

ESTTA Tracking number: **ESTTA638603**

Filing date: **11/12/2014**

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	WhatsApp Inc.
Granted to Date of previous extension	11/12/2014
Address	650 Castro Street, Suite 120-219 Mountain View, CA 94041 UNITED STATES
Correspondence information	Karen A. Webb Attorney for Opposer Fenwick & West, LLP 801 California Street Silicon Valley Center Mountain View, CA 94041 UNITED STATES trademarks@fenwick.com Phone:650-988-8500

Applicant Information

Application No	79134362	Publication date	07/15/2014
Opposition Filing Date	11/12/2014	Opposition Period Ends	11/12/2014
International Registration No.	1171232	International Registration Date	06/12/2013
Applicant	Matthew Murfin 37 Clare House UNITED KINGDOM		

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: Scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signalling, checking (supervision), life-saving and teaching apparatus and instruments, namely, computer application software for mobile phones, computers, netbooks and handheld computers for voice, sound, text and video messaging on social networking websites; apparatus for recording, transmission or reproduction of sound or images; blank magnetic data carriers; prerecorded magnetic data carriers featuring information in the field of sound and video editing and distribution; mechanisms for coin-operated apparatus; calculating machines, data processing equipment, computers; computer software for mobile phones, computers, netbooks and handheld computers for voice, sound, text and video messaging on social networking websites</p>
<p>Class 035. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Advertising services; business management; business administration; providing office functions; organization, operation and supervision of loyalty and incentive schemes, namely, contests and incentive award programs to promote the sale of products and services of others; advertising services provided via the Internet, mobile phones and</p>

computer application software; preparing television and radioadvertisements for others; accountancy; auctioneering; conducting, arranging and organizing trade fairs for commercial and advertising purposes; public opinion polling; data processing; provision of business information
Class 038. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Telecommunications services, namely, electronic messaging for social networking; providing access to internet chat rooms; providing access to internet portals for third parties; e-mail services; providing user access to the Internet; radio and television broadcasting
Class 039. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Travel information
Class 041. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Entertainment services, namely, providing a web site featuring audio, video and prose presentations featuring current events news, sports, entertainment, travel and dining for use in connection with social media networks
Class 042. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Electronic data storage
Class 045. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Consultancy services relating to personal appearance, namely, personal wardrobe styling services; provision of personal tarot readings; dating services

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)
Other	Applicant did not have a bona fide intent to use the mark in commerce - Trademark Act section 66(a).

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	4083272	Application Date	05/22/2011
Registration Date	01/10/2012	Foreign Priority Date	NONE
Word Mark	WHATSAPP		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2009/09/10 First Use In Commerce: 2009/09/10 Downloadable software, namely, instant messaging software, file sharing software, communications software for electronically exchanging data, audio, video images and graphics via computer, mobile, wireless, telecommunications networks and downloadable computer software for processing images, graphics, audio, video, and text		

	Class 038. First use: First Use: 2009/09/10 First Use In Commerce: 2009/09/10 Telecommunication services, namely, data transmission and reception services via telecommunication networks; electronic exchange of voice, data, audio, video, text and graphics accessible via computer and telecommunications networks; instant messaging services; mobile phone communication services
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U.S. Registration No.	3939463	Application Date	04/01/2009
Registration Date	04/05/2011	Foreign Priority Date	NONE
Word Mark	WHATSAPP		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use: 2009/02/24 First Use In Commerce: 2009/02/24 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		

Attachments	85326910#TMSN.png(bytes) 77703877#TMSN.png(bytes) WHAT'S YAPPENING Notice of Opposition.pdf(1455087 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	/kaw/
Name	Karen A. Webb
Date	11/12/2014

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

WHATSAPP INC.,

Opposer,

vs.

MATTHEW MURFIN,

Applicant.

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Mark: WHAT'S YAPPENING
-Serial No. 79/134,362
-Published July 15, 2014

Opposition No. _____

NOTICE OF OPPOSITION

Opposer WhatsApp Inc. ("WhatsApp"), a Delaware corporation having its principal place of business at 650 Castro Street, Suite 120-219, Mountain View, California 94041, believes that it will be damaged by the issuance of a registration for the mark WHAT'S YAPPENING (the "WHAT'S YAPPENING Application"), as applied for in Application Serial No. 79/134,362 filed on a Section 66(a) basis as an Extension of Protection under the Madrid Protocol, on June 12, 2013 by Applicant Matthew Murfin ("Applicant"), an individual in the United Kingdom with an address at 37 Clare House, 10 Hawthorne Avenue, London E3 5PY, United Kingdom. The WHAT'S YAPPENING Application was published for purposes of opposition in the Official Gazette on July 15, 2014. Requests for extensions of time to oppose were granted by the Trademark Trial and Appeal Board and WhatsApp now opposes same.

