

ESTTA Tracking number: **ESTTA557736**

Filing date: **09/04/2013**

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	AliphCom		
Entity	Corporation	Citizenship	California
Address	99 Rhode Island Street, 3rd Floor San Francisco, CA 94103 UNITED STATES		

Attorney information	Jennifer D. Arkowitz Kilpatrick Townsend & Stockton LLP Two Embarcadero Center, 8th Floor San Francisco, CA 94111 UNITED STATES jarkowitz@kilpatricktownsend.com Phone:415-576-0200		
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Applicant Information

Application No	85830444	Publication date	08/06/2013
Opposition Filing Date	09/04/2013	Opposition Period Ends	09/05/2013
Applicant	Jawzone Inc. 1401 K Street NW Suite 1101 Washington, DC 20005 UNITED STATES		

Goods/Services Affected by Opposition

Class 042. First Use: 2012/08/20 First Use In Commerce: 2012/12/18 All goods and services in the class are opposed, namely: Providing an online network service featuring a technology that enables users to share data in the field of sports
Class 045. First Use: 2012/08/20 First Use In Commerce: 2012/12/18 All goods and services in the class are opposed, namely: On-line social networking services

Grounds for Opposition

Deceptiveness	Trademark Act section 2(a)
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.	4000280	Application Date	11/02/2009
Registration Date	07/26/2011	Foreign Priority Date	NONE

Word Mark	JAWBONE
Design Mark	
Description of Mark	NONE
Goods/Services	<p>Class 009. First use: First Use: 2004/09/13 First Use In Commerce: 2004/09/13 Downloadable computer software for recording, organizing, transmitting, receiving, manipulating, reviewing and transcribing text, data, audio and video content for use with communications equipment, devices and accessories</p> <p>Class 035. First use: First Use: 2004/09/13 First Use In Commerce: 2004/09/13 Retail store services for telecommunications products and consumer electronic products</p> <p>Class 042. First use: First Use: 2004/09/13 First Use In Commerce: 2004/09/13 Providing on-line management and technical support services, namely, troubleshooting in the nature of diagnosing computer hardware and software problems and configuration management relating to the usage of communications equipment, devices and accessories</p>

U.S. Registration No.	4200122	Application Date	12/02/2010
Registration Date	08/28/2012	Foreign Priority Date	NONE
Word Mark	JAWBONE ERA		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 009. First use: First Use: 2010/11/10 First Use In Commerce: 2011/01/20 Communication devices, namely, ear phones, cellular phone headsets, transmitters of electronic signals, telecommunications transmitters, audio transmitters, video transmitters, telecommunications receivers, audio-video receivers, telephone receivers, namely, audio receivers, and video receivers; wearable audio display, namely, ear phones and cellular phone headsets containing an audio display; carrying cases for telephone accessories; stereo headsets for mobile phones and cellular phones; headsets for use with computers; operating software for the control, management, configuration and personalization of features and functions of headsets; USB cables; battery chargers for headsets used with cellular phones, telephones, and computers; on-line downloadable computer software for recording, organizing, transmitting, receiving, manipulating, reviewing and transcribing text, data, audio and video content for use with communications equipment, devices and accessories</p> <p>Class 042. First use: First Use: 2010/11/10 First Use In Commerce: 2011/01/20 Software as a service services for managing the delivery of content and services to equipment, devices and accessories for recording, organizing, transmitting, receiving, manipulating, reviewing and transcribing text, data, audio, and video content; computer services, namely, remote management of computer applications for others in connection with equipment, devices and accessories for recording, organizing, transmitting, receiving, manipulating, reviewing and transcribing text, data, audio, and video content</p>		

U.S. Registration No.	4195569	Application Date	04/29/2011
Registration Date	08/21/2012	Foreign Priority Date	NONE
Word Mark	JAWBONE		

Design Mark	
Description of Mark	NONE
Goods/Services	<p>Class 009. First use: First Use: 2004/09/00 First Use In Commerce: 2004/09/00 Ear phones; headsets for use with cellular phones, mobile phones, telephones or computers; audio speakers; wireless communication devices for voice, data, or image transmission; portable and handheld digital electronic devices for recording, organizing, transmitting, manipulating, reviewing, and receiving text, data, images and audio files; operating system program for headsets; personal electronic devices for recording, organizing, transmitting, manipulating, reviewing, and receiving text, data, images and audio files; carrying cases for telephone accessories; USB cables; battery chargers; downloadable computer software for recording, organizing, transmitting, receiving, manipulating, reviewing and transcribing text, data, audio and video content for use with communications equipment, devices and accessories</p> <p>Class 035. First use: First Use: 2004/09/00 First Use In Commerce: 2004/09/00 Retail store services for telecommunication products and consumer electronic products</p> <p>Class 042. First use: First Use: 2004/09/00 First Use In Commerce: 2004/09/00 Providing on-line management and technical support services, namely, troubleshooting in the nature of diagnosing computer hardware and software problems and configuration management relating to the usage of communications equipment, devices and accessories</p> <p>Class 045. First use: First Use: 2010/01/00 First Use In Commerce: 2010/01/00 Internet-based social networking services</p>

