

TTAB

Attorney Docket No. 55671-844613

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

In re Application Serial No. 85/505,848
Filed: December 29, 2011
Published: May 29, 2012 in the Official Gazette
For: **YOGITUNES**

APPLE INC.,

Opposer,

vs.

YOGITUNES, LLC,

Applicant.

Opposition No. _____

NOTICE OF OPPOSITION

United States Patent and Trademark Office
Commissioner for Trademarks
P.O. Box 1451
Alexandria, Virginia 22313-1451

Dear Sir/Madam:

APPLE INC. (“Apple” or “Opposer”), a California corporation, located and doing business at 1 Infinite Loop, Cupertino, California 95014, believes that it will be damaged by the registration in International Class 35 of the mark **YOGITUNES** shown in Serial No. 85/505,848 filed by YOGITUNES LLC (“Applicant”), an Oregon company with a mailing address at 468 Beach Street in Ashland, OR 97520, and published in the Official Gazette on May 29, 2012, and hereby opposes registration thereof.

As grounds for opposition, Opposer alleges as follows, with knowledge concerning its own acts, and on information and belief as to all other matters:

The PTO did not receive the following listed item(s) *no check enclosed*



10-02-2012

1. Opposer designs, manufactures and markets mobile communication and media devices, personal computers, and portable digital music players, mobile communication devices, and provides a variety of related software, services, peripherals, networking solutions, and third-party digital content and applications, including its well-known **ITUNES** software and **ITUNES STORE** online service. Opposer sells its products worldwide through its retail stores, online services, and direct sales force, as well as through third-party cellular network carriers, wholesalers, retailers, and value-added resellers.

2. Opposer is the owner of incontestable Registration No. 2,653,465 for **ITUNES** for “computer software for use in authoring, downloading, transmitting, receiving, editing, extracting, encoding, decoding, playing, storing and organizing audio data” in International Class 9. Opposer’s application for said registration was filed on January 9, 2001, matured to registration on November 26, 2002, and has a January 9, 2001 first use in commerce date. Opposer’s registration has a Convention priority date of October 24, 2000.

3. Opposer is the owner of incontestable Registration No. 3,213,164 for **ITUNES** for “Retail store services in the field of entertainment featuring pre-recorded audio and audiovisual works and related merchandise, provided via the internet and other computer and electronic communication networks” in International Class 35. Opposer’s application for said registration was filed on May 2, 2006, matured to registration on February 27, 2007, and has an April 28, 2003 first use in commerce date. Opposer’s registration has a Convention priority date of November 2, 2005.

4. Opposer is the owner of Registration No. 3,532,063 for **ITUNES** for the following:

“Communication by computer; provision of telecommunications connections to computer databases and the Internet; transmission of data and of information via electronic communications networks; broadcasting and transmission of radio and television programs; audio broadcasting of spoken word, music, concerts, and radio programs; broadcasting pre-recorded videos featuring music, television programs, motion pictures, news, sports, games, cultural events, and entertainment-related programs via computer and other communications networks; web casting services; electronic transmission of streamed and downloadable audio and video files via computer and other communications networks; electronic transmission of movies, music and video information via an Internet-based database; providing on-line bulletin boards and community forums for the transmission of messages among computer users concerning entertainment, music, videos, motion pictures, radio, television, and games; providing telecommunications connections to a global computer network, namely, provision of connectivity services and access to electronic communications networks, for transmission or reception of audio, video, movies and/or multimedia content” in International Class 38;

“Entertainment services, namely, providing a web site and database featuring music, videos, television programs, motion pictures, current event and entertainment news, sports, games, cultural events, and entertainment-related programs; arranging and conducting of educational and entertainment exhibitions, workshops, and seminars in the field of music, videos, television programs, motion pictures, news, sports, games, cultural events, and entertainment-related programs; educational services in the nature of classes and training services offered over computer networks in the fields of university-level subjects and topics of general interest, namely, entertainment, music, concerts, videos, motion pictures, radio, television, news, sports, games and cultural events, and computer hardware and software applications; providing electronic publications for browsing over computer networks, namely, books, pamphlets, brochures, and newsletters on the subjects of education, entertainment, computer hardware and software applications, and a wide range of topics of general interest” in International Class 41; and

“Providing search engines for obtaining data via communications networks; internet services, namely, creating indexes of information, sites and other resources available on global computer networks for others; searching, browsing and retrieving information, sites, and other resources available on global computer networks and other communication networks for others; providing on-line facilities, via a global computer network, to enable users to program audio, video, movies, text and other multimedia content” in International Class 42.

Opposer's application for said registration was filed on September 12, 2007, matured to registration on November 11, 2008, and has an April 28, 2003 first use in commerce date.

5. Opposer is the owner of Registration No. 3,398,242 for **ITUNES** for the following:

“Computer software for use in authoring, downloading, transmitting, receiving, editing, extracting, encoding, decoding, playing, storing and organizing text, data, images, audio files, video files and electronic games; computer software for personal information management; computer software for use in recording, organizing, transmitting, manipulating, and reviewing text, data, audio files, video files and electronic games in connection with computers, television set-top boxes, music players, video players, media players, cellular phones, and portable and handheld digital electronic devices; computer software for accessing, browsing and searching online databases; computer software to enable users to program and distribute audio, video, text and other multimedia content, including music, concerts, videos, radio, television, news, sports, games, cultural events, and entertainment-related and educational programs via communications networks; computer software for identifying, locating, grouping, distributing, and managing data and links between computer servers and users connected to electronic communications networks” in International Class 9.

Opposer's application for said registration was filed on July 23, 2007, matured to registration on March 18, 2008, and has a January 9, 2001 first use in commerce date.