As grounds for opposition, WhatsApp alleges:

1. Since its communications platform for mobile devices launched in 2009, WhatsApp has continuously used the mark WHATSAPP in interstate commerce in the United States in connection with its goods and services.
2. WhatsApp owns the following United States trademark registrations for the mark, covering a variety of goods and services:

Reg. No.	Mark	Offerings Covered by Registrations	Filing Date
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Notice of Opposition of App. No. 79/134,362

WhatsApp Inc. v. Matthew Murfin

4,083,272	WHATSAPP	<p>Downloadable software, namely, instant messaging software, file sharing software, communications software for electronically exchanging data, audio, video images and graphics via computer, mobile, wireless, telecommunications networks and downloadable computer software for processing images, graphics, audio, video, and text;</p> <p>Telecommunication services, namely, data transmission and reception services via telecommunication networks;</p> <p>electronic exchange of voice, data, audio, video, text and graphics accessible via computer and telecommunications networks;</p> <p>instant messaging services;</p> <p>mobile phone communication services.</p>	May 22, 2011
3,939,463	WHATSAPP	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	April 1, 2009

True and correct copies of TSDR printouts showing the current status and title of the registrations for these trademarks are attached as Exhibit A, and are incorporated by reference as though fully set forth herein.

3. WhatsApp owns numerous worldwide trademark applications and registrations for the WHATSAPP mark, as well as numerous domain names that incorporate the WHATSAPP brand, earning a broad scope of protection.

4. In addition, WhatsApp owns common law rights in the WHATSAPP mark in connection with various other goods and services. All of WhatsApp's marks that consist of or incorporate the term WHATSAPP are referred to herein as the "WHATSAPP Marks."
5. The success of WhatsApp and WhatsApp's goods and services, the significant and continuous media coverage, and the distinctiveness of WhatsApp's WHATSAPP Marks have resulted in WhatsApp's WHATSAPP Marks being adopted by consumers and media outlets to refer to WhatsApp and WhatsApp's goods and services.
6. WhatsApp, through extensive use and promotion of the goods and services provided under its WHATSAPP Marks, has developed valuable goodwill in its WHATSAPP Marks.
7. Through extensive use, promotion and success of the WHATSAPP Marks, the public readily associates the WHATSAPP Marks with WhatsApp. As such, the public has come to know WHATSAPP as an indication of goods and services that originate from or are affiliated with WhatsApp and WhatsApp's goods and services.
8. On June 12, 2014, Applicant filed Application Serial No. 79/134,362 for the mark WHAT'S YAPPENING, based on a Section 66(a) basis as an Extension of Protection under the Madrid Protocol, for: "Scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signalling, checking (supervision), life-saving and teaching apparatus and instruments, namely, computer application software for mobile phones, computers, netbooks and handheld computers for voice, sound, text and video messaging on social networking websites; apparatus for recording, transmission or reproduction of sound or images; blank magnetic data carriers; prerecorded magnetic data carriers featuring information in the field of sound and video editing and distribution; mechanisms for coin-operated apparatus; calculating machines, data processing equipment, computers; computer software for mobile phones, computers, netbooks and handheld computers for voice, sound, text and video messaging on social networking websites" in Class 9; "Advertising services; business management; business administration; providing office functions; organization, operation and supervision of loyalty and incentive schemes, namely, contests and incentive award programs to promote the sale of products and services of others; advertising services provided via the Internet, mobile phones and computer application software; preparing

television and radio advertisements for others; accountancy; auctioneering; conducting, arranging and organizing trade fairs for commercial and advertising purposes; public opinion polling; data processing; provision of business information” in Class 35;

“Telecommunications services, namely, electronic messaging for social networking; providing access to internet chat rooms; providing access to internet portals for third parties; e-mail services; providing user access to the Internet; radio and television broadcasting” in Class 38; “Travel information” in Class 39; “Entertainment services, namely, providing a web site featuring audio, video and prose presentations featuring current events news, sports, entertainment, travel and dining for use in connection with social media networks” in Class 41; “Electronic data storage” in Class 42; and “Consultancy services relating to personal appearance, namely, personal wardrobe styling services; provision of personal tarot readings; dating services” in Class 45 (the “WHAT’S YAPPENING Application”).

