

ESTTA Tracking number: **ESTTA586427**

Filing date: **02/10/2014**

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	Apple Inc.
Granted to Date of previous extension	02/09/2014
Address	1 Infinite Loop Cupertino, CA 95014 UNITED STATES

Attorney information	Joseph Petersen Kilpatrick Townsend & Stockton LLP 1114 Avenue of the Americas, 21st Fl. New York, NY 10036 UNITED STATES JPetersen@kiltown.com, ARoach@kiltown.com, agarcia@kiltown.com, NYTrademarks@ktslaw.com, tmadmin@ktslaw.com Phone:212-775-8700
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Applicant Information

Application No	85866375	Publication date	08/13/2013
Opposition Filing Date	02/10/2014	Opposition Period Ends	02/09/2014
Applicant	Hasan, Syed Ali 650 Page Mill Road Palo Alto, CA 94304 USX		

Goods/Services Affected by Opposition

Class 042. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Computer software development in the field of mobile applications for ordering food from restaurants and medicines from pharmacies, purchasing event tickets, and booking appointments for services; Providing a website featuring technology that enables users to download applications for ordering food from restaurants and medicine from pharmacies, purchasing event tickets, and booking appointments for services; Software as a service (SAAS) services featuring software for ordering food from restaurants and medicines from pharmacies, purchasing event tickets, and booking appointments for services; Software as a service (SAAS) services, namely, hosting software for use by others as an internet and mobile application platform for ordering food from restaurants and medicines from pharmacies, purchasing event tickets, and booking appointments for services

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.	3884408	Application Date	12/04/2009
Registration Date	11/30/2010	Foreign Priority Date	NONE
Word Mark	THERE'S AN APP FOR THAT		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 035. First use: First Use: 2009/01/26 First Use In Commerce: 2009/01/26 Retail store services featuring computer software provided via the Internet and other computer and electronic communication networks; retail store services featuring computer software for use on handheld mobile digital electronic devices and other consumer electronics</p> <p>Class 042. First use: First Use: 2009/01/26 First Use In Commerce: 2009/01/26 Maintenance and updating of computer software; providing information concerning computer software via the Internet and other computer and electronic communication networks; providing search engines for obtaining data via communications networks; providing temporary use of computer software and online facilities to enable users to access and download computer software; providing online non-downloadable computer software that generates customized recommendations of software applications based on user preferences</p>		

U.S. Registration No.	4091498	Application Date	12/04/2009
Registration Date	01/24/2012	Foreign Priority Date	NONE
Word Mark	THERE'S AN APP FOR THAT		
Design Mark			
Description of	NONE		

Mark	
Goods/Services	<p>Class 009. First use: First Use: 2009/01/26 First Use In Commerce: 2009/01/26 Handheld mobile digital electronic devices for the sending and receiving of telephone calls, electronic mail, and other digital data, for use as a digital format audio player, and for use as a handheld computer, personal digital assistant, electronic organizer, electronic notepad, and camera; computer gaming machines, videophones, prerecorded computer programs for personal information management, database management software, electronic mail and messaging software, database synchronization software, computer programs for accessing, browsing and searching online databases, computer software and firmware, namely, operating system programs, data synchronization programs, and application development computer software programs for personal and handheld computers; software for the redirection of messages, Internet e-mail, and/or other data to one or more electronic handheld services from a data store on or associated with personal computer or a server; software for the synchronization of data between a remote station or device and a fixed or remote station or device</p> <p>Class 038. First use: First Use: 2009/01/26 First Use In Commerce: 2009/01/26 Telecommunication services, namely, electronic transmission of computer software via the Internet and other computer and electronic communication networks; provision of connectivity services and access to electronic communications networks for transmission or reception of computer software</p>

Attachments	77980556#TMSN.jpeg(bytes) 77886754#TMSN.jpeg(bytes) 2014-2-10 Notice of Opposition - IT_S AN APP FOR THAT - Syed Ali Hasan (2).pdf(157617 bytes) EXHIBIT A-C (Apple v. Syed Ali Hasan).pdf(891609 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	/Joseph Petersen/
Name	Joseph Petersen
Date	02/10/2014

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

In the Matter of Application Serial No. **85/866,375**
For the mark: **IT’S AN APP FOR THAT**
Filed: March 4, 2013
Published: August 13, 2013¹

-----X	:	
APPLE INC.,	:	
	:	Opposition No.
Opposer,	:	
	:	
v.	:	<u>NOTICE OF OPPOSITION</u>
	:	
SYED ALI HASAN,	:	
	:	
Applicant.	:	
-----X	:	

APPLE INC. (“Opposer” or “Apple”), a corporation organized and existing under the laws of California with a principal place of business at 1 Infinite Loop, Cupertino, California 95014, believes that it will be damaged by the registration of IT’S AN APP FOR THAT shown in U.S. intent-to-use Application Serial No. 85/866,375 for services in international class 42 (the “Application”) filed by Syed Ali Hasan (“Applicant”), and hereby opposes the same.

