

ESTTA Tracking number: **ESTTA500556**

Filing date: **10/17/2012**

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	iCloud Inc.
Granted to Date of previous extension	12/16/2012
Address	566-533W Roulette Street Pembina, ND 58271 UNITED STATES

Correspondence information	iCloud Inc. 566-533W Roulette Street Pembina, ND 58271 UNITED STATES support@i-cloudinc.com, raj@i-cloudinc.com Phone:817-400-6403
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Applicant Information

Application No	85335813	Publication date	06/19/2012
Opposition Filing Date	10/17/2012	Opposition Period Ends	12/16/2012
International Registration No.	NONE	International Registration Date	NONE
Applicant	Apple Inc. 1 Infinite Loop Cupertino, CA 95014 UNITED STATES		

Goods/Services Affected by Opposition

<p>Class 042. All goods and services in the class are opposed, namely: Application service provider (ASP) services featuring computer software to enable uploading, posting, showing, displaying, sharing or otherwise providing electronic media or information over the internet or other communications network; computer hardware and software consulting services; information relating to computer hardware or software provided on-line from a global computer network or the Internet; creating and maintaining web-sites featuring technology that enables users to access stored data, images, audio, video and documents; hosting the web-sites of others featuring technology that enables users to access stored data, images, audio, video and documents; providing search engines for obtaining data via communications networks; providing search engines for obtaining data on a global computer network; information, advisory and consultancy services relating to all the aforesaid; operating search engines for obtaining data on a global computer network; creating indexes of computer network-based information, sites and other resources available on global computer networks for others</p>

Grounds for Opposition

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

U.S. Application No.	85362239	Application Date	07/01/2011
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	ICLOUD		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 038. First use: First Use: 2000/06/09 First Use In Commerce: 2000/06/30 Electronic exchange and transmission of medical records and communications between medical professionals, doctors, hospitals, medical patients and computers across a nationwide health information network		

Related Proceedings	85362239
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Attachments	<p>85362239#TMSN.jpeg (1 page)(bytes) 85335813.pdf (2 pages)(160165 bytes) Filing 85335813_.pdf (1 page)(646875 bytes) Certificate of Service.pdf (1 page)(157703 bytes) EXHIBIT 1.pdf (1 page)(2789 bytes) EXHIBIT 1_iCloud Services.pdf (4 pages)(1982612 bytes) EXHIBIT 2.pdf (1 page)(2795 bytes) EXHIBIT 2_MobileMe Transition to iCloud.pdf (4 pages)(159745 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	/RAJ OUELLET/
Name	iCloud Inc.
Date	10/17/2012

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

In re: Opposition of Application of Apple Inc.

Mark: ICLOUD
Serial No.: 85/335,813
Published in the *Official Gazette* of June 19, 2011

ICLOUD INC.	:	
	:	
Opposer,	:	
	:	
v.	:	Filing No. 85/335,813
	:	
APPLE INC.	:	
	:	
Applicant.	:	

NOTICE OF OPPOSITION

Opposer iCloud Inc. (hereinafter “Opposer” or “iCloud”) believes that it would be damaged by registration of the mark ICLOUD shown in U.S. Trademark Application Serial No. 85/335813, filed by Apple Inc. (hereinafter “Applicant” or “Apple”) and therefore opposes that registration. The application as published in the Official Gazette is summarized as follows:

Serial No.: 85/335813

Filed: June 1, 2011

Applicant: Apple Inc.

Mark: ICLOUD

For: G & S: Application service provider (ASP) services featuring computer software to enable uploading, posting, showing, displaying, sharing or otherwise providing electronic media or information over the internet or other communications network; computer hardware and software consulting services; information relating to computer hardware or software provided on-line from a global computer network or the Internet; creating and maintaining web-sites featuring technology that enables users to access stored data, images, audio, video and documents; hosting the web-sites of others featuring technology that enables users to access stored data, images, audio, video and documents; providing search

engines for obtaining data via communications networks; providing search engines for obtaining data on a global computer network; information, advisory and consultancy services relating to all the aforesaid; operating search engines for obtaining data on a global computer network; creating indexes of computer network-based information, sites and other resources available on global computer networks for others.

Classes: IC 042. 100 and 101

Published: June 19, 2012
Official Gazette

Opposer has requested and received an extension of time to oppose.