6. Opposer is the owner of Registration No. 3,423,716 for **ITUNES STORE** for the following:

“Retail store services in the field of entertainment, namely, movies, musical and audiovisual works and related merchandise, provided via the internet and other computer and electronic communication networks” International Class 35;

“Telecommunication services, namely, electronic transmission of streamed and downloadable audio and video files and movies via computer and other communications networks; electronic transmission of movies, music and video information via an internet-based database; providing on-line chat rooms, bulletin boards and community forums for the transmission of

messages among computer users concerning entertainment, music, concerts, videos, radio, television, film, news, sports, games and cultural events; web casting services; provision of connectivity services and access to electronic communications networks, for transmission or reception of audio, video, movies and/or multimedia content” in International Class 38; and

“Providing search engines for obtaining data via communications networks; providing temporary use of on-line non-downloadable software to enable users to program audio, video, movies, text and other multimedia content; internet services, namely, creating indexes of information, sites and other resources available on global computer networks for others; searching, browsing and retrieving information, sites, and other resources available on global computer networks and other communication networks for others; providing on-line facilities, via a global computer network, to enable users to program audio, video, movies, text and other multimedia content” in International Class 42.

Opposer’s application for said registration was filed on February 1, 2007, matured to registration on May 6, 2008, and has a September 12, 2006 first use in commerce date. Opposer’s registration has a Convention priority date of August 3, 2006.

7. Opposer’s **ITUNES** and **ITUNES STORE** Marks will be referred to collectively as the “**ITUNES** Marks” or “Opposer’s Marks,” and the goods and services offered under these marks will be referred to collectively as the “**ITUNES** Goods and Services.”

8. Opposer’s above-referenced registrations are valid and in full force and effect. As such, these registrations constitute *prima facie* evidence of the validity of the registered marks, Opposer’s ownership of the marks shown therein, and Opposer’s exclusive right to use the marks in commerce in connection with the goods and services set forth therein, without condition or limitation. Said registrations also constitute notice to Applicant of Opposer’s claim of ownership of the marks shown therein. Moreover, affidavits have been filed and accepted pursuant to Sections 8 and 15 of the Lanham Act for Registration Nos. 2,653,465 and 3,213,164, rendering such registrations incontestable.

9. Since it first introduced the **ITUNES** Goods and Services in January 2001, Opposer has been continuously using its **ITUNES** Marks as detailed in the foregoing paragraphs in interstate commerce with the **ITUNES** Goods and Services. Opposer has sold and provided its **ITUNES** Goods and Services to many millions of customers, and engaged in extensive and substantial advertising, sales and marketing of its **ITUNES** Goods and Services under and in connection with its **ITUNES** Marks. As a result of these substantial efforts and this investment, Opposer's **ITUNES** Marks are famous and well known to purchasers and the general public who recognize the marks as indicating the source of the goods and services as Opposer.

10. By virtue of Opposer's extensive use and promotion of the **ITUNES** Marks and the **ITUNES** Goods and Services, Opposer has established valuable goodwill in the **ITUNES** Marks, and the public has come to associate **ITUNES** with Opposer. As such, the public has come to know **ITUNES** as an indicator of products and services that originate from Opposer.

11. Opposer began use of its **ITUNES** mark in connection with Opposer's **ITUNES** Goods and Services at least as early as January 2001, well before Applicant's December 29, 2011 filing date and Applicant's alleged August 12, 2011 date of first use in commerce.

12. Opposer's **ITUNES** Marks became famous before Applicant's December 29, 2011 filing date and Applicant's alleged August 12, 2011 date of first use in commerce.

13. Applicant filed U.S. Trademark Application Serial No. 85/505,848 (the "Application"), which is the subject of this Opposition, on December 29, 2011, for the mark **YOGITUNES** for "Retail store services in the field of entertainment featuring pre-recorded audio and audiovisual works and related merchandise, provided via the internet and other computer and electronic communication networks" in International Class 35.

14. Applicant's mark is confusingly similar to Opposer's **ITUNES** Marks.

Applicant's mark consists in substantial part of and wholly contains Opposer's **ITUNES** mark.

15. Applicant's services as described in the Application are nearly identical to the services listed in Opposer's Reg. No. 3,213,164 for **ITUNES**, and therefore highly related to Opposer's **ITUNES** Goods and Services.

16. As a result of the similarity between Opposer's Marks and Applicant's mark, and the highly related nature of the goods and services offered by Opposer and Applicant under their respective marks, Applicant's mark is likely to cause confusion, mistake or deception in the trade and among purchasers as to the source, origin or sponsorship of the parties' respective goods and services.

17. Registration of Applicant's mark shown in the opposed application also will result in damage to Opposer under the provisions of Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d), and Section 43(c) of the Lanham Act, 15 U.S.C. § 1125(c), pursuant to the allegations stated above.

18. Further, registration of the mark in the Application and use of Applicant's **YOGITUNES** mark dilutes and is likely to dilute the distinctiveness of Opposer's famous **ITUNES** Marks by eroding consumers' exclusive identification of the famous **ITUNES** Marks with Opposer and otherwise lessening the capacity of the marks to identify and distinguish the goods and services of Opposer, in violation of Section 43(c) of the Lanham Act, 15 U.S.C. § 1125(c).

19. Applicant's applied-for-mark also falsely suggests a connection with Opposer in violation of Section 2(a) of the Lanham Act, 15 U.S.C. § 1052(a).

20. If the Application is permitted to register, the registration would presumptively entitle Applicant to *prima facie* exclusive ownership and rights to the **YOGITUNES** mark. Such registration would cause confusion among consumers as to the separate and distinct sources of Applicant's services and Opposer's Goods and Services and the relationship of Opposer to Applicant, thereby damaging Opposer's goodwill in Opposer's **ITUNES** Marks, diluting the value thereof, and resulting in irreparable harm to Opposer's business and reputation, all to the detriment of Opposer who has expended considerable sums and effort in promoting Opposer's **ITUNES** Marks.

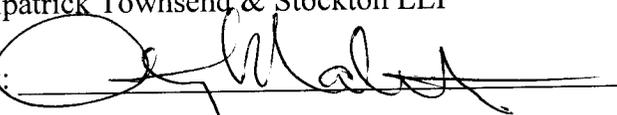
WHEREFORE, Opposer requests that this Opposition be sustained and that registration of U.S. Trademark Application Serial No. 85/505,848 be denied.