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

Opposer’s Prior Rights.

1. Opposer is the world-famous designer, manufacturer, and distributor of a wide variety of goods and services, and Opposer’s APPLE brand is one of the best-known brands in the world. Opposer designs, manufactures, and/or markets in interstate and international

¹ Pursuant to Opposer’s timely filed requests to extend time to oppose and subsequent grant by the Trademark Trial & Appeal Board, Opposer’s deadline to file an opposition is February 9, 2014, effective Monday, February 10, 2014.

commerce, among many other things, personal computers, mobile communication and media devices, as well as related accessories, software, and third party digital content and software applications. These products include the phenomenally successful and now iconic iPhone®, iPod®, and iPad® mobile devices.

2. In keeping with Opposer's storied tradition of developing and marketing groundbreaking, highly innovative products, on July 11, 2008 Opposer launched its APP STORESM software download service. Opposer's APP STORE service allows customers to discover and download a broad array of software for mobile devices, including games, business, educational, finance, news, sports, productivity, social networking, health, reference, travel, and utility software.

3. Since its introduction, Opposer's APP STORE service has achieved a level of commercial success that is virtually unprecedented. To date there have been more than 60 billion software downloads through the APP STORE service, and the service now offers more than one million software programs for download.

4. Opposer spends hundreds of millions of dollars each year to advertise and promote its APP STORE service and Opposer's line of compatible devices, namely Opposer's iPhone, iPod and iPad mobile devices. In connection with such efforts, and at least as early as January 2009, Opposer has used the mark THERE'S AN APP FOR THAT ("Opposer's THERE'S AN APP FOR THAT Mark") to promote Opposer's APP STORE services and Opposer's iPhone, iPod and iPad mobile devices.

5. Opposer has promoted Opposer's THERE'S AN APP FOR THAT Mark extensively online and in television advertisements airing on all major broadcast networks, not only achieving critical acclaim for the advertising campaign but also securing Opposer's

THERE’S AN APP FOR THAT Mark’s status as a household phrase that has achieved an extraordinary level of fame and cultural cache. In 2010, Opposer’s advertising campaign featuring THERE’S AN APP FOR THAT was awarded Effie Worldwide’s Gold Effie award for advertising in consumer electronics. Attached as **Exhibit A** is a true and correct copy of a print-out from Effie Worldwide’s website regarding Opposer’s 2010 award. In addition, THERE’S AN APP FOR THAT was named number three in the top ten quotations of 2009 as released by the editor of *The Yale Book of Quotations*. Attached as **Exhibit B** are true and correct copies of a December 17, 2009 article from the *Chicago Tribune* and a December 30, 2009 transcript from National Public Radio’s “All Things Considered,” both reporting on the editor of *The Yale Book of Quotations*’s selection of the top quotes of 2009.

6. As a result of Opposer’s extensive advertising, promotion, and use of Opposer’s THERE’S AN APP FOR THAT Mark in connection with a variety of goods and services, Opposer’s THERE’S AN APP FOR THAT Mark has acquired enormous goodwill, has come to be identified immediately with Opposer as the source of goods and services, and is a famous mark under the Lanham Act, specifically 15 U.S.C. § 1125 *et seq.*

7. Opposer owns two United States registrations on the Principal Register for the THERE’S AN APP FOR THAT Mark:

TRADEMARK	REG. NO.	APP. DATE / REG. DATE	GOODS/SERVICES (FIRST USE)
THERE’S AN APP FOR THAT	3,884,408	Dec. 4, 2009 / Nov. 30, 2010	Class 35: Retail store services featuring computer software provided via the Internet and other computer and electronic communication networks; retail store services featuring computer software for use on handheld mobile digital electronic devices and other consumer electronics. (Jan. 26, 2009) Class 42: Maintenance and updating of computer software; providing information concerning computer

