cellular phone battery chargers, batteries, memory cards, antennas, electronic data cables, carrying cases for cell phones, adapters and accessories for portable music players in the nature of carrying cases and protective covers
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Attachments	85164047#TMSN.jpeg (1 page)(bytes)
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	85164750#TMSN.jpeg (1 page)(bytes) 85660328#TMSN.jpeg (1 page)(bytes) MOBILISTIC NOTICE OF OPPOSITION.pdf (15 pages)(686351 bytes)
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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	/Brian A. Bloom/
Name	Brian A. Bloom
Date	07/24/2012

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

ABM WIRELESS, INC.	:	
d/b/a MOBILEISTIC,	:	Opposition No. _____
	:	
<i>Opposer,</i>	:	Serial No.: 85/448,268
	:	
v.	:	Mark: 
	:	
MOPHIE, INC.,	:	Filed: October 14, 2011
	:	
	:	Published: May 29, 2012
<i>Applicant.</i>	:	
_____	:	X

NOTICE OF OPPOSITION

Opposer, ABM Wireless, Inc. is a New York Corporation doing business under the name Mobileistic (hereinafter “ABM,” “Mobileistic” or “Opposer”), with a place of business located at 205 Marcus Blvd., Hauppauge, New York 11788, believes that it will be damaged by registration of the stylized mark  as shown in Application Serial No. 85/448,268 for the services in International Class 009, filed on October 14, 2011 by Mophie, Inc. (“Mophie”), a California Corporation, with an address c/o Duane Morris, LLP, 101 W. Broadway, Suite 900, San Diego, California 92101-8285 (hereinafter “Mophie” and/or as “Applicant”), and hereby opposes the same.

As grounds for opposition, Opposer MOBILEISTIC alleges as follows:

1. Opposer MOBILEISTIC is engaged, among other things, in the business of offering telecommunication products and cellular phone accessories, namely cell phone cases, headphones, chargers, external speakers and cables in U.S. Commerce and beyond.

2. Opposer MOBILEISTIC has been in the business of offering telecommunication products and cellular phone accessories and has used its registered marks in U.S. Commerce since as early as 2006.

3. Opposer MOBILEISTIC is the owner of, among other U.S. Applications and U.S. Registrations, U.S. Registration Nos. 4011446 and 4051955 for the marks “” (the “Mobileistic Circle M Mark”) and “obileistic” (the “Mobileistic Circle M Business Mark”), respectively, as well as U.S. Application Serial No. 85/660,328 for the applied-for (stylized logo mark) “ ” (the “Mobileistic Circle M MWorks Mark”) in International Class 009 (collectively the “Mobileistic Marks”) in connection with:

a. With respect to U.S. Registration No. 4011446:

Telecommunication products and cellular phone accessories, namely, wireless equipment in the nature of cellular phones, headsets for cell phones, earphones, cellular phone battery chargers, batteries, memory cards, antennas, electronic data cables, carrying cases for cell phones, adapters and accessories for portable music players in the nature of carrying cases and protective covers. In Class 009

b. With respect to U.S. Registration No. 4051955:

Telecommunication products and cellular phone accessories, namely, wireless equipment in the nature of cellular phones, portable media players, cell phone battery chargers, batteries, memory cards, headsets for cell phones, data electronic cables, antennas, carrying cases for cell phones, GPS navigation devices, clips, holders, adaptors and accessories for portable music players in the nature of carrying cases, media storage devices in the nature of memory cards and flash drives, hands free devices and holders thereto, headsets, earphones and data electronic cables. In Class 009

c. With respect to U.S. Serial No. 85/660,328:

Telecommunication products and cellular phone accessories, namely, wireless equipment in the nature of cellular phones, headsets for cell phones, earphones, cellular phone battery chargers, batteries, memory cards, antennas, electronic data cables, carrying cases for cell phones, adapters and accessories for portable music players in the nature of carrying cases and protective covers. In Class 009

A copy of the Mobileistic Circle M Mark and the Mobileistic Circle M Business Mark Registration Certificates and/or the T.E.S.S. printouts are attached hereto as Exhibit "A".

