

ESTTA Tracking number: **ESTTA759162**

Filing date: **07/19/2016**

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	Geeknet, Inc.
Granted to Date of previous extension	07/20/2016
Address	11216 Waples Mill Rd., Suite 100 Fairfax, VA 22030 UNITED STATES
Attorney information	SARAH ANNE KEEFE Womble Carlyle Sandridge & Rice 271 17th Street NWSuite 2400 Atlanta, GA 30363-1017 UNITED STATES atltrademarks@wcsr.com

### Applicant Information

Application No	86792745	Publication date	03/22/2016
Opposition Filing Date	07/19/2016	Opposition Period Ends	07/20/2016
Applicant	Shenzhen TOMTOP Technology Co., Ltd. No. 5G-155- No. 5G-165, 5/F, Phase 2 Shenzhen, Guangdong, CHINA		

### Goods/Services Affected by Opposition

Class 014. First Use: 2015/08/12 First Use In Commerce: 2015/08/12 All goods and services in the class are opposed, namely: Chronographs for use as timepieces; Chronometers; Horological and chronometric instruments and cases therefor; Horological and chronometric instruments and parts thereof; Jewelry; Parts for watches; Timepieces; Watch cases; Watches; Watchstraps
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### Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
No use of mark in commerce before application or amendment to allege use was filed	Trademark Act Sections 1(a) and (c)
No bona fide intent to use mark in commerce for identified goods or services	Trademark Act Section 1(b)
Fraud on the USPTO	In re Bose Corp., 580 F.3d 1240, 91 USPQ2d 1938 (Fed. Cir. 2009)

## Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	4760109	Application Date	11/04/2014
Registration Date	06/23/2015	Foreign Priority Date	NONE
Word Mark	THINKGEEK		
Design Mark			
Description of Mark	The mark consists of the stylized word "THINKGEEK" in which the letters "GEEK" are reversed.		
Goods/Services	Class 035. First use: First Use: 2014/08/01 First Use In Commerce: 2014/08/01 On-line retail store services featuring a wide variety of consumer goods; Wholesale and retail store services featuring a wide variety of consumer goods		

U.S. Registration No.	2535696	Application Date	03/20/2000
Registration Date	02/05/2002	Foreign Priority Date	NONE
Word Mark	THINKGEEK		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 1998/03/15 First Use In Commerce: 1998/03/15 Online retail services targeted to the computer community and featuring a variety of items, namely clothing, books, toys, mugs, glassware, lamps, electronics, paper goods, food stuffs, beverages, hats, key chains and rings, and tools		

U.S. Registration No.	3888853	Application Date	11/25/2009
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Registration Date	12/14/2010	Foreign Priority Date	NONE
Word Mark	GEEKNET		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 2009/11/04 First Use In Commerce: 2009/11/04 Online retail store services featuring a wide variety of consumer goods of others; online retail store services targeted to the open source, computer, technology, and media communities and featuring a wide variety of goods of others; online advertising and marketing services; advertising by transmission of online publicity for third parties through electronic communications networks		

U.S. Registration No.	4991955	Application Date	10/19/2015
Registration Date	07/05/2016	Foreign Priority Date	NONE
Word Mark	THINKGEEK		
Design Mark			
Description of Mark	The mark consists of the stylized word "THINKGEEK" in which the word "THINK" appears in white and the word "GEEK" appears in green. Each letter in the word "GEEK" is reversed and in reverse letter order, namely, "KEEG", with the letter "K" in "THINK" and the letter "K" in "GEEK" overlapping so as to form a diamond. The black in the mark represents background and/or transparent areas and is not part of the mark.		
Goods/Services	Class 035. First use: First Use: 2014/08/01 First Use In Commerce: 2014/08/01 On-line retail store services featuring a wide variety of general consumer merchandise; Wholesale and retail store services featuring a wide variety of general consumer merchandise		