9. As a result of WhatsApp’s widespread and significant popularity and an enormous and loyal user base, WhatsApp’s WHATSAPP Marks are famous and well known to consumers. In addition, WhatsApp’s WHATSAPP Marks were famous before Applicant filed its U.S. application and its Madrid Protocol base application in the United Kingdom for the WHAT’S YAPPENING mark.
10. WhatsApp believes, and therefore alleges that Applicant does not have a bona fide intent to use the WHAT’S YAPPENING mark.
11. If Applicant is permitted to register the mark shown in the WHAT’S YAPPENING Application, Applicant’s corresponding right to use the WHAT’S YAPPENING mark in nationwide commerce will conflict with WhatsApp’s lawful exclusive right to use the WHATSAPP Marks nationwide.
12. The goods and services identified in the WHAT’S YAPPENING Application are highly related to the goods and services offered under WhatsApp’s WHATSAPP Marks, as both cover goods and services in the application software, messaging, and telecommunications fields. Further, based on the nature of the goods and services listed in the WHAT’S YAPPENING Application, the parties’ respective goods and services are likely to be

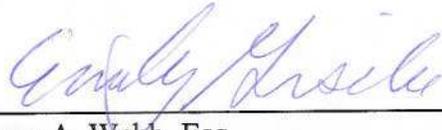
marketed to the same consumers and potential consumers in the same or related channels of trade, like the Apple iTunes App Store and Google Play.

13. Applicant's WHAT'S YAPPENING mark is confusingly similar to WhatsApp's WHATSAPP Marks. Applicant's WHAT'S YAPPENING mark is highly similar to WhatsApp's WHATSAPP Marks in sound, appearance, and connotation.
14. Applicant's WHAT'S YAPPENING mark contains the entirety of WhatsApp's WHATSAPP Marks.
15. As a result of the similarity between WhatsApp's WHATSAPP Marks and Applicant's WHAT'S YAPPENING mark and the related goods and services associated with each party's respective marks, Applicant's WHAT'S YAPPENING mark is likely to cause consumer confusion, mistake or deception in the trade and among consumers as to the source, origin or sponsorship of the parties' respective goods and services.
16. Applicant's registration of the mark in the WHAT'S YAPPENING Application and use of the WHAT'S YAPPENING mark will cause or is likely to cause dilution of the distinctive quality of WhatsApp's WHATSAPP Marks.
17. In view of WhatsApp's prior rights in and the fame associated with the WHATSAPP Marks, Applicant is not entitled to registration of the WHAT'S YAPPENING mark.
18. In view of Applicant's lack of bona fide intent to use the WHAT'S YAPPENING mark, Applicant is not entitled to registration of the WHAT'S YAPPENING Application.
19. By reason of the foregoing, WhatsApp will be damaged by the registration of the mark shown in the WHAT'S YAPPENING Application.

WHEREFORE, WhatsApp prays that this Notice of Opposition be sustained and that Applicant's WHAT'S YAPPENING Application be denied registration.

Respectfully submitted,

Date: November 12, 2014



Karen A. Webb, Esq.
Emily M. Gische, Esq.
Attorneys for Opposer
FENWICK & WEST LLP
801 California Street
Mountain View, CA 94041
650-988-8500
trademarks@fenwick.com

CERTIFICATE OF SERVICE

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

Matthew Murfin
37 Clare House
10 Hawthorne Avenue
London E3 5PY
UNITED KINGDOM

This 12th day of November, 2014.



Zia Mirza

EXHIBIT A

Generated on: This page was generated by TSDR on 2014-11-11 17:26:33 EST

Mark: WHATSAPP

WHATSAPP

US Serial Number: 85326910 **Application Filing Date:** May 22, 2011
US Registration Number: 4083272 **Registration Date:** Jan. 10, 2012
Register: Principal
Mark Type: Trademark, Service Mark
Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.
Status Date: Jan. 10, 2012
Publication Date: Oct. 25, 2011

Mark Information

Mark Literal Elements: WHATSAPP
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

Related Properties Information

International Registration Number: 1085539
International Application(s) /Registration(s) Based on this Property: A0024719/1085539

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 incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Downloadable software, namely, instant messaging software, file sharing software, communications software for electronically exchanging data, audio, video images and graphics via computer, mobile, wireless, telecommunications networks and downloadable computer software for processing images, graphics, audio, video, and text

International Class(es): 009 - Primary Class

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

Class Status: ACTIVE

Basis: 1(a)