Dated: September 26, 2012

Respectfully submitted,

Kilpatrick Townsend & Stockton LLP

By:



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Tali L. Alban, Esq.
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San Francisco, CA 94111-3834
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Facsimile: (415) 576-0300
Email: amalutta@kilpatricktownsend.com,
tlalban@kilpatricktownsend.com

Attorneys for Opposer

Int. Cl.: 9

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

United States Patent and Trademark Office

Reg. No. 2,653,465

Registered Nov. 26, 2002

**TRADEMARK
PRINCIPAL REGISTER**

ITUNES

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

PRIORITY CLAIMED UNDER SEC. 44(D) ON
UNITED KINGDOM APPLICATION NO. 2249936,
FILED 10-24-2000.

FOR: COMPUTER SOFTWARE FOR USE IN
AUTHORING, DOWNLOADING, TRANSMITTING,
RECEIVING, EDITING, EXTRACTING, ENCOD-
ING, DECODING, PLAYING, STORING AND OR-
GANIZING AUDIO DATA, IN CLASS 9 (U.S. CLS. 21,
23, 26, 36 AND 38).

SEC. 2(F).

SER. NO. 76-193,469, FILED 1-9-2001.

FIRST USE 1-9-2001; IN COMMERCE 1-9-2001.

BRIAN NEVILLE, EXAMINING ATTORNEY

STATUS DOCUMENTS

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Mark: ITUNES

ITUNES

US Serial Number: 76193469

Application Filing Date: Jan. 09, 2001

US Registration Number: 2653465

Registration Date: Nov. 26, 2002

Register: Principal

Mark Type: Trademark

Status: The registration has been renewed.

Status Date: May 02, 2012

Publication Date: Sep. 03, 2002

[expand all](#)

Mark Information

Mark Literal Elements: ITUNES

Standard Character Claim: No

Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

Acquired Distinctiveness In whole Claim:

Related Properties Information

International Registration [0839057](#)
Number:

International Application [A0000210/0839057](#)
(s)/Registration(s) Based on this Property:

Foreign Information

Priority Claimed: Yes

Foreign Application Number: 2249936

Foreign Application Filing Date: Oct. 24, 2000

Foreign Application/Registration Country: UNITED KINGDOM

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Computer software for use in authoring, downloading, transmitting, receiving, editing, extracting, encoding, decoding, playing, storing and organizing audio data

International Class: 009 - Primary Class

U.S Class: 021, 023, 026, 036, 038

Class Status: ACTIVE

Basis: 1(a)

First Use: Jan. 09, 2001

Use in Commerce: Jan. 09, 2001

Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: Yes	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: APPLE INC.
 Owner Address: 1 INFINITE LOOP
 CUPERTINO, CALIFORNIA 95014
 UNITED STATES
 Legal Entity Type: CORPORATION
 State or Country Where Organized: CALIFORNIA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Lisa G. Widup

Correspondent

Correspondent Name/Address: APPLE INC.
 1 INFINITE LOOP
 MS: 36-4TM
 CUPERTINO, CALIFORNIA 95014
 UNITED STATES

Phone: 408-974-4954

Fax: 408-253-0186

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
May 02, 2012	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - MAILED	
May 02, 2012	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	67603
May 02, 2012	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	67603
Apr. 27, 2012	TEAS SECTION 8 & 9 RECEIVED	
Mar. 07, 2008	CASE FILE IN TICRS	
Dec. 19, 2007	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	67603
Dec. 07, 2007	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Dec. 07, 2007	TEAS SECTION 8 & 15 RECEIVED	
Jul. 11, 2007	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Feb. 14, 2007	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Jan. 05, 2003	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Nov. 26, 2002	REGISTERED-PRINCIPAL REGISTER	
Sep. 03, 2002	PUBLISHED FOR OPPOSITION	
Aug. 14, 2002	NOTICE OF PUBLICATION	
Jun. 22, 2001	SEC. 44(D) CLAIM DELETED	76537
Jun. 12, 2002	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jun. 04, 2002	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Apr. 02, 2002	JURISDICTION RESTORED TO EXAMINING ATTORNEY	
Apr. 02, 2002	EX PARTE APPEAL-INSTITUTED	193469
Mar. 14, 2002	PAPER RECEIVED	
Mar. 13, 2002	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Sep. 10, 2001	FINAL REFUSAL MAILED	
Jun. 22, 2001	CORRESPONDENCE RECEIVED IN LAW OFFICE	

Jun. 12, 2001 NON-FINAL ACTION MAILED
Jun. 01, 2001 ASSIGNED TO EXAMINER

76737

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted
Affidavit of Incontestability: Section 15 - Accepted
Renewal Date: Nov. 26, 2012

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: Not Found

Date in Location: May 02, 2012

Int. Cl.: 35

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

United States Patent and Trademark Office

Reg. No. 3,213,164

Registered Feb. 27, 2007

SERVICE MARK
PRINCIPAL REGISTER

ITUNES

APPLE COMPUTER, INC. (CALIFORNIA CORPORATION)

1 INFINITE LOOP

CUPERTINO, CA 95014

FOR: RETAIL STORE SERVICES IN THE FIELD OF ENTERTAINMENT FEATURING PRE-RECORDED AUDIO AND AUDIOVISUAL WORKS AND RELATED MERCHANDISE, PROVIDED VIA THE INTERNET AND OTHER COMPUTER AND ELECTRONIC COMMUNICATION NETWORKS, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 4-28-2003; IN COMMERCE 4-28-2003.

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

PRIORITY CLAIMED UNDER SEC. 44(D) ON ERPN CMNTY TM OFC APPLICATION NO. 4730636, FILED 11-2-2005.

OWNER OF U.S. REG. NOS. 2,653,465, 2,993,227 AND OTHERS.

SEC. 2(F).

SER. NO. 78-874,759, FILED 5-2-2006.