4. U.S. Trademark Registration No. 4011446 asserts that Opposer MOBILEISTIC has used the mark  in U.S. Commerce since as early as January 1, 2006.

5. U.S. Trademark Registration No. 4051955 asserts that Opposer MOBILEISTIC has used the mark  in U.S. Commerce since as early as January 1, 2006.

6. U.S. Trademark Registration No. 4011446 was filed with the United States Patent and Trademark Office ("USPTO") on October 28, 2010 and registered as of August 16, 2011.

7. U.S. Trademark Registration No. 4051955 was filed with the USPTO on October 29, 2010 and registered as of November 8, 2011.

8. Opposer MOBILEISTIC's Registrations identified herein are valid, subsisting and in full force and effect.

9. The Mobileistic Circle M Mark and the Mobileistic Circle M Business Mark have been in use in connection with ABM's mobile accessory business and in interstate U.S. Commerce continuously since as early as January 1, 2006.

10. Applicant filed its U.S. Trademark applications for its own applied for Circle M Mark ---  (the "Mophie Mark") on or about October 14, 2011 under Serial No. 85/448,268 (the "Mophie Application").

11. The Mophie Application alleges actual use of the Mophie Mark in U.S. Commerce in connection with:

Carrying and protective cases, namely, armbands used as a case, belt clips used as a case, holsters, hard cases, soft cases, and silicone cases for use with mobile electronic devices in the nature of mobile card readers, mobile point-of-sale terminals, mobile phones, digital audio and video players, personal digital assistants, electronic personal organizers, and cameras, and mobile computing devices in the nature of handheld computers, tablet computers and electronic notepads; peripherals and accessories, namely, battery chargers,

USB cables and power converters for use with mobile electronic devices; protective screen shields for mobile electronic devices; card readers to scan information contained in smart cards, radio frequency identification cards, chip cards, credit cards, bank cards, debit cards, licenses, identification cards and frequent buyer cards; card reader terminal for use with mobile electronic devices, to scan information contained in electronic strips of various cards, namely, credit cards, bank cards, debit cards, licenses, identification cards and frequent buyer cards; barcode scanners; computer devices and systems, namely, haptic interfaces and devices for providing haptic, force and tactile feedback with integrated audio speakers for use with mobile electronic devices; software used to generate haptic, force and tactile feedback for use with such devices and systems; and software for mobile electronic devices and computers, namely, computer software for processing electronic payments via mobile electronic devices and computers.

A copy of the T.E.S.S. printout for the Mophie Application is annexed hereto as Exhibit B.

12. The Mophie Application alleges a first use in U.S. Commerce date of April, 2009, nearly three (3) years after ABM first used the Mobileistic Circle M Mark and the Mobileistic Circle M Business Mark in U.S. interstate commerce.

13. The Mophie Application was filed after the Mobileistic Circle M Mark Registration was issued by the USPTO.

14. By virtue of the Mobileistic trademark filings made prior to October 14, 2011, Mophie was on notice that ABM had been granted a U.S. trademark registration certificate for the Mobileistic Circle M Mark.

15. Applicant's Application Serial No. 85/448,268 for the Mophie Mark was published for opposition on May 29, 2012.

16. Opposer MOBILEISTIC subsequently filed for an extension of time to oppose, dated May 29, 2012, which request was granted by the Trademark Trial and Appeal Board on that same date, which Order extended MOBILEISTIC's time to file the within Notice of Opposition through and including July 28, 2012.

17. The Parties engaged and have been engaged in settlement discussions concerning Applicant's application. Despite MOBILEISTIC's repeated attempts to resolve the dispute with

Mophie, a resolution was not made by the date of the filing of this Notice of Opposition.