First Use: Sep. 10, 2009

Use in Commerce: Sep. 10, 2009

For: Telecommunication services, namely, data transmission and reception services via telecommunication networks; electronic exchange of voice, data, audio, video, text and graphics accessible via computer and telecommunications networks; instant messaging services; mobile phone communication services

International Class(es): 038 - Primary Class

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

Class Status: ACTIVE

Basis: 1(a)

First Use: Sep. 10, 2009

Use in Commerce: Sep. 10, 2009

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: WHATSAPP INC.
Owner Address: 650 CASTRO STREET, SUITE 120-219
MOUNTAIN VIEW, CALIFORNIA 94041
UNITED STATES
Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Karen A. Webb
Attorney Primary Email Address: trademarks@fenwick.com
Docket Number: 30444-00070
Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Karen A. Webb
Fenwick & West LLP
801 California Street
Mountain View, CALIFORNIA 94041
UNITED STATES
Phone: 650-988-8500
Correspondent e-mail: trademarks@fenwick.com
Fax: 650-938-5200
Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jul. 09, 2014	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Nov. 19, 2013	ATTORNEY REVOKED AND/OR APPOINTED	
Nov. 19, 2013	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Jan. 10, 2012	REGISTERED-PRINCIPAL REGISTER	
Oct. 25, 2011	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Oct. 25, 2011	PUBLISHED FOR OPPOSITION	
Sep. 20, 2011	LAW OFFICE PUBLICATION REVIEW COMPLETED	74221
Sep. 20, 2011	APPROVED FOR PUB - PRINCIPAL REGISTER	
Sep. 19, 2011	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Sep. 18, 2011	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Sep. 18, 2011	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Sep. 09, 2011	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Sep. 09, 2011	NON-FINAL ACTION E-MAILED	6325
Sep. 09, 2011	NON-FINAL ACTION WRITTEN	78450
Sep. 08, 2011	ASSIGNED TO EXAMINER	78450
Aug. 30, 2011	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jun. 21, 2011	APPLICANT AMENDMENT PRIOR TO EXAMINATION - ENTERED	74221
Jun. 14, 2011	ASSIGNED TO LIE	74221
Jun. 08, 2011	TEAS VOLUNTARY AMENDMENT RECEIVED	
May 25, 2011	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
May 25, 2011	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Jan. 10, 2012

Assignment Abstract Of Title Information

Summary

Total Assignments: 1

Registrant: WhatsApp Inc.

Assignment 1 of 1

Conveyance: ENTITY CONVERSION

Reel/Frame: [5316/0276](#)

Pages: 2

Date Recorded: Jul. 03, 2014

Supporting Documents: [assignment-tm-5316-0276.pdf](#)

Assignor

Name: [WHATSAPP INC.](#)

Execution Date: Jul. 16, 2013

Legal Entity Type: CORPORATION

State or Country Where Organized: CALIFORNIA

Assignee

Name: [WHATSAPP INC.](#)

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Address: 650 CASTRO STREET, SUITE 120-219
MOUNTAIN VIEW, CALIFORNIA 94041

Correspondent

Correspondent Name: KAREN A. WEBB OF FENWICK & WEST LLP

Correspondent Address: 801 CALIFORNIA STREET
MOUNTAIN VIEW, CA 94041

Domestic Representative - Not Found

Proceedings

Summary

Number of Proceedings: 4

Type of Proceeding: Opposition

Proceeding Number: [91218495](#)

Filing Date: Sep 19, 2014

Status: Pending

Status Date: Sep 19, 2014

Interlocutory Attorney: GEORGE POLOGEORGIS

Defendant

Name: William Maurice Jamieson

Correspondent Address: WILLIAM MAURICE JAMIESON
2 FOX POINT
TORONTO ON , M6M 3B2
CANADA

Correspondent e-mail: wjamieson@rogers.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
WHATSAPPENING	Opposition Pending	86083801	

Plaintiff(s)

Name: WhatsApp Inc.