ERNEST SHOSHO, EXAMINING ATTORNEY

STATUS DOCUMENTS

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Mark: ITUNES

ITUNES

US Serial Number: 78874759

Application Filing Date: May 02, 2006

US Registration Number: 3213164

Registration Date: Feb. 27, 2007

Register: Principal

Mark Type: Service Mark

Status: A Sections 8 and 15 combined declaration has been accepted and acknowledged.

Status Date: Jun. 29, 2012

Publication Date: Dec. 12, 2006

[expand all](#)**Mark Information**

Mark Literal Elements: ITUNES

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Acquired Distinctiveness In whole

Claim:

Related Properties InformationInternational Registration [0887428](#)

Number:

International Application [A0004622/0887428](#)(s)/Registration(s) Based on
this Property:Claimed Ownership of US [2653465](#), [2828093](#), [2993227](#), and others

Registrations:

Foreign Information

Priority Claimed: Yes

Foreign Application Number: 4730636

Foreign Application Filing Date: Nov. 02, 2005

Date:

Foreign Application/Registration Country: EUROPEAN (EU) OFFICE FOR HARMONIZATION IN THE INTERNAL MARKET (OHIM)

Application/Registration

Country:

Goods and Services**Note:**

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *...* identify additional (new) wording in the goods/services.

For: Retail store services in the field of entertainment featuring pre-recorded audio and audiovisual works and related merchandise, provided via the internet and other computer and electronic communication networks

International Class: 035 - Primary Class

U.S Class: 100, 101, 102

Class Status: ACTIVE

Basis: 1(a)

First Use: Apr. 28, 2003

Use in Commerce: Apr. 28, 2003

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Amended Use: No

Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: Yes	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: Apple Inc.
Owner Address: 1 Infinite Loop
 Cupertino, CALIFORNIA 95014
 UNITED STATES

Legal Entity Type: CORPORATION
State or Country Where Organized: CALIFORNIA

Attorney/Correspondence Information**Attorney of Record****Attorney Name:** Lisa G. Widup**Correspondent**

Correspondent Name/Address: Lisa G. Widup
 APPLE INC.
 1 INFINITE LOOP
 MS: 36-4TM
 CUPERTINO, CALIFORNIA 95014-2084
 UNITED STATES

Phone: 408-974-2385**Fax:** 408-253-0186**Domestic Representative - Not Found****Prosecution History**

Date	Description	Proceeding Number
Jun. 29, 2012	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - MAILED	
Jun. 29, 2012	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	66607
Jun. 29, 2012	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	66607
Jun. 25, 2012	TEAS SECTION 8 & 15 RECEIVED	
Feb. 27, 2007	REGISTERED-PRINCIPAL REGISTER	
Feb. 23, 2007	FAX RECEIVED	
Feb. 07, 2007	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Dec. 12, 2006	PUBLISHED FOR OPPOSITION	
Nov. 22, 2006	NOTICE OF PUBLICATION	
Oct. 19, 2006	LAW OFFICE PUBLICATION REVIEW COMPLETED	67215
Oct. 19, 2006	ASSIGNED TO LIE	67215
Oct. 12, 2006	EXAMINERS AMENDMENT MAILED	
Oct. 11, 2006	APPROVED FOR PUB - PRINCIPAL REGISTER	
Oct. 11, 2006	EXAMINER'S AMENDMENT ENTERED	88888
Oct. 11, 2006	EXAMINERS AMENDMENT -WRITTEN	78067
Oct. 03, 2006	LETTER OF SUSPENSION MAILED	
Oct. 02, 2006	SUSPENSION LETTER WRITTEN	78067
Oct. 02, 2006	ASSIGNED TO EXAMINER	78067
May 10, 2006	NOTICE OF PSEUDO MARK MAILED	
May 09, 2006	NEW APPLICATION ENTERED IN TRAM	

Maintenance Filings or Post Registration Information**Affidavit of Continued Use:** Section 8 - Accepted**Affidavit of Incontestability:** Section 15 - Accepted

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: TMO LAW OFFICE 117

Date in Location: Jun. 29, 2012

Int. Cls.: 38, 41, and 42

Prior U.S. Cls.: 100, 101, 104, and 107

Reg. No. 3,532,063

United States Patent and Trademark Office

Registered Nov. 11, 2008

SERVICE MARK
PRINCIPAL REGISTER

ITUNES

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

FOR: COMMUNICATION BY COMPUTER; PROVISION OF TELECOMMUNICATIONS CONNECTIONS TO COMPUTER DATABASES AND THE INTERNET; TRANSMISSION OF DATA AND OF INFORMATION VIA ELECTRONIC COMMUNICATIONS NETWORKS; BROADCASTING AND TRANSMISSION OF RADIO AND TELEVISION PROGRAMS; AUDIO BROADCASTING OF SPOKEN WORD, MUSIC, CONCERTS, AND RADIO PROGRAMS; BROADCASTING PRE-RECORDED VIDEOS FEATURING MUSIC, TELEVISION PROGRAMS, MOTION PICTURES, NEWS, SPORTS, GAMES, CULTURAL EVENTS, AND ENTERTAINMENT-RELATED PROGRAMS VIA COMPUTER AND OTHER COMMUNICATIONS NETWORKS; WEB CASTING SERVICES; ELECTRONIC TRANSMISSION OF STREAMED AND DOWNLOADABLE AUDIO AND VIDEO FILES VIA COMPUTER AND OTHER COMMUNICATIONS NETWORKS; ELECTRONIC TRANSMISSION OF MOVIES, MUSIC AND VIDEO INFORMATION VIA AN INTERNET-BASED DATABASE; PROVIDING ON-LINE BULLETIN BOARDS AND COMMUNITY FORUMS FOR THE TRANSMISSION OF MESSAGES AMONG COMPUTER USERS CONCERNING ENTERTAINMENT, MUSIC, VIDEOS, MOTION PICTURES, RADIO, TELEVISION, AND GAMES; PROVIDING TELECOMMUNICATIONS CONNECTIONS TO A GLOBAL COMPUTER NETWORK, NAMELY, PROVISION OF CONNECTIVITY SERVICES AND ACCESS TO ELECTRONIC COMMUNICATIONS NETWORKS, FOR TRANSMISSION OR RECEPTION OF AUDIO, VIDEO, MOVIES AND/OR MULTIMEDIA CONTENT, IN CLASS 38 (U.S. CLS. 100, 101 AND 104).

