

ESTTA Tracking number: **ESTTA665709**

Filing date: **04/08/2015**

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	IAC Search & Media, Inc.
Granted to Date of previous extension	04/08/2015
Address	555 12th Street, Suite 500 Oakland, CA 94607 UNITED STATES

Attorney information	Jennifer Lee Taylor Morrison & Foerster LLP 425 Market Street San Francisco, CA 94105 UNITED STATES jtaylor@mofo.com, jliou@mofo.com, lsimpson@mofo.com, tmdocket@mofo.com
----------------------	---

**Applicant Information**

Application No	86250689	Publication date	12/09/2014
Opposition Filing Date	04/08/2015	Opposition Period Ends	04/08/2015
Applicant	Incubeta, Inc. 1005 Boylston Street Newton Highlands, MA 024611318 UNITED STATES		

**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 services, namely, creating an on-line community for registered users to participate in discussions, get feedback from their peers, form virtual communities, exchange favors and tasks and engage in social networking to ask each other recommendations about people, places and things to do, ride-sharing, car-pooling, personal shopping, and the sharing and swapping of personal items
--

**Grounds for Opposition**

Priority and likelihood of confusion	Trademark Act section 2(d)
--------------------------------------	----------------------------

**Marks Cited by Opposer as Basis for Opposition**

U.S. Registration No.	3525714	Application Date	06/07/2005
Registration Date	10/28/2008	Foreign Priority Date	NONE

Word Mark	ASK
Design Mark	
Description of Mark	NONE
Goods/Services	<p>Class 009. First use: First Use: 2007/06/06 First Use In Commerce: 2007/06/06 Downloadable computer software for use in providing search engine services which is provided through a browser tool bar</p> <p>Class 035. First use: First Use: 2007/06/06 First Use In Commerce: 2007/06/06 Providing consumer product information;providing comparison shopping information, providing online directory information services also featuring hyperlinks toother websites, dissemination of advertising for others via the internet; online advertising services for others, namely, providing advertising space on internet web sites</p> <p>Class 042. First use: First Use: 2007/06/06 First Use In Commerce: 2007/06/06 Computer services, namely, providing search engines for obtaining data on a global computer network</p>

U.S. Registration No.	3904781	Application Date	09/10/2008
Registration Date	01/11/2011	Foreign Priority Date	NONE
Word Mark	ASK		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 045. First use: First Use: 2010/07/27 First Use In Commerce: 2010/07/27 Computer social networking services, namely, creating an on-line community for registered users to participate in discussions and get feedback from their peer-regarding areas of mutual interests</p>		

U.S. Registration No.	2412106	Application Date	07/29/1999
Registration Date	12/12/2000	Foreign Priority	NONE

		Date	
Word Mark	ASK!		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use: 1998/10/00 First Use In Commerce: 1998/10/00 Computer services, namely, providing a search engine based on natural language queries on a global computer network		
U.S. Registration No.	3652770	Application Date	02/21/2006
Registration Date	07/07/2009	Foreign Priority Date	NONE
Word Mark	ASK		

Design Mark			
Description of Mark	The mark consists of the word "ASK" in a stylized font inside the design of a filled in oval.		
Goods/Services	<p>Class 009. First use: First Use: 2007/06/06 First Use In Commerce: 2007/06/06 Downloadable internet browser plug-ins and client server applications in the nature of multi-function tool bar plug-ins; downloadable computer software for use in providing search engine services which are provided through a browser tool bar</p> <p>Class 035. First use: First Use: 2007/06/06 First Use In Commerce: 2007/06/06 Business services, namely, providing links to the web sites of others, namely, retail service providers in the field of consumer electronics, computers, clothing, automobiles, toys and games and a wide variety of other general consumer products; providing links to the websites of others in the field of consumer products and services; promoting the goods and services of others by placing advertisements and promotional displays on electronic sites accessed through computer networks; providing consumer product information; providing comparison shopping information, providing online directory information services also featuring hyperlinks to other websites, dissemination of advertising for others via the internet; online advertising services for others, namely, providing advertising space on websites</p> <p>Class 041. First use: First Use: 2007/06/06 First Use In Commerce: 2007/06/06 providing links to websites of others in the field of entertainment</p> <p>Class 042. First use: First Use: 2007/06/06 First Use In Commerce: 2007/06/06 Providing customized on-line web pages featuring user-defined information, which includes search engines and online weblinks to other websites; providing on-line directories, indices and searchable databases of websites and computer networks; providing links to web sites of others in the field of computers and technology; computer services, namely, providing search engines for obtaining data on global computer network</p>		
U.S. Registration No.	3904782	Application Date	09/10/2008
Registration Date	01/11/2011	Foreign Priority Date	NONE

Word Mark	ASK
Design Mark	
Description of Mark	The mark consists of the word "Ask" in an oval design.
Goods/Services	Class 045. First use: First Use: 2010/07/27 First Use In Commerce: 2010/07/27 Computer social networking services, namely, creating an on-line community for registered users to participate in discussions and get feedback from their peer-regarding areas of mutual interests

U.S. Registration No.	3593278	Application Date	02/21/2006
Registration Date	03/17/2009	Foreign Priority Date	NONE