Correspondent Address: KAREN A WEBB
FENWICK & WEST LLP
801 CALIFORNIA STREET SILICON VALLEY CENTER
MOUNTAIN VIEW CA , 94041
UNITED STATES

Correspondent e-mail: trademarks@fenwick.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
WHATSAPP	Registered	85326910	4083272
WHATSAPP	Registered	77703877	3939463

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Sep 19, 2014	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Sep 24, 2014	Nov 03, 2014
3	PENDING, INSTITUTED	Sep 24, 2014	

Type of Proceeding: OppositionProceeding Number: [91217236](#)

Filing Date: Jul 07, 2014

Status: Pending

Status Date: Jul 07, 2014

Interlocutory Attorney: ELIZABETH A DUNN

Defendant

Name: WhysUp, LLC

Correspondent Address: JEFFREY NEU
KUZAS NEU, P.C.
318 NEWMAN SPRINGS RD
RED BANK NJ , 07701-5639Correspondent e-mail: jeff.neu@kuzasneu.com , victoria.mercer@kuzasneu.com**Associated marks**

Mark	Application Status	Serial Number	Registration Number
WHYSUP	Opposition Pending	85833237	

Plaintiff(s)

Name: WhatsApp Inc.

Correspondent Address: Karen A. Webb
Fenwick & West LLP
801 California Street
Mountain View CA , 94041
UNITED STATESCorrespondent e-mail: trademarks@fenwick.com**Associated marks**

Mark	Application Status	Serial Number	Registration Number
WHATSAPP	Registered	85326910	4083272
WHATSAPP	Registered	77703877	3939463

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jul 07, 2014	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jul 07, 2014	Aug 16, 2014
3	PENDING, INSTITUTED	Jul 07, 2014	
4	STIP FOR EXT	Aug 12, 2014	
5	EXTENSION OF TIME GRANTED	Aug 12, 2014	
6	STIP FOR EXT	Sep 12, 2014	
7	EXTENSION OF TIME GRANTED	Sep 12, 2014	

Type of Proceeding: OppositionProceeding Number: [91217237](#)

Filing Date: Jul 07, 2014

Status: Pending

Status Date: Jul 07, 2014

Interlocutory Attorney: GEORGE POLOGEORGIS

Defendant

Name: WhysUp, LLC

Correspondent Address: JEFFREY NEU
KUZAS NEU, P.C.
318 NEWMAN SPRINGS RD
RED BANK NJ , 07701-5639Correspondent e-mail: jeff.neu@kuzasneu.com , victoria.mercer@kuzasneu.com**Associated marks**

Mark	Application Status	Serial Number	Registration Number
W WHYSUP	Opposition Pending	85833232	

Plaintiff(s)

Name: WhatsApp Inc.

Correspondent Address: Karen A. Webb
Fenwick & West LLP
801 California Street
Mountain View CA , 94041
UNITED STATES

Correspondent e-mail: trademarks@fenwick.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
WHATSAPP	Registered	85326910	4083272
WHATSAPP	Registered	77703877	3939463

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jul 07, 2014	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jul 07, 2014	Aug 16, 2014
3	PENDING, INSTITUTED	Jul 07, 2014	
4	STIP FOR EXT	Aug 12, 2014	
5	EXTENSION OF TIME GRANTED	Aug 12, 2014	
6	STIP FOR EXT	Sep 12, 2014	
7	EXTENSION OF TIME GRANTED	Sep 12, 2014	

Type of Proceeding: Opposition

Proceeding Number: [91207563](#)

Filing Date: Oct 18, 2012

Status: Terminated

Status Date: Feb 15, 2014

Interlocutory Attorney: BENJAMIN U OKEKE

Defendant

Name: UXnovo, Inc.

Correspondent Address: JEFFREY R CADWELL
DORSEY WHITNEY LLP
COLUMBIA CENTER, 701 FIFTH AVENUE SUITE 6100
SEATTLE WA , 98104 7043
UNITED STATES

Correspondent e-mail: cadwell.jeffrey@dorsey.com , bachand.edward@dorsey.com , ip.docket.se@dorsey.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
WATCHUP	Registered	85564671	4500191

Plaintiff(s)

Name: WhatsApp Inc.

Correspondent Address: KAREN A WEBB
FENWICK & WEST LLP
801 CALIFORNIA STREET
MOUNTAIN VIEW CA , 94041
UNITED STATES

Correspondent e-mail: trademarks@fenwick.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
WHATSAPP	Registered	77703877	3939463
WHATSAPP	Registered	85326910	4083272

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Oct 18, 2012	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Oct 18, 2012	Nov 27, 2012
3	PENDING, INSTITUTED	Oct 18, 2012	
4	ANSWER	Nov 27, 2012	
5	STIPULATION FOR AN EXTENSION OF TIME	Dec 31, 2012	
6	EXTENSION OF TIME GRANTED	Jan 14, 2013	
7	STIPULATION FOR AN EXTENSION OF TIME	Feb 25, 2013	
8	EXTENSION OF TIME GRANTED	Feb 25, 2013	
9	STIP FOR EXT	Mar 26, 2013	