TRADEMARK	REG. NO.	APP. DATE / REG. DATE	GOODS/SERVICES (FIRST USE)
			software via the Internet and other computer and electronic communication networks; providing search engines for obtaining data via communications networks; providing temporary use of computer software and online facilities to enable users to access and download computer software; providing online non-downloadable computer software that generates customized recommendations of software applications based on user preferences. (Jan. 26, 2009)
THERE'S AN APP FOR THAT	4,091,498	Dec. 4, 2009 / Jan. 24, 2012	<p>Class 9: Handheld mobile digital electronic devices for the sending and receiving of telephone calls, electronic mail, and other digital data, for use as a digital format audio player, and for use as a handheld computer, personal digital assistant, electronic organizer, electronic notepad, and camera; computer gaming machines, videophones, prerecorded computer programs for personal information management, database management software, electronic mail and messaging software, database synchronization software, computer programs for accessing, browsing and searching online databases, computer software and firmware, namely, operating system programs, data synchronization programs, and application development computer software programs for personal and handheld computers; software for the redirection of messages, Internet e-mail, and/or other data to one or more electronic handheld services from a data store on or associated with personal computer or a server; software for the synchronization of data between a remote station or device and a fixed or remote station or device. (Jan. 26, 2009)</p> <p>Class 38: Telecommunication services, namely, electronic transmission of computer software via the Internet and other computer and electronic communication networks; provision of</p>

TRADEMARK	REG. NO.	APP. DATE / REG. DATE	GOODS/SERVICES (FIRST USE)
			connectivity services and access to electronic communications networks for transmission or reception of computer software. (Jan. 26, 2009)

8. The above-identified registrations are valid and in full force and effect. Copies of the registration certificates and print-outs from the United States Patent and Trademark Office online database for the above-identified registrations are annexed as **Exhibit C**.

Opposer Will Be Harmed If IT’S AN APP FOR THAT Registers.

9. On information and belief, Applicant is a U.S. citizen with a mailing address of 650 Page Mill Road, 2nd Floor, Palo Alto, California 94304 USA.

10. On March 4, 2013, notwithstanding Opposer’s prior rights, and well after Opposer’s THERE’S AN APP FOR THAT Mark became famous, Applicant filed his application to register IT’S AN APP FOR THAT (Serial No. 85/866,375) for “Computer software development in the field of mobile applications for ordering food from restaurants and medicines from pharmacies, purchasing event tickets, and booking appointments for services; Providing a website featuring technology that enables users to download applications for ordering food from restaurants and medicine from pharmacies, purchasing event tickets, and booking appointments for services; Software as a service (SAAS) services featuring software for ordering food from restaurants and medicines from pharmacies, purchasing event tickets, and booking appointments for services; Software as a service (SAAS) services, namely, hosting software for use by others as an internet and mobile application platform for ordering food from restaurants and medicines from pharmacies, purchasing event tickets, and booking appointments for services” in international class 42 (the “Applicant’s Services”).

11. The Application was published in the Official Gazette (Trademarks) of the United States Patent and Trademark Office on August 13, 2013. This Opposition is timely pursuant to the U.S. Trademark Trial & Appeal Board's December 11, 2013 order extending Opposer's time to institute an opposition until February 9, 2014 (effective Monday, February 10, 2014).

12. There is no issue as to priority. Opposer began using Opposer's THERE'S AN APP FOR THAT Mark in commerce at least as early as January 2009, well prior to the March 4, 2013 filing date of Applicant's intent-to-use application.

13. Applicant's IT'S AN APP FOR THAT mark is nearly identical to Opposer's THERE'S AN APP FOR THAT Mark in sight, sound, and meaning.

14. Specifically, Applicant's mark and Opposer's mark share the identical phrase "AN APP FOR THAT."

15. Applicant's replacement of one pronoun contraction ("THERE'S") for another ("IT'S") does not have a significant effect on the phrase's meaning: both marks suggest the existence of "AN APP FOR THAT." Moreover, the substitution of one word in a five-word phrase with another similar word with an identical ending is insufficient to distinguish the marks in appearance, sound, connotation, or commercial impression.

16. Consumers encountering Applicant's mark, particularly in connection with Applicant's Services, are likely to associate the mark with Opposer.

17. Applicant's Services as described in the Application are the same, similar, or complementary and related to the goods and services marketed by Opposer under its THERE'S AN APP FOR THAT Mark.