Word Mark	ASK
Design Mark	
Description of	NONE

Mark	
Goods/Services	<p>Class 009. First use: First Use: 2007/06/06 First Use In Commerce: 2007/06/06 Downloadable Internet browser plug-ins and client server applications in the nature of multi-function tool bar plug-ins; downloadable computer software for use in providing search engine services which are provided through a browser tool bar</p> <p>Class 035. First use: First Use: 2007/06/06 First Use In Commerce: 2007/06/06 Business services, namely, providing links to the websites of others, namely, retail service providers in the field of consumer electronics, computers, clothing, automobiles, toys and games and a wide variety of other general consumer products; providing links to the websites of others in the field of consumer products and services; promoting the goods and services of others by placing advertisements and promotional displays on electronic sites accessed through computer networks; providing consumer product information; providing comparison shopping information, providing online directory information services also featuring hyperlinks to other websites, dissemination of advertising for others via the Internet; online advertising services for others, namely, providing advertising space on websites; providing on-line directories, indices and searchable databases of websites and computer networks</p> <p>Class 042. First use: First Use: 2007/06/06 First Use In Commerce: 2007/06/06 Providing customized on-line web pages featuring user-defined information, which includes search engines and online weblinks to other websites; providing links to websites of others in the field of computers and technology; computer services, namely, providing search engines for obtaining data on global computer network</p>

U.S. Registration No.	2463252	Application Date	04/28/1999
Registration Date	06/26/2001	Foreign Priority Date	NONE
Word Mark	ASK.COM		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 042. First use: First Use: 1998/10/15 First Use In Commerce: 1998/10/15 Computer services, namely, providing a search engine based on natural language queries on a global computer network</p>		

U.S. Registration No.	3765425	Application Date	12/12/2007
Registration Date	03/23/2010	Foreign Priority Date	NONE
Word Mark	ASK KIDS		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 035. First use: First Use: 2008/08/27 First Use In Commerce: 2008/08/27 Business services, namely, providing links to the websites of others, namely, retail service providers in the field of consumer electronics, computers, clothing,</p>		

	<p>automobiles, toys and games and a wide variety of other general consumer products; providing links to the websites of others in the field of consumer products and services; promoting the goods and services of others by placing advertisements and promotional displays on electronic sites accessed through computer networks; dissemination of advertising for others via the Internet; on-line advertising services for others, namely, providing advertising space on websites</p> <p>Class 042. First use: First Use: 2008/08/27 First Use In Commerce: 2008/08/27</p> <p>Providing customized on-line web pages featuring user-defined information, which includes search engines and online weblinks to other websites; providing search engines for searching indices and databases of websites and computer networks; computer services, namely, providing search engines for obtaining data on global computer network</p>
--	--

Attachments	<p>78645692#TMSN.png( bytes )  77566770#TMSN.png( bytes )  75763395#TMSN.png( bytes )  78981112#TMSN.png( bytes )  77566782#TMSN.png( bytes )  78980897#TMSN.png( bytes )  77978701#TMSN.png( bytes )  Notice of Opposition ASKAROUND.pdf(51318 bytes )  Exhibits.pdf(966846 bytes )</p>
-------------	--

### 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	/Jennifer Lee Taylor/
Name	Jennifer Lee Taylor
Date	04/08/2015

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

IAC SEARCH & MEDIA, INC.,

Opposer,

vs.

INCUBETA, INC.,

Applicant.

Opposition No.: TO BE ASSIGNED

Application No.: 86/250,689

Mark: ASKAROUND

Filing Date: April 13, 2014

Published for Opposition: December 9, 2014

**NOTICE OF OPPOSITION**

IAC Search & Media, Inc. (“Opposer”), a Delaware corporation having its principal place of business at 555 12th Street, Suite 500, Oakland, California 94607, believes that it will be damaged by registration of the ASKAROUND mark shown in U.S. Application Serial No. 86/250,689, filed by Incubeta, Inc. (“Applicant”), a Delaware corporation having its principal place of business at 1005 Boylston Street, Newton Highlands, Massachusetts 02461-1318, and hereby opposes the same.

As grounds for the opposition, it is alleged as follows:

1. Opposer is a leading provider of online information, Q&A, and search services, as well as product reviews, social networking, and advertising services. Opposer also provides computer software, plugins, and other goods in connection with these services. Opposer currently offers these goods and services through its website at [www.ask.com](http://www.ask.com) and through Opposer’s mobile software applications for iOS and Android devices. These goods and services are identified by various ASK-formative word and design marks (collectively, the “ASK Marks”).
2. Since as early as 1995, Opposer and its predecessor Ask Jeeves, Inc. have promoted Q&A-format search services under the ASK Marks at [www.ask.com](http://www.ask.com). Around 2007, Opposer began promoting other services at [www.ask.com](http://www.ask.com), including the offering of customized web

pages, advertising services, consumer product and comparison shopping services, online directory information services, and traditional data-based search engine services.

3. Opposer incorporated social networking services into its [www.ask.com](http://www.ask.com) website in 2010. These social networking services include an online community where individuals can ask each other questions on various subjects and follow the postings of other users.

#### OPPOSER'S RIGHTS

4. Opposer owns U.S. Registration No. 3,525,714 for the mark ASK for use in connection with “downloadable computer software for use in providing search engine services which is provided through a browser tool bar” in International Class 9; “providing consumer product information; providing comparison shopping information, providing online directory information services also featuring hyperlinks to other websites, dissemination of advertising for others via the internet; online advertising services for others, namely, providing advertising space on internet web sites” in International Class 35; and “computer services, namely, providing search engines for obtaining data on a global computer network” in International Class 42, which registered on October 28, 2008, based on Opposer’s use of the mark for these goods and services since at least as early as June 6, 2007. The underlying application was filed on June 7, 2005. This registration is incontestable. Attached hereto as Exhibit A is a true and correct copy of the TESS status report for Registration No. 3,525,714 printed from the USPTO website.