FIRST USE 4-28-2003; IN COMMERCE 4-28-2003.

FOR: ENTERTAINMENT SERVICES, NAMELY, PROVIDING A WEB SITE AND DATABASE FEATURING MUSIC, VIDEOS, TELEVISION PROGRAMS, MOTION PICTURES, CURRENT EVENT AND ENTERTAINMENT NEWS, SPORTS, GAMES, CULTURAL EVENTS, AND ENTERTAINMENT-RELATED PROGRAMS; ARRANGING AND CONDUCTING OF EDUCATIONAL AND ENTERTAINMENT EXHIBITIONS, WORKSHOPS, AND SEMINARS IN THE FIELD OF MUSIC, VIDEOS, TELEVISION PROGRAMS, MOTION PICTURES, NEWS, SPORTS, GAMES, CULTURAL EVENTS, AND ENTERTAINMENT-RELATED PROGRAMS; EDUCATIONAL SERVICES IN THE NATURE OF CLASSES AND TRAINING SERVICES OFFERED OVER COMPUTER NETWORKS IN THE FIELDS OF UNIVERSITY-LEVEL SUBJECTS AND TOPICS OF GENERAL INTEREST, NAMELY, ENTERTAINMENT, MUSIC, CONCERTS, VIDEOS, MOTION PICTURES, RADIO, TELEVISION, NEWS, SPORTS, GAMES AND CULTURAL EVENTS, AND COMPUTER HARDWARE AND SOFTWARE APPLICATIONS; PROVIDING ELECTRONIC PUBLICATIONS FOR BROWSING OVER COMPUTER NETWORKS, NAMELY, BOOKS, PAMPHLETS, BROCHURES, AND NEWSLETTERS ON THE SUBJECTS OF EDUCATION, ENTERTAINMENT, COMPUTER HARDWARE AND SOFTWARE APPLICATIONS, AND A WIDE RANGE OF TOPICS OF GENERAL INTEREST, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 4-28-2003; IN COMMERCE 4-28-2003.

FOR: PROVIDING SEARCH ENGINES FOR OBTAINING DATA VIA COMMUNICATIONS NETWORKS; INTERNET SERVICES, NAMELY, CREATING INDEXES OF INFORMATION, SITES AND OTHER RESOURCES AVAILABLE ON GLOBAL COMPUTER NETWORKS FOR OTHERS; SEARCHING, BROWSING AND RETRIEVING INFORMATION, SITES, AND OTHER RESOURCES AVAILABLE ON GLOBAL COMPUTER NET-

STATUS DOCUMENTS

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Mark: ITUNES

ITUNES

US Serial Number: 77277633 Application Filing Date: Sep. 12, 2007
 US Registration Number: 3532063 Registration Date: Nov. 11, 2008
 Register: Principal
 Mark Type: Service Mark
 Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.
 Status Date: Nov. 11, 2008
 Publication Date: Mar. 04, 2008 Notice of Allowance Date: May 27, 2008

[expand all](#)**Mark Information**

Mark Literal Elements: ITUNES
 Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.
 Mark Drawing Type: 4 - STANDARD CHARACTER MARK
 Acquired Distinctiveness In whole
 Claim:

Related Properties Information

International Registration [0948219](#)
 Number:
 International Application [A0009985/0948219](#)
 (s)/Registration(s) Based on
 this Property:
 Claimed Ownership of US [2653465](#), [2993227](#), [3048602](#)
 Registrations:

Goods and Services**Note:**

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Communication by computer; provision of telecommunications connections to computer databases and the Internet; transmission of data and of information via electronic communications networks; broadcasting and transmission of radio and television programs; audio broadcasting of spoken word, music, concerts, and radio programs; broadcasting pre-recorded videos featuring music, television programs, motion pictures, news, sports, games, cultural events, and entertainment-related programs via computer and other communications networks; web casting services; electronic transmission of streamed and downloadable audio and video files via computer and other communications networks; electronic transmission of movies, music and video information via an Internet-based database; providing on-line bulletin boards and community forums for the transmission of messages among computer users concerning entertainment, music, videos, motion pictures, radio, television, and games; providing telecommunications connections to a global computer network, namely, provision of connectivity services and access to electronic communications networks, for transmission or reception of audio, video, movies and/or multimedia content

International 038 - Primary Class
 Class:

U.S Class: 100, 101, 104

Class Status: ACTIVE

Basis: 1(a)

First Use: Apr. 28, 2003

Use in Commerce: Apr. 28, 2003

For: Entertainment services, namely, providing a web site and database featuring music, videos, television programs, motion pictures, current event and entertainment news, sports, games, cultural events, and entertainment-related programs; arranging and conducting of educational and entertainment exhibitions, workshops, and seminars in the field of music, videos, television programs, motion pictures, news, sports, games, cultural events, and

entertainment-related programs; educational services in the nature of classes and training services offered over computer networks in the fields of university-level subjects and topics of general interest, namely, entertainment, music, concerts, videos, motion pictures, radio, television, news, sports, games and cultural events, and computer hardware and software applications; providing electronic publications for browsing over computer networks, namely, books, pamphlets, brochures, and newsletters on the subjects of education, entertainment, computer hardware and software applications, and a wide range of topics of general interest

International 041 - Primary Class
Class:

U.S Class: 100, 101, 107

Class Status: ACTIVE

Basis: 1(a)