U.S. Registration No.	5002007	Application Date	10/19/2015
Registration Date	07/19/2016	Foreign Priority Date	NONE
Word Mark	THINKGEEK		

Design Mark	
Description of Mark	The mark consists of the stylized word "THINKGEEK" in which the word "THINK" appears in gray and the word "GEEK" appears in green. Each letter in the word "GEEK" is reversed and in reverse letter order, namely, "KEEG", with the letter "K" in "THINK" and the letter "K" in "GEEK" overlapping so as to form a diamond.
Goods/Services	Class 035. First use: First Use: 2014/08/01 First Use In Commerce: 2014/08/01 On-line retail store services featuring a wide variety of general consumer merchandise; Wholesale and retail store services featuring a wide variety of general consumer merchandise

U.S. Registration No.	5001722	Application Date	08/28/2015
Registration Date	07/19/2016	Foreign Priority Date	NONE
Word Mark	THINKGEEK		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 2014/08/01 First Use In Commerce: 2014/08/01 Wholesale and retail store services featuring a wide variety of general consumer merchandise		

Attachments	86444341#TMSN.png( bytes ) 76004360#TMSN.png( bytes ) 77880840#TMSN.png( bytes ) 86791933#TMSN.png( bytes ) 86791920#TMSN.png( bytes ) 86740723#TMSN.png( bytes ) Notice of Opposition KOOGEEK.pdf(119311 bytes ) KOOGEEK Opposition Exhibit A.pdf(306507 bytes ) KOOGEEK Opposition Exhibit B.pdf(4972652 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	/Sarah Anne Keefe/
Name	SARAH ANNE KEEFE
Date	07/19/2016

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

**In the Matter of Application Serial No. 86/792,745  
Published on March 22, 2016  
Mark: KOOGEEK (Stylized)**

<b>GEEKNET, INC.</b>	)	
	)	
<b>Opposer,</b>	)	
	)	
v.	)	<b>Opposition No. _____</b>
	)	
<b>SHENZHEN TOMTOP TECHNOLOGY CO., LTD.</b>	)	
	)	
<b>Applicant.</b>	)	

**NOTICE OF OPPOSITION**

Opposer Geeknet, Inc., a Delaware corporation having its principal place of business at 11216 Waples Mill Road, Suite 100, Fairfax, Virginia 22030 and/or its related companies (“Opposer”), believes it will be damaged by the registration of the mark that is the subject of U.S. App. Ser. No. 86/792,745, KOOGEEK (Stylized) (“Applicant’s Mark”), published in the Official Gazette on March 22, 2016, for “chronographs for use as timepieces; chronometers; horological and chronometric instruments and cases therefor; horological and chronometric instruments and parts thereof; jewelry; parts for watches; timepieces; watch cases; watches; watchstraps,” in International Class 14, and hereby opposes same. As grounds for the opposition, Opposer alleges that:

1. On October 19, 2015, Applicant Shenzhen TomTop Technology Co., Ltd. (“Applicant”) filed a used-based application to register Applicant’s Mark for use in connection with watches and jewelry.

2. Prior to the filing date of the application to register Applicant's Mark, Opposer has used, and not abandoned, an inherently distinctive family of GEEK marks including THINKGEEK, GEEKNET and THINKGEEK & Design in interstate commerce throughout the United States in connection with a variety of consumer goods including watches and jewelry.

See Exhibit A.

