

ESTTA Tracking number: **ESTTA530389**

Filing date: **04/03/2013**

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	InterCommunications, Inc.		
Entity	Corporation	Citizenship	California
Address	1375 Dove Street, Suite 200 Newport Beach, CA 92660 UNITED STATES		

Attorney information	Steven J. Nataupsky Knobbe, Martens, Olson & Bear, LLP 2040 Main Street, 14th Floor Irvine, CA 92614 UNITED STATES efiling@knobbe.com Phone:949-760-0404		
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### Applicant Information

Application No	85580111	Publication date	03/05/2013
Opposition Filing Date	04/03/2013	Opposition Period Ends	04/04/2013
Applicant	Intercom App, Inc. 149 9th Street San Francisco, CA 94103 UNITED STATES		

### Goods/Services Affected by Opposition

Class 009. All goods and services in the class are opposed, namely: Computer software platforms for use in customer relationship management (CRM); computer communications software used for customer relationship management
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### 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.	1602704	Application Date	04/11/1988
Registration Date	06/19/1990	Foreign Priority Date	NONE
Word Mark	INTERCOM		
Design Mark			

Description of Mark	NONE
Goods/Services	Class 035. First use: First Use: 1968/10/03 First Use In Commerce: 1968/10/03 ADVERTISING AGENCY SERVICES AND PUBLIC RELATIONS SERVICES

U.S. Registration No.	2205042	Application Date	04/15/1997
Registration Date	11/24/1998	Foreign Priority Date	NONE

Word Mark	INTERCOM INTERACTIVE
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Design Mark	<b>INTERCOM INTERACTIVE</b>
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Description of Mark	NONE
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Goods/Services	Class 035. First use: First Use: 1996/11/00 First Use In Commerce: 1996/11/00 advertising agency services and public relations services
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U.S. Registration No.	1545597	Application Date	04/11/1988
Registration Date	06/27/1989	Foreign Priority Date	NONE

Word Mark	INTERCOMMUNICATIONS
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Design Mark	
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Description of Mark	NONE
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Goods/Services	Class 035. First use: First Use: 1968/09/05 First Use In Commerce: 1968/09/05 ADVERTISING AGENCY SERVICES, PUBLIC RELATIONS SERVICES AND MARKETING SERVICES
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Attachments	75275732#TMSN.jpeg ( 1 page )( bytes ) 2013-04-03 Notice of Opposition -INCOM.051M.PDF ( 8 pages )(318215 bytes ) Exhibit A - INCOM.PDF ( 5 pages )(169724 bytes ) Exhibit B.pdf ( 4 pages )(129022 bytes ) Exhibit C.pdf ( 5 pages )(202158 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	/Steven J. Nataupsky/
Name	Steven J. Nataupsky
Date	04/03/2013

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

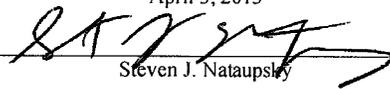
InterCommunications, Inc.,  
  
                                  Opposer,  
  
                                  v.  
  
Intercom App, Inc.,  
  
                                  Applicant.

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

Mark: INTERCOM  
Serial Nos.: 85/580,111

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Patent and Trademark Office, Trademark Trial and Appeal Board via electronic filing through their website located at <http://esta.uspto.gov/> on:

April 3, 2013

  
\_\_\_\_\_  
Steven J. Nataupsky

**NOTICE OF OPPOSITION**

UNITED STATES PATENT AND TRADEMARK OFFICE  
P.O. Box 1451  
Alexandria, VA 22313-1451

Dear Sir or Madam:

InterCommunications, Inc., a California corporation, located and doing business at 1375 Dove Street, Suite 200, Newport Beach, CA 92660 (“Opposer”) believes that it will be damaged by the registration of U.S. Trademark Application Serial No. 85/580,111 for the mark INTERCOM in International Class 9 (the “Application”), filed by Intercom App, Inc., a Delaware corporation with an address at 149 9<sup>th</sup> Street, San Francisco, CA 94103 (hereinafter referred to as “Applicant”) and therefore opposes the same.

A description of the Application is as follows:

Mark: INTERCOM  
Serial No.: 85/580111  
Services: Computer software platforms for use in customer relationship management (CRM); computer communications software used for customer relationship management in Class 9.  
Filed: March 26, 2012  
Published: March 5, 2013  
Filing Basis: 1(b)

As grounds for opposition, it is alleged:

1. Opposer is a leading marketing, public relations and communications company that conducts business in the United States and internationally under the marks INTERCOM®, INTERCOM INTERACTIVE® and INTERCOMMUNICATIONS® (collectively referred to as the “INTERCOM Marks”).