First Use: Apr. 28, 2003

Use in Commerce: Apr. 28, 2003

For: Providing search engines for obtaining data via communications networks; internet services, namely, creating indexes of information, sites and other resources available on global computer networks for others; searching, browsing and retrieving information, sites, and other resources available on global computer networks and other communication networks for others; providing on-line facilities, via a global computer network, to enable users to program audio, video, movies, text and other multimedia content

International 042 - Primary Class
Class:

U.S Class: 100, 101

Class Status: ACTIVE

Basis: 1(a)

First Use: Apr. 28, 2003

Use in Commerce: Apr. 28, 2003

Basis Information (Case Level)

Filed Use: No	Currently Use: Yes	Amended Use: No
Filed ITU: Yes	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: Apple Inc.
Owner Address: 1 Infinite Loop
Cupertino, CALIFORNIA 95014
UNITED STATES
Legal Entity Type: CORPORATION
State or Country Where Organized: CALIFORNIA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Lisa G. Widup

Correspondent

Correspondent LISA G. WIDUP
Name/Address: APPLE INC.
1 INFINITE LOOP, MS 3TM
CUPERTINO, CALIFORNIA 95014
UNITED STATES

Phone: 408-974-4954

Fax: 408-253-0186

Correspondent e-mail: lwidup@apple.com

Correspondent e-mail No Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Nov. 11, 2008	REGISTERED-PRINCIPAL REGISTER	

Oct. 06, 2008	LAW OFFICE REGISTRATION REVIEW COMPLETED	70138
Oct. 03, 2008	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Aug. 19, 2008	STATEMENT OF USE PROCESSING COMPLETE	76569
Aug. 06, 2008	USE AMENDMENT FILED	76569
Aug. 19, 2008	CASE ASSIGNED TO INTENT TO USE PARALEGAL	76569
Aug. 06, 2008	TEAS STATEMENT OF USE RECEIVED	
May 27, 2008	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Mar. 04, 2008	PUBLISHED FOR OPPOSITION	
Feb. 13, 2008	NOTICE OF PUBLICATION	
Jan. 28, 2008	LAW OFFICE PUBLICATION REVIEW COMPLETED	70138
Jan. 28, 2008	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jan. 28, 2008	EXAMINER'S AMENDMENT ENTERED	88888
Jan. 28, 2008	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Jan. 28, 2008	EXAMINERS AMENDMENT E-MAILED	6328
Jan. 28, 2008	EXAMINERS AMENDMENT -WRITTEN	83706
Jan. 28, 2008	PREVIOUS ALLOWANCE COUNT WITHDRAWN	
Dec. 14, 2007	WITHDRAWN FROM PUB - OG REVIEW QUERY	61844
Nov. 30, 2007	LAW OFFICE PUBLICATION REVIEW COMPLETED	70138
Nov. 29, 2007	ASSIGNED TO LIE	70138
Oct. 25, 2007	APPROVED FOR PUB - PRINCIPAL REGISTER	
Oct. 17, 2007	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Oct. 17, 2007	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Oct. 17, 2007	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Oct. 05, 2007	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Oct. 05, 2007	NON-FINAL ACTION E-MAILED	6325
Oct. 05, 2007	NON-FINAL ACTION WRITTEN	83706
Sep. 27, 2007	ASSIGNED TO EXAMINER	83706
Sep. 18, 2007	NOTICE OF PSEUDO MARK MAILED	
Sep. 17, 2007	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Oct. 06, 2008

Int. Cl.: 9

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

Reg. No. 3,398,242

United States Patent and Trademark Office

Registered Mar. 18, 2008

TRADEMARK
PRINCIPAL REGISTER

ITUNES

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

FOR: COMPUTER SOFTWARE FOR USE IN AUTHORIZING, DOWNLOADING, TRANSMITTING, RECEIVING, EDITING, EXTRACTING, ENCODING, DECODING, PLAYING, STORING AND ORGANIZING TEXT, DATA, IMAGES, AUDIO FILES, VIDEO FILES AND ELECTRONIC GAMES; COMPUTER SOFTWARE FOR PERSONAL INFORMATION MANAGEMENT; COMPUTER SOFTWARE FOR USE IN RECORDING, ORGANIZING, TRANSMITTING, MANIPULATING, AND REVIEWING TEXT, DATA, AUDIO FILES, VIDEO FILES AND ELECTRONIC GAMES IN CONNECTION WITH COMPUTERS, TELEVISION SET-TOP BOXES, MUSIC PLAYERS, VIDEO PLAYERS, MEDIA PLAYERS, CELLULAR PHONES, AND PORTABLE AND HANDHELD DIGITAL ELECTRONIC DEVICES; COMPUTER SOFTWARE FOR ACCESSING, BROWSING AND SEARCHING ONLINE DATABASES; COMPUTER SOFTWARE TO ENABLE USERS TO PROGRAM AND DISTRIBUTE AUDIO, VIDEO, TEXT AND OTHER MULTIMEDIA CONTENT, INCLUDING MUSIC, CONCERTS, VIDEOS, RADIO,

TELEVISION, NEWS, SPORTS, GAMES, CULTURAL EVENTS, AND ENTERTAINMENT-RELATED AND EDUCATIONAL PROGRAMS VIA COMMUNICATIONS NETWORKS; COMPUTER SOFTWARE FOR IDENTIFYING, LOCATING, GROUPING, DISTRIBUTING, AND MANAGING DATA AND LINKS BETWEEN COMPUTER SERVERS AND USERS CONNECTED TO ELECTRONIC COMMUNICATIONS NETWORKS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 1-9-2001; IN COMMERCE 1-9-2001.

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

OWNER OF U.S. REG. NOS. 2,653,465, 2,828,093, AND 2,993,227.

SEC. 2(F).

SER. NO. 77-236,568, FILED 7-23-2007.