The grounds for this opposition are as follows:

1. Opposer is in the business of developing and marketing offsite remote backup and exchange of data providing comprehensive web-based storage, collaboration and sharing features that enables consumers to manage their files online. Opposer's consumers include but are not limited to healthcare, enterprise and individual users.
2. Opposer has been developing its ICLOUD technology service over the last decade and markets its service through various channels, including online and through brick and mortar offices.
3. Opposer has been developing their ICLOUD service over the last decade providing a back-up and exchange service that meet stringent HIPAA (Health Insurance Portability and Accountability Act of 1996) privacy standards. The compliance regulation is a mandatory requirement of a service for healthcare providers in the United States who conduct certain financial and administrative transactions electronically.
4. Applicant's use of the ICLOUD mark is used for online storage and exchange of data for their Apple devices such as the MAC computer and iPhone.
5. Apple's service was previously called MobileMe. October 12, 2011, Apple changed the name of their service from MobileMe to ICLOUD. Opposer has been using the mark in service over the last decade resulting in Priority use of the mark. Applicant changed the name of their service from MobileMe to ICLOUD infringing on the use of the mark.

6. Apple services are recognized in the marketplace as proprietary to Apple Inc. resulting in likelihood of confusion with the mark ICLOUD. Since the launch of Apple's ICLOUD services, consumers affiliate ICLOUD with Apple which has confused and mislead the public and resulted in unfair competition.
7. The services claimed by Applicant in Classes 100 and 101 are provided by Applicant in the course of and in connection with its ICLOUD services, a service that is very similar in nature to Opposer's ICLOUD service.
8. Opposer's marketing model has been established over the last decade and is built around their services including medical imaging iCloud WebPACS, document management iCloudDOCS, full data back-up and recovery iCloudXchange and all-in-one iCloudDrive.
9. With Opposer iCloud Inc. being first to use the mark ICLOUD, Opposer is entitled to continue using ICLOUD in connection with services featuring computer software and hardware enabling electronic information over the internet to be accessed and stored.
10. Opposer iCloud will suffer substantial damage if Applicant secures a federal registration for the ICLOUD mark in that such registration will discourage or prevent iCloud Inc. from using the mark ICLOUD in connection with its services.

WHEREFORE, Opposer prays that this opposition be sustained, Applicant's application denied, and the mark refused registration by Applicant.

Dated: October 17, 2012

Respectfully submitted,

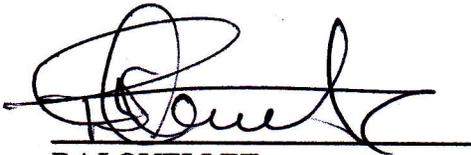


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CERTIFICATE OF SERVICE

The undersigned hereby certify that on the 17th day of October, 2012, the foregoing NOTICE OF OPPOSITION was served upon Applicant's attorney of record by First Class Mail at their address record as follows:

Thomas R. La Perle
Apple Inc.
1 Infinte Loop
Cupertino, CA 95014-2083
United States

A handwritten signature in black ink, appearing to read 'Raj Ouellet', written over a horizontal line.

RAJ OUELLET

EXHIBIT 1

FIRE DRILL!

Backup Your Critical Data Securely on the Cloud

iCloudXchange is an easy-to-use, cost-effective backup and disaster recovery solution for business. You can easily back up your VMware and Hyper-V virtual environments, Microsoft Exchange Server, Microsoft SQL Server, Lotus MySQL database, Domino/Notes, Oracle database, Windows servers, Linux servers, desktops and laptops to iCloud's highly dependable datacenter for backup storage.

Global Data Expanding Exponentially

The computer is becoming a necessity in today's world. Every day, emails, pictures, videos, personal and business records are being uploaded, stored and searched in digital format. With computer data growing at an annual rate of 60 percent, users look for online backup service providers to safeguard their mission-critical data against disasters.

Government Regulations Boost Online Backup

Governments around the world are imposing regulations and acts on businesses for data protection. These regulations are making it clear it's vital for businesses to setup proper offsite backup policies in preventing data loss. Adopting online backup solutions offers the most convenient and safe way to fulfill data protection regulations.

iCloudXchange

Minimize downtime, lower costs, and reduce risk: These are the three goals your disaster recovery plan must meet. Discover how a cost-effective, high-availability architecture powered by iCloud Inc. can help your enterprise meet the key goals of a viable disaster recovery plan.

Call: (817) 400.6403



Are All your Valuable Data Files Protected and Accounted For?