10	EXTENSION OF TIME GRANTED	Apr 04, 2013
11	STIP FOR EXT	Apr 24, 2013
12	EXTENSION OF TIME GRANTED	May 15, 2013
13	STIP FOR EXT	May 24, 2013
14	EXTENSION OF TIME GRANTED	Jun 21, 2013
15	STIP FOR EXT	Jun 25, 2013
16	STIP FOR EXT	Jun 25, 2013
17	EXTENSION OF TIME GRANTED	Jul 20, 2013
18	STIP FOR EXT	Jul 23, 2013
19	EXTENSION OF TIME GRANTED	Aug 15, 2013
20	P MOT FOR EXT W/ CONSENT	Aug 20, 2013
21	EXTENSION OF TIME GRANTED	Sep 06, 2013
22	CHANGE OF CORRESP ADDRESS	Sep 06, 2013
23	STIP FOR EXT	Sep 23, 2013
24	EXTENSION OF TIME GRANTED	Oct 10, 2013
25	STIP FOR EXT	Oct 21, 2013
26	EXTENSION OF TIME GRANTED	Oct 31, 2013
27	CHANGE OF CORRESP ADDRESS	Nov 22, 2013
28	STIP FOR EXT	Nov 22, 2013
29	EXTENSION OF TIME GRANTED	Dec 19, 2013
30	STIP FOR EXT	Dec 20, 2013
31	STIP FOR EXT	Jan 21, 2014
32	DEF'S AMENDMENT	Jan 24, 2014
33	BD DECISION: DISMISSED W/O PREJ	Feb 15, 2014
34	TERMINATED	Feb 15, 2014

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Mark: WHATSAPP

WhatsApp

US Serial Number: 77703877

Application Filing Date: Apr. 01, 2009

US Registration Number: 3939463

Registration Date: Apr. 05, 2011

Register: Principal

Mark Type: Service Mark

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Apr. 05, 2011

Publication Date: Jan. 18, 2011

Mark Information

Mark Literal Elements: WHATSAPP

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

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

International Class(es): 042 - Primary Class

U.S Class(es): 100, 101

Class Status: ACTIVE

Basis: 1(a)

First Use: Feb. 24, 2009

Use in Commerce: Feb. 24, 2009

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: WHATSAPP INC.

Owner Address: 650 CASTRO STREET, SUITE 120-219
MOUNTAIN VIEW, CALIFORNIA 94041
UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Karen A. Webb

Docket Number: 30444-00070

Attorney Primary Email Address: trademarks@fenwick.com

Attorney Email Authorized: Yes

Correspondent

Correspondent: Karen A. Webb

Name/Address: Fenwick & West LLP
801 California Street
Mountain View, CALIFORNIA 94041
UNITED STATES

Phone: 650-988-8500

Fax: 650-938-5200

Correspondent e-mail: trademarks@fenwick.com

Correspondent e-mail Yes
Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jul. 09, 2014	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Nov. 19, 2013	ATTORNEY REVOKED AND/OR APPOINTED	
Nov. 19, 2013	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Dec. 14, 2012	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Apr. 05, 2011	REGISTERED-PRINCIPAL REGISTER	
Jan. 18, 2011	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jan. 18, 2011	PUBLISHED FOR OPPOSITION	
Dec. 13, 2010	LAW OFFICE PUBLICATION REVIEW COMPLETED	70997
Dec. 09, 2010	APPROVED FOR PUB - PRINCIPAL REGISTER	
Nov. 18, 2010	TEAS/EMAIL CORRESPONDENCE ENTERED	70997
Nov. 18, 2010	CORRESPONDENCE RECEIVED IN LAW OFFICE	70997
Nov. 17, 2010	TEAS RESPONSE TO SUSPENSION INQUIRY RECEIVED	
Sep. 02, 2010	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	70997
Sep. 02, 2010	ASSIGNED TO LIE	70997
Mar. 01, 2010	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	76984
Mar. 01, 2010	ASSIGNED TO LIE	76984
Feb. 19, 2010	ATTORNEY REVOKED AND/OR APPOINTED	
Feb. 19, 2010	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Sep. 01, 2009	NOTIFICATION OF LETTER OF SUSPENSION E-MAILED	6332
Sep. 01, 2009	LETTER OF SUSPENSION E-MAILED	6332
Sep. 01, 2009	SUSPENSION LETTER WRITTEN	74676
Aug. 11, 2009	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Aug. 10, 2009	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Aug. 10, 2009	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jun. 28, 2009	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Jun. 28, 2009	NON-FINAL ACTION E-MAILED	6325
Jun. 28, 2009	NON-FINAL ACTION WRITTEN	74676
Jun. 20, 2009	ASSIGNED TO EXAMINER	74676
Apr. 07, 2009	NOTICE OF PSEUDO MARK MAILED	
Apr. 06, 2009	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Apr. 04, 2009	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Apr. 05, 2011