APRIL ROACH, EXAMINING ATTORNEY

STATUS DOCUMENTS

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Mark: ITUNES

ITUNES

US Serial Number: 77236568

Application Filing Date: Jul. 23, 2007

US Registration Number: 3398242

Registration Date: Mar. 18, 2008

Register: Principal

Mark Type: Trademark

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Mar. 18, 2008

Publication Date: Jan. 01, 2008

[expand all](#)

Mark Information

Mark Literal Elements: ITUNES

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Acquired Distinctiveness In whole
Claim:

Related Properties Information

International Registration [0943547](#)
Number:

International Application [A0009988/0943547](#)
(s)/Registration(s) Based on
this Property:

Claimed Ownership of US [2653465,2828093,2993227](#)
Registrations:

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Computer software for use in authoring, downloading, transmitting, receiving, editing, extracting, encoding, decoding, playing, storing and organizing text, data, images, audio files, video files and electronic games; computer software for personal information management; computer software for use in recording, organizing, transmitting, manipulating, and reviewing text, data, audio files, video files and electronic games in connection with computers, television set-top boxes, music players, video players, media players, cellular phones, and portable and handheld digital electronic devices; computer software for accessing, browsing and searching online databases; computer software to enable users to program and distribute audio, video, text and other multimedia content, including music, concerts, videos, radio, television, news, sports, games, cultural events, and entertainment-related and educational programs via communications networks; computer software for identifying, locating, grouping, distributing, and managing data and links between computer servers and users connected to electronic communications networks

International 009 - Primary Class
Class:

U.S Class: 021, 023, 026, 036, 038

Class Status: ACTIVE

Basis: 1(a)

First Use: Jan. 09, 2001

Use in Commerce: Jan. 09, 2001

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Amended Use: No

Filed ITU: No

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Int. Cls.: 35, 38, and 42

Prior U.S. Cls.: 100, 101, 102, and 104

United States Patent and Trademark Office

Reg. No. 3,423,716

Registered May 6, 2008

SERVICE MARK
PRINCIPAL REGISTER

ITUNES STORE

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

FOR: RETAIL STORE SERVICES IN THE FIELD OF ENTERTAINMENT, NAMELY, MOVIES, MUSICAL AND AUDIOVISUAL WORKS AND RELATED MERCHANDISE, PROVIDED VIA THE INTERNET AND OTHER COMPUTER AND ELECTRONIC COMMUNICATION NETWORKS, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 9-12-2006; IN COMMERCE 9-12-2006.

FOR: TELECOMMUNICATION SERVICES, NAMELY, ELECTRONIC TRANSMISSION OF STREAMED AND DOWNLOADABLE AUDIO AND VIDEO FILES AND MOVIES VIA COMPUTER AND OTHER COMMUNICATIONS NETWORKS; ELECTRONIC TRANSMISSION OF MOVIES, MUSIC AND VIDEO INFORMATION VIA AN INTERNET-BASED DATABASE; PROVIDING ON-LINE CHAT ROOMS, BULLETIN BOARDS AND COMMUNITY FORUMS FOR THE TRANSMISSION OF MESSAGES AMONG COMPUTER USERS CONCERNING ENTERTAINMENT, MUSIC, CONCERTS, VIDEOS, RADIO, TELEVISION, FILM, NEWS, SPORTS, GAMES AND CULTURAL EVENTS; WEB CASTING SERVICES; PROVISION OF CONNECTIVITY SERVICES AND ACCESS TO ELECTRONIC COMMUNICATIONS NETWORKS, FOR TRANSMISSION OR RECEPTION OF AUDIO, VIDEO, MOVIES AND/OR MULTIMEDIA CONTENT, IN CLASS 38 (U.S. CLS. 100, 101 AND 104).

FIRST USE 9-12-2006; IN COMMERCE 9-12-2006.

FOR: PROVIDING SEARCH ENGINES FOR OBTAINING DATA VIA COMMUNICATIONS NETWORKS; PROVIDING TEMPORARY USE OF ON-LINE NON-DOWNLOADABLE SOFTWARE TO EN-

ABLE USERS TO PROGRAM AUDIO, VIDEO, MOVIES, TEXT AND OTHER MULTIMEDIA CONTENT; INTERNET SERVICES, NAMELY, CREATING INDEXES OF INFORMATION, SITES AND OTHER RESOURCES AVAILABLE ON GLOBAL COMPUTER NETWORKS FOR OTHERS; SEARCHING, BROWSING AND RETRIEVING INFORMATION, SITES, AND OTHER RESOURCES AVAILABLE ON GLOBAL COMPUTER NETWORKS AND OTHER COMMUNICATION NETWORKS FOR OTHERS; PROVIDING ON-LINE FACILITIES, VIA A GLOBAL COMPUTER NETWORK, TO ENABLE USERS TO PROGRAM AUDIO, VIDEO, MOVIES, TEXT AND OTHER MULTIMEDIA CONTENT, IN CLASS 42 (U.S. CLS. 100 AND 101).

FIRST USE 9-12-2006; IN COMMERCE 9-12-2006.

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

PRIORITY CLAIMED UNDER SEC. 44(D) ON CANADA APPLICATION NO. 1311676, FILED 8-3-2006.

OWNER OF U.S. REG. NOS. 2,653,465, 2,993,227, AND OTHERS.

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

SEC. 2(F) AS TO "ITUNES".

SN 77-097,285, FILED 2-1-2007.

DANIEL CAPSHAW, EXAMINING ATTORNEY

STATUS DOCUMENTS

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Mark: ITUNES STORE

ITUNES STORE

US Serial Number: 77097285

Application Filing Date: Feb. 01, 2007

US Registration Number: 3423716

Registration Date: May 06, 2008

Register: Principal

Mark Type: Service Mark

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: May 06, 2008

Publication Date: Oct. 09, 2007

Notice of Allowance Date: Jan. 01, 2008

Mark Information[expand all](#)

Mark Literal Elements: ITUNES STORE

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Disclaimer: "STORE"

Acquired Distinctiveness In part

Claim:

Distinctiveness Limitation as to "ITUNES"

Statement:

Related Properties InformationInternational Registration [0920653](#)

Number:

International Application [A0007105/0920653](#)(s)/Registration(s) Based on
this Property:Claimed Ownership of US [2653465](#), [2828093](#), [2993227](#), and others

Registrations:

Foreign Information

Priority Claimed: Yes

Foreign Application 1311676

Number:

Foreign Application Filing Aug. 03, 2006

Date:

Foreign CANADA

Application/Registration

Country:

Goods and Services**Note:**

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks "*" identify additional (new) wording in the goods/services.

