

ESTTA Tracking number: **ESTTA580242**

Filing date: **01/06/2014**

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	Cogi, Inc. formerly known as Notify, Inc.
Granted to Date of previous extension	01/05/2014
Address	920 Garden St.c/o Koenig & Associates Santa Barbara, CA 93101 UNITED STATES

Attorney information	Kurt Koenig Koenig & Associates 920 Garden St. Santa Barbara, CA 93101 UNITED STATES Kurt@incip.com Phone:805-965-4400
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**Applicant Information**

Application No	79119376	Publication date	07/09/2013
Opposition Filing Date	01/06/2014	Opposition Period Ends	01/05/2014
International Registration No.	1132881	International Registration Date	07/27/2012
Applicant	Brain Centred Training,; SociÃ©tÃ© Ã responsabilitÃ© limitÃ©e Duerfstrooss 96 LUX LUX		

**Goods/Services Affected by Opposition**

<p>Class 009. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Teaching apparatus and instruments, namely, manuals in downloadable electronic form in the nature of electronic files featuring the soccer drills and downloadable databases in the field of soccer training statistics; pre-recorded sound recording disks featuring training programs for football; pre-recorded compact disks, DVDs and other digital recording media featuring soccer drills pre-recorded compact disks, DVDs featuring recordings in the field of enhancing sports performance; educational software, namely, computer software featuring instruction in sports and soccer training and athletic performance; all the aforesaid goods to be used for sports and soccer training and performance enhancement</p>
<p>Class 041. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Educational services, namely, classes, seminars and workshop through webcams and the Internet in the field of sports, in particular, soccer, focusing in particular on the brain functioning of the participants and aiming at improving the brain organization and efficiency of these participants in relation with the practice of sport; training in the field of sports, in particular, soccer, focusing in particular on the brain functioning of the participants</p>

and aiming at improving the brain organization and efficiency of these participants in relation with the practice of sports

## Grounds for Opposition

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

U.S. Registration No.	3536106	Application Date	10/01/2007
Registration Date	11/25/2008	Foreign Priority Date	NONE
Word Mark	COGI		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 2007/09/06 First Use In Commerce: 2007/09/06 Services comprising the recording, transcription, and compilation of voice messages; Voice Message transcription services		

U.S. Application No.	86152870	Application Date	12/26/2013
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	COGI		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 0 First Use In Commerce: 0 Apparatus for broadcasting, recording, transmission or reproduction of sound or images; Application service provider (ASP) featuring dictation, transcription, and speech recognition software; Computer hardware; Computer hardware and		

computer peripheral devices; Computer hardware and software used for the control of voice controlled information and communication devices; Computer or telephonic systems and services used to capture, record and manipulate information; Computer programs for capturing, recording and manipulating sound, and data files