5. Opposer owns U.S. Registration No. 3,904,781 for the mark ASK for use in connection with “computer social networking services, namely, creating an on-line community for registered users to participate in discussions and get feedback from their peers regarding areas of mutual interests” in International Class 45, which registered on January 11, 2011, based on Opposer’s use of the mark for these services since at least as early as July 27, 2010. The underlying application was filed on September 10, 2008. Attached hereto as Exhibit B is a true and correct copy of the TESS status report for Registration No. 3,904,781 printed from the USPTO website.

6. Opposer owns U.S. Registration No. 2,412,106 for the mark ASK in an oval design in connection with “computer services, namely, providing a search engine based on natural language queries on a global computer network” in International Class 42, which registered on December 12, 2000, based on Opposer’s use of the mark for these services since at least as early as October 1998. The underlying application was filed on July 29, 1999. This registration is incontestable. Attached hereto as Exhibit C is a true and correct copy of the TESS status report for Registration No. 2,412,106 printed from the USPTO website.

7. Opposer owns U.S. Registration No. 3,652,770 for the mark ASK in an oval design for use in connection with “downloadable internet browser plug-ins and client server applications in the nature of multi-function tool bar plug-ins; downloadable computer software for use in providing search engine services which are provided through a browser tool bar” in International Class 9; “business services, namely, providing links to the web sites of others, namely, retail service providers in the field of consumer electronics, computers, clothing, automobiles, toys and games and a wide variety of other general consumer products; providing links to the websites of others in the field of consumer products and services; promoting the goods and services of others by placing advertisements and promotional displays on electronic sites accessed through computer networks; providing consumer product information; providing comparison shopping information, providing online directory information services also featuring hyperlinks to other websites, dissemination of advertising for others via the internet; online advertising services for others, namely, providing advertising space on websites” in International Class 35; “providing links to websites of others in the field of entertainment” in International Class 41; and “providing customized on-line web pages featuring user-defined information, which includes search engines and online web links to other websites; providing on-line directories, indices and searchable databases of websites and computer networks; providing links to web sites of others in the field of computers and technology; computer services, namely, providing search engines for obtaining data on global computer network” in International Class 42, which registered on July 7, 2009, based on Opposer’s use of the mark for these goods and services since at least as early as June 6,

2007. The underlying application was filed on February 21, 2006. This registration is incontestable. Attached hereto as Exhibit D is a true and correct copy of the TESS status report for Registration No. 3,652,770 printed from the USPTO website.

8. Opposer owns U.S. Registration No. 3,904,782 for the mark ASK in an oval design for use in connection with “computer social networking services, namely, creating an on-line community for registered users to participate in discussions and get feedback from their peers regarding areas of mutual interests” in International Class 45, which registered on January 11, 2011, based on Opposer’s use of the mark for these services since at least as early as July 27, 2010. The underlying application was filed on September 10, 2008. Attached hereto as Exhibit E is a true and correct copy of the TESS status report for Registration No. 3,904,782 printed from the USPTO website.

9. Opposer owns U.S. Registration No. 3,593,278 for the mark ASK in a red oval design for use in connection with “downloadable Internet browser plug-ins and client server applications in the nature of multi-function tool bar plug-ins; downloadable computer software for use in providing search engine services which are provided through a browser tool bar” in International Class 9; “business services, namely, providing links to the websites of others, namely, retail service providers in the field of consumer electronics, computers, clothing, automobiles, toys and games and a wide variety of other general consumer products; providing links to the websites of others in the field of consumer products and services; promoting the goods and services of others by placing advertisements and promotional displays on electronic sites accessed through computer networks; providing consumer product information; providing comparison shopping information, providing online directory information services also featuring hyperlinks to other websites, dissemination of advertising for others via the Internet; online advertising services for others, namely, providing advertising space on websites; providing on-line directories, indices and searchable databases of websites and computer networks” in International Class 35; and “providing customized on-line web pages featuring user-defined information, which includes search engines and online web links to other websites; providing

links to websites of others in the field of computers and technology; computer services, namely, providing search engines for obtaining data on global computer network” in International Class 42, which registered on March 17, 2009, based on Opposer’s use of the mark for these goods and services since at least as early as June 6, 2007. The underlying application was filed on February 21, 2006. This registration is incontestable. Attached hereto as Exhibit F is a true and correct copy of the TESS status report for Registration No. 3,593,278 printed from the USPTO website.

10. Opposer owns U.S. Registration No. 2,463,252 for the mark ASK.COM for use in connection with “computer services, namely, providing a search engine based on natural language queries on a global computer network” in International Class 42, which registered on June 26, 2001, based on Opposer’s use of the mark for these services since at least as early as October 15, 1998. The underlying application was filed on April 28, 1999. This registration is incontestable. Attached hereto as Exhibit G is a true and correct copy of the TESS status report for Registration No. 2,463,252 printed from the USPTO website.

11. Opposer owns U.S. Registration No. 3,765,425 for the mark ASK KIDS for use in connection with “business services, namely, providing links to the websites of others, namely, retail service providers in the field of consumer electronics, computers, clothing, automobiles, toys and games and a wide variety of other general consumer products; providing links to the websites of others in the field of consumer products and services; promoting the goods and services of others by placing advertisements and promotional displays on electronic sites accessed through computer networks; dissemination of advertising for others via the Internet; online advertising services for others, namely, providing advertising space on websites” in International Class 35; and “providing customized on-line web pages featuring user-defined information, which includes search engines and online web links to other websites; providing search engines for searching indices and databases of websites and computer networks; computer services, namely, providing search engines for obtaining data on global computer network” in International Class 42, which registered on March 23, 2010, based on Opposer’s use of the mark

for these services since at least as early as August 27, 2008. The underlying application was filed on December 12, 2007. Attached hereto as Exhibit H is a true and correct copy of the TESS status report for Registration No. 3,765,425 printed from the USPTO website.