18. Opposer MOBILEISTIC, through the use and promotion of the Mobileistic Circle M Mark and the Mobileistic Circle M Business Mark, from a time prior to Applicant's filing of the Mophie Application to register the Mophie Mark, and by virtue of the quality of Opposer's longstanding goods and services, has built up a valuable goodwill and reputation in connection with the Mobileistic Circle M Mark and the Mobileistic Circle M Business Mark.

19. Opposer's Mobileistic Circle M Mark and Mobileistic's Circle M Business Marks are distinctive and strong marks, having inherent distinctiveness or acquired distinctiveness through long-standing use, and serving to distinguish the source of Opposer's goods and services.

20. Applicant's proposed mark  is highly similar in appearance, connotation, and commercial impression to Opposer's  and  Mobileistic Marks.

21. Applicant and Opposer MOBILEISTIC's respective goods and services under their respective marks are virtually identical in that they are both related to telecommunication products, namely carrying and protective cases for mobile phones, etc.

22. Prior to Applicant's filing of its application for the Mophie Mark, Opposer MOBILEISTIC had already been widely using the Mobileistic Circle M and Mobileistic Circle M Business Marks in U.S. commerce in connection with its cellular phone accessories and carrying cases.

23. Opposer MOBILEISTIC believes that it will be damaged by the registration of Applicant's proposed Mophie Mark and therefore opposes application Serial No. 85/448,268 because Applicant's proposed Mophie mark, its registration and use of its proposed mark in connection with the goods and services set forth in application Serial No. 85/448,268 is likely to

cause confusion, to cause mistake, and to deceive customers, potential customers and others as to the source of its goods. Such confusion will cause harm to Opposer MOBILEISTIC and the consuming public and jeopardize the valuable goodwill and reputation Opposer MOBILEISTIC has built up in connection with its Mobileistic Circle M Mark, the Mobileistic Circle M Business Marks and its successful, longstanding telecommunications and mobile accessory business.

24. Upon information and belief, there have been instances of actual confusion by consumers concerning the source and origin of telecommunications products bearing the  mark and the  mark.

25. Accordingly, for each and every reason stated above, Opposer MOBILEISTIC believes that it will be damaged by the registration of Applicant's  mark and opposes application Serial No. 85/448,268.

WHEREFORE, Opposer MOBILEISTIC prays that this opposition be sustained and that the registration of Applicant's Mophie Mark in U.S. Application Serial No. 85/448,268 be refused.

Dated: July 24, 2012

Respectfully submitted,

CERTILMAN BALIN ADLER & HYMAN, LLP

By: 
Brian A. Bloom

*Attorneys for Opposer
ABM Wireless, Inc.*

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East Meadow, New York 11554
Tel: (516) 296-7160
Fax: (516) 296-7111
Email: bbloom@certilmanbalin.com

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing NOTICE OF OPPOSITION was served by first class mail, postage prepaid on July 24, 2012 upon counsel for Applicant at the following address:

Laurie H. van Loben Sels, Esq.
c/o Duane Morris LLP
101 W Broadway, Suite 900
San Diego, California 92101-8285


Bree A. Turturro

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

ABM WIRELESS, INC.	:	
d/b/a MOBILEISTIC,	:	Opposition No. _____
	:	
<i>Opposer,</i>	:	Serial No.: 85/448,268
	:	
v.	:	Mark: 
	:	
MOPHIE, INC.,	:	Filed: October 14, 2011
	:	
	:	Published: May 29, 2012
<i>Applicant.</i>	:	
_____	:	
	X	

EXHIBIT "A" TO NOTICE OF OPPOSITION DATED JULY 24, 2012



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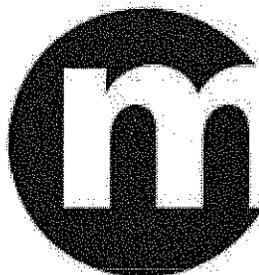
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Word Mark M