Class 038. First use: First Use: 0 First Use In Commerce: 0

Application service provider, namely, providing, hosting, managing, developing, and maintaining applications, software, web sites, and databases in the fields of personal productivity, wireless communication, mobile information access, and remote data management for wireless delivery of content to handheld computers, laptops and mobile electronic devices; Audio and video recording services; Audio and video teleconferencing services; Automated telephone voice message services; Broadcast communication services, namely, transmitting e-mails, faxes, text messages and telephone voice messages to designated recipients for others; Business consulting services in the field of business knowledge transfer through audio tools, namely, recording data and voice for an organization's capture and future use; Communication services; Communication services, namely, transmission of voice, audio, visual images and data by telecommunications networks, wireless communication networks, the Internet, information services networks and data networks; Communications services, namely, transmitting streamed audio and audio-visual recordings via the Internet; Computer services, namely, acting as an application service provider (ASP) in the field of knowledge management to host computer application software for the collection, editing, organizing, modifying, book marking, transmission, storage and sharing of data and information; Computer services, namely, remote and on-site management of electronic messaging systems and applications for others; Computer services, namely, the design of computer systems designed to convert speech into text and computer consultation services; Computer software; Computer software for delivery of sound files in conjunction with voice transcription; Computer software for processing digital sound and voice files; Computer software for recording, saving and transmitting voice and data; Computer software for the collection, editing, organizing, modifying, book marking, transmission, storage and sharing of data and information; Computer software for the integration of text and audio; Computer software to enable the conversion of voice to text for telephones; Computer telephony software which enables telephone activities to be performed through a computer; Computer-aided transmission of messages; Conference call transcription services; Message transcription; Cross-platform conversion of digital content into other forms of digital content; Data conversion services, namely, conversion of data, records, and communications from physical or analog to electronic or digital media and voice to text; Data transmission and reception services via telecommunication systems; Delivery of messages by electronic transmission; Digital voice signal processors; Downloadable computer software for the collection, editing, organizing, modifying, book marking, transmission, storage and sharing of data and information; Downloadable MP3 files and MP3 recordings featuring recorded conversations; Electronic and digital transmission of voice, data, images, digital signals, and messages; Electronic transmission of data and documents via computer terminals in reference to teleconferencing services; Electronic mail services; Electronic transmission of messages and data; Electronic voice messaging, namely, recording, storage transmission and broadcasting of voice messages; Electronic voice messaging, namely, the recording and subsequent transmission of voice messages by telephone; Electronic voice messaging, namely, the recording and transmission of voice messages and data; Message sending and receiving services; Providing voice communication services via the Internet; Services comprising the recording, transcription, and compilation of voice messages; Services consisting of legal transcription of data, voice and written communications; Sound recording apparatus; Telecommunication services in the nature of providing telephone features, namely, call

	<p>transcription;Telecommunication services, namely, voice and data conferencing by telephone, global computer network, and satellite transmissions;  Telecommunications and datanetworking hardware, namely, devices for transporting and aggregating voice, data, and video communications across multiple network infrastructures and communications protocols;  Telecommunications and telephone equipment, namely, hardware,software, and equipment used to conductvoice communications over a computer network;  Telecommunications services; Telecommunications services, namely, delivery of electronic, transcribed voice messages; Telecommunications services, namely, electronic transmission, retrieval andstorage of electronic mail messages, voicemail messages and facsimiles, electronic mail services, electronic telephone voice messaging services, telephone callforwarding services, and electronic mail via computer terminals, telephones, and telecommunication networks; Telecommunications services, namely, telephone andvoice messaging services; Telecommunications services, namely, transmission of searchable text from voice messages and voice data;  Telecommunications services,namely, voice messaging services that organize and search stored voice and textmessages; Teleconferencing and telecommunications consultation services; Telephone answering services, namely, receiving, receipt notification, transmission, transcription and narration of voice messages and telecommunications consultationrendered in connection therewith; Transmission of messages over electronic media; Voice mail services; Voice message transcription services; Voice pattern recognition hardware and software; Wireless communication devices for voice, data orimage transmission; Wireless voice mailservices</p>
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Attachments	77292762#TMSN.jpeg( bytes ) 86152870#TMSN.jpeg( bytes ) Notice of Opp-COGITRAINING.pdf(314838 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	/Kurt Koenig/
Name	Kurt Koenig
Date	01/06/2014

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

In the matter of Application Serial No. 79119376

For the mark: COGITRAINING

Filing Date: July 27, 2012

Publication Date: July 9, 2013

Cogi, Inc.,	)	
	)	
Opposer,	)	
	)	
v.	)	Opposition No. _____
	)	
Brain Centred Training,;	)	
Société à responsabilité limitée,	)	
Applicant.	)	
	)	

**NOTICE OF OPPOSITION**

In the matter of the application of Brain Centred Training,; Société à responsabilité limitée, a Luxembourg limited liability private company, having an address of Duerfstrooss 96, L-9647 Doncols, Luxembourg (hereinafter “Applicant”), for registration of the trademark COGITRAINING (“Applicant’s Mark”), Application Serial No. 79119376 (hereinafter “Application”) for goods set forth as *“Teaching apparatus and instruments, namely, manuals in downloadable electronic form in the nature of electronic files featuring the soccer drills and downloadable databases in the field of soccer training statistics; pre-recorded sound recording disks featuring training programs for football; pre-recorded compact disks, DVDs and other digital recording media featuring soccer drills pre-recorded compact disks, DVDs featuring recordings in the field of enhancing sports performance; educational software, namely, computer software featuring instruction in sports and soccer training and athletic performance; all the aforesaid goods to be used for sports and soccer training and performance enhancement*