12. Opposer owns the marks covered by the aforementioned registrations and the goodwill and reputation of the goods and services symbolized by those marks. Opposer has continuously offered and promoted goods and services under the ASK Marks since at least as early as November 1995. Through continuous and widespread use and promotion of the ASK Marks, Opposer has also acquired common law rights in the marks. The marks are widely known and recognized by the public as identifying Opposer's goods and services.

#### LIKELIHOOD OF CONFUSION

13. Applicant seeks to register the ASKAROUND mark for "computer social networking services, namely, creating an on-line community for registered users to participate in discussions and get feedback from their peers regarding areas of mutual interests" in International Class 42 in U.S. Application Serial No. 86/250,689.

14. The opposed application was filed on a use basis on April 13, 2014 on the Supplemental Register. On October 20, 2014, the application was amended to the Principal Register on an intent-to-use basis. The application was published in the *Official Gazette* on December 9, 2014.

15. Since at least as early as November 29, 1995, and substantially prior to the filing date of the opposed application, Opposer has continuously offered and promoted computer-based services under the ASK Marks. Specifically, Opposer has used the ASK Marks in connection with search engine services since as early as 1995, Internet advertising services and customized web pages since as early as 2007, and computer social networking services since as early as 2010. The filing date of each of Opposer's above-referenced registrations is also substantially prior to the filing date of the opposed application.

16. On information and belief, Opposer's use of the ASK Marks for the offering of computer social networking services predate any use or proposed use of the ASKAROUND mark for computer social networking services by Applicant.

17. Opposer's ASK Marks are virtually identical to Applicant's ASKAROUND mark. The ASK term in Applicant's ASKAROUND mark is identical to the ASK term in each of Opposer's ASK Marks. The use of the AROUND term following the ASK element in Applicant's mark is likely to cause consumers to believe that Applicant's ASKAROUND mark is a new offering of Opposer's computer social networking services, given that "around" appears to be descriptive of a feature of Applicant's online community in which questions are circulated among users for purposes of discussion. ASK is therefore the dominant component of both Applicant's ASKAROUND mark and Opposer's ASK Marks. Because Applicant's ASKAROUND mark is virtually indistinguishable from Opposer's ASK Marks, Opposer's and Applicant's marks are confusingly similar in appearance, sound, meaning, connotation, and commercial impression.

18. Applicant's proposed computer social networking services will compete with the computer social networking services currently offered under Opposer's ASK Marks.

19. On information and belief, consumers of Applicant's proposed services are likely to consist of many of the same consumers who are familiar with the ASK Marks used by Opposer for computer social networking services. On information and belief, Applicant intends to offer its proposed services through channels of trade that overlap with those used by Opposer for its ASK services.

20. In view of the fact that Applicant's ASKAROUND mark is highly similar in appearance, sound, meaning, connotation, and commercial impression to Opposer's ASK Marks; that Applicant's services are competitive with Opposer's services; and that the customers and trade channels for Applicant's and Opposer's services will be the same or overlapping, Applicant's ASKAROUND mark is likely to cause confusion with Opposer's ASK Marks, or to

cause mistake, or to deceive as to the origin, source, or sponsor of Applicant's services. Opposer would therefore be injured by Applicant's registration of the ASKAROUND mark.

WHEREFORE, Opposer prays that U.S. Application Serial No. 86/250,689 be rejected, that no registration be issued thereon to Applicant, and that this opposition be sustained in favor of Opposer.

Filing Fee: The USPTO is authorized to charge \$300.00 for the Notice of Opposition in International Class 42 to Morrison & Foerster LLP's Deposit Account 03-1952 (Reference No. 47683-6011507).

Respectfully submitted,



Dated: April 8, 2015

By:

---

Jennifer Lee Taylor  
Attorney for Opposer  
IAC Search & Media, Inc.

Morrison & Foerster LLP  
425 Market Street  
San Francisco, California 94105-2482  
Telephone: (415) 268-6538  
Facsimile: (415) 268-7522

**PROOF OF SERVICE BY MAIL**

I am employed with the law firm of Morrison & Foerster LLP, whose address is 425 Market Street, San Francisco, California, 94105; I am not a party to the within cause; I am over the age of eighteen years and I am readily familiar with Morrison & Foerster’s practice for collection and processing of correspondence for mailing with the United States Postal Service and know that in the ordinary course of Morrison & Foerster's business practice the document described below will be deposited with the United States Postal Service on the same date that it is placed at Morrison & Foerster with postage thereon fully prepaid for collection and mailing.

I further declare that on April 8, 2015 I served a copy of

**NOTICE OF OPPOSITION**

on the following by placing a true copy thereof enclosed in a sealed envelope addressed as follows for collection and mailing at Morrison & Foerster LLP, 425 Market Street, San Francisco, California, 94105, in accordance with Morrison & Foerster’s ordinary business practices:

**Aaron Y. Silverstein**  
**Saunders & Silverstein LLP**  
**14 Cedar Street, Suite 224**  
**Amesbury, MA 01913-1831**

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed at San Francisco, California, this 8<sup>th</sup> day of April, 2015.

\_\_\_\_\_  
Lorna Simpson  
(typed)

  
\_\_\_\_\_  
(signature)

# **EXHIBIT A**



## United States Patent and Trademark Office

[Home](#) | [Site Index](#) | [Search](#) | [FAQ](#) | [Glossary](#) | [Guides](#) | [Contacts](#) | [eBusiness](#) | [eBiz alerts](#) | [News](#) | [Help](#)

### Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Wed Apr 8 03:20:58 EDT 2015

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [BROWSE DICT](#) [SEARCH OG](#) [BOTTOM](#) [HELP](#)

[Logout](#) Please logout when you are done to release system resources allocated for you.