2. Opposer is the owner of and relies on U.S. Trademark Registration No. 1,602,704 for the mark INTERCOM® for “Advertising agency services and public relations services” in International Class 35, which was registered on the Principal Register on June 19, 1990. Said registration is based on an application filed in the PTO on April 11, 1988, and claims a date of first use of October 3, 1968. Thus, the dates of registration, first use and application of Opposer’s mark are all prior to the filing date of Applicant’s Application for the INTERCOM mark. This registration constitutes constructive use of the mark, conferring rights of priority, nationwide in effect, as of the filing date pursuant to § 7(c), as well as *prima facie* evidence of the validity of the registered mark, of the registration thereof, of Opposer’s ownership of the mark shown therein and/or of Opposer’s exclusive right to use the mark in commerce in connection with the services named therein, without condition or limitation as provided in Sections 7(b), 22 and 33(a) of the Trademark Act of 1946 as amended. In view of the identical nature of the marks and the related nature of the goods and services of the respective parties, it is alleged that Applicant’s INTERCOM mark so resembles Opposer’s INTERCOM® mark as to be likely to cause confusion, to cause mistake or to deceive. True and correct copies of the registration certificate and the corresponding TSDR report for Opposer’s Registration are attached hereto as Exhibit A and made of record.

3. Opposer is also the owner of and relies on U.S. Trademark Registration No. 2,205,042 for the mark INTERCOM INTERACTIVE® for “Advertising agency services and public relations services” in International Class 35, which was registered on the Principal Register on November 24, 1998. Said registration is based on an application filed in the PTO on April 15, 1997, and claims a date of first use of November 1996. Thus, the dates of registration, first use and application of Opposer’s mark are all prior to the filing date of Applicant’s Application for the INTERCOM mark. This registration constitutes constructive use of the mark, conferring rights of priority, nationwide in effect, as of the filing date pursuant

to § 7(c), as well as *prima facie* evidence of the validity of the registered mark, of the registration thereof, of Opposer's ownership of the mark shown therein and/or of Opposer's exclusive right to use the mark in commerce in connection with the services named therein, without condition or limitation as provided in Sections 7(b), 22 and 33(a) of the Trademark Act of 1946 as amended. In view of the close similarity of the marks and the related nature of the goods and services of the respective parties, it is alleged that Applicant's INTERCOM mark so resembles Opposer's INTERCOM INTERACTIVE® mark as to be likely to cause confusion, to cause mistake or to deceive. True and correct copies of the registration certificate and the corresponding TSDR report for Opposer's Registration are attached hereto as Exhibit B and made of record.

4. Opposer is also the owner of and relies on U.S. Trademark Registration No. 1,545,597 for the mark INTERCOMMUNICATIONS® for "Advertising agency services, public relations services and marketing services" in International Class 35, which was registered on the Principal Register on June 27, 1989. Said registration is based on an application filed in the PTO on April 11, 1988, and claims a date of first use of September 5, 1968. Thus, the dates of registration, first use and application of Opposer's mark are all prior to the filing date of Applicant's Application for the INTERCOM mark. This registration constitutes constructive use of the mark, conferring rights of priority, nationwide in effect, as of the filing date pursuant to § 7(c), as well as *prima facie* evidence of the validity of the registered mark and of the registration thereof, of Opposer's ownership of the mark shown therein and/or of Opposer's exclusive right to use the mark in commerce in connection with the services named therein, without condition or limitation as provided in Sections 7(b), 22 and 33(a) of the Trademark Act of 1946 as amended. In view of the similarity of the marks and related nature of the services of the respective parties, it is alleged that Applicant's INTERCOM mark so resembles Opposer's INTERCOMMUNICATIONS® mark as to be likely to cause confusion, to cause mistake or to deceive. True and correct copies of the registration certificate and the corresponding TSDR report for Opposer's Registration are attached hereto as Exhibit C and made of record.

5. Since at least as early as October 3, 1968, long prior to the filing date of Applicant's Application, Opposer has used the mark INTERCOM® in connection with a wide variety of services,

including, but not limited to, advertising agency services, public relations services, marketing services, consumer research, marketing communication plans, digital engagement strategies, and website branding. Such use of the INTERCOM® mark has been valid and continuous and has not been abandoned.