in Class 9” and “*Educational services, namely, classes, seminars and workshop through webcams and the Internet in the field of sports, in particular, soccer, focusing in particular on the brain functioning of the participants and aiming at improving the brain organization and efficiency of these participants in relation with the practice of sport; training in the field of sports, in particular, soccer, focusing in particular on the brain functioning of the participants and aiming at improving the brain organization and efficiency of these participants in relation with the practice of sports*” in Class 41 filed on July 27, 2012 and published for opposition in the *Official Gazette* dated July 9, 2013, Cogi, Inc., a Delaware corporation having an address of 27 W. Anapamu Street, Suite 290, Santa Barbara, CA 93101 (hereinafter “Opposer”), believes it will be damaged by the registration of Applicant’s Mark and hereby opposes the same.

As grounds for the opposition, Opposer alleges the following:

1. Opposer, at least as early as September 6, 2007 and prior to any date of first use or any priority date upon which Applicant can rely, has continuously used, manufactured, sold, distributed, advertised and/or offered in interstate commerce services comprising the recording, transcription, and compilation of voice messages, computer programs which capture, record and manipulate sound and data files, and voice message transcription services under Opposer's mark COGI (“Opposer’s Mark”).

2. Opposer is the owner of the Trademark Reg. No. 3536106 for the mark COGI as registered for “*Services comprising the recording, transcription, and compilation of voice messages; Voice Message transcription services*”. A copy of the current status and title for Reg. No. 3536106 from TSDR is attached as Exhibit A.

3. Opposer is the owner of the Trademark App. Ser. No. 86152870 for the mark COGI in Classes 9 and 38 for “*Apparatus for broadcasting, recording, transmission or*

*reproduction of sound or images; Application service provider (ASP) featuring dictation, transcription, and speech recognition software; Computer hardware; Computer hardware and computer peripheral devices; Computer hardware and software used for the control of voice controlled information and communication devices; Computer or telephonic systems and services used to capture, record and manipulate information; Computer programs for capturing, recording and manipulating sound, and data files in Class 9” and “Application service provider, namely, providing, hosting, managing, developing, and maintaining applications, software, web sites, and databases in the fields of personal productivity, wireless communication, mobile information access, and remote data management for wireless delivery of content to handheld computers, laptops and mobile electronic devices; Audio and video recording services; Audio and video teleconferencing services; Automated telephone voice message services; Broadcast communication services, namely, transmitting e-mails, faxes, text messages and telephone voice messages to designated recipients for others; Business consulting services in the field of business knowledge transfer through audio tools, namely, recording data and voice for an organization's capture and future use; Communication services; Communication services, namely, transmission of voice, audio, visual images and data by telecommunications networks, wireless communication networks, the Internet, information services networks and data networks; Communications services, namely, transmitting streamed audio and audio-visual recordings via the Internet; Computer services, namely, acting as an application service provider (ASP) in the field of knowledge management to host computer application software for the collection, editing, organizing, modifying, book marking, transmission, storage and sharing of data and information; Computer services, namely, remote and on-site management of electronic messaging systems and applications for others; Computer services, namely, the design of*

*computer systems designed to convert speech into text and computer consultation services; Computer software; Computer software for delivery of sound files in conjunction with voice transcription; Computer software for processing digital sound and voice files; Computer software for recording, saving and transmitting voice and data; Computer software for the collection, editing, organizing, modifying, book marking, transmission, storage and sharing of data and information; Computer software for the integration of text and audio; Computer software to enable the conversion of voice to text for telephones; Computer telephony software which enables telephone activities to be performed through a computer; Computer-aided transmission of messages; Conference call transcription services; Message transcription; Cross-platform conversion of digital content into other forms of digital content; Data conversion services, namely, conversion of data, records, and communications from physical or analog to electronic or digital media and voice to text; Data transmission and reception services via telecommunication systems; Delivery of messages by electronic transmission; Digital voice signal processors; Downloadable computer software for the collection, editing, organizing, modifying, book marking, transmission, storage and sharing of data and information; Downloadable MP3 files and MP3 recordings featuring recorded conversations; Electronic and digital transmission of voice, data, images, digital signals, and messages; Electronic transmission of data and documents via computer terminals in reference to teleconferencing services; Electronic mail services; Electronic transmission of messages and data; Electronic voice messaging, namely, recording, storage transmission and broadcasting of voice messages; Electronic voice messaging, namely, the recording and subsequent transmission of voice messages by telephone; Electronic voice messaging, namely, the recording and transmission of voice messages and data; Message sending and receiving services; Providing voice*