Assignment Abstract Of Title Information

Summary

Total Assignments: 1

Registrant: WhatsApp Inc.

Assignment 1 of 1

Conveyance: ENTITY CONVERSION

Reel/Frame: [5316/0276](#)

Pages: 2

Date Recorded: Jul. 03, 2014

Supporting Documents: [assignment-tm-5316-0276.pdf](#)

Assignor

Name: [WHATSAPP INC.](#) Execution Date: Jul. 16, 2013
Legal Entity Type: CORPORATION State or Country Where Organized: CALIFORNIA

Assignee

Name: [WHATSAPP INC.](#)
Legal Entity Type: CORPORATION State or Country Where Organized: DELAWARE
Address: 650 CASTRO STREET, SUITE 120-219
MOUNTAIN VIEW, CALIFORNIA 94041

Correspondent

Correspondent Name: KAREN A. WEBB OF FENWICK & WEST LLP
Correspondent Address: 801 CALIFORNIA STREET
MOUNTAIN VIEW, CA 94041

Domestic Representative - Not Found

Proceedings

Summary

Number of Proceedings: 4

Type of Proceeding: Opposition

Proceeding Number: [91218495](#) Filing Date: Sep 19, 2014
Status: Pending Status Date: Sep 19, 2014
Interlocutory Attorney: GEORGE POLOGEORGIS

Defendant

Name: William Maurice Jamieson
Correspondent Address: WILLIAM MAURICE JAMIESON
2 FOX POINT
TORONTO ON , M6M 3B2
CANADA
Correspondent e-mail: wrijamieson@rogers.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
WHATSAPPENING	Opposition Pending	86083801	

Plaintiff(s)

Name: WhatsApp Inc.
Correspondent Address: KAREN A WEBB
FENWICK & WEST LLP
801 CALIFORNIA STREET SILICON VALLEY CENTER
MOUNTAIN VIEW CA , 94041
UNITED STATES
Correspondent e-mail: trademarks@fenwick.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
WHATSAPP	Registered	85326910	4083272
WHATSAPP	Registered	77703877	3939463

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Sep 19, 2014	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Sep 24, 2014	Nov 03, 2014
3	PENDING, INSTITUTED	Sep 24, 2014	

Type of Proceeding: Opposition

Proceeding Number: [91217236](#)

Filing Date: Jul 07, 2014

Status: Pending

Status Date: Jul 07, 2014

Interlocutory Attorney: ELIZABETH A DUNN

Defendant

Name: WhysUp, LLC

Correspondent Address: JEFFREY NEU
KUZAS NEU, P.C.
318 NEWMAN SPRINGS RD
RED BANK NJ , 07701-5639

Correspondent e-mail: jeff.neu@kuzasneu.com , victoria.mercer@kuzasneu.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
WHYSUP	Opposition Pending	85833237	

Plaintiff(s)

Name: WhatsApp Inc.

Correspondent Address: Karen A. Webb
Fenwick & West LLP
801 California Street
Mountain View CA , 94041
UNITED STATES

Correspondent e-mail: trademarks@fenwick.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
WHATSAPP	Registered	85326910	4083272
WHATSAPP	Registered	77703877	3939463

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jul 07, 2014	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jul 07, 2014	Aug 16, 2014
3	PENDING, INSTITUTED	Jul 07, 2014	
4	STIP FOR EXT	Aug 12, 2014	
5	EXTENSION OF TIME GRANTED	Aug 12, 2014	
6	STIP FOR EXT	Sep 12, 2014	
7	EXTENSION OF TIME GRANTED	Sep 12, 2014	

Type of Proceeding: Opposition

Proceeding Number: [91217237](#)

Filing Date: Jul 07, 2014

Status: Pending

Status Date: Jul 07, 2014

Interlocutory Attorney: GEORGE POLOGEORGIS

Defendant

Name: WhysUp, LLC

Correspondent Address: JEFFREY NEU
KUZAS NEU, P.C.
318 NEWMAN SPRINGS RD
RED BANK NJ , 07701-5639

Correspondent e-mail: jeff.neu@kuzasneu.com , victoria.mercer@kuzasneu.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
W WHYSUP	Opposition Pending	85833232	

Plaintiff(s)

Name: WhatsApp Inc.