18. For example, Applicant's Services and Opposer's cited registrations cover goods and/or services related to mobile application software development and providing online services that enable users to access and download computer software.

19. Applicant's Services are the type of services that consumers would expect either (a) are offered by Opposer or (b) are authorized or licensed by Opposer.

20. On information and belief, Applicant selected its mark in bad faith, with the intention of calling Opposer to consumers' minds and trading on the goodwill of Opposer and Opposer's THERE'S AN APP FOR THAT Mark.

21. Opposer will be damaged by the registration of Applicant's Mark because Applicant's Mark so closely resembles Opposer's THERE'S AN APP FOR THAT Mark as to be likely to cause confusion, mistake, or deception in the minds of consumers as to the origin, source, ownership, or sponsorship of Applicant's Services or the affiliation between Applicant and Opposer in violation of 15 U.S.C. §§1052(d), 1114(1), 1125(a), particularly in view of the closely related nature of the goods and services offered by the parties. Furthermore, any objection complained of in connection with Applicant's Services marketed under Applicant's Mark would likely reflect negatively upon, tarnish, and seriously injure the reputation that Opposer has established for its goods and services. This confusion is likely to result in loss of revenues to Opposer and damage to its reputation.

22. If Applicant were allowed to register his IT'S AN APP FOR THAT Mark in connection with the services as set forth in the Application, it may disparage or falsely suggest a connection with Opposer in violation of 15 U.S.C. §1052(a).

23. Given Opposer's considerable reputation, registration of Applicant's Mark is likely to cause dilution of the distinctiveness of Opposer's THERE'S AN APP FOR THAT Mark

by eroding consumers' exclusive identification of Opposer's THERE'S AN APP FOR THAT Mark with Opposer, and otherwise lessening the capacity of Opposer's THERE'S AN APP FOR THAT Mark to identify and distinguish the goods and services of Opposer, in violation of Section 43(C)(1) of the Lanham Act, 15 U.S.C. § 1125(c)(1). Accordingly, Opposer will be irreparably damaged by registration of Applicant's IT'S AN APP FOR THAT mark.

24. Specifically, Applicant's IT'S AN APP FOR THAT mark is likely to cause dilution by blurring based on a number of relevant considerations, including, without limitation:

(a) Applicant's IT'S AN APP FOR THAT mark is highly similar to Opposer's THERE'S AN APP FOR THAT Mark in that Applicant's mark merely replaces the initial term "THERE'S" with the highly similar term "IT'S";

(b) Opposer's THERE'S AN APP FOR THAT Mark is inherently distinctive and also had acquired distinctiveness prior to Applicant's filing date due to Opposer's extensive use and promotion;

(c) Opposer has substantially and exclusively used Opposer's THERE'S AN APP FOR THAT Mark in connection with Opposer's goods and services;

(d) Opposer's THERE'S AN APP FOR THAT Mark is widely recognized by the general consuming public and has been so long prior to Applicant's filing date; and

(e) On information and belief, by using Applicant's IT'S AN APP FOR THAT mark, Applicant intends to create an association with Opposer's THERE'S AN APP FOR THAT Mark.

25. If Applicant is granted the registration herein opposed, it would thereby obtain a *prima facie* exclusive right to the use of Applicant's mark in connection with Applicant's Services. Such registration would be a source of damage and injury to Opposer.

WHEREFORE, Opposer requests that this opposition be sustained and that the registration of Application Serial No. 85/866,375 in connection with the Applicant's Services be denied.

The opposition fee in the amount of \$300.00 for an opposition in one class is filed herewith. If for any reason this amount is insufficient, it is requested that Opposer's attorneys' Deposit Account No. 20-1430 be charged with any deficiency. This paper is filed electronically.

Dated: Atlanta, Georgia
February 10, 2014

Respectfully submitted,

**KILPATRICK TOWNSEND &
STOCKTON LLP**

By: /s/Joseph Petersen

Joseph Petersen

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Attorneys for Opposer Apple Inc.

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

In the Matter of Application Serial No. **85/866,375**
For the mark: **IT'S AN APP FOR THAT**
Filed: March 4, 2013
Published: August 13, 2013

-----X	:	
APPLE INC.,	:	
	:	Opposition No.
Opposer,	:	
	:	
v.	:	
	:	
SYED ALI HASAN,	:	
	:	
Applicant.	:	
-----X	:	

CERTIFICATE OF TRANSMITTAL

I hereby certify that a true copy of the foregoing NOTICE OF OPPOSITION is being filed electronically with the TTAB via ESTTA on this day, February 10, 2014.