*communication services via the Internet; Services comprising the recording, transcription, and compilation of voice messages; Services consisting of legal transcription of data, voice and written communications; Sound recording apparatus; Telecommunication services in the nature of providing telephone features, namely, call transcription; Telecommunication services, namely, voice and data conferencing by telephone, global computer network, and satellite transmissions; Telecommunications and data networking hardware, namely, devices for transporting and aggregating voice, data, and video communications across multiple network infrastructures and communications protocols; Telecommunications and telephone equipment, namely, hardware, software, and equipment used to conduct voice communications over a computer network; Telecommunications services; Telecommunications services, namely, delivery of electronic, transcribed voice messages; Telecommunications services, namely, electronic transmission, retrieval and storage of electronic mail messages, voicemail messages and facsimiles, electronic mail services, electronic telephone voice messaging services, telephone call forwarding services, and electronic mail via computer terminals, telephones, and telecommunication networks; Telecommunications services, namely, telephone and voice messaging services; Telecommunications services, namely, transmission of searchable text from voice messages and voice data; Telecommunications services, namely, voice messaging services that organize and search stored voice and text messages; Teleconferencing and telecommunications consultation services; Telephone answering services, namely, receiving, receipt notification, transmission, transcription and narration of voice messages and telecommunications consultation rendered in connection therewith; Transmission of messages over electronic media; Voice mail services; Voice message transcription services; Voice pattern recognition hardware and software; Wireless communication devices for voice, data or image transmission; Wireless voice mail*

*services in Class 38*". A copy of the current status and title for App. Ser. No. 86152870 from TSDR is attached as Exhibit B.

4. Opposer's Mark is valid and subsisting and Opposer's registration is conclusive evidence of Opposer's exclusive right to use Opposer's Mark for the goods and services listed in Reg. No. 3536106. Because Opposer's Mark is arbitrary and strong and further because Opposer has used Opposer's Mark continuously for "Services comprising the recording, transcription, and compilation of voice messages and Voice Message transcription services" since at least as early as September 6, 2007, a date which predates the filing date of the Application for Applicant's Mark, Opposer is entitled to protection of Opposer's Mark.

5. Opposer's services offered under the mark COGI have been used, manufactured, sold, distributed, advertised and/or offered continuously to the public in the United States through various channels of trade in interstate commerce in conjunction with Opposer's Mark since at least as early as September 6, 2007. By virtue of such efforts and the quality of Opposer's services offered under Opposer's Mark, the public has come to know, rely on, and recognize Opposer's Mark as a source identifier exclusively signifying Opposer and, *inter alia*, Opposer's voice message transcription services. Opposer has built a valuable reputation and goodwill in connection with the sale of its voice message transcription services and computer programs for capturing, recording and manipulating sound, and data files bearing Opposer's Mark.

6. In addition to the prior use and recognition of Opposer's Mark, Opposer's Mark is inherently distinctive. Opposer's Mark is arbitrary as applied to Voice Message transcription services and is not descriptive or suggestive of the nature or characteristic of such services.

7. On July 27, 2012, Applicant filed an application to register the trademark COGITRAINING in Classes 9, 28, and 41 for use in connection with the goods and services noted therein. Said application was assigned Serial No. 79119376 and the mark was published for opposition in the *Official Gazette* dated July 9, 2013.

8. The mark COGITRAINING, which Applicant seeks to register, so resembles Opposer's Mark in sight, sound, and meaning that use and registration by Applicant of the Applicant's Mark would be likely, when applied to goods and services which are similar to those offered by Opposer under its COGI mark, to cause confusion, mistake, or deception within the meaning of Section 2(d) of the Trademark Act, all to Opposer's damage.