## Record 1 out of 1

[TSDR](#) [ASSIGN Status](#) [TTAB Status](#) *( Use the "Back" button of the Internet Browser to return to TESS)*

# ASK

**Word Mark** ASK  
**Goods and Services** IC 009. US 021 023 026 036 038. G & S: Downloadable computer software for use in providing search engine services which is provided through a browser tool bar. FIRST USE: 20070606. FIRST USE IN COMMERCE: 20070606

IC 035. US 100 101 102. G & S: Providing consumer product information; providing comparison shopping information, providing online directory information services also featuring hyperlinks to other websites, dissemination of advertising for others via the internet; online advertising services for others, namely, providing advertising space on internet web sites. FIRST USE: 20070606. FIRST USE IN COMMERCE: 20070606

IC 042. US 100 101. G & S: Computer services, namely, providing search engines for obtaining data on a global computer network. FIRST USE: 20070606. FIRST USE IN COMMERCE: 20070606

**Standard Characters Claimed**

**Mark Drawing Code** (4) STANDARD CHARACTER MARK

**Serial Number** 78645692

**Filing Date** June 7, 2005

**Current Basis** 1A

**Original Filing Basis** 1B

**Published for Opposition** December 4, 2007

**Registration Number** 3525714  
**Registration Date** October 28, 2008  
**Owner** (REGISTRANT) IAC SEARCH & MEDIA, INC. CORPORATION DELAWARE 555 12TH STREET, SUITE 500 OAKLAND CALIFORNIA 94607  
**Assignment Recorded** ASSIGNMENT RECORDED  
**Attorney of Record** Jennifer Lee Taylor  
**Prior Registrations** 2412106;2463252  
**Type of Mark** TRADEMARK. SERVICE MARK  
**Register** PRINCIPAL  
**Affidavit Text** SECT 15. SECT 8 (6-YR).  
**Live/Dead Indicator** LIVE

---

[TESS HOME](#)[NEW USER](#)[STRUCTURED](#)[FREE FORM](#)[BROWSE DICT](#)[SEARCH OG](#)[TOP](#)[HELP](#)

---

[|HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)

## **EXHIBIT B**



## United States Patent and Trademark Office

[Home](#) | [Site Index](#) | [Search](#) | [FAQ](#) | [Glossary](#) | [Guides](#) | [Contacts](#) | [eBusiness](#) | [eBiz alerts](#) | [News](#) | [Help](#)

### Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Wed Apr 8 03:20:58 EDT 2015

[TESS HOME](#)
[NEW USER](#)
[STRUCTURED](#)
[FREE FORM](#)
[BROWSE DICT](#)
[SEARCH OG](#)
[BOTTOM](#)
[HELP](#)

Please logout when you are done to release system resources allocated for you.

## Record 1 out of 1

[TSDR](#)
[ASSIGN Status](#)
[TTAB Status](#)
*( Use the "Back" button of the Internet Browser to return to TESS)*

# ASK

<b>Word Mark</b>	ASK
<b>Goods and Services</b>	IC 045. US 100 101. G & S: Computer social networking services, namely, creating an on-line community for registered users to participate in discussions and get feedback from their peers regarding areas of mutual interests. FIRST USE: 20100727. FIRST USE IN COMMERCE: 20100727
<b>Standard Characters Claimed</b>	
<b>Mark Drawing Code</b>	(4) STANDARD CHARACTER MARK
<b>Serial Number</b>	77566770
<b>Filing Date</b>	September 10, 2008
<b>Current Basis</b>	1A
<b>Original Filing Basis</b>	1B
<b>Published for Opposition</b>	February 9, 2010
<b>Registration Number</b>	<b>3904781</b>
<b>Registration Date</b>	January 11, 2011
<b>Owner</b>	(REGISTRANT) IAC Search & Media, Inc. CORPORATION DELAWARE Suite 500 555 12th Street Oakland CALIFORNIA 94607
<b>Attorney of Record</b>	Jennifer Lee Taylor
<b>Prior</b>	2412106;2463252;3525714

**Registrations**

**Type of Mark** SERVICE MARK

**Register** PRINCIPAL

**Live/Dead Indicator** LIVE

---

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [BROWSE DICT](#) [SEARCH OG](#) [TOP](#) [HELP](#)

---

[HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)

## **EXHIBIT C**



## United States Patent and Trademark Office

[Home](#) | [Site Index](#) | [Search](#) | [FAQ](#) | [Glossary](#) | [Guides](#) | [Contacts](#) | [eBusiness](#) | [eBiz alerts](#) | [News](#) | [Help](#)

### Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Wed Apr 8 03:20:58 EDT 2015

[TESS HOME](#) | [NEW USER](#) | [STRUCTURED](#) | [FREE FORM](#) | [BROWSE DICT](#) | [SEARCH OG](#) | [BOTTOM](#) | [HELP](#)

[Logout](#) Please logout when you are done to release system resources allocated for you.