3. Opposer is the owner of the following federal trademark registrations:

Mark	Registration No.	Registration Date	Services
THINKGEEK	4,760,109	June 23, 2015	On-line retail store services featuring a wide variety of consumer goods; Wholesale and retail store services featuring a wide variety of consumer goods
THINKGEEK	2,535,696	February 5, 2002	Online retail services targeted to the computer community and featuring a variety of items, namely clothing, books, toys, mugs, glassware, lamps, electronics, paper goods, food stuffs, beverages, hats, key chains and rings, and tools
GEEKNET	3,888,853	December 14, 2010	Online retail store services featuring a wide variety of consumer goods of others; online retail store services targeted to the open source, computer, technology, and media communities and featuring a wide variety of goods of others; online advertising and marketing services; advertising by transmission of online publicity for third parties through electronic communications networks
THINKGEEK & Design 	4,991,955	July 5, 2016	On-line retail store services featuring a wide variety of general consumer merchandise; Wholesale and retail store services featuring a wide variety of general consumer merchandise

(Current printouts from the electronic database records of the USPTO showing the current status and title of the above registrations are attached as **Exhibit B**.) The aforesaid registrations are valid and subsisting.

4. Opposer is the owner of the following published federal trademark applications:

<b>Mark</b>	<b>Application Serial Number</b>	<b>Filing Date</b>	<b>Goods</b>
THINKGEEK & Design  	86/791,920	October 19, 2015	On-line retail store services featuring a wide variety of general consumer merchandise; Wholesale and retail store services featuring a wide variety of general consumer merchandise
THINKGEEK	86/740,723	August 28, 2015	Wholesale and retail store services featuring a wide variety of general consumer merchandise

Opposer is using the marks THINKGEEK and THINKGEEK & Design in commerce in connection with all of the goods identified in the applications.

5. Opposer’s family of GEEK marks, including its common law rights in its THINKGEEK and THINKGEEK & Design marks, the above-referenced applications and registrations for the marks THINKGEEK, THINKGEEK & Design, and GEEKNET are collectively hereinafter referred to as “Opposer’s Marks.”

6. Opposer is now, and has been, engaged in selling watches and jewelry in its online and retail stores.

7. Opposer has used, is using and/or intends to use Opposer’s Marks in connection with retail store services, which includes watches and jewelry. In particular,

- a) Opposer began using the mark THINKGEEK in connection with retail store services as least as early as March 1998.
- b) Opposer began using the mark GEEKNET in connection with retail

store services as least as early as November 2009.

8. Opposer's Marks are valid and distinctive.

9. By the application herein opposed, Applicant seeks to register Applicant's Mark for "chronographs for use as timepieces; chronometers; horological and chronometric instruments and cases therefor; horological and chronometric instruments and parts thereof; jewelry; parts for watches; timepieces; watch cases; watches; watchstraps," in International Class 14. Such goods are advertised, promoted and sold by Opposer under Opposer's Marks.

10. Opposer's Marks and Applicant's Mark are confusingly similar in sight, sound, and meaning.

11. Applicant's Mark so resembles Opposer's Marks as to be likely to cause confusion and mistake and to deceive, with consequent injury to Opposer, the consuming public, and the trade.

12. Because of the high degree of inherent and acquired distinctiveness of the Opposer's Marks, the length of time and extent to which Opposer has used Opposer's Marks, the vast advertising and publicity Opposer's Marks have received, the nationwide trading area in which Opposer's Marks are used, and the high degree of consumer recognition of Opposer's Marks, Opposer's Marks are famous trademarks pursuant to 15 U.S.C. § 1125(c).

13. Opposer will be damaged by the registration sought by Applicant because such registration will support and assist Applicant in the confusing and misleading use of Applicant's Mark, and will give color and exclusive statutory right to Applicant in violation and derogation of prior and superior rights of Opposer.

14. On information and belief, Applicant is not using Applicant's Mark in commerce in connection with all of the goods identified in the application. On information and belief, Applicant's statement that Applicant's Mark is in use in commerce is false.

15. On information and belief, Applicant was not using Applicant's Mark in commerce in connection with all of the goods identified in the application at the time the application was filed. On information and belief, Applicant's statement that Applicant's Mark was in use in commerce at the time the application was filed is false.