6. Since at least as early as November 1996, long prior to the filing date of Applicant's Application, Opposer has used the mark INTERCOM INTERACTIVE® in connection with a wide variety of services, including, but not limited to, advertising agency services, public relations services, marketing services, consumer research, marketing communication plans, digital engagement strategies, and website branding. Such use of the INTERCOM INTERACTIVE® mark has been valid and continuous and has not been abandoned.

7. Since at least as early as September 5, 1968, long prior to the filing date of Applicant's Application, Opposer has used its mark INTERCOMMUNICATIONS® in connection with a wide variety of services, including, but not limited to, advertising agency services, public relations services, marketing services, consumer research, marketing communication plans, digital engagement strategies, and website branding. Such use of the INTERCOMMUNICATIONS® mark has been valid and continuous and has not been abandoned.

8. By virtue of Opposer's widespread and continuous use of its INTERCOM Marks, Opposer has built up substantial goodwill in the marks and has established extensive common law rights in the INTERCOM Marks since long prior to the filing date of Applicant's Application. Opposer relies on these common law rights as a basis for this opposition.

9. Opposer, through advertising and promotion of its services under the INTERCOM Marks has built up, at great expense and effort, valuable goodwill symbolized by the INTERCOM Marks and the relevant class of the public has come to associate Opposer with the INTERCOM Marks.

10. Opposer has invested substantial amounts of time, effort and money in the INTERCOM Marks throughout the United States. Opposer has used its INTERCOM Marks throughout the United States and such use has been continuous since at least as early as the filing date of Applicant's Application. As such, in addition to the protection afforded Opposer by its federal trademark

registrations, Opposer has extensive, non-registered statutory and common-law rights in the INTERCOM Marks for its services. Further, Opposer's common law rights in each of the INTERCOM Marks predate the filing date of Applicant's Application.

11. Opposer's registrations identified in Paragraphs 2 through 4 above are incontestable as a Section 8 & 15 Declaration has been filed and accepted by the U.S. Patent and Trademark Office in connection with each mark. As such, it constitutes conclusive evidence of the validity of the registered marks and of the registration of the marks, of Opposer's ownership of its marks, and of Opposer's exclusive right to use the registered marks in commerce as provided in Section 33 of the Lanham Act, 15 U.S.C. § 1115.

12. If Applicant is permitted to register the mark shown in Applicant's Application, Applicant's corresponding *prima facie* exclusive right to use the INTERCOM mark in nationwide commerce will conflict with Opposer's lawful and *prima facie* and prior exclusive right to use the INTERCOM® mark nationwide.

13. Applicant's INTERCOM mark is identical to Opposer's INTERCOM® mark. Moreover, the goods identified in Applicant's Application are related to and complimentary with the services offered by Opposer under its INTERCOM® mark. Specifically, Opposer helps clients to reach out to their customers and solidify those relationships in a variety of different ways. The purpose of Applicant's products is also to help manage customer relationships. Hence, the respective goods and services of the parties are likely to be marketed to the same consumers and potential consumers through similar channels of trade in the United States.

14. Opposer will be damaged by the registration of Applicant's Application for the INTERCOM mark in that the Applicant's INTERCOM mark is identical to Opposer's INTERCOM® mark and would be likely, when used in connection with the goods identified in Applicant's Application, to cause confusion, or to cause mistake, or to deceive the purchasing public into believing that Applicant's goods originate with Opposer or are otherwise authorized, licensed, affiliated or sponsored by Opposer within the meaning of Section 2(d) of the Trademark Act, 15 U.S.C. §1052(d).

15. Applicant's proposed use and registration of the mark in U.S. Trademark Application Serial No. 85/580,111 would cause dilution of the distinctive quality of Opposer's INTERCOM® mark within the meaning of Section 43(c) of the Trademark Act U.S.C. 1125(c), and will lessen the ability of Opposer's INTERCOM® mark to distinguish the services of Opposer.

16. In view of Opposer's prior rights in the INTERCOM Marks, Applicant is not entitled to register the INTERCOM mark pursuant to Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).

17. Through extensive use and advertising of its INTERCOM Marks, the marks have become famous for Opposer's services.

18. Applicant's registration of the INTERCOM mark will dilute the distinctive quality of Opposer's famous marks within the meaning of Section 43(c) of the Trademark Act, 15 U.S.C. 1125(c), and will lessen the ability of Opposer's INTERCOM Marks to distinguish the services of Opposer, regardless of the category of goods and/or services in connection with which Applicant uses the INTERCOM mark.