Goods and Services IC 009. US 021 023 026 036 038. G & S: Telecommunication products and cellular phone accessories, namely, wireless equipment in the nature of cellular phones, headsets for cell phones, earphones, cellular phone battery chargers, batteries, memory cards, antennas, electronic data cables, carrying cases for cell phones, adapters and accessories for portable music players in the nature of carrying cases and protective covers. FIRST USE: 20060101. FIRST USE IN COMMERCE: 20060101

IC 035. US 100 101 102. G & S: Distributorship services and retail store services in the field of telephone handsets and telecommunication products, cellular phones and cellular phone accessories, namely, wireless equipment, chargers, batteries, memory cards, headsets, data cables, antennas, cases, navigation equipment, adaptors, accessories for portable music players; Retail store services featuring telecommunications service plans and telecommunications service activation. FIRST USE: 20060101. FIRST USE IN COMMERCE: 20060101

Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search Code 26.01.08 - Circles having letters or numerals as a border; Circles having punctuation as a border; Letters, numerals or punctuation forming or bordering the perimeter of a circle
26.01.21 - Circles that are totally or partially shaded.

Serial Number 85164047

Filing Date October 28, 2010

Current Basis 1A

Original Filing Basis 1A;1B

Published for Opposition May 31, 2011
Registration Number 4011446
Registration Date August 16, 2011
Owner (REGISTRANT) ABM Wireless, Inc. DBA Mobileistic CORPORATION NEW YORK 205 Marcus Blvd. Hauppauge NEW YORK 11788
Attorney of Record James J. Bitetto
Prior Registrations 3804632
Description of Mark Color is not claimed as a feature of the mark. The mark consists of the lower case letter "m" substantially contained within a darker circle and partially forming the right border of the circle.
Type of Mark TRADEMARK. SERVICE MARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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Word Mark **MOBILEISTIC****Goods and Services**

IC 009. US 021 023 026 036 038. G & S: Telecommunication products and cellular phone accessories, namely, wireless equipment in the nature of cellular phones, portable media players, cell phone battery chargers, batteries, memory cards, headsets for cell phones, data electronic cables, antennas, carrying cases for cell phones, GPS navigation devices, clips, holders, adaptors and accessories for portable music players in the nature of carrying cases, media storage devices in the nature of memory cards and flash drives, hands free devices and holders thereto, headsets, earphones and data electronic cables. FIRST USE: 20060101. FIRST USE IN COMMERCE: 20060101

IC 035. US 100 101 102. G & S: Distributorship services and retail store services in the field of telephone handsets and telecommunication products, cellular phones and cellular phone accessories, namely, wireless equipment, chargers, batteries, memory cards, headsets, data cables, antennas, cases, navigation equipment, adaptors, accessories for portable music players; Retail store services featuring telecommunications service plans and telecommunications service activation. FIRST USE: 20060101. FIRST USE IN COMMERCE: 20060101

Mark Drawing Code

(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search Code

26.01.08 - Circles having letters or numerals as a border; Circles having punctuation as a border; Letters, numerals or punctuation forming or bordering the perimeter of a circle
 26.01.21 - Circles that are totally or partially shaded.
 26.11.02 - Plain single line rectangles; Rectangles (single line)
 26.11.20 - Rectangles inside one another
 26.11.21 - Rectangles that are completely or partially shaded

Serial Number 85164750

Filing Date October 29, 2010
Current Basis 1A
Original Filing Basis 1A;1B
Published for Opposition August 23, 2011
Registration Number 4051955
Registration Date November 8, 2011
Owner (REGISTRANT) ABM Wireless, Inc. DBA Mobileistic CORPORATION NEW YORK 205 Marcus Blvd. Hauppauge NEW YORK 11788
Attorney of Record James J. Bitetto
Prior Registrations 2752217;3804632
Description of Mark Color is not claimed as a feature of the mark. The mark consists of the stylized wording "mobileistic" in lower caps with the letter "m" substantially contained within a darker circle and partially forming the right border of the circle.
Type of Mark TRADEMARK. SERVICE MARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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ABM WIRELESS, INC.	:	
d/b/a MOBILEISTIC,	:	Opposition No. _____
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<i>Opposer,</i>	:	Serial No.: 85/448,268
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v.	:	Mark: 
	:	
MOPHIE, INC.,	:	Filed: October 14, 2011
	:	
	:	Published: May 29, 2012
<i>Applicant.</i>	:	
_____	:	X