16. On information and belief, the specimen submitted by Applicant does not accurately reflect Applicant's Mark as actually used. Opposer has been unable to locate or verify the validity of the specimen nor confirm that Applicant's Mark is in use in commerce. Applicant's specimen submitted in the application for Applicant's Mark so closely resembles the specimens submitted by Applicant in connection with other applications and registrations so as to indicate the specimen submitted for Applicant's Mark is not genuine and does not accurately reflect Applicant's Mark as used nor does it support Applicant's statements that Applicant's Mark is in use in commerce in connection with the goods identified in Applicant's application.

WHEREFORE, Opposer believes it will be damaged by registration of Applicant's Mark and prays that registration be refused.

This 19<sup>th</sup> day of July, 2016.

Respectfully submitted,

/Sarah Anne Keefe/

Sarah Anne Keefe

WOMBLE CARLYLE SANDRIDGE & RICE, LLC  
271 17<sup>th</sup> Street, NW  
Suite 2400  
Atlanta, Georgia 30363-1017  
Telephone: (919) 484-2327  
Facsimile: (919) 755-6093  
Email: skeefe@wcsr.com

*Attorneys for Opposer, Geeknet, Inc.*

**CERTIFICATE OF MAILING**

I do hereby certify that on July 19<sup>th</sup>, 2016, I filed via electronic means (ESTTA) this NOTICE OF OPPOSITION with the:

U.S. Patent and Trademark Office  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, Virginia 22313-1451

/Emily Scheible/  
Emily Scheible

**CERTIFICATE OF SERVICE**

I do hereby certify that on July 19<sup>th</sup>, 2016, I mailed by United States mail, first class postage prepaid, a true and correct copy of this NOTICE OF OPPOSITION to Applicant's counsel, at the last address known by the undersigned and the last address displayed on the United States Patent and Trademark Office TEAS database, as follows:

John Alunit  
Alunit IP  
135 S. Jackson Street, Suite 200  
Glendale, California 91205

/Emily Scheible/  
Emily Scheible

# **EXHIBIT A**



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GEEKPOINTS

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T-SHIRTS & APPAREL

T-Shirts

Women's Tops, Tanks & Babydolls

Polos & Work Shirts

Hoodies & Jackets

Slippers, Robes & Pajamas

Socks & Underwear

Dresses, Skirts & Leggings

Baby & Kids

Costumes & Cosplay

Jewelry

Watches

Wallets, Purses & Keychains

Bags, Backpacks & Luggage

Hats, Scarves, Belts & More

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TOOLS, OUTDOOR & SURVIVAL

GEEK KIDS

STAR WARS

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## Jewelry

Green Lantern taught us that with the right jewelry, you can change the world. Why go to some fancy store in the mall to look at jewelry inside glass cases when you can get epic bling right here? We carry charm beads, necklaces, earrings, rings, bracelets, cufflinks, pendants, and more in all your favorite franchises, including [Star Wars](#), [Deadpool](#), and [Doctor Who](#).

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T-Shirts

Women's Tops, Tanks & Babydolls

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Hoodies & Jackets

Slippers, Robes & Pajamas

Socks & Underwear

Dresses, Skirts & Leggings

Baby & Kids

Costumes & Cosplay

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## Watches

One of our favorite authors said, "Time is an illusion. Lunchtime doubly so." Our watch selection is here to keep up that illusion, some of them by not even looking like timepieces. We have classic wristwatches in analog or digital with silicone, leather, or metal bands. We also have pocket watches, because we think they're cool, as well as high-end limited-edition pieces. Don't you need one? We think it's about time.

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# **EXHIBIT B**

# United States of America

United States Patent and Trademark Office

## THINKGEEK

**Reg. No. 4,760,109**

**Registered June 23, 2015**

**Int. Cl.: 35**

**SERVICE MARK**

**PRINCIPAL REGISTER**

THINKGEEK, INC. (DELAWARE CORPORATION)  
11216 WAPLES MILL RD., SUITE 100  
FAIRFAX, VA 22030

FOR: ON-LINE RETAIL STORE SERVICES FEATURING A WIDE VARIETY OF CONSUMER GOODS; WHOLESALE AND RETAIL STORE SERVICES FEATURING A WIDE VARIETY OF CONSUMER GOODS, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 8-1-2014; IN COMMERCE 8-1-2014.