## Record 1 out of 1

[TSDR](#) | [ASSIGN Status](#) | [TTAB Status](#) ( Use the "Back" button of the Internet Browser to return to TESS)



<b>Word Mark</b>	ASK!
<b>Goods and Services</b>	IC 042. US 100 101. G & S: Computer services, namely, providing a search engine based on natural language queries on a global computer network. FIRST USE: 19981000. FIRST USE IN COMMERCE: 19981000
<b>Mark Drawing Code</b>	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
<b>Design Search Code</b>	26.03.01 - Ovals as carriers and single line borders
<b>Serial Number</b>	75763395
<b>Filing Date</b>	July 29, 1999
<b>Current Basis</b>	1A
<b>Original Filing Basis</b>	1A
<b>Published for Opposition</b>	September 19, 2000
<b>Change In Registration</b>	CHANGE IN REGISTRATION HAS OCCURRED
<b>Registration Number</b>	<b>2412106</b>
<b>Registration Date</b>	December 12, 2000
<b>Owner</b>	(REGISTRANT) Ask Jeeves, Inc. CORPORATION CALIFORNIA 5858 Horton Street, Suite 350 Emeryville CALIFORNIA 94608  (LAST LISTED OWNER) IAC SEARCH & MEDIA, INC. CORPORATION DELAWARE 555 12TH STREET, SUITE 500 OAKLAND CALIFORNIA 94607

<b>Assignment Recorded</b>	ASSIGNMENT RECORDED
<b>Attorney of Record</b>	Jennifer Lee Taylor
<b>Description of Mark</b>	Color is not claimed as a feature of the mark.
<b>Type of Mark</b>	SERVICE MARK
<b>Register</b>	PRINCIPAL
<b>Affidavit Text</b>	SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20121214.
<b>Renewal</b>	1ST RENEWAL 20121214
<b>Live/Dead Indicator</b>	LIVE

---

[TESS HOME](#)[NEW USER](#)[STRUCTURED](#)[FREE FORM](#)[BROWSE DICT](#)[SEARCH OG](#)[TOP](#)[HELP](#)

---

[HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)

## **EXHIBIT D**



## United States Patent and Trademark Office

[Home](#) | [Site Index](#) | [Search](#) | [FAQ](#) | [Glossary](#) | [Guides](#) | [Contacts](#) | [eBusiness](#) | [eBiz alerts](#) | [News](#) | [Help](#)

### Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Wed Apr 8 03:20:58 EDT 2015

[TESS HOME](#) | [NEW USER](#) | [STRUCTURED](#) | [FREE FORM](#) | [BROWSE DICT](#) | [SEARCH OG](#) | [BOTTOM](#) | [HELP](#)

[Logout](#) Please logout when you are done to release system resources allocated for you.

## Record 1 out of 1

[TSDR](#) | [ASSIGN Status](#) | [TTAB Status](#) ( Use the "Back" button of the Internet Browser to return to TESS)



#### Word Mark Goods and Services

ASK

IC 009. US 021 023 026 036 038. G & S: Downloadable internet browser plug-ins and client server applications in the nature of multi-function tool bar plug-ins; downloadable computer software for use in providing search engine services which are provided through a browser tool bar. FIRST USE: 20070606. FIRST USE IN COMMERCE: 20070606

IC 035. US 100 101 102. G & S: Business services, namely, providing links to the web sites of others, namely, retail service providers in the field of consumer electronics, computers, clothing, automobiles, toys and games and a wide variety of other general consumer products; providing links to the websites of others in the field of consumer products and services; promoting the goods and services of others by placing advertisements and promotional displays on electronic sites accessed through computer networks; providing consumer product information; providing comparison shopping information, providing online directory information services also featuring hyperlinks to other websites, dissemination of advertising for others via the internet; online advertising services for others, namely, providing advertising space on websites. FIRST USE: 20070606. FIRST USE IN COMMERCE: 20070606

IC 041. US 100 101 107. G & S: providing links to websites of others in the field of entertainment. FIRST USE: 20070606. FIRST USE IN COMMERCE: 20070606

IC 042. US 100 101. G & S: Providing customized on-line web pages featuring user-defined information, which includes search engines and online web links to other websites; providing on-line directories, indices and searchable databases of websites and computer networks; providing links to web sites of others in the field of computers and technology; computer services, namely, providing search engines for obtaining data on global computer network. FIRST USE: 20070606. FIRST USE IN COMMERCE: 20070606

#### Mark Drawing

(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

**Code**

**Design Search Code** 26.03.21 - Ovals that are completely or partially shaded

**Trademark Search Facility Classification Code** SHAPES-OVALS Oval figures or designs including incomplete ovals and one or more ovals

**Serial Number** 78981112

**Filing Date** February 21, 2006

**Current Basis** 1A

**Original Filing Basis** 1B

**Published for Opposition** February 13, 2007

**Change In Registration** CHANGE IN REGISTRATION HAS OCCURRED

**Registration Number** **3652770**

**Registration Date** July 7, 2009

**Owner** (REGISTRANT) IAC SEARCH & MEDIA, INC. CORPORATION DELAWARE 555 12TH STREET, SUITE 500 OAKLAND CALIFORNIA 94607

**Assignment Recorded** ASSIGNMENT RECORDED

**Attorney of Record** Jennifer Lee Taylor

**Prior Registrations** 2412106;2463252;AND OTHERS

**Description of Mark** Color is not claimed as a feature of the mark. The mark consists of the word "ASK" in a stylized font inside the design of a filled in oval.

**Type of Mark** TRADEMARK. SERVICE MARK

**Register** PRINCIPAL

**Affidavit Text** SECT 15. SECT 8 (6-YR).

**Live/Dead Indicator** LIVE

[TESS HOME](#)[NEW USER](#)[STRUCTURED](#)[FREE FORM](#)[BROWSE DICT](#)[SEARCH OG](#)[TOP](#)[HELP](#)


---

[.HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)

# **EXHIBIT E**



## United States Patent and Trademark Office

[Home](#) | [Site Index](#) | [Search](#) | [FAQ](#) | [Glossary](#) | [Guides](#) | [Contacts](#) | [eBusiness](#) | [eBiz alerts](#) | [News](#) | [Help](#)

### Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Wed Apr 8 03:20:58 EDT 2015

[TESS HOME](#)
[NEW USER](#)
[STRUCTURED](#)
[FREE FORM](#)
[BROWSE DICT](#)
[SEARCH OG](#)
[BOTTOM](#)
[HELP](#)

[Logout](#) Please logout when you are done to release system resources allocated for you.