Every week 140,000 hard drives crash in the United States

Business data are important assets of your company that you cannot afford to lose. No matter how disaster strikes, every business wants to be prepared for eventualities such as power outages, equipment failures, data corruption and human error. The most effective method to protect your data is to back up your data offsite.

DON'T FALL VICTIM TO DATA CORRUPTION

Through **iCloudXchange**, customers are able to minimize downtime and quickly recover their data from common events while being protected from catastrophic events such as fire, theft, and natural disasters. Through intelligent cloud computing, **iCloud Inc.** brings a reliable offsite remote backup of your data offering low-cost operational efficiencies, automation and convenience. The sheer volume of data collected by enterprises of all sizes is a key driver of cloud adoption. Understanding the importance of data integration and back-up of your critical information, we are here to help with storing and archiving your data, safeguarding your critical information against disasters.

iCloud_{INC}

www.i-cloudinc.com | info@i-cloudinc.com | CAN: 647.693.0713 | USA: 817.400.6403 | FAX: 866.891.2953

iCloudXchange

Fully Managed

Your backup data will be stored in iCloud's first class datacenters, which have obtained ISO Information Security Management (ISMS) Certification. iCloud also offers fully managed services, giving you peace of mind in data protection.

1024- Bit Data Encryption, 256-SSL

Your data will be 1024-bit encrypted and compressed before uploading to iCloudXchange via a secure 256-bit SSL connection channel. Only changes will be uploaded to the cloud during each backup operation with file and folder names hashed. These features can effectively ensure the security of backed up data.

Restore Data Anytime, Anywhere

iCloudXchange provides web data restore function, which allows users to restore backed up data through the Internet at any location. For example, when a staff urgently requires retrieving a file from iCloudXchange during a business trip, he/she can simply do it by logging in his/her backup account via any common web browser to restore that file.

Monthly Backup Archive in Your Hand

Any computer subscribed to the Dedicated Storage Plan of iCloudXchange will have the ability to load with the archive of the backed up data of the previous month on to any hard drive they chose. The archived backup data are readily restorable by iCloud's client application. Fast on-site restoration from the archive can be done if required.

Contact: (817) 400-6403



Exchange Managing Hardware and Software for Real Business Outcomes

Keeping your Data Safe, Sound and Internet Accessible

iCloudXchange delivers high performance, flexibility and scalability that enables customers to be able to expand their IT infrastructures as needed to meet sudden increases in demand while delivering a pay-as-you-go deployment model. By modifying the way computing power is bought, sold, and delivered, the cloud is proving itself to be truly transformative. Businesses are altering how they run their onsite IT infrastructure enabling them to deliver services in new ways creating widespread benefits for the economy.

PERFORMANCE AND FLEXIBILITY

It's a fact of life- We hope you never need recovery service, but if you do, iCloudXchange offers peace of mind knowing that your data is backed up and easily recoverable saving time, money and a lot of frustration.

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Keeping Records Safe, Secure and Internet Accessible

iCloudDOCS, a software-as-a-service (SaaS) solution offers a proven Cloud application that supports moving to a paperless environment by providing comprehensive web-based storage and exchange of your data.

iCloudDOCS Highlights:

- SaaS/Cloud - No additional software or hardware to buy or support
- Immediate, remote access to authorized users on any Internet-enabled PC or mobile digital device
- Zero foot print with enhanced security
- Enterprises are able to give employees added flexibility and better facilitated productivity through extended availability

CAD|CAM Services, Inc.

CAD|CAM specializes in cad conversion services, xray film scanning services, and electronic medical records. CAD/CAM's Medical Division is the industry leader in medical scanning technology and document management services. With over 14 years of experience in cad conversions, raster to vector conversions, and medical scanning, CAD / CAM is one of only six companies in the United States that is certified for Department of Defense scanning and cad conversion work. The alliance with iCloud, Inc. enhances the capabilities of both companies to meet their common goal of helping clients in their move towards a digital environment.

iCloud Inc.

Over the last decade, iCloud Inc. launched medical imaging iCloud WebPACS, integrated document management iCloudDOCS and offsite remote hosting iCloudXchange. iCloud offers high performing, automated cost-effective solutions enabling healthcare providers, government and businesses to access their information globally through a standard web browser providing the information needed to make informed decisions.

Contact: (817) 400.6403

iCloudDOCS



Versatile Solutions for Your Document Storage Needs

Text-based Search Capability, Audit Trails, Usage Tracking and Customization

Search for any word or string of words in the documents you have permissions to access, and our “fuzzy logic” will find the document and, locate the place in the document where the text occurs, even if you spelled it wrong during your search!