OWNER OF U.S. REG. NO. 2,535,696.

THE MARK CONSISTS OF THE STYLIZED WORD "THINKGEEK" IN WHICH THE LETTERS "GEEK" ARE REVERSED.

SER. NO. 86-444,341, FILED 11-4-2014.

DEBORAH MEINERS, EXAMINING ATTORNEY



*Michelle K. Lee*

Director of the United States  
Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL  
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE  
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

**Requirements in the First Ten Years\***

**What and When to File:**

***First Filing Deadline:*** You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. *See* 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

***Second Filing Deadline:*** You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.\*  
*See* 15 U.S.C. §1059.

**Requirements in Successive Ten-Year Periods\***

**What and When to File:**

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.\*

**Grace Period Filings\***

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**\*ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the United States Patent and Trademark Office (USPTO). The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. *See* 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. *See* 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

**NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.**

**NOTE: A courtesy e-mail reminder of USPTO maintenance filing deadlines will be sent to trademark owners/holders who authorize e-mail communication and maintain a current e-mail address with the USPTO. To ensure that e-mail is authorized and your address is current, please use the Trademark Electronic Application System (TEAS) Correspondence Address and Change of Owner Address Forms available at <http://www.uspto.gov>.**



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**Mark:** THINKGEEK

**THINKGEEK**

**US Serial Number:** 86444341

**Application Filing Date:** Nov. 04, 2014

**US Registration Number:** 4760109

**Registration Date:** Jun. 23, 2015

**Filed as TEAS Plus:** Yes

**Currently TEAS Plus:** Yes

**Register:** Principal

**Mark Type:** Service Mark

**TM5 Common Status**

**Descriptor:**



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

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

**Status Date:** Jun. 23, 2015

**Publication Date:** Apr. 07, 2015

**United States of America**  
United States Patent and Trademark Office

# THINKGEEK

**Reg. No. 2,535,696**

**Registered Feb. 5, 2002**

**Amended Jan. 20, 2015**

**Int. Cl.: 35**

**SERVICE MARK**

**PRINCIPAL REGISTER**

THINKGEEK, INC. (DELAWARE CORPORATION)  
11216 WAPLES MILL RD.  
SUITE 100  
FAIRFAX, VA 22030

FOR: ONLINE RETAIL SERVICES TARGETED TO THE COMPUTER COMMUNITY AND FEATURING A VARIETY OF ITEMS, NAMELY CLOTHING, BOOKS, TOYS, MUGS, GLASSWARE, LAMPS, ELECTRONICS, PAPER GOODS, FOOD STUFFS, BEVERAGES, HATS, KEY CHAINS AND RINGS, AND TOOLS, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 3-15-1998; IN COMMERCE 3-15-1998.

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

SER. NO. 76-004,360, FILED 3-20-2000.



*Michelle K. Lee*

Deputy Director of the United States  
Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL  
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE  
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

**Requirements in the First Ten Years\***

**What and When to File:**

***First Filing Deadline:*** You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. *See* 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

***Second Filing Deadline:*** You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.\*  
*See* 15 U.S.C. §1059.

**Requirements in Successive Ten-Year Periods\***

**What and When to File:**

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.\*

**Grace Period Filings\***

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or  
reminder of these filing requirements.**

**\*ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. *See* 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. *See* 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

**NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.**



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**Mark:** THINKGEEK

# THINKGEEK

**US Serial Number:** 76004360

**Application Filing Date:** Mar. 20, 2000

**US Registration Number:** 2535696

**Registration Date:** Feb. 05, 2002

**Register:** Principal

**Mark Type:** Service Mark

**TM5 Common Status  
Descriptor:**



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

**Status:** The registration has been renewed.

**Status Date