19. Applicant has no license, consent or permission from Opposer to use or register the INTERCOM mark.

20. By reason of the foregoing, Opposer will be damaged by the registration of the mark shown in Applicant's Application.

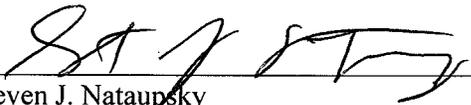
WHEREFORE, Opposer prays that Applicant's U.S. Trademark Application Serial No. 85/580,111 be rejected and stricken, that no registration be issued thereon to Applicant, and that this Opposition be sustained in favor of Opposer.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: April 3, 2013

By:  \_\_\_\_\_

Steven J. Nataupsky  
Tirzah Abe Lowe  
2040 Main Street, 14<sup>th</sup> Floor  
Irvine, CA 92614  
(949) 760-0404  
Attorneys for Opposer, InterCommunications, Inc.

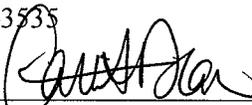
**CERTIFICATE OF SERVICE**

I hereby certify that I served a copy of the foregoing **NOTICE OF OPPOSITION** upon Applicant by depositing one copy thereof in the United States Mail, first-class postage prepaid on April 3, 2013, addressed as follows:

Intercom App, Inc.  
149 9<sup>th</sup> Street,  
San Francisco, CA 94103

I also hereby certify that I served a copy of the foregoing **NOTICE OF OPPOSITION** upon Applicant's counsel by depositing one copy thereof in the United States Mail, first-class postage prepaid, on April 3, 2013, addressed as follows:

Julia Spoor Gard  
Barnes & Thornburg LLP  
11 S. Meridian St.  
Indianapolis, IN 46204-3535

  
\_\_\_\_\_  
Catherine A. Dean  
Trademark Paralegal

15064927:nrl  
032713

# EXHIBIT A

**Int. Cl.: 35**

**Prior U.S. Cl.: 101**

**United States Patent and Trademark Office** **Reg. No. 1,602,704**  
Registered June 19, 1990

**SERVICE MARK  
PRINCIPAL REGISTER**

**INTERCOM**

INTERCOMMUNICATIONS, INC. (CALIFOR-  
NIA CORPORATION)  
SUITE 600  
620 NEWPORT CENTER DRIVE  
NEWPORT BEACH, CA 92660

FOR: ADVERTISING AGENCY SERVICES  
AND PUBLIC RELATIONS SERVICES, IN  
CLASS 35 (U.S. CL. 101).

FIRST USE 10-3-1968; IN COMMERCE  
10-3-1968.

OWNER OF U.S. REG. NO. 1,456,787.

SER. NO. 73-721,473, FILED 4-11-1988.

MARY I. SPARROW, EXAMINING ATTORNEY



**Attorney of Record**

**Attorney Name:** Tirzah Abe Lowe  
**Attorney Primary Email Address:** [efiling@kmob.com](mailto:efiling@kmob.com)

**Docket Number:** INCOM.01T  
**Attorney Email Authorized:** Yes

**Correspondent**

**Correspondent Name/Address:** Tirzah Abe Lowe  
 KNOBBE, MARTENS, OLSON & BEAR LLP  
 2040 MAIN STREET, 14TH FLOOR  
 IRVINE, CALIFORNIA 92614  
 UNITED STATES