For: Retail store services in the field of entertainment, namely, movies, musical and audiovisual works and related merchandise, provided via the internet and other computer and electronic communication networks

International 035 - Primary Class

U.S Class: 100, 101, 102

Class:

Class Status: ACTIVE

Basis: 1(a)

First Use: Sep. 12, 2006

Use in Commerce: Sep. 12, 2006

For: Telecommunication services, namely, electronic transmission of streamed and downloadable audio and video files and movies via computer and other communications networks; electronic transmission of movies, music and video information via an internet-based database; providing on-line chat rooms, bulletin boards and community forums for the transmission of messages among computer users concerning entertainment, music, concerts, videos, radio, television, film, news, sports, games and cultural events; web casting services; provision of connectivity services and access to electronic communications networks, for transmission or reception of audio, video, movies and/or multimedia content

International Class: 038 - Primary Class

U.S Class: 100, 101, 104

Class:

Class Status: ACTIVE

Basis: 1(a)

First Use: Sep. 12, 2006

Use in Commerce: Sep. 12, 2006

For: Providing search engines for obtaining data via communications networks; providing temporary use of on-line non-downloadable software to enable users to program audio, video, movies, text and other multimedia content; internet services, namely, creating indexes of information, sites and other resources available on global computer networks for others; searching, browsing and retrieving information, sites, and other resources available on global computer networks and other communication networks for others; providing on-line facilities, via a global computer network, to enable users to program audio, video, movies, text and other multimedia content

International Class: 042 - Primary Class

U.S Class: 100, 101

Class:

Class Status: ACTIVE

Basis: 1(a)

First Use: Sep. 12, 2006

Use in Commerce: Sep. 12, 2006

Basis Information (Case Level)

Filed Use: No	Currently Use: Yes	Amended Use: No
Filed ITU: Yes	Currently ITU: No	Amended ITU: No
Filed 44D: Yes	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: Apple Inc.

Owner Address: 1 Infinite Loop
Cupertino, CALIFORNIA 95014
UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where Organized: CALIFORNIA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Lisa G. Widup

Correspondent

Correspondent Name/Address: Lisa G. Widup
APPLE INC.
1 INFINITE LOOP
CUPERTINO, CALIFORNIA 95014-2083
UNITED STATES

Phone: 408-974-4954

Fax: 408-253-0186

Correspondent e-mail: lwidup@apple.com

Correspondent e-mail Authorized: No

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
May 06, 2008	REGISTERED-PRINCIPAL REGISTER	
Mar. 28, 2008	LAW OFFICE REGISTRATION REVIEW COMPLETED	69712
Mar. 28, 2008	ASSIGNED TO LIE	69712
Mar. 17, 2008	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Feb. 28, 2008	STATEMENT OF USE PROCESSING COMPLETE	69302
Feb. 01, 2008	USE AMENDMENT FILED	69302
Feb. 01, 2008	TEAS STATEMENT OF USE RECEIVED	
Jan. 01, 2008	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Oct. 09, 2007	PUBLISHED FOR OPPOSITION	
Sep. 19, 2007	NOTICE OF PUBLICATION	
Sep. 02, 2007	LAW OFFICE PUBLICATION REVIEW COMPLETED	68602
Sep. 02, 2007	ASSIGNED TO LIE	68602
Aug. 13, 2007	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jul. 24, 2007	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Jul. 24, 2007	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Jul. 24, 2007	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Mar. 20, 2007	NON-FINAL ACTION MAILED	
Mar. 20, 2007	NON-FINAL ACTION WRITTEN	74887
Mar. 19, 2007	ASSIGNED TO EXAMINER	74887
Feb. 07, 2007	NOTICE OF PSEUDO MARK MAILED	
Feb. 06, 2007	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Mar. 28, 2008

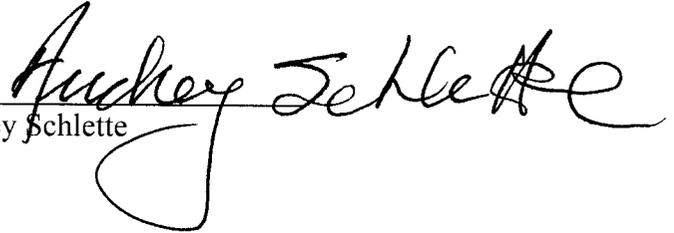
CERTIFICATE OF MAILING

I hereby certify that on September 26, 2012, this correspondence is being deposited with the United States Postal Service with sufficient postage as First-class mail in an envelope addressed to:

ATTN: Trademark Trial and Appeal Board
Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

Dated: September 26, 2012
Signature: _____

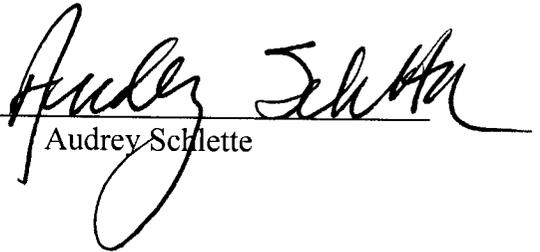
Audrey Schlette

A handwritten signature in black ink, appearing to read "Audrey Schlette", written over a horizontal line. The signature is cursive and includes a large loop at the end.

CERTIFICATE OF SERVICE

On September 26, 2012, I served the foregoing **NOTICE OF OPPOSITION** on counsel for Applicant by depositing a true copy thereof with the United States Postal Service as first class mail, postage prepaid, at San Francisco, California, enclosed in a sealed envelope addressed as follows:

Kim Leadford, Esq.
100 Skypark Dr.
Monterey, CA 93940
kleadford@gmail.com



Audrey Schlette