9. The relevant customers and consumers of Applicant's educational software and computer software and related products and services are similar to the customers of Opposer's hardware and software goods and services.

10. If Applicant is permitted to register Applicant's Mark for the goods and services listed in Classes 9 and 41, confusion resulting in damage and injury to Opposer would likely occur. Persons familiar with Opposer's Mark would likely perceive Applicant's educational software and computer software and other similar goods and services offered by Applicant as associated or affiliated with or sponsored by Opposer. Such confusion would likely result in damage to Opposer.

WHEREFORE, Opposer believes it will be damaged if Applicant's Mark matures into a registration and requests that Application Serial No. 79119376 be denied registration on the grounds set forth herein and that this Opposition be sustained.

This Notice of Opposition is submitted with the required filing fee of \$600 to cover two classes. Class 28 is not being opposed.

Respectfully submitted,

Dated: January 6, 2014

By:

  
\_\_\_\_\_  
Kurt Koenig  
Koenig & Associates  
920 Garden Street, Suite A  
Santa Barbara, CA 93101  
Tel: 805-965-4400  
Kurt@incip.com

Attorneys for Opposer:

COGI, INC.

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**CERTIFICATE OF ELECTRONIC FILING**

I hereby certify that this correspondence is being transmitted by electronic mail to the United States Patent and Trademark Office via ESTTA with the required fees on the date identified below.

Dated: January 6, 2014

  
\_\_\_\_\_  
Kurt Koenig

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing “NOTICE OF OPPOSITION” was served on **January 6, 2014** by first-class mail, postage prepaid, to Applicant’s attorney of record, as listed on TSDR, by email to “[mws@kirschsteinlaw.com](mailto:mws@kirschsteinlaw.com)” and U.S.P.S. mail addressed as follows:

Martin W. Schiffmiller  
Kirschstein Israel Schiffmiller & Pieron  
425 Fifth Avenue, 5th Floor  
New York, NY 10016-2223  
[mws@kirschsteinlaw.com](mailto:mws@kirschsteinlaw.com)

Dated: January 6, 2014

  
\_\_\_\_\_  
Kurt Koenig

**Exhibit A**

Generated on: This page was generated by TSDR on 2014-01-06 17:00:08 EST

Mark: COGI

Cogi

US Serial Number: 77292762  
US Registration Number: 3536106  
Register: Principal  
Mark Type: Service Mark  
Application Filing Date: Oct. 01, 2007  
Registration Date: Nov. 25, 2008  
Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.  
Status Date: Nov. 25, 2008  
Publication Date: Sep. 09, 2008

## Mark Information

Mark Literal Elements: COGI  
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

## Goods and Services

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

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

For: Services comprising the recording, transcription, and compilation of voice messages; Voice Message transcription services

International Class(es): 035 - Primary Class

U.S Class(es): 100, 101, 102

Class Status: ACTIVE

Basis: 1(a)

First Use: Sep. 06, 2007

Use in Commerce: Sep. 06, 2007

## Basis Information (Case Level)

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

## Current Owner(s) Information

Owner Name: Notify, Inc.  
Owner Address: 3463 State Street, #117  
Santa Barbara, CALIFORNIA 93105  
UNITED STATES  
Legal Entity Type: CORPORATION  
State or Country Where Organized: CALIFORNIA

## Attorney/Correspondence Information

### Attorney of Record

Attorney Name: Kurt Koenig  
Attorney Primary Email Address: [kurt@incjp.com](mailto:kurt@incjp.com)  
Docket Number: 2655-101  
Attorney Email Authorized: Yes

### Correspondent

Correspondent Name/Address: Kurt Koenig  
Koenig & Associates  
PO Box 1140

Summerland, CALIFORNIA 93067  
UNITED STATES

Phone: 805-965-4400

Fax: \_

Correspondent e-mail: [kurt@incip.com](mailto:kurt@incip.com)

Correspondent e-mail Yes  
Authorized:

#### Domestic Representative

Domestic Representative Name: Kurt Koenig

Phone: 805-965-4400

Fax: \_

Domestic Representative e-mail: [kurt@incip.com](mailto:kurt@incip.com)