**Phone:** 949-760-0404

**Fax:** 949-760-9502

**Correspondent e-mail:** [efiling@kmob.com](mailto:efiling@kmob.com)

**Correspondent e-mail Authorized:** Yes

**Domestic Representative - Not Found**

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**Prosecution History**


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Date	Description	Proceeding Number
Apr. 27, 2011	CASE FILE IN TICRS	
Mar. 22, 2011	CASE FILE IN TICRS	
Mar. 04, 2011	CASE FILE IN TICRS	
Jan. 18, 2011	REGISTERED AND RENEWED (SECOND RENEWAL - 10 YRS)	76533
Jan. 18, 2011	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Jan. 12, 2011	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	76533
Dec. 06, 2010	TEAS SECTION 8 & 9 RECEIVED	
Aug. 12, 2002	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Dec. 09, 2000	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	
Dec. 09, 2000	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Apr. 17, 2000	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
Jun. 15, 1996	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	
Dec. 06, 1995	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Jun. 19, 1990	REGISTERED-PRINCIPAL REGISTER	
Mar. 27, 1990	PUBLISHED FOR OPPOSITION	
Mar. 01, 1990	NOTICE OF PUBLICATION	
Jan. 18, 1990	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jan. 08, 1990	EXAMINER'S AMENDMENT MAILED	
Aug. 24, 1989	LETTER OF SUSPENSION MAILED	
Jun. 22, 1989	EX PARTE APPEAL-INSTITUTED	721473
Feb. 10, 1989	FINAL REFUSAL MAILED	
Jan. 26, 1989	ASSIGNED TO EXAMINER	61638
Dec. 21, 1988	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Jun. 16, 1988	NON-FINAL ACTION MAILED	
May 31, 1988	ASSIGNED TO EXAMINER	62920
May 25, 1988	ASSIGNED TO EXAMINER	65755

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**Maintenance Filings or Post Registration Information**


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**Affidavit of Continued Use:** Section 8 - Accepted

**Affidavit of Incontestability:** Section 15 - Accepted

**Renewal Date:** Jun. 19, 2010

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**TM Staff and Location Information**


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TM Staff Information - None

File Location

Current Location: SCANNING ON DEMAND

Date in Location: Apr. 27, 2011

### Proceedings

**Summary**

Number of Proceedings: 1

**Type of Proceeding: Exparte Appeal**

Proceeding Number: 73721473

Filing Date:

Status: Terminated

Status Date: Jul 03, 1990

Interlocutory Attorney:

Plaintiff(s)

Name: INTERCOMMUNICATIONS, INC.

Correspondent Address: DARRELL L. OLSON  
KNOBBE MARTENS OLSON & BEAR LLP  
620 NEWPORT CENTER DR 16TH FL  
NEWPORT BEACH CA , 92660-8016

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
INTERCOM	Renewed	<u>73721473</u>	<u>1602704</u>

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	APPEAL TO BOARD	May 15, 1989	
2	APPEAL ACKNOWLEDGED; BRIEF DUE	Jun 22, 1989	Jul 14, 1989
3	PENDING, INSTITUTED	Jun 22, 1989	
4	REQ TO EXTEND FOR APPEAL BRIEF	Jul 17, 1989	
5	LETTER AND EXHIBITS	Jul 24, 1989	
6	DISMISSED AS MOOT	Aug 11, 1989	

# EXHIBIT B

Int. Cl.: 35

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

Reg. No. 2,205,042

United States Patent and Trademark Office

Registered Nov. 24, 1998

Amended

OG Date June 2, 2009

SERVICE MARK  
PRINCIPAL REGISTER

INTERCOM INTERACTIVE

INTERCOMMUNICATIONS, INC. (CALI-  
FORNIA CORPORATION)  
620 NEWPORT CENTER DRIVE, SUITE  
600

NEWPORT BEACH, CA 92660

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

OWNER OF U.S. REG. NOS. 1,456,787  
AND 1,602,704.

FOR: ADVERTISING AGENCY SER-  
VICES AND PUBLIC RELATIONS SER-  
VICES, IN CLASS 35 (U.S. CLS. 100, 101  
AND 102).

FIRST USE 11-0-1996; IN COMMERCE  
11-0-1996.

SER. NO. 75-275,732, FILED 4-15-1997.

*In testimony whereof I have hereunto set my hand  
and caused the seal of The Patent and Trademark  
Office to be affixed on June 2, 2009.*

Generated on: This page was generated by TSDR on 2013-03-28 17:22:38 EDT

Mark: INTERCOM INTERACTIVE

INTERCOM INTERACTIVE

US Serial Number: 75275732

Application Filing Date: Apr. 15, 1997

US Registration Number: 2205042

Registration Date: Nov. 24, 1998

Register: Principal

Mark Type: Service Mark

Status: The registration has been renewed.

Status Date: Apr. 21, 2009

Publication Date: Sep. 01, 1998

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## Mark Information

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Mark Literal Elements: INTERCOM INTERACTIVE

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

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## Related Properties Information

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Claimed Ownership of US Registrations: 1456787, 1602704

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## Goods and Services

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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
- Asterisks "\*" identify additional (new) wording in the goods/services.