U.S. Registration No.	4230932	Application Date	07/06/2011
Registration Date	10/23/2012	Foreign Priority Date	NONE
Word Mark	JAWBONE ICON		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 009. First use: First Use: 2010/01/00 First Use In Commerce: 2010/01/00 communication devices, namely, ear phones, cellular phone headsets, transmitters of electronic signals, telecommunications transmitters, audio transmitters, video transmitters, telecommunications receivers, audio-video receivers, telephone receivers, namely, audio receivers, and video receivers; audio speakers for use with cellular and telephone communication systems; wearable audio display, namely, ear phones and cellular phone headsets containing an audio display; stereo headsets for mobile phones and cellular phones; headsets for use with computers; operating software for the control, management, configuration and personalization of features and functions of headsets; USB cables; battery chargers for headsets used with cellular phones, telephones, and computers; on-line downloadable computer software for recording, organizing, transmitting, receiving, manipulating, reviewing and transcribing text, data, audio and video content for use with communications equipment, devices and accessories</p> <p>Class 042. First use: First Use: 2010/01/00 First Use In Commerce: 2010/01/00 Providing on-line management and technical support services, namely, trouble shooting in the nature of diagnosing problems with headsets, telephones, mobile phones, cellular phones, speakers, portable and handheld digital electronic devices, and computers</p>		

U.S. Registration No.	4289408	Application Date	05/18/2010
Registration Date	02/12/2013	Foreign Priority Date	NONE
Word Mark	JAWBONE THOUGHTS		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 009. First use: First Use: 2010/12/00 First Use In Commerce: 2010/12/00 Software for the control, management, configuration and personalization of features and functions of headsets; on-line downloadable computer software for recording, organizing, transmitting, receiving, manipulating, reviewing and transcribing text, data, audio and video content on communications equipment, devices and accessories for recording, organizing, transmitting, receiving, manipulating, reviewing and transcribing text, data, audio, and video content</p> <p>Class 045. First use: First Use: 2010/12/00 First Use In Commerce: 2010/12/00 Internet-based social networking services</p>		

U.S. Application No.	85980057	Application Date	11/02/2011
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	JAWBONE		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 009. First use: First Use: 2011/11/00 First Use In Commerce: 2011/11/00 Portable and handheld digital electronic devices for recording, organizing, transmitting, manipulating, reviewing, and receiving text, data, images and audio files; portable and handheld digital electronic devices for recording, organizing, transmitting, manipulating, reviewing, and receiving text, data, images and audio files relating to health and wellness; personal electronic devices for recording, organizing, transmitting, manipulating, reviewing, and receiving text, data, images and audio files; personal electronic devices for recording, organizing, transmitting, manipulating, reviewing, and receiving text, data, images and audio files relating to health and wellness; computer software used for recording, organizing, transmitting, receiving, and reviewing text, data, images and audio files; computer software used for recording, organizing, transmitting, receiving, and reviewing text, data, images and audio files relating to health and wellness; ear phones; headsets for use with cellular phones, mobile phones, telephones or computers; wireless communication devices for voice, data, or image transmission; operating system program for headsets; Audio speakers; MP3 players; USB cables; battery chargers; carrying cases for the aforementioned devices</p> <p>Class 042. First use: First Use: 2011/11/00 First Use In Commerce: 2011/11/00 Online management services for communications devices and personal electronic devices, namely, consultation in the field of computer hardware and software configuration management relating to the usage of communications devices and personal electronic devices; technical support services, namely, troubleshooting in the nature of diagnosing problems with communications devices and personal electronic devices</p> <p>Class 045. First use: First Use: 2011/11/00 First Use In Commerce: 2011/11/00 Internet-based social networking services</p>		

Attachments	Notice of Opposition.pdf(1188432 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	/Allison Scott Roach/
Name	Allison Scott Roach
Date	09/04/2013

TRADEMARK	APP. NO. / REG. NO.	APP. DATE / REG. DATE	GOODS/SERVICES (FIRST USE)
JAWBONE	4,000,280	Nov. 2, 2009 July 26, 2011	<p>Class 9: Downloadable computer software for recording, organizing, transmitting, receiving, manipulating, reviewing and transcribing text, data, audio and video content for use with communications equipment, devices and accessories. (September 13, 2004).</p> <p>Class 35: Retail store services for telecommunications products and consumer electronic products. (September 13, 2004).</p> <p>Class 42: Providing on-line management and technical support services, namely, troubleshooting in the nature of diagnosing computer hardware and software problems and configuration management relating to the usage of communications equipment, devices and accessories. (September 13, 2004).</p>
JAWBONE ERA	4,200,122	Dec. 2, 2010 Aug. 28, 2012	<p>Class 9: Communication devices, namely, ear phones, cellular phone headsets, transmitters of electronic signals, telecommunications transmitters, audio transmitters, video transmitters, telecommunications receivers, audio-video receivers, telephone receivers, namely, audio receivers, and video receivers; wearable audio display, namely, ear phones and cellular phone headsets containing an audio display; carrying cases for telephone accessories; stereo headsets for mobile phones and cellular phones; headsets for use with computers; operating software for the control, management, configuration and personalization of features and functions of headsets; USB cables; battery chargers for headsets used with cellular phones, telephones, and computers; on-line downloadable computer software for recording, organizing, transmitting, receiving, manipulating, reviewing and transcribing text, data, audio and video content for use with communications equipment, devices and accessories. (November 10, 2010).</p> <p>Class 42: Software as a service services for</p>