_____/s/Alberto Garcia

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing NOTICE OF OPPOSITION has been served on Applicant by depositing said copy with the United States Postal Service as First Class Mail, postage prepaid, in envelopes addressed to:

Omair M. Farooqui
Ellahie & Farooqui LLP
12 S. 1st Street, Suite 600
San Jose, California 95113-2404

This the 10th day of February, 2014.

_____/s/Alberto Garcia

EXHIBIT A



SEARCH
WINNER SEARCH
WINNER
CATEGORY

YEAR ENTER A KEYWORD GO



2010 GOLD 2010 GOLD
CONSUMER ELECTRONICS CONSUMER ELECTRONICS

'THERE'S AN APP FOR THAT.'

APPLE, APPLE

TBWA\MEDIA ARTS LAB

- James Vincent, President
- Duncan Milner, Chief Creative Officer
- Eric Grunbaum, Executive Creative Director
- Elena Hale, Executive Strategy Director
- Darcie Shively, Planning Director
- Jordan Vadnais, Senior Planning
- Alain Briere, Creative Director
- Alicia Dotter, Associate Creative Director
- Krista Wicklund, Senior Copywriter
- Stephanie Chen, Account Supervisor

OMD

When Apple's App Store launched, the concept of a mobile app hardly existed. Our challenge was to help people understand apps as powerful and useful tools, that would change the way they think of a phone. But many of the first, most prominent apps were frivolous novelties. By curating a useful app experience, "one app at a time" and using media to recommend apps to specific audiences, we were able to show that no matter who you are or what you need to do, "There's an App for That".

VIDEOS**VIDEOS**

To view the videos for this campaign click [here](#).

[View Videos](#)

IMAGES**IMAGES**

To see a slide show of images for this campaign click [here](#).

[View Slideshow](#)

EXHIBIT B



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No lie!

Yale researcher releases his 4th annual list

December 17, 2009

Fred Shapiro, associate librarian and lecturer in legal research at Yale [Law](#) School, has released his fourth annual list of The Yale Book of Quotations. Here are this year's Top 10:

1. "KEEP YOUR GOVERNMENT HANDS OFF MY MEDICARE."

Speaker at [health care reform](#) town hall meeting in Simpsonville, S.C., commenting on the government-created [Medicare](#) program; quoted by The Washington Post on July 28.

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This election is about our future. Help change the world again.

www.BarackObama.com

[2012 Economic Meltdown?](#)

Renowned economist issues urgent 'Aftershock' warning.

www.newsmax.com

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September 12, 2010

[Blog: Kanye West is year's biggest fail-er](#)

December 11, 2009

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2. "WE'RE GOING TO BE IN THE HUDSON."

Capt. Chesley "Sully" Sullenberger, responding to air traffic controllers asking on which runway he preferred to land US Airways Flight 1549 on Jan. 15 before he landed in the Hudson River.

3. "THERE'S AN APP FOR THAT."

Apple's advertising slogan for the iPhone.

4. "YOU LIE!"

S.C. Rep. Joe Wilson's exclamation during President Barack Obama's address before a joint session of Congress on Sept. 9.

5. "THE CAMBRIDGE POLICE ACTED STUPIDLY."

Obama, commenting on a white police officer's arrest of black scholar Henry Louis Gates Jr. at his home in Cambridge, Mass.; at a news conference July 22.

6. "I'M GOING TO LET YOU FINISH, BUT BEYONCE HAD ONE OF THE BEST VIDEOS OF ALL TIME! ONE OF THE BEST VIDEOS OF ALL TIME!"

Rapper Kanye West, interrupting singer Taylor Swift's acceptance speech at the Video Music Awards on Sept. 13.

7. "UM, YOU GUYS SAID MTV THAT WE, UM, DID THIS FOR THE SHOW."

Falcon Heene, during an [interview](#) on CNN about his parents' balloon hoax on Oct. 15.

8. "THE AMERICA I KNOW AND LOVE IS NOT ONE IN WHICH MY PARENTS OR MY BABY WITH DOWN SYNDROME WILL HAVE TO STAND IN FRONT OF OBAMA'S 'DEATH PANEL.'"