## Record 1 out of 1

[TSDR](#)
[ASSIGN Status](#)
[TTAB Status](#)
*( Use the "Back" button of the Internet Browser to return to TESS)*



<b>Word Mark</b>	ASK
<b>Goods and Services</b>	IC 045. US 100 101. G & S: Computer social networking services, namely, creating an on-line community for registered users to participate in discussions and get feedback from their peers regarding areas of mutual interests. FIRST USE: 20100727. FIRST USE IN COMMERCE: 20100727
<b>Mark Drawing Code</b>	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
<b>Design Search Code</b>	26.03.01 - Ovals as carriers and single line borders
<b>Trademark Search Facility Classification Code</b>	SHAPES-MISC Miscellaneous shaped designs SHAPES-OVALS Oval figures or designs including incomplete ovals and one or more ovals
<b>Serial Number</b>	77566782
<b>Filing Date</b>	September 10, 2008
<b>Current Basis</b>	1A
<b>Original Filing Basis</b>	1B
<b>Published for Opposition</b>	February 9, 2010
<b>Registration Number</b>	<b>3904782</b>
<b>Registration Date</b>	January 11, 2011
<b>Owner</b>	(REGISTRANT) IAC Search & Media, Inc. CORPORATION DELAWARE 555 12th Street, Suite 500 Oakland CALIFORNIA 94607

**Attorney of Record** Jennifer Lee Taylor  
**Prior Registrations** 2412106;2463252;3525714  
**Description of Mark** Color is not claimed as a feature of the mark. The mark consists of the word "Ask" in an oval design.  
**Type of Mark** SERVICE MARK  
**Register** PRINCIPAL  
**Live/Dead Indicator** LIVE

---

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [BROWSE DICT](#) [SEARCH OG](#) [TOP](#) [HELP](#)

---

[|.HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)

# **EXHIBIT F**



## United States Patent and Trademark Office

[Home](#) | [Site Index](#) | [Search](#) | [FAQ](#) | [Glossary](#) | [Guides](#) | [Contacts](#) | [eBusiness](#) | [eBiz alerts](#) | [News](#) | [Help](#)

### Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Wed Apr 8 03:20:58 EDT 2015

[TESS HOME](#) | [NEW USER](#) | [STRUCTURED](#) | [FREE FORM](#) | [BROWSE DICT](#) | [SEARCH OG](#) | [BOTTOM](#) | [HELP](#)

[Logout](#) Please logout when you are done to release system resources allocated for you.

## Record 1 out of 1

[TSDR](#) | [ASSIGN Status](#) | [TTAB Status](#) ( Use the "Back" button of the Internet Browser to return to TESS)



<b>Word Mark</b>	ASK
<b>Goods and Services</b>	IC 009. US 021 023 026 036 038. G & S: Downloadable Internet browser plug-ins and client server applications in the nature of multi-function tool bar plug-ins; downloadable computer software for use in providing search engine services which are provided through a browser tool bar. FIRST USE: 20070606. FIRST USE IN COMMERCE: 20070606
	IC 035. US 100 101 102. G & S: Business services, namely, providing links to the websites of others, namely, retail service providers in the field of consumer electronics, computers, clothing, automobiles, toys and games and a wide variety of other general consumer products; providing links to the websites of others in the field of consumer products and services; promoting the goods and services of others by placing advertisements and promotional displays on electronic sites accessed through computer networks; providing consumer product information; providing comparison shopping information, providing online directory information services also featuring hyperlinks to other websites, dissemination of advertising for others via the Internet; online advertising services for others, namely, providing advertising space on websites; providing on-line directories, indices and searchable databases of websites and computer networks. FIRST USE: 20070606. FIRST USE IN COMMERCE: 20070606
	IC 042. US 100 101. G & S: Providing customized on-line web pages featuring user-defined information, which includes search engines and online web links to other websites; providing links to websites of others in the field of computers and technology; computer services, namely, providing search engines for obtaining data on global computer network. FIRST USE: 20070606. FIRST USE IN COMMERCE: 20070606
<b>Mark Drawing Code</b>	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
<b>Design Search Code</b>	26.03.21 - Ovals that are completely or partially shaded

**Trademark**  
**Search Facility** SHAPES-COLORS-3-OR-MORE Design listing or lined for three or more colors  
**Classification Code** SHAPES-OVALS Oval figures or designs including incomplete ovals and one or more ovals  
**Serial Number** 78980897  
**Filing Date** February 21, 2006  
**Current Basis** 1A  
**Original Filing Basis** 1B  
**Published for Opposition** April 24, 2007  
**Change In Registration** CHANGE IN REGISTRATION HAS OCCURRED  
**Registration Number** **3593278**  
**Registration Date** March 17, 2009  
**Owner** (REGISTRANT) IAC SEARCH & MEDIA, INC. CORPORATION DELAWARE 555 12TH STREET, SUITE 500 OAKLAND CALIFORNIA 94607  
**Assignment Recorded** ASSIGNMENT RECORDED  
**Attorney of Record** Jennifer Lee Taylor  
**Prior Registrations** 2412106;2463252;AND OTHERS  
**Description of Mark** The color(s) red and white is/are claimed as a feature of the mark. The mark consists of the word "ASK" in a stylized, white font set inside a red oval.  
**Type of Mark** TRADEMARK. SERVICE MARK  
**Register** PRINCIPAL  
**Affidavit Text** SECT 15. SECT 8 (6-YR).  
**Live/Dead Indicator** LIVE

---

[TESS HOME](#) | [NEW USER](#) | [STRUCTURED](#) | [FREE FORM](#) | [BROWSE DICT](#) | [SEARCH OG](#) | [TOP](#) | [HELP](#)

---

[HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)

# **EXHIBIT G**



## United States Patent and Trademark Office

[Home](#) | [Site Index](#) | [Search](#) | [FAQ](#) | [Glossary](#) | [Guides](#) | [Contacts](#) | [eBusiness](#) | [eBiz alerts](#) | [News](#) | [Help](#)

### Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Wed Apr 8 03:20:58 EDT 2015

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [BROWSE DICT](#) [SEARCH OG](#) [BOTTOM](#) [HELP](#)

Please logout when you are done to release system resources allocated for you.