Domestic Representative e-mail Authorized: Yes

## Prosecution History

Date	Description	Proceeding Number
Dec. 31, 2013	POST REGISTRATION ACTION MAILED - SEC. 8 & 15	71378
Dec. 31, 2013	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	71378
Dec. 26, 2013	TEAS SECTION 8 & 15 RECEIVED	
Nov. 25, 2008	REGISTERED-PRINCIPAL REGISTER	
Sep. 09, 2008	PUBLISHED FOR OPPOSITION	
Aug. 20, 2008	NOTICE OF PUBLICATION	
Aug. 01, 2008	LAW OFFICE PUBLICATION REVIEW COMPLETED	59272
Jul. 31, 2008	ASSIGNED TO LIE	59272
Jul. 31, 2008	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jul. 08, 2008	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Jul. 07, 2008	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Jul. 07, 2008	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jul. 07, 2008	ATTORNEY REVOKED AND/OR APPOINTED	
Jul. 07, 2008	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Jan. 07, 2008	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Jan. 07, 2008	NON-FINAL ACTION E-MAILED	6325
Jan. 07, 2008	NON-FINAL ACTION WRITTEN	73362
Jan. 07, 2008	ASSIGNED TO EXAMINER	73362
Oct. 04, 2007	NEW APPLICATION ENTERED IN TRAM	

## TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: TMO LAW OFFICE 115

Date in Location: Dec. 31, 2013

**Exhibit B**

Generated on: This page was generated by TSDR on 2014-01-06 17:00:49 EST

Mark: COGI

COGI

US Serial Number: 86152870

Application Filing Date: Dec. 26, 2013

Register: Principal

Mark Type: Trademark, Service Mark

Status: New application will be assigned to an examining attorney approximately 3 months after filing date.

Status Date: Dec. 30, 2013

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## Mark Information

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Mark Literal Elements: COGI

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: 3536106

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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:** Apparatus for broadcasting, recording, transmission or reproduction of sound or images; Application service provider (ASP) featuring dictation, transcription, and speech recognition software; Computer hardware; Computer hardware and computer peripheral devices; Computer hardware and software used for the control of voice controlled information and communication devices; Computer or telephonic systems and services used to capture, record and manipulate information; Computer programs for capturing, recording and manipulating sound, and data files

International Class(es): 009 - Primary Class

U.S Class(es): 021, 023, 026, 036, 038

Class Status: ACTIVE

Basis: 1(b)

**For:** Application service provider, namely, providing, hosting, managing, developing, and maintaining applications, software, web sites, and databases in the fields of personal productivity, wireless communication, mobile information access, and remote data management for wireless delivery of content to handheld computers, laptops and mobile electronic devices; Audio and video recording services; Audio and video teleconferencing services; Automated telephone voice message services; Broadcast communication services, namely, transmitting e-mails, faxes, text messages and telephone voice messages to designated recipients for others; Business consulting services in the field of business knowledge transfer through audio tools, namely, recording data and voice for an organization's capture and future use; Communication services; Communication services, namely, transmission of voice, audio, visual images and data by telecommunication networks, wireless communication networks, the Internet, information services networks and data networks; Communications services, namely, transmitting streamed audio and audio-visual recordings via the Internet; Computer services, namely, acting as an application service provider (ASP) in the field of knowledge management to host computer application software for the collection, editing, organizing, modifying, book marking, transmission, storage and sharing of data and information; Computer services, namely, remote and on-site management of electronic messaging systems and applications for others; Computer services, namely, the design of computer systems designed to convert speech into text and computer consultation services; Computer software; Computer software for delivery of sound files in conjunction with voice transcription; Computer software for processing digital sound and voice files; Computer software for recording, saving and transmitting voice and data; Computer software for the collection, editing, organizing, modifying, book marking, transmission, storage and sharing of data and information; Computer software for the integration of text and audio; Computer software to enable the conversion of voice to text for telephones; Computer telephony software which enables telephone activities to be performed through a computer; Computer-aided transmission of messages; Conference call transcription services; Message transcription; Cross-platform conversion of digital content into other forms of digital content; Data conversion services, namely, conversion of data, records, and communications from physical or analog to electronic or digital media and voice to text; Data transmission and reception services via telecommunication systems; Delivery of messages by electronic transmission; Digital voice signal processors; Downloadable computer software for the collection, editing, organizing, modifying, book marking, transmission, storage and sharing of data and information; Downloadable MP3 files and MP3 recordings featuring recorded conversations; Electronic and digital transmission of voice, data, images, digital signals, and messages; Electronic transmission of data and documents via computer terminals in reference to teleconferencing services; Electronic mail services; Electronic transmission of messages and data; Electronic voice messaging, namely, recording, storage transmission and broadcasting of voice messages; Electronic voice messaging, namely, the recording and subsequent transmission of voice messages by telephone; Electronic voice messaging, namely, the recording and transmission of voice messages and data; Message sending and receiving services; Providing voice communication services via the Internet; Services comprising the recording, transcription, and compilation of voice messages; Services consisting of legal transcription of data, voice and written communications; Sound recording apparatus; Telecommunication services in the nature of providing telephone features, namely, call transcription; Telecommunication services, namely, voice and data conferencing by telephone, global computer network, and satellite transmissions; Telecommunications and data networking hardware, namely, devices for transporting and aggregating voice, data, and video communications across multiple network infrastructures and

communications protocols; Telecommunications and telephone equipment, namely, hardware, software, and equipment used to conduct voice communications over a computer network; Telecommunications services; Telecommunications services, namely, delivery of electronic, transcribed voice messages; Telecommunications services, namely, electronic transmission, retrieval and storage of electronic mail messages, voicemail messages and facsimiles, electronic mail services, electronic telephone voice messaging services, telephone call forwarding services, and electronic mail via computer terminals, telephones, and telecommunication networks; Telecommunications services, namely, telephone and voice messaging services; Telecommunications services, namely, transmission of searchable text from voice messages and voice data; Telecommunications services, namely, voice messaging services that organize and search stored voice and text messages; Teleconferencing and telecommunications consultation services; Telephone answering services, namely, receiving, receipt notification, transmission, transcription and narration of voice messages and telecommunications consultation rendered in connection therewith; Transmission of messages over electronic media; Voice mail services; Voice message transcription services; Voice pattern recognition hardware and software; Wireless communication devices for voice, data or image transmission; Wireless voice mail services

**International Class(es):** 038 - Primary Class

**U.S Class(es):** 100, 101, 104

**Class Status:** ACTIVE

**Basis:** 1(b)

## Basis Information (Case Level)

**Filed Use:** No

**Currently Use:** No

**Amended Use:** No

**Filed ITU:** Yes

**Currently ITU:** Yes

**Amended ITU:** No

**Filed 44D:** No

**Currently 44D:** No

**Amended 44D:** No

**Filed 44E:** No

**Currently 44E:** No

**Amended 44E:** No

**Filed 66A:** No

**Currently 66A:** No

**Filed No Basis:** No

**Currently No Basis:** No

## Current Owner(s) Information

**Owner Name:** Cogi, Inc.

**Owner Address:** c/o Koenig & Associates  
920 Garden St.  
Santa Barbara, CALIFORNIA 93101  
UNITED STATES

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** DELAWARE

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Kurt Koenig

**Docket Number:** 2655-102

**Attorney Primary Email Address:** [Kurt@incip.com](mailto:Kurt@incip.com)

**Attorney Email Authorized:** Yes

### Correspondent

**Correspondent Name/Address:** KURT KOENIG  
KOENIG & ASSOCIATES  
PO BOX 1140  
SUMMERLAND, CALIFORNIA 93067  
UNITED STATES

**Phone:** 805-965-4400

**Correspondent e-mail:** [Kurt@incip.com](mailto:Kurt@incip.com)

**Correspondent e-mail Authorized:** Yes

### Domestic Representative

**Domestic Representative Name:** Kurt Koenig

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**Domestic Representative e-mail Authorized:** Yes

## Prosecution History

Date	Description	Proceeding Number
Dec. 30, 2013	NEW APPLICATION ENTERED IN TRAM	

## TM Staff and Location Information

### TM Staff Information - None

#### File Location

**Current Location:** NEW APPLICATION PROCESSING

**Date in Location:** Dec. 30, 2013