Former Alaska Gov. Sarah Palin, posting on her Facebook page on Aug. 7.

9. "THE GOVERNOR IS HIKING THE APPALACHIAN TRAIL."



Spokesman for South Carolina Gov. Mark Sanford regarding Sanford's disappearance on June 22.

10. "YOU GIVE ME A WATER BOARD, DICK CHENEY AND ONE HOUR, AND I'LL HAVE HIM CONFESS TO THE SHARON TATE MURDERS."

Former Minnesota Gov. Jesse Ventura, during a CNN interview May 11.

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'You Lie,' 'Hands Off' Among Year's Top Quotes

December 30, 2009

text size **A A A**

The quotes of current times are not great rhetorical speeches, but outbursts and clever remarks. This year's No. 1 quote, as selected by the *The Yale Book of Quotations*: "Keep your government hands off my Medicare," uttered by an anonymous attendee at a town hall health care meeting in South Carolina.

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ROBERT SIEGEL, host:

Here's a dubious corollary to that dubious Chinese curse about living in interesting times. It's a curse to live in times when people say really notable, historically interesting things. I mean, after all, all those great quotations from Napoleon and Lincoln and Churchill and FDR were uttered in times of war or economic devastation.

So if memorable rhetoric is the offspring of distress, then 2009 should be pretty rich in catchy quotations. We've had wars, we've had a recession, we've had immensely contentious politics in Washington. So, it's with great expectations that we turn now to Fred Shapiro, editor of "The Yale Book of Quotations." Welcome to the program.

Mr. FRED SHAPIRO (Editor, "The Yale Book of Quotations"): Thank you.

SIEGEL: And we should explain that in addition to your - being associate librarian and lecturer in legal research at Yale Law School, you annually survey the year in quotations.

Mr. SHAPIRO: Yes, it's a way of updating "The Yale Book of Quotations," and amassing material that can be added to the next edition.

SIEGEL: One very famous quotation - or infamous quotation, I guess, was the interruption of President Obama during his speech to the Joint Session of Congress: You lie.

Mr. SHAPIRO: That was number four on the list. That epitomized the times, I think, in that it was a poster child for incivility in political discourse - reflected the polarization that seemed to dominate the year.

SIEGEL: You lie is in fourth place. What's in third?

Mr. SHAPIRO: Third place, a less controversial quote - there's an app for that, Apple's advertising slogan for the iPhone.

SIEGEL: Now, we're up to the silver medal for the year in quotations. What's the second biggest one, you think?

Mr. SHAPIRO: Well, this one was actually a positive, inspiring quote. We're going to be in the Hudson, Captain Sully Sullenberger's response to air traffic controllers asking him which runway he preferred to land in.

SIEGEL: So, we've got a statement of incivility, a statement of commercial language, and a statement of courage. And the number one quotation, what does it express?

Mr. SHAPIRO: OK, time for the drum roll.

(Soundbite of laughter)

Mr. SHAPIRO: The number one quote of the year: Keep your government hands off my Medicare. An anonymous speaker at a health-care-reform town hall meeting in Simpsonville, South Carolina, said this to congressman Bob Inglis, a Republican congressman who answered him by saying that Medicare is entirely created by the government.

SIEGEL: Yes, there's the catch □

(Soundbite of laughter)

SIEGEL: □about Medicare.

Mr. SHAPIRO: And I think what this represents is the extremism, or the confusion, of our political times.

SIEGEL: Are there any quotations on your list that are - sort of the traditionally, carefully wrought, well-shaped, little bits of rhetoric that we might have expected from a John F. Kennedy or a Churchill.

Mr. SHAPIRO: In a word, no.

SIEGEL: No. I see.

(Soundbite of laughter)

Mr. SHAPIRO: I mean, I have to say, having really studied this, there are no Shakespeares or Lincolns out there, that the kinds of quotes we get nowadays are entirely different in nature. You know, maybe there are eloquent, inspiring quotes out there, but it would just take a while for us to realize it.

SIEGEL: But it isn't for lack of politicians giving set-piece speeches and trying to sum up their ideas very eloquently. That's a very common event.

Mr. SHAPIRO: Well, it is a common event - although, I guess, one surprise of the year was that Barack Obama - a very intelligent, eloquent person - in his speeches did not really try for the rhetorical heights. He really, I think, made a conscious decision to go for substance rather than style. And I don't believe that were any future famous lines coming out of his inaugural address.