For: advertising agency services and public relations services

International Class: 035 - Primary Class

U.S Class: 100, 101, 102

Class Status: ACTIVE

Basis: 1(a)

First Use: Nov. 1996

Use in Commerce: Nov. 1996

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## Basis Information (Case Level)

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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
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

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## Current Owner(s) Information

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Owner Name: InterCommunications, Inc.

Owner Address: 620 Newport Center Drive, Suite 600  
Newport Beach, CALIFORNIA 92660  
UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where Organized: CALIFORNIA

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## Attorney/Correspondence Information

---

### Attorney of Record

Attorney Name: Alina S. Morris

Docket Number: INCOM.018T

Attorney Primary Email Address: [efiling@kmob.com](mailto:efiling@kmob.com)

Attorney Email Authorized: Yes

### Correspondent

Correspondent Name/Address: Alina S. Morris  
KNOBBE MARTENS OLSON & BEAR LLP

2040 MAIN STREET  
14TH FLOOR  
IRVINE, CALIFORNIA 92614  
UNITED STATES

Phone: 949-760-0404

Fax: 949-760-9502

Correspondent e-mail: [efilling@kmob.com](mailto:efilling@kmob.com)

Correspondent e-mail Yes

Authorized:

Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
May 05, 2011	CASE FILE IN TICRS	
Apr. 14, 2011	CASE FILE IN TICRS	
Apr. 25, 2009	AMENDMENT UNDER SECTION 7 - ISSUED	59136
Apr. 21, 2009	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	59136
Apr. 21, 2009	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Apr. 13, 2009	ASSIGNED TO PARALEGAL	59136
Apr. 09, 2009	TEAS SECTION 8 & 9 RECEIVED	
Apr. 09, 2009	TEAS SECTION 7 REQUEST RECEIVED	
Aug. 04, 2004	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	
Jun. 22, 2004	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Jun. 22, 2004	TEAS SECTION 8 & 15 RECEIVED	
Aug. 05, 2002	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Nov. 24, 1998	REGISTERED-PRINCIPAL REGISTER	
Sep. 01, 1998	PUBLISHED FOR OPPOSITION	
Jul. 31, 1998	NOTICE OF PUBLICATION	
Jun. 18, 1998	APPROVED FOR PUB - PRINCIPAL REGISTER	
Nov. 26, 1997	NON-FINAL ACTION MAILED	
Nov. 14, 1997	ASSIGNED TO EXAMINER	74301

## Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Nov. 24, 2008

Change in Registration: Yes

Amendment to a Registration/Renewal Certificate: The drawing is amended to appear as follows: INTERCOM INTERACTIVE

## TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: SCANNING ON DEMAND

Date in Location: May 05, 2011

# EXHIBIT C

Int. Cl.: 35

Prior U.S. Cl.: 101

**United States Patent and Trademark Office**

Reg. No. 1,545,597

Registered June 27, 1989

**SERVICE MARK  
PRINCIPAL REGISTER**

**INTERCOMMUNICATIONS**

INTERCOMMUNICATIONS, INC. (CALIFOR-  
NIA CORPORATION)  
SUITE 600  
620 NEWPORT CENTER DRIVE  
NEWPORT BEACH, CA 92660

MARKETING SERVICES, IN CLASS 35 (U.S. CL.  
101).

FIRST USE 9-5-1968; IN COMMERCE  
9-5-1968.

SER. NO. 721,822, FILED 4-11-1988.

FOR: ADVERTISING AGENCY SERVICES,  
PUBLIC RELATIONS SERVICES AND MAR-

MARY I. SPARROW, EXAMINING ATTORNEY

Generated on: This page was generated by TSDR on 2013-03-28 18:04:46 EDT

Mark: INTERCOMMUNICATIONS

US Serial Number: 73721822  
US Registration Number: 1545597  
Register: Principal  
Mark Type: Service Mark  
Status: The registration has been renewed.  
Status Date: May 29, 2009  
Publication Date: Apr. 04, 1989

Application Filing Date: Apr. 11, 1988  
Registration Date: Jun. 27, 1989

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## Mark Information

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Mark Literal Elements: INTERCOMMUNICATIONS  
Standard Character Claim: No  
Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

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## Goods and Services

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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
- Asterisks \*..\* identify additional (new) wording in the goods/services.