EXHIBIT "B" TO NOTICE OF OPPOSITION DATED JULY 24, 2012



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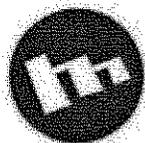
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Word Mark M

Goods and Services

IC 009. US 021 023 026 036 038. G & S: (Based on Use in Commerce) carrying and protective cases, namely, armbands used as a case, belt clips used as a case, holsters, hard cases, soft cases, and silicone cases for use with mobile electronic devices in the nature of mobile card readers, mobile point-of-sale terminals, mobile phones, digital audio and video players, personal digital assistants, electronic personal organizers, and cameras, and mobile computing devices in the nature of handheld computers, tablet computers and electronic notepads; peripherals and accessories, namely, battery chargers, USB cables and power converters for use with mobile electronic devices; protective screen shields for mobile electronic devices; card readers to scan information contained in smart cards, radio frequency identification cards, chip cards, credit cards, bank cards, debit cards, licenses, identification cards and frequent buyer cards; card reader terminal for use with mobile electronic devices, to scan information contained in electronic strips of various cards, namely, credit cards, bank cards, debit cards, licenses, identification cards and frequent buyer cards; barcode scanners; computer devices and systems, namely, haptic interfaces and devices for providing haptic, force and tactile feedback with integrated audio speakers for use with mobile electronic devices; software used to generate haptic, force and tactile feedback for use with such devices and systems; and software for mobile electronic devices and computers, namely, computer software for processing electronic payments via mobile electronic devices and computers. (Based on Intent to Use) cases and covers with integrated keyboard and battery for mobile electronic devices, namely, mobile phones, digital audio and video players, personal digital assistants, electronic personal organizers, cameras and mobile computing devices in the nature of handheld computers, tablet computers and electronic notepads; docking station with integrated keyboard and battery for mobile electronic devices, namely, mobile phones, digital audio and video players, personal digital assistants, electronic personal organizers, cameras and mobile computing devices in the nature of handheld computers, tablet computers and electronic notepads; wireless electronic devices, namely, wireless headphones, headsets, and ear buds, wireless headphones, headsets and ear buds for use with mobile electronic devices, and wireless speakers; wireless electronic devices using wireless personal area network technology, namely, wireless headphones, headsets, and ear buds, wireless headphones, headsets and ear buds for use with mobile electronic devices, and wireless speakers; wireless receivers and transmitters for mobile electronic devices integrated as part of a battery pack; television tuners integrated into a carrying or

protective case and battery pack for mobile electronic devices; digital media receivers integrated into a carrying or protective case and battery packs for mobile electronic devices; radio receivers and radio signal tuners integrated into a carrying or protective case and battery packs for mobile electronic devices; wireless receivers and transmitters for mobile electronic devices; and software for mobile electronic devices and computers related to battery power management and remote control operations. FIRST USE: 20090400. FIRST USE IN COMMERCE: 20090400

Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search Code 26.01.21 - Circles that are totally or partially shaded.

Serial Number 85448268

Filing Date October 14, 2011

Current Basis 1A;1B

Original Filing Basis 1A;1B

Published for Opposition May 29, 2012

Owner (APPLICANT) Mophie, Inc. CORPORATION CALIFORNIA 2850 Red Hill Avenue, Suite 128 Santa Ana CALIFORNIA 92705

Attorney of Record Michelle Hon Donovan

Prior Registrations 3681443;3958080;7797764;AND OTHERS

Description of Mark Color is not claimed as a feature of the mark. The mark consists of a white letter "M" inside a black circle.

Type of Mark TRADEMARK

Register PRINCIPAL

Live/Dead Indicator LIVE

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