SIEGEL: Well, thanks a lot for talking with us about it. Fred Shapiro, editor of "The Yale Book of Quotations," on the quotations of the year. Thanks a lot.

Mr. SHAPIRO: Thank you.

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EXHIBIT C

United States of America

United States Patent and Trademark Office

THERE'S AN APP FOR THAT

Reg. No. 3,884,408

Registered Nov. 30, 2010

Int. Cls.: 35 and 42

SERVICE MARK

PRINCIPAL REGISTER

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

FOR: RETAIL STORE SERVICES FEATURING COMPUTER SOFTWARE PROVIDED VIA THE INTERNET AND OTHER COMPUTER AND ELECTRONIC COMMUNICATION NETWORKS; RETAIL STORE SERVICES FEATURING COMPUTER SOFTWARE FOR USE ON HANDHELD MOBILE DIGITAL ELECTRONIC DEVICES AND OTHER CONSUMER ELECTRONICS, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 1-26-2009; IN COMMERCE 1-26-2009.

FOR: MAINTENANCE AND UPDATING OF COMPUTER SOFTWARE; PROVIDING INFORMATION CONCERNING COMPUTER SOFTWARE VIA THE INTERNET AND OTHER COMPUTER AND ELECTRONIC COMMUNICATION NETWORKS; PROVIDING SEARCH ENGINES FOR OBTAINING DATA VIA COMMUNICATIONS NETWORKS; PROVIDING TEMPORARY USE OF COMPUTER SOFTWARE AND ONLINE FACILITIES TO ENABLE USERS TO ACCESS AND DOWNLOAD COMPUTER SOFTWARE; PROVIDING ONLINE NON-DOWNLOADABLE COMPUTER SOFTWARE THAT GENERATES CUSTOMIZED RECOMMENDATIONS OF SOFTWARE APPLICATIONS BASED ON USER PREFERENCES, IN CLASS 42 (U.S. CLS. 100 AND 101).

FIRST USE 1-26-2009; IN COMMERCE 1-26-2009.

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

SN 77-980,556, FILED 12-4-2009.

DAVID MURRAY, EXAMINING ATTORNEY



David J. Kyros

Director of the United States Patent and Trademark Office



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Word Mark	THERE'S AN APP FOR THAT
Goods and Services	<p>IC 035. US 100 101 102. G & S: Retail store services featuring computer software provided via the Internet and other computer and electronic communication networks; retail store services featuring computer software for use on handheld mobile digital electronic devices and other consumer electronics. FIRST USE: 20090126. FIRST USE IN COMMERCE: 20090126</p> <p>IC 042. US 100 101. G & S: Maintenance and updating of computer software; providing information concerning computer software via the Internet and other computer and electronic communication networks; providing search engines for obtaining data via communications networks; providing temporary use of computer software and online facilities to enable users to access and download computer software; providing online non-downloadable computer software that generates customized recommendations of software applications based on user preferences. FIRST USE: 20090126. FIRST USE IN COMMERCE:</p>

20090126

**Standard
Characters
Claimed****Mark****Drawing
Code** (4) STANDARD CHARACTER MARK**Trademark
Search
Facility
Classification
Code** LETS-2 APP Two letters or combinations of multiples of two letters
NOTATION-SYMBOLS Notation Symbols such as Non-Latin
characters,punctuation and mathematical signs,zodiac signs,prescription
marks

SHAPES-MISC Miscellaneous shaped designs

**Serial
Number** 77980556**Filing Date** December 4, 2009**Current
Basis** 1A**Original
Filing Basis** 1B**Published for
Opposition** March 30, 2010**Registration
Number** **3884408****International
Registration
Number** 1043881**Registration
Date** November 30, 2010**Owner** (REGISTRANT) Apple Inc. CORPORATION CALIFORNIA 1 Infinite
Loop Cupertino CALIFORNIA 95014**Attorney of
Record** Lisa G. Widup**Type of Mark** SERVICE MARK**Register** PRINCIPAL**Live/Dead
Indicator** LIVE