For: ADVERTISING AGENCY SERVICES, PUBLIC RELATIONS SERVICES AND MARKETING SERVICES  
International Class: 035 - Primary Class  
U.S Class: 101  
Class Status: ACTIVE  
Basis: 1(a)  
First Use: Sep. 05, 1968  
Use in Commerce: Sep. 05, 1968

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## Basis Information (Case Level)

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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
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

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## Current Owner(s) Information

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Owner Name: INTERCOMMUNICATIONS, INC.  
Owner Address: SUITE 600  
620 NEWPORT CENTER DRIVE  
NEWPORT BEACH, CALIFORNIA 92660  
UNITED STATES  
Legal Entity Type: CORPORATION  
State or Country Where Organized: CALIFORNIA

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## Attorney/Correspondence Information

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Attorney Name: Tirzah Abe Lowe  
Attorney Primary Email: [efiling@kmob.com](mailto:efiling@kmob.com)  
Attorney of Record  
Docket Number: INCOM.02T  
Attorney Email: Yes

Address:

Authorized:

**Correspondent**

**Correspondent Name/Address:** Tirzah Abe Lowe  
KNOBBE, MARTENS, OLSON & BEAR LLP  
2040 Main Street, 14th Floor  
Irvine, CALIFORNIA 92614  
UNITED STATES

**Phone:** 949-760-0404

**Fax:** 949-760-9502

**Correspondent e-mail:** [efiling@kmob.com](mailto:efiling@kmob.com)

**Correspondent e-mail Authorized:** Yes

**Domestic Representative - Not Found**

### Prosecution History

Date	Description	Proceeding Number
May 29, 2009	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	67603
May 29, 2009	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
May 05, 2009	ASSIGNED TO PARALEGAL	67603
May 04, 2009	TEAS SECTION 8 & 9 RECEIVED	
Aug. 28, 2008	CASE FILE IN TICRS	
Aug. 12, 2002	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Aug. 15, 2001	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
Apr. 09, 1995	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	
Oct. 11, 1994	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Jun. 27, 1989	REGISTERED-PRINCIPAL REGISTER	
Apr. 04, 1989	PUBLISHED FOR OPPOSITION	
Mar. 04, 1989	NOTICE OF PUBLICATION	
Jan. 18, 1989	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jan. 18, 1989	ASSIGNED TO EXAMINER	61638
Dec. 19, 1988	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Jul. 13, 1988	NON-FINAL ACTION MAILED	
Jun. 16, 1988	ASSIGNED TO EXAMINER	62920
May 26, 1988	ASSIGNED TO EXAMINER	60749

### Maintenance Filings or Post Registration Information

**Affidavit of Continued Use:** Section 8 - Accepted

**Affidavit of Incontestability:** Section 15 - Accepted

**Renewal Date:** Jun. 27, 2009

### TM Staff and Location Information

**TM Staff Information - None**

**File Location**

**Current Location:** POST REGISTRATION

**Date in Location:** May 29, 2009

### Proceedings

**Summary**

**Number of Proceedings:** 1

**Type of Proceeding:** Opposition

**Proceeding Number:** 91206550

**Filing Date:** Aug 14, 2012

**Status:** Terminated

**Status Date:** Sep 05, 2012

**Interlocutory Attorney:** ELIZABETH A DUNN

**Defendant**

**Name:** IN Communications

**Correspondent Address:** MARK R LEONARD  
 DAVIS & LEONARD LLP  
 8880 CAL CENTER DR SUITE 180  
 SACRAMENTO CA , 95826  
 UNITED STATES

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
IN COMMUNICATIONS	Abandoned - After Inter-Partes Decision	<u>85459340</u>	

**Name:** InterCommunications, Inc.

**Correspondent Address:** STEVEN J NATAUPSKY  
 KNOBBE MARTENS OLSON & BEAR LLP  
 2040 MAIN STREET 14TH FLOOR  
 IRVINE CA , 92614  
 UNITED STATES

**Correspondent e-mail:** [efiling@knobbe.com](mailto:efiling@knobbe.com), [catherine.dean@knobbe.com](mailto:catherine.dean@knobbe.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
INTERCOMMUNICATIONS	Renewed	<u>73721822</u>	<u>1545597</u>

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Aug 14, 2012	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Aug 14, 2012	Sep 23, 2012
3	PENDING, INSTITUTED	Aug 14, 2012	
4	WITHDRAWAL OF APPLICATION	Aug 30, 2012	
5	BOARD'S DECISION: SUSTAINED	Sep 05, 2012	
6	TERMINATED	Sep 05, 2012	