			<p>managing the delivery of content and services to equipment, devices and accessories for recording, organizing, transmitting, receiving, manipulating, reviewing and transcribing text, data, audio, and video content; computer services, namely, remote management of computer applications for others in connection with equipment, devices and accessories for recording, organizing, transmitting, receiving, manipulating, reviewing and transcribing text, data, audio, and video content. (November 10, 2010).</p>
JAWBONE	4,195,569	April 29, 2011 Aug. 21, 2012	<p>Class 9: Ear phones; headsets for use with cellular phones, mobile phones, telephones or computers; audio speakers; wireless communication devices for voice, data, or image transmission; portable and handheld digital electronic devices for recording, organizing, transmitting, manipulating, reviewing, and receiving text, data, images and audio files; operating system program for headsets; personal electronic devices for recording, organizing, transmitting, manipulating, reviewing, and receiving text, data, images and audio files; carrying cases for telephone accessories; USB cables; battery chargers; downloadable computer software for recording, organizing, transmitting, receiving, manipulating, reviewing and transcribing text, data, audio and video content for use with communications equipment, devices and accessories. (September 2004).</p> <p>Class 35: Retail store services for telecommunication products and consumer electronic products. (September 2004).</p> <p>Class 42: Providing on-line management and technical support services, namely, troubleshooting in the nature of diagnosing computer hardware and software problems and configuration management relating to the usage of communications equipment, devices and accessories. (September 2004).</p> <p>Class 45: Internet-based social networking services. (January 2010).</p>
JAWBONE ICON	4,230,932	July 6, 2011	<p>Class 9: Communication devices, namely, ear phones, cellular phone headsets,</p>

		Oct. 23, 2012	<p>transmitters of electronic signals, telecommunications transmitters, audio transmitters, video transmitters, telecommunications receivers, audio-video receivers, telephone receivers, namely, audio receivers, and video receivers; audio speakers for use with cellular and telephone communication systems; wearable audio display, namely, ear phones and cellular phone headsets containing an audio display; stereo headsets for mobile phones and cellular phones; headsets for use with computers; operating software for the control, management, configuration and personalization of features and functions of headsets; USB cables; battery chargers for headsets used with cellular phones, telephones, and computers; on-line downloadable computer software for recording, organizing, transmitting, receiving, manipulating, reviewing and transcribing text, data, audio and video content for use with communications equipment, devices and accessories. (January 2010).</p> <p>Class 42: Providing on-line management and technical support services, namely, trouble shooting in the nature of diagnosing problems with headsets, telephones, mobile phones, cellular phones, speakers, portable and handheld digital electronic devices, and computers. (January 2010).</p>
JAWBONE THOUGHTS	4,289,408	May 18, 2010 Feb. 12, 2013	<p>Class 9: Software for the control, management, configuration and personalization of features and functions of headsets; on-line downloadable computer software for recording, organizing, transmitting, receiving, manipulating, reviewing and transcribing text, data, audio and video content on communications equipment, devices and accessories for recording, organizing, transmitting, receiving, manipulating, reviewing and transcribing text, data, audio, and video content. (December 2010).</p> <p>Class 45: Internet-based social networking services. (December 2010).</p>

JAWBONE	85/980,057	Nov. 2, 2011	<p>Class 9: Portable and handheld digital electronic devices for recording, organizing, transmitting, manipulating, reviewing, and receiving text, data, images and audio files; portable and handheld digital electronic devices for recording, organizing, transmitting, manipulating, reviewing, and receiving text, data, images and audio files relating to health and wellness; personal electronic devices for recording, organizing, transmitting, manipulating, reviewing, and receiving text, data, images and audio files; personal electronic devices for recording, organizing, transmitting, manipulating, reviewing, and receiving text, data, images and audio files relating to health and wellness; computer software used for recording, organizing, transmitting, receiving, and reviewing text, data, images and audio files; computer software used for recording, organizing, transmitting, receiving, and reviewing text, data, images and audio files relating to health and wellness; ear phones; headsets for use with cellular phones, mobile phones, telephones or computers; wireless communication devices for voice, data, or image transmission; operating system program for headsets; Audio speakers; MP3 players; USB cables; battery chargers; carrying cases for the aforementioned devices. (November 2011).</p> <p>Class 42: Online management services for communications devices and personal electronic devices, namely, consultation in the field of computer hardware and software configuration management relating to the usage of communications devices and personal electronic devices; technical support services, namely, troubleshooting in the nature of diagnosing problems with communications devices and personal electronic devices. (November 2011).</p> <p>Class 45: Internet-based social networking services. (November 2011).</p>
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Copies of the registration certificates and printouts from the United States Patent and Trademark Office online database for the above-referenced registrations and application are annexed as

Exhibit A.

3. The above-identified registrations and application are valid and in full force and effect.

4. Opposer's **JAWBONE®** trademark has become well known and has achieved substantial consumer recognition. As a result of Opposer's extensive advertising, promotion, and use of the JAWBONE trademark in connection with a variety of goods and services, the mark has acquired significant goodwill and has come to identify Opposer as the source of goods and services. Hereinafter, Opposer's registered and common law rights in and to the family of trademarks containing the word JAWBONE, including the application and registrations identified above, are collectively referred to as the "**JAWBONE Mark.**"

5. Notwithstanding Opposer's prior rights, and well after Opposer's **JAWBONE Mark** became well known, on January 23, 2013, applicant Jawzone, Inc. ("Applicant") filed Application Serial No. 85/830,444 to register the mark JAWZONE ("Applicant's Mark") for the following services in International Classes 42 and 45 (the "Opposed Services"), claiming a first-use date of August 20, 2012.

Class 42: Providing an online network service featuring a technology that enables users to share data in the field of sports

Class 45: On-line social networking services

6. Opposer is timely filing this Notice of Opposition.

7. There is no issue as to priority. Opposer began using its **JAWBONE Mark** in commerce at least as early as 2004, well prior to the January 23, 2013 filing date of Applicant's

application to register Applicant's Mark, and well prior to Applicant's August 20, 2012 date of first use claimed therein.

8. Consumers encountering Applicant's Mark, particularly in connection with the Opposed Services, are likely to associate Applicant's Mark with Opposer. Applicant's Mark is nearly identical to Opposer's **JAWBONE** Mark, in that the terms JAWZONE and JAWBONE differ by only a single letter located in the middle of each word. Viewed as a whole, Applicant's Mark is very similar to Opposer's **JAWBONE** Mark in appearance, sound, and overall commercial impression and 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/or services.

9. The Opposed Services are identical and/or highly related to goods and services that Opposer offers in connection with the **JAWBONE** Mark and for which Opposer owns existing registrations of, and prior applications for, the **JAWBONE** Mark.

10. Consumers familiar with the goods and services offered by Opposer in connection with Opposer's **JAWBONE** Mark, including without limitation software and devices used for sharing text, data, images, and audio files with others; Internet-based social networking services; and providing goods/services related to health, wellness, and fitness, are likely to believe that the Opposed Services offered under Applicant's Mark (an online network for sharing data in the field of sports and online social networking services) originate from the same source or are licensed or associated with Opposer, resulting in damage and detriment to Opposer, its reputation, and the substantial goodwill that Opposer has built in the **JAWBONE** Mark.

11. Registration and use of Applicant's Mark by Applicant is also likely to cause dilution of the distinctiveness of Opposer's famous **JAWBONE** Mark by eroding consumers'

exclusive identification of the **JAWBONE** Mark with Opposer, and otherwise lessening the capacity of Opposer's **JAWBONE** Mark to identify and distinguish Opposer's goods and services, in violation of Section 43(c)(1) of the Lanham Act, 15 U.S.C. § 1125(c)(1).

12. Specifically, Applicant's Mark is likely to cause dilution by blurring of the famous **JAWBONE** Mark based on a number of relevant considerations, including, without limitation:

(a) Applicant's Mark is highly similar to Opposer's **JAWBONE** Mark in that Applicant's JAWZONE mark merely substitutes the letter "Z" for the letter "B" in the middle of the mark;

(b) Opposer's **JAWBONE** Mark is inherently distinctive in relation to Opposer's goods and services, and due to Opposer's extensive use and promotion, Opposer's **JAWBONE** Mark also acquired distinctiveness prior to the filing date of Applicant's application to register Applicant's Mark and the date of first use claimed therein;

(c) Opposer has engaged in substantially exclusive use of the **JAWBONE** Mark in connection with Opposer's goods and services; and

(d) Opposer's **JAWBONE** Mark is widely recognized by the general consuming public and had been so long prior to the filing date of Applicant's application to register Applicant's Mark and the date of first use claimed therein.

13. Opposer will be damaged by the registration sought by Applicant within the meaning of 15 U.S.C. § 1063 because such registration would support and assist Applicant in the confusing and misleading use of the mark JAWZONE, and would give color of exclusive statutory right to Applicant in violation and derogation of Opposer's prior and superior rights.

WHEREFORE, Opposer requests that this opposition be sustained and that the registration of Application Serial No. 85/830,444 for the mark JAWZONE in connection with the Opposed Services be denied.

The opposition fee in the amount of \$600.00 for an opposition in two classes is filed therewith. If for any reason this amount is insufficient, it is requested that Opposer's attorneys' Deposit Account 20-1430 be charged with any deficiency. This paper is filed electronically.

Dated: September 4, 2013

Respectfully submitted,

KILPATRICK TOWNSEND & STOCKTON LLP

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Gregory S. Gilchrist
Jennifer Arkowitz
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Attorneys for Petitioner AliphCom

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

ALIPHCOM, Opposer, v. JAWZONE, INC., Applicant.	Opposition No.
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CERTIFICATE OF TRANSMITTAL

I hereby certify that a copy of the foregoing **NOTICE OF OPPOSITION** is being filed electronically with the Trademark Trial and Appeal Board via ESTTA on this day, September 4, 2013.

/Jenny Goak/
Jenny Goak

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing **NOTICE OF OPPOSITION** is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed as follows:

Jawzone, Inc.
1401 K Street NW, Suite 1101
Washington, D.C. 20005-3433

This the 4th day of September, 2013.

/Jenny Goak/
Jenny Goak

EXHIBIT A

United States of America

United States Patent and Trademark Office

JAWBONE

Reg. No. 4,000,280

Registered July 26, 2011

Int. Cls.: 9, 35 and 42

TRADEMARK

SERVICE MARK

PRINCIPAL REGISTER

ALIPHCOM (CALIFORNIA CORPORATION)
99 RHODE ISLAND
3RD FLOOR
SAN FRANCISCO, CA 94103

FOR: DOWNLOADABLE COMPUTER SOFTWARE FOR RECORDING, ORGANIZING, TRANSMITTING, RECEIVING, MANIPULATING, REVIEWING AND TRANSCRIBING TEXT, DATA, AUDIO AND VIDEO CONTENT FOR USE WITH COMMUNICATIONS EQUIPMENT, DEVICES AND ACCESSORIES, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 9-13-2004; IN COMMERCE 9-13-2004.

FOR: RETAIL STORE SERVICES FOR TELECOMMUNICATIONS PRODUCTS AND CONSUMER ELECTRONIC PRODUCTS, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 9-13-2004; IN COMMERCE 9-13-2004.

FOR: PROVIDING ON-LINE MANAGEMENT AND TECHNICAL SUPPORT SERVICES, NAMELY, TROUBLESHOOTING IN THE NATURE OF DIAGNOSING COMPUTER HARDWARE AND SOFTWARE PROBLEMS AND CONFIGURATION MANAGEMENT RELATING TO THE USAGE OF COMMUNICATIONS EQUIPMENT, DEVICES AND ACCESSORIES, IN CLASS 42 (U.S. CLS. 100 AND 101).

FIRST USE 9-13-2004; IN COMMERCE 9-13-2004.

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

SER. NO. 77-862,971, FILED 11-2-2009.

KATHLEEN LORENZO, EXAMINING ATTORNEY



David J. Kyjars

Director of the United States Patent and Trademark Office



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JAWBONE

Word Mark	JAWBONE
Goods and Services	<p>IC 009. US 021 023 026 036 038. G & S: Downloadable computer software for recording, organizing, transmitting, receiving, manipulating, reviewing and transcribing text, data, audio and video content for use with communications equipment, devices and accessories. FIRST USE: 20040913. FIRST USE IN COMMERCE: 20040913</p> <p>IC 035. US 100 101 102. G & S: Retail store services for telecommunications products and consumer electronic products. FIRST USE: 20040913. FIRST USE IN COMMERCE: 20040913</p> <p>IC 042. US 100 101. G & S: Providing on-line management and technical support services, namely, troubleshooting in the nature of diagnosing computer hardware and software problems and configuration management relating to the usage of communications equipment, devices and accessories. FIRST USE: 20040913. FIRST USE IN COMMERCE: 20040913</p>
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	77862971
Filing Date	November 2, 2009
Current Basis	1A
Original Filing Basis	1A;1B
Published for Opposition	May 10, 2011
Registration Number	4000280

Registration Date July 26, 2011
Owner (REGISTRANT) AliphCom CORPORATION CALIFORNIA 99 Rhode Island 3rd Floor San Francisco CALIFORNIA 94103
Attorney of Record Jennifer D. Arkowitz
Type of Mark TRADEMARK. SERVICE MARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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United States of America

United States Patent and Trademark Office

JAWBONE ERA

Reg. No. 4,200,122

Registered Aug. 28, 2012

Int. Cls.: 9 and 42

TRADEMARK

SERVICE MARK

PRINCIPAL REGISTER

ALIPHCOM (CALIFORNIA CORPORATION)
99 RHODE ISLAND
3RD FLOOR
SAN FRANCISCO, CA 94105

FOR: COMMUNICATION DEVICES, NAMELY, EAR PHONES, CELLULAR PHONE HEADSETS, TRANSMITTERS OF ELECTRONIC SIGNALS, TELECOMMUNICATIONS TRANSMITTERS, AUDIO TRANSMITTERS, VIDEO TRANSMITTERS, TELECOMMUNICATIONS RECEIVERS, AUDIO-VIDEO RECEIVERS, TELEPHONE RECEIVERS, NAMELY, AUDIO RECEIVERS, AND VIDEO RECEIVERS; WEARABLE AUDIO DISPLAY, NAMELY, EAR PHONES AND CELLULAR PHONE HEADSETS CONTAINING AN AUDIO DISPLAY; CARRYING CASES FOR TELEPHONE ACCESSORIES; STEREO HEADSETS FOR MOBILE PHONES AND CELLULAR PHONES; HEADSETS FOR USE WITH COMPUTERS; OPERATING SOFTWARE FOR THE CONTROL, MANAGEMENT, CONFIGURATION AND PERSONALIZATION OF FEATURES AND FUNCTIONS OF HEADSETS; USB CABLES; BATTERY CHARGERS FOR HEADSETS USED WITH CELLULAR PHONES, TELEPHONES, AND COMPUTERS; ON-LINE DOWNLOADABLE COMPUTER SOFTWARE FOR RECORDING, ORGANIZING, TRANSMITTING, RECEIVING, MANIPULATING, REVIEWING AND TRANSCRIBING TEXT, DATA, AUDIO AND VIDEO CONTENT FOR USE WITH COMMUNICATIONS EQUIPMENT, DEVICES AND ACCESSORIES, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 11-10-2010; IN COMMERCE 1-20-2011.



FOR: SOFTWARE AS A SERVICE SERVICES FOR MANAGING THE DELIVERY OF CONTENT AND SERVICES TO EQUIPMENT, DEVICES AND ACCESSORIES FOR RECORDING, ORGANIZING, TRANSMITTING, RECEIVING, MANIPULATING, REVIEWING AND TRANSCRIBING TEXT, DATA, AUDIO, AND VIDEO CONTENT; COMPUTER SERVICES, NAMELY, REMOTE MANAGEMENT OF COMPUTER APPLICATIONS FOR OTHERS IN CONNECTION WITH EQUIPMENT, DEVICES AND ACCESSORIES FOR RECORDING, ORGANIZING, TRANSMITTING, RECEIVING, MANIPULATING, REVIEWING AND TRANSCRIBING TEXT, DATA, AUDIO, AND VIDEO CONTENT, IN CLASS 42 (U.S. CLS. 100 AND 101).

FIRST USE 11-10-2010; IN COMMERCE 1-20-2011.

David J. Kappas

Director of the United States Patent and Trademark Office

Reg. No. 4,200,122 THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NO. 3,046,856.

SN 85-976,837, FILED 12-2-2010.

CHRISTINE COOPER, EXAMINING ATTORNEY



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JAWBONE ERA

Word Mark	JAWBONE ERA
Goods and Services	<p>IC 009. US 021 023 026 036 038. G & S: Communication devices, namely, ear phones, cellular phone headsets, transmitters of electronic signals, telecommunications transmitters, audio transmitters, video transmitters, telecommunications receivers, audio-video receivers, telephone receivers, namely, audio receivers, and video receivers; wearable audio display, namely, ear phones and cellular phone headsets containing an audio display; carrying cases for telephone accessories; stereo headsets for mobile phones and cellular phones; headsets for use with computers; operating software for the control, management, configuration and personalization of features and functions of headsets; USB cables; battery chargers for headsets used with cellular phones, telephones, and computers; on-line downloadable computer software for recording, organizing, transmitting, receiving, manipulating, reviewing and transcribing text, data, audio and video content for use with communications equipment, devices and accessories. FIRST USE: 20101110. FIRST USE IN COMMERCE: 20110120</p> <p>IC 042. US 100 101. G & S: Software as a service services for managing the delivery of content and services to equipment, devices and accessories for recording, organizing, transmitting, receiving, manipulating, reviewing and transcribing text, data, audio, and video content; computer services, namely, remote management of computer applications for others in connection with equipment, devices and accessories for recording, organizing, transmitting, receiving, manipulating, reviewing and transcribing text, data, audio, and video content. FIRST USE: 20101110. FIRST USE IN COMMERCE: 20110120</p>
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	85976837
Filing Date	December 2, 2010

Current Basis 1A
Original Filing Basis 1B
Published for Opposition September 20, 2011
Registration Number 4200122
Registration Date August 28, 2012
Owner (REGISTRANT) AliphCom CORPORATION CALIFORNIA 99 Rhode Island 3rd Floor San Francisco CALIFORNIA 94105
Attorney of Record Jennifer D. Arkowitz
Prior Registrations 3046856
Type of Mark TRADEMARK. SERVICE MARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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United States of America
United States Patent and Trademark Office

JAWBONE

Reg. No. 4,195,569

Registered Aug. 21, 2012

Int. Cls.: 9, 35, 42, and 45

TRADEMARK

SERVICE MARK

PRINCIPAL REGISTER

ALIPHCOM (CALIFORNIA CORPORATION), DBA JAWBONE,
99 RHODE ISLAND STREET, 3RD FLOOR
SAN FRANCISCO, CA 94103

FOR: EAR PHONES; HEADSETS FOR USE WITH CELLULAR PHONES, MOBILE PHONES, TELEPHONES OR COMPUTERS; AUDIO SPEAKERS; WIRELESS COMMUNICATION DEVICES FOR VOICE, DATA, OR IMAGE TRANSMISSION; PORTABLE AND HANDHELD DIGITAL ELECTRONIC DEVICES FOR RECORDING, ORGANIZING, TRANSMITTING, MANIPULATING, REVIEWING, AND RECEIVING TEXT, DATA, IMAGES AND AUDIO FILES; OPERATING SYSTEM PROGRAM FOR HEADSETS; PERSONAL ELECTRONIC DEVICES FOR RECORDING, ORGANIZING, TRANSMITTING, MANIPULATING, REVIEWING, AND RECEIVING TEXT, DATA, IMAGES AND AUDIO FILES; CARRYING CASES FOR TELEPHONE ACCESSORIES; USB CABLES; BATTERY CHARGERS; DOWNLOADABLE COMPUTER SOFTWARE FOR RECORDING, ORGANIZING, TRANSMITTING, RECEIVING, MANIPULATING, REVIEWING AND TRANSCRIBING TEXT, DATA, AUDIO AND VIDEO CONTENT FOR USE WITH COMMUNICATIONS EQUIPMENT, DEVICES AND ACCESSORIES, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 9-0-2004; IN COMMERCE 9-0-2004.

FOR: RETAIL STORE SERVICES FOR TELECOMMUNICATION PRODUCTS AND CONSUMER ELECTRONIC PRODUCTS, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 9-0-2004; IN COMMERCE 9-0-2004.

FOR: PROVIDING ON-LINE MANAGEMENT AND TECHNICAL SUPPORT SERVICES, NAMELY, TROUBLESHOOTING IN THE NATURE OF DIAGNOSING COMPUTER HARDWARE AND SOFTWARE PROBLEMS AND CONFIGURATION MANAGEMENT RELATING TO THE USAGE OF COMMUNICATIONS EQUIPMENT, DEVICES AND ACCESSORIES, IN CLASS 42 (U.S. CLS. 100 AND 101).

FIRST USE 9-0-2004; IN COMMERCE 9-0-2004.

FOR: INTERNET-BASED SOCIAL NETWORKING SERVICES, IN CLASS 45 (U.S. CLS. 100 AND 101).

FIRST USE 1-0-2010; IN COMMERCE 1-0-2010.



David J. Kappas

Director of the United States Patent and Trademark Office

Reg. No. 4,195,569 THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NO. 3,046,856.

SN 85-308,765, FILED 4-29-2011.

KELLY BOULTON, EXAMINING ATTORNEY



United States Patent and Trademark Office

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JAWBONE

Word Mark
Goods and Services

JAWBONE

IC 009. US 021 023 026 036 038. G & S: Ear phones; headsets for use with cellular phones, mobile phones, telephones or computers; audio speakers; wireless communication devices for voice, data, or image transmission; portable and handheld digital electronic devices for recording, organizing, transmitting, manipulating, reviewing, and receiving text, data, images and audio files; operating system program for headsets; personal electronic devices for recording, organizing, transmitting, manipulating, reviewing, and receiving text, data, images and audio files; carrying cases for telephone accessories; USB cables; battery chargers; downloadable computer software for recording, organizing, transmitting, receiving, manipulating, reviewing and transcribing text, data, audio and video content for use with communications equipment, devices and accessories. FIRST USE: 20040900. FIRST USE IN COMMERCE: 20040900

IC 035. US 100 101 102. G & S: Retail store services for telecommunication products and consumer electronic products. FIRST USE: 20040900. FIRST USE IN COMMERCE: 20040900

IC 042. US 100 101. G & S: Providing on-line management and technical support services, namely, troubleshooting in the nature of diagnosing computer hardware and software problems and configuration management relating to the usage of communications equipment, devices and accessories. FIRST USE: 20040900. FIRST USE IN COMMERCE: 20040900

IC 045. US 100 101. G & S: Internet-based social networking services. FIRST USE: 20100100. FIRST USE IN COMMERCE: 20100100

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 85308765

Filing Date April 29, 2011
Current Basis 1A
Original Filing Basis 1B
Published for Opposition September 27, 2011
Registration Number **4195569**
Registration Date August 21, 2012
Owner (REGISTRANT) AliphCom DBA Jawbone CORPORATION CALIFORNIA 99 Rhode Island Street, 3rd Floor San Francisco CALIFORNIA 94103
Attorney of Record Jennifer Arkowitz
Prior Registrations 3046856
Type of Mark TRADEMARK. SERVICE MARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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United States of America

United States Patent and Trademark Office

JAWBONE ICON

Reg. No. 4,230,932

Registered Oct. 23, 2012

Int. Cls.: 9 and 42

TRADEMARK

SERVICE MARK

PRINCIPAL REGISTER

ALIPHCOM (CALIFORNIA CORPORATION)
99 RHODE ISLAND STREET, 3RD FLOOR
SAN FRANCISCO, CA 94103

FOR: COMMUNICATION DEVICES, NAMELY, EAR PHONES, CELLULAR PHONE HEADSETS, TRANSMITTERS OF ELECTRONIC SIGNALS, TELECOMMUNICATIONS TRANSMITTERS, AUDIO TRANSMITTERS, VIDEO TRANSMITTERS, TELECOMMUNICATIONS RECEIVERS, AUDIO-VIDEO RECEIVERS, TELEPHONE RECEIVERS, NAMELY, AUDIO RECEIVERS, AND VIDEO RECEIVERS; AUDIO SPEAKERS FOR USE WITH CELLULAR AND TELEPHONE COMMUNICATION SYSTEMS; WEARABLE AUDIO DISPLAY, NAMELY, EAR PHONES AND CELLULAR PHONE HEADSETS CONTAINING AN AUDIO DISPLAY; STEREO HEADSETS FOR MOBILE PHONES AND CELLULAR PHONES; HEADSETS FOR USE WITH COMPUTERS; OPERATING SOFTWARE FOR THE CONTROL, MANAGEMENT, CONFIGURATION AND PERSONALIZATION OF FEATURES AND FUNCTIONS OF HEADSETS; USB CABLES; BATTERY CHARGERS FOR HEADSETS USED WITH CELLULAR PHONES, TELEPHONES, AND COMPUTERS; ON-LINE DOWNLOADABLE COMPUTER SOFTWARE FOR RECORDING, ORGANIZING, TRANSMITTING, RECEIVING, MANIPULATING, REVIEWING AND TRANSCRIBING TEXT, DATA, AUDIO AND VIDEO CONTENT FOR USE WITH COMMUNICATIONS EQUIPMENT, DEVICES AND ACCESSORIES, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 1-0-2010; IN COMMERCE 1-0-2010.



FOR: PROVIDING ON-LINE MANAGEMENT AND TECHNICAL SUPPORT SERVICES, NAMELY, TROUBLE SHOOTING IN THE NATURE OF DIAGNOSING PROBLEMS WITH HEADSETS, TELEPHONES, MOBILE PHONES, CELLULAR PHONES, SPEAKERS, PORTABLE AND HANDHELD DIGITAL ELECTRONIC DEVICES, AND COMPUTERS, IN CLASS 42 (U.S. CLS. 100 AND 101).

FIRST USE 1-0-2010; IN COMMERCE 1-0-2010.

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

David J. Kyfos

Director of the United States Patent and Trademark Office

OWNER OF U.S. REG. NOS. 3,046,856 AND 4,000,280.

SN 85-364,225, FILED 7-6-2011.

Reg. No. 4,230,932 SUNG IN, EXAMINING ATTORNEY



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JAWBONE ICON

Word Mark JAWBONE ICON

Goods and Services IC 009. US 021 023 026 036 038. G & S: communication devices, namely, ear phones, cellular phone headsets, transmitters of electronic signals, telecommunications transmitters, audio transmitters, video transmitters, telecommunications receivers, audio-video receivers, telephone receivers, namely, audio receivers, and video receivers; audio speakers for use with cellular and telephone communication systems; wearable audio display, namely, ear phones and cellular phone headsets containing an audio display; stereo headsets for mobile phones and cellular phones; headsets for use with computers; operating software for the control, management, configuration and personalization of features and functions of headsets; USB cables; battery chargers for headsets used with cellular phones, telephones, and computers; on-line downloadable computer software for recording, organizing, transmitting, receiving, manipulating, reviewing and transcribing text, data, audio and video content for use with communications equipment, devices and accessories. FIRST USE: 20100100. FIRST USE IN COMMERCE: 20100100

IC 042. US 100 101. G & S: Providing on-line management and technical support services, namely, trouble shooting in the nature of diagnosing problems with headsets, telephones, mobile phones, cellular phones, speakers, portable and handheld digital electronic devices, and computers. FIRST USE: 20100100. FIRST USE IN COMMERCE: 20100100

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 85364225

Filing Date July 6, 2011

Current Basis 1A

Original Filing Basis 1B

Published for Opposition January 3, 2012
Registration Number 4230932
Registration Date October 23, 2012
Owner (REGISTRANT) AliphCom CORPORATION CALIFORNIA 99 Rhode Island Street, 3rd Floor San Francisco CALIFORNIA 94103
Attorney of Record Jennifer D. Arkowitz
Prior Registrations 3046856;4000280
Type of Mark TRADEMARK. SERVICE MARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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United States of America

United States Patent and Trademark Office

JAWBONE THOUGHTS

Reg. No. 4,289,408

Registered Feb. 12, 2013

Int. Cls.: 9 and 45

TRADEMARK

SERVICE MARK

PRINCIPAL REGISTER

ALIPHCOM (CALIFORNIA CORPORATION)
99 RHODE ISLAND STREET, 3RD FLOOR
SAN FRANCISCO, CA 94103

FOR: SOFTWARE FOR THE CONTROL, MANAGEMENT, CONFIGURATION AND PERSONALIZATION OF FEATURES AND FUNCTIONS OF HEADSETS; ON-LINE DOWNLOADABLE COMPUTER SOFTWARE FOR RECORDING, ORGANIZING, TRANSMITTING, RECEIVING, MANIPULATING, REVIEWING AND TRANSCRIBING TEXT, DATA, AUDIO AND VIDEO CONTENT ON COMMUNICATIONS EQUIPMENT, DEVICES AND ACCESSORIES FOR RECORDING, ORGANIZING, TRANSMITTING, RECEIVING, MANIPULATING, REVIEWING AND TRANSCRIBING TEXT, DATA, AUDIO, AND VIDEO CONTENT, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 12-0-2010; IN COMMERCE 12-0-2010.

FOR: INTERNET-BASED SOCIAL NETWORKING SERVICES, IN CLASS 45 (U.S. CLS. 100 AND 101).

FIRST USE 12-0-2010; IN COMMERCE 12-0-2010.

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

OWNER OF U.S. REG. NO. 3,046,856.

SN 85-042,005, FILED 5-18-2010.

KATHERINE CHANG, EXAMINING ATTORNEY



Lisa Street Lee

Acting Director of the United States Patent and Trademark Office



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JAWBONE THOUGHTS

Word Mark	JAWBONE THOUGHTS
Goods and Services	IC 009. US 021 023 026 036 038. G & S: Software for the control, management, configuration and personalization of features and functions of headsets; on-line downloadable computer software for recording, organizing, transmitting, receiving, manipulating, reviewing and transcribing text, data, audio and video content on communications equipment, devices and accessories for recording, organizing, transmitting, receiving, manipulating, reviewing and transcribing text, data, audio, and video content. FIRST USE: 20101200. FIRST USE IN COMMERCE: 20101200
	IC 045. US 100 101. G & S: Internet-based social networking services. FIRST USE: 20101200. FIRST USE IN COMMERCE: 20101200
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	85042005
Filing Date	May 18, 2010
Current Basis	1A
Original Filing Basis	1B
Published for Opposition	August 9, 2011
Registration Number	4289408
Registration Date	February 12, 2013
Owner	(REGISTRANT) AliphCom CORPORATION CALIFORNIA 99 Rhode Island Street, 3rd Floor San

Francisco CALIFORNIA 94103
Attorney of Record Jennifer D. Arkowitz
Prior Registrations 3046856
Type of Mark TRADEMARK. SERVICE MARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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JAWBONE

Word Mark
Goods and Services

JAWBONE

IC 009. US 021 023 026 036 038. G & S: Portable and handheld digital electronic devices for recording, organizing, transmitting, manipulating, reviewing, and receiving text, data, images and audio files; portable and handheld digital electronic devices for recording, organizing, transmitting, manipulating, reviewing, and receiving text, data, images and audio files relating to health and wellness; personal electronic devices for recording, organizing, transmitting, manipulating, reviewing, and receiving text, data, images and audio files; personal electronic devices for recording, organizing, transmitting, manipulating, reviewing, and receiving text, data, images and audio files relating to health and wellness; computer software used for recording, organizing, transmitting, receiving, and reviewing text, data, images and audio files; computer software used for recording, organizing, transmitting, receiving, and reviewing text, data, images and audio files relating to health and wellness; ear phones; headsets for use with cellular phones, mobile phones, telephones or computers; wireless communication devices for voice, data, or image transmission; operating system program for headsets; Audio speakers; MP3 players; USB cables; battery chargers; carrying cases for the aforementioned devices. FIRST USE: 20111100. FIRST USE IN COMMERCE: 20111100

IC 042. US 100 101. G & S: Online management services for communications devices and personal electronic devices, namely, consultation in the field of computer hardware and software configuration management relating to the usage of communications devices and personal electronic devices; technical support services, namely, troubleshooting in the nature of diagnosing problems with communications devices and personal electronic devices. FIRST USE: 20111100. FIRST USE IN COMMERCE: 20111100

IC 045. US 100 101. G & S: Internet-based social networking services. FIRST USE: 20111100. FIRST USE IN COMMERCE: 20111100

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK
Serial Number 85980057
Filing Date November 2, 2011
Current Basis 1B
Original Filing Basis 1B
Published for Opposition June 12, 2012
Owner (APPLICANT) AliphCom CORPORATION CALIFORNIA 99 Rhode Island Street, 3rd Floor San Francisco CALIFORNIA 94103
Attorney of Record Jennifer D. Arkowitz
Prior Registrations 3046856;4000280
Type of Mark TRADEMARK. SERVICE MARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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