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Reg. No. 4,091,498

Registered Jan. 24, 2012

Int. Cls.: 9 and 38

TRADEMARK

SERVICE MARK

PRINCIPAL REGISTER

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

FOR: HANDHELD MOBILE DIGITAL ELECTRONIC DEVICES FOR THE SENDING AND RECEIVING OF TELEPHONE CALLS, ELECTRONIC MAIL, AND OTHER DIGITAL DATA, FOR USE AS A DIGITAL FORMAT AUDIO PLAYER, AND FOR USE AS A HANDHELD COMPUTER, PERSONAL DIGITAL ASSISTANT, ELECTRONIC ORGANIZER, ELECTRONIC NOTEPAD, AND CAMERA; COMPUTER GAMING MACHINES, VIDEOPHONES, PRERECORDED COMPUTER PROGRAMS FOR PERSONAL INFORMATION MANAGEMENT, DATABASE MANAGEMENT SOFTWARE, ELECTRONIC MAIL AND MESSAGING SOFTWARE, DATABASE SYNCHRONIZATION SOFTWARE, COMPUTER PROGRAMS FOR ACCESSING, BROWSING AND SEARCHING ONLINE DATABASES, COMPUTER SOFTWARE AND FIRMWARE, NAMELY, OPERATING SYSTEM PROGRAMS, DATA SYNCHRONIZATION PROGRAMS, AND APPLICATION DEVELOPMENT COMPUTER SOFTWARE PROGRAMS FOR PERSONAL AND HANDHELD COMPUTERS; SOFTWARE FOR THE REDIRECTION OF MESSAGES, INTERNET E-MAIL, AND/OR OTHER DATA TO ONE OR MORE ELECTRONIC HANDHELD SERVICES FROM A DATA STORE ON OR ASSOCIATED WITH PERSONAL COMPUTER OR A SERVER; SOFTWARE FOR THE SYNCHRONIZATION OF DATA BETWEEN A REMOTE STATION OR DEVICE AND A FIXED OR REMOTE STATION OR DEVICE, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 1-26-2009; IN COMMERCE 1-26-2009.



FOR: TELECOMMUNICATION SERVICES, NAMELY, ELECTRONIC TRANSMISSION OF COMPUTER SOFTWARE VIA THE INTERNET AND OTHER COMPUTER AND ELECTRONIC COMMUNICATION NETWORKS; PROVISION OF CONNECTIVITY SERVICES AND ACCESS TO ELECTRONIC COMMUNICATIONS NETWORKS FOR TRANSMISSION OR RECEPTION OF COMPUTER SOFTWARE, IN CLASS 38 (U.S. CLS. 100, 101 AND 104).

FIRST USE 1-26-2009; IN COMMERCE 1-26-2009.

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

SN 77-886,754, FILED 12-4-2009.

David J. Kappas

Director of the United States Patent and Trademark Office

Reg. No. 4,091,498 DAVID MURRAY, EXAMINING ATTORNEY



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THERE'S AN APP FOR THAT

Word Mark	THERE'S AN APP FOR THAT
Goods and Services	IC 009. US 021 023 026 036 038. G & S: Handheld mobile digital electronic devices for the sending and receiving of telephone calls, electronic mail, and other digital data, for use as a digital format audio player, and for use as a handheld computer, personal digital assistant, electronic organizer, electronic notepad, and camera; computer gaming machines, videophones, prerecorded computer programs for personal information management, database management software, electronic mail and messaging software, database synchronization software, computer programs for accessing, browsing and searching online databases, computer software and firmware, namely, operating system programs, data synchronization programs, and application development computer software programs for personal and handheld computers; software for the redirection of messages, Internet e-mail, and/or other data to one or more electronic handheld services from a data store on or associated with personal computer or a server; software for the synchronization of data between a remote station or device and a fixed

or remote station or device. FIRST USE: 20090126. FIRST USE IN COMMERCE: 20090126

IC 038. US 100 101 104. G & S: Telecommunication services, namely, electronic transmission of computer software via the Internet and other computer and electronic communication networks; provision of connectivity services and access to electronic communications networks for transmission or reception of computer software. FIRST USE: 20090126. FIRST USE IN COMMERCE: 20090126

Standard Characters Claimed

Mark

Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 77886754

Filing Date December 4, 2009

Current Basis 1A

Original Filing Basis 1B

Published for Opposition March 30, 2010

Registration Number **4091498**

International Registration Number 1043881

Registration Date January 24, 2012

Owner (REGISTRANT) Apple Inc. CORPORATION CALIFORNIA 1 Infinite Loop Cupertino CALIFORNIA 95014

Attorney of Record Lisa G. Widup

Type of Mark TRADEMARK. SERVICE MARK

Register PRINCIPAL

Live/Dead Indicator LIVE

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