- ✓ Search results in seconds, even with hundreds of users logged on and millions of pages to search
- ✓ Search across unrelated document types, such as PDFs, office documents, emails, CAD files and more
- ✓ Track exactly who accessed a document and utilize customizable features for file access the way you're used to working

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X-RAY FILM DIGITIZERS, SCANNING AND SERVICES

X-ray films are a delicate and degrading asset with the simple passing of time, temperature, humidity and other storage conditions potentially leaving important images in varying degrees of disrepair. iCloud's premier diagnostic and imaging x-ray scanning and conversion solution converts your images to digital media ensuring long term preservation.

With high volume x-ray scanning services and experience of scanning over a million x-rays, we offer expertise in high integrity, compressed data providing the ability to quickly access your images over the internet. A facility that has converted to high digital distribution offers significant benefits including reduced shipping and duplication costs as well as the speed of delivery and security of assets is increased. iCloud's x-ray conversion service safely and efficiently migrate your assets, preparing you to do business in the digital world.

ELECTRONIC MEDICAL RECORDS (EMRs)

EMRs, computerized medical records offer great benefits making it possible for information to be shared among patients and their medical care providers presenting important data such as blood type, prescribed drugs, medical conditions and other aspects of a patient's medical history.

While a large percentage of EMR software does not offer a digital imaging interface, iCloud provides a linkable cloud computing module that enables EMR software to bring full DICOM zero-footprint online imaging with one login to your EMR software with nothing to buy or install, no set up for users and minimal support requirements. iCloud can be fully integrated complementing existing EMR systems that are HL7 compliant or provide you with your own stand-alone EMR solution for storage, retrieval and modification of records providing added efficiencies for the unique information management challenges of healthcare.

Contact: (817) 400.6403

iCloud WebPACS



Leaders in Medical Imaging

Keeping Medical Records Safe, Secure and Internet Accessible

Medical imaging iCloud WebPACS is a state-of-the-art comprehensive web-based storage, exchange and interpretation of images that unites healthcare facilities and authorized medical professionals globally.

✓ **No Capital Equipment, No Software Download, Zero Maintenance-** This software-as-a-service (SaaS) solution offers a proven Cloud application that replaces the need for expensive PACS equipment. Using a robust intelligent cloud based platform that is already fully integrated, we offer a seamless automation solution that makes complete PACS, RIS, DOCS, image archiving and communications through a full array of advanced visualization tools for your digital images- accessible anywhere, anytime.

✓ **Power-Speed-Accessibility** -In record breaking speed, iCloud WebPACS supports the display and sophisticated maneuvering of medical images in full diagnostic resolution on any Internet-enabled PC or mobile digital device.

✓ **Security-Archiving-Interface-** We subscribe to healthcare standards including HL7 & DICOM and are 100% HIPAA compliant providing a secure hosting service that offers tracking, monitoring and verification.

ACCELERATE PERFORMANCE IMPROVING PATIENT COMMUNICATION AND CARE

iCloud WebPACS provides anywhere on-demand access to your medical images through a standard web browser decreasing turnaround times, improving workflow and increasing efficiency throughout healthcare.

iCloud_{INC}

EXHIBIT 2

mobileme



Frequently asked questions about the MobileMe transition and iCloud

iCloud — Apple’s set of cloud services — stores your music, photos, apps, calendars, documents and more, and wirelessly pushes them to all your devices. It integrates seamlessly with your apps, so everything happens automatically. And iCloud is free for iOS 5 and OS X Lion users. More information is available at www.apple.com/asia/icloud.

MobileMe service ended on 30 June 2012. For a limited time, you can still move your MobileMe account to iCloud and download your gallery photos and iDisk files at me.com

MobileMe Services

What happened to MobileMe?

The core services provided by MobileMe have been completely rewritten and are now part of iCloud. As of 30 June 2012, MobileMe is no longer available.

How do I keep my MobileMe email address?

To keep your existing me.com or mac.com email address and any email aliases you have created, move to iCloud. See ‘Moving to iCloud’ below.

How do I keep my contacts, calendar and bookmarks?

You can use iCloud to keep your contacts, calendars, bookmarks and more up to date across all your devices. See ‘Moving to iCloud’ below.

What happened to iWeb sites published to MobileMe?

Websites published to MobileMe are no longer available. However, with iWeb you can easily republish your site to another web hosting service. Please read this [article](#) for details.