## Record 1 out of 1

[TSDR](#) [ASSIGN Status](#) [TTAB Status](#) ( Use the "Back" button of the Internet Browser to return to TESS)

# Typed Drawing

<b>Word Mark</b>	ASK.COM
<b>Goods and Services</b>	IC 042. US 100 101. G & S: Computer services, namely, providing a search engine based on natural language queries on a global computer network. FIRST USE: 19981015. FIRST USE IN COMMERCE: 19981015
<b>Mark Drawing Code</b>	(1) TYPED DRAWING
<b>Serial Number</b>	75693002
<b>Filing Date</b>	April 28, 1999
<b>Current Basis</b>	1A
<b>Original Filing Basis</b>	1A
<b>Published for Opposition</b>	July 11, 2000
<b>Registration Number</b>	<b>2463252</b>
<b>Registration Date</b>	June 26, 2001
<b>Owner</b>	(REGISTRANT) Ask Jeeves, Inc. CORPORATION CALIFORNIA 918 Parker Street Berkeley CALIFORNIA 94710  (LAST LISTED OWNER) IAC SEARCH & MEDIA, INC. CORPORATION DELAWARE 555 12TH STREET, SUITE 500 OAKLAND CALIFORNIA 94607
<b>Assignment Recorded</b>	ASSIGNMENT RECORDED
<b>Attorney of Record</b>	Jennifer Lee Taylor
<b>Type of Mark</b>	SERVICE MARK
<b>Register</b>	PRINCIPAL
<b>Affidavit Text</b>	SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20110721.
<b>Renewal</b>	1ST RENEWAL 20110721
<b>Live/Dead Indicator</b>	LIVE

---

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [BROWSE DICT](#) [SEARCH OG](#) [TOP](#) [HELP](#)

---

[|.HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)

# **EXHIBIT H**



## United States Patent and Trademark Office

[Home](#) | [Site Index](#) | [Search](#) | [FAQ](#) | [Glossary](#) | [Guides](#) | [Contacts](#) | [eBusiness](#) | [eBiz alerts](#) | [News](#) | [Help](#)

### Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Wed Apr 8 03:20:58 EDT 2015

[TESS HOME](#) | [NEW USER](#) | [STRUCTURED](#) | [FREE FORM](#) | [BROWSE DICT](#) | [SEARCH OG](#) | [BOTTOM](#) | [HELP](#)

[Logout](#) Please logout when you are done to release system resources allocated for you.

## Record 1 out of 1

[TSDR](#) | [ASSIGN Status](#) | [TTAB Status](#) ( Use the "Back" button of the Internet Browser to return to TESS)

# ASK KIDS

<b>Word Mark</b>	ASK KIDS
<b>Goods and Services</b>	IC 035. US 100 101 102. G & S: Business services, namely, providing links to the websites of others, namely, retail service providers in the field of consumer electronics, computers, clothing, automobiles, toys and games and a wide variety of other general consumer products; providing links to the websites of others in the field of consumer products and services; promoting the goods and services of others by placing advertisements and promotional displays on electronic sites accessed through computer networks; dissemination of advertising for others via the Internet; online advertising services for others, namely, providing advertising space on websites. FIRST USE: 20080827. FIRST USE IN COMMERCE: 20080827
	IC 042. US 100 101. G & S: Providing customized on-line web pages featuring user-defined information, which includes search engines and online web links to other websites; providing search engines for searching indices and databases of websites and computer networks; computer services, namely, providing search engines for obtaining data on global computer network. FIRST USE: 20080827. FIRST USE IN COMMERCE: 20080827
<b>Standard Characters Claimed</b>	
<b>Mark Drawing Code</b>	(4) STANDARD CHARACTER MARK
<b>Trademark Search Facility Classification Code</b>	SHAPES-MISC Miscellaneous shaped designs
<b>Serial Number</b>	77978701
<b>Filing Date</b>	December 12, 2007
<b>Current Basis</b>	1A
<b>Original Filing Basis</b>	1B
<b>Published for Opposition</b>	November 4, 2008

**Registration Number** 3765425  
**Registration Date** March 23, 2010  
**Owner** (REGISTRANT) IAC Search & Media, Inc. CORPORATION DELAWARE 555 12th Street, Suite 500 Oakland CALIFORNIA 94607  
**Attorney of Record** Jennifer Lee Taylor  
**Prior Registrations** 2412106;2463252;3028973;AND OTHERS  
**Disclaimer** NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "KIDS" APART FROM THE MARK AS SHOWN  
**Type of Mark** SERVICE MARK  
**Register** PRINCIPAL  
**Live/Dead Indicator** LIVE

---

[TESS HOME](#)[NEW USER](#)[STRUCTURED](#)[FREE FORM](#)[BROWSE DICT](#)[SEARCH OG](#)[TOP](#)[HELP](#)

---

[HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)