Correspondent Address: Karen A. Webb
Fenwick & West LLP
801 California Street
Mountain View CA , 94041
UNITED STATES

Correspondent e-mail: trademarks@fenwick.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
WHATSAPP	Registered	85326910	4083272
WHATSAPP	Registered	77703877	3939463

Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jul 07, 2014	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jul 07, 2014	Aug 16, 2014
3	PENDING, INSTITUTED	Jul 07, 2014	
4	STIP FOR EXT	Aug 12, 2014	
5	EXTENSION OF TIME GRANTED	Aug 12, 2014	
6	STIP FOR EXT	Sep 12, 2014	
7	EXTENSION OF TIME GRANTED	Sep 12, 2014	

Type of Proceeding: Opposition

Proceeding Number: 91207563	Filing Date: Oct 18, 2012
Status: Terminated	Status Date: Feb 15, 2014
Interlocutory Attorney: BENJAMIN U OKEKE	

Defendant	
Name:	UXnovo, Inc.
Correspondent Address:	JEFFREY R CADWELL DORSEY WHITNEY LLP COLUMBIA CENTER, 701 FIFTH AVENUE SUITE 6100 SEATTLE WA , 98104 7043 UNITED STATES
Correspondent e-mail:	cadwell.jeffrey@dorsey.com , bachand.edward@dorsey.com , jp.docket.se@dorsey.com

Associated marks			
Mark	Application Status	Serial Number	Registration Number
WATCHUP	Registered	85564671	4500191

Plaintiff(s)	
Name:	WhatsApp Inc.
Correspondent Address:	KAREN A WEBB FENWICK & WEST LLP 801 CALIFORNIA STREET MOUNTAIN VIEW CA , 94041 UNITED STATES
Correspondent e-mail:	trademarks@fenwick.com

Associated marks			
Mark	Application Status	Serial Number	Registration Number
WHATSAPP	Registered	77703877	3939463
WHATSAPP	Registered	85326910	4083272

Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Oct 18, 2012	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Oct 18, 2012	Nov 27, 2012
3	PENDING, INSTITUTED	Oct 18, 2012	
4	ANSWER	Nov 27, 2012	
5	STIPULATION FOR AN EXTENSION OF TIME	Dec 31, 2012	
6	EXTENSION OF TIME GRANTED	Jan 14, 2013	
7	STIPULATION FOR AN EXTENSION OF TIME	Feb 25, 2013	
8	EXTENSION OF TIME GRANTED	Feb 25, 2013	
9	STIP FOR EXT	Mar 26, 2013	
10	EXTENSION OF TIME GRANTED	Apr 04, 2013	
11	STIP FOR EXT	Apr 24, 2013	

12	EXTENSION OF TIME GRANTED	May 15, 2013
13	STIP FOR EXT	May 24, 2013
14	EXTENSION OF TIME GRANTED	Jun 21, 2013
15	STIP FOR EXT	Jun 25, 2013
16	STIP FOR EXT	Jun 25, 2013
17	EXTENSION OF TIME GRANTED	Jul 20, 2013
18	STIP FOR EXT	Jul 23, 2013
19	EXTENSION OF TIME GRANTED	Aug 15, 2013
20	P MOT FOR EXT W/ CONSENT	Aug 20, 2013
21	EXTENSION OF TIME GRANTED	Sep 06, 2013
22	CHANGE OF CORRESP ADDRESS	Sep 06, 2013
23	STIP FOR EXT	Sep 23, 2013
24	EXTENSION OF TIME GRANTED	Oct 10, 2013
25	STIP FOR EXT	Oct 21, 2013
26	EXTENSION OF TIME GRANTED	Oct 31, 2013
27	CHANGE OF CORRESP ADDRESS	Nov 22, 2013
28	STIP FOR EXT	Nov 22, 2013
29	EXTENSION OF TIME GRANTED	Dec 19, 2013
30	STIP FOR EXT	Dec 20, 2013
31	STIP FOR EXT	Jan 21, 2014
32	DEF'S AMENDMENT	Jan 24, 2014
33	BD DECISION: DISMISSED W/O PREJ	Feb 15, 2014
34	TERMINATED	Feb 15, 2014