What happened to MobileMe Gallery?

Galleries published to MobileMe are no longer available. However, for a limited time, you can still save copies of all photos and movies published to your gallery. If you have a Mac, it is likely that most of your gallery photos are already in iPhoto. If not, you can sync your gallery photos to your iPhoto library. You can also download your photos and movies directly from the web. Please read this [article](#) for details.

What happened to MobileMe iDisk?

MobileMe iDisk is no longer available. However, for a limited time, you can still download copies of all files stored on iDisk from me.com. Please read this [article](#) for details.

What happened to MobileMe Find My iPhone?

Find My iPhone is now part of iCloud. However, for a limited time, you can still access Find My iPhone with your MobileMe account at [me.com](#) or through the Find My iPhone app. To continue using Find My iPhone in the future, move to iCloud.

Moving to iCloud

MobileMe service ended on 30 June 2012. For a limited time, you can still move your MobileMe account to iCloud and download your gallery photos and iDisk files at [me.com](#)

Which MobileMe services are available in iCloud?

The following MobileMe services are available in iCloud:

MobileMe Service	Available in iCloud
Mail	Available
Contacts	Available
Calendar	Available
Bookmarks	Available
Find My iPhone	Available
Back to My Mac	Available
iWeb publishing	Unavailable

Gallery	Unavailable
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iDisk	Unavailable
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In addition, iCloud includes the following services:*

- iTunes in the Cloud
- Photo Stream
- Documents in the Cloud
- Automatic downloads and purchase history for apps and books
- Backup and restore
- Find My Friends

For more information, visit www.apple.com/asia/icloud.

How do I move to iCloud?

To move to iCloud, make sure your iPhone, iPad, iPod touch, Mac and PC are running the required software and you have a [backup](#) of your contacts, calendars and bookmarks. Then visit me.com/move to move your account. After moving, your mail will start working again, and your contacts, calendars and bookmarks will update with iCloud automatically.

What are the system requirements for iCloud?

iCloud requires iOS 5 or later on iPhone, iPad and iPod touch; OS X Lion v10.7.2 or later on a Mac; and Microsoft Windows 7 or Vista (Service Pack 2 or later) on a PC. Please read this [article](#) for details.

What if some of my devices can't be updated to the iCloud system requirements?

If you can't update all your devices, you can still move to iCloud, but [iCloud services will work only on the devices that meet the system requirements](#). You can also choose to keep using just your email, even on devices that don't meet the requirements. See the next question for more information.

What if I just want to keep using my email on all my devices?

To keep your email working on all your devices — including ones that don't meet the iCloud system requirements — go to me.com/move and select the option to keep using your email. Once you have completed this short process, your mail will start working again on all your devices. You don't need to change any settings, and you will retain all your old email messages.

I had more than 5GB of storage for MobileMe. Can I still move to iCloud?

Yes. The free 5GB of storage provided by iCloud is used only for Mail, Documents and Data, and Backup. Purchased music, apps, books, TV shows and movies do not count against this 5GB of storage, nor do the photos in Photo Stream. As a result, most users will not need more than the free 5GB of storage.

MobileMe members with 20GB of storage receive a complimentary iCloud storage upgrade of 20GB, and accounts with additional purchased storage (40GB to 60GB) receive a complimentary upgrade of 50GB after moving to iCloud. These free upgrades are good until 30 September 2012. After that date, you can continue the upgrade at the regular price or let it expire and use the free 5GB plan.

If I use different Apple IDs for iTunes and MobileMe, can I merge them into a single account and use it with iCloud?

No, you cannot merge two accounts into one. However, if you have purchased items from the iTunes Store or App Store with a different Apple ID than the one you used for MobileMe, you can continue to use that Apple ID for store purchases and use your iCloud Apple ID (yourname@me.com) with your mail, contacts, calendars and other services. Please read this [article](#) for details.

Can I access iCloud on the web?

Yes. Web access to iCloud Mail, Contacts, Calendar, iWork Documents and Find My iPhone is available at iCloud.com.

Can Family Pack members move their MobileMe accounts separately to iCloud?

Yes. The master account holder and family members can move their individual accounts to iCloud separately. After moving to iCloud, family member accounts are no longer linked to the master account.

*Some features require a Wi-Fi connection. Some features are not available in all countries. Access to some services is limited to 10 devices. Previous purchases may be restored if they are no longer in the iTunes Store, App Store or iBookstore. Some features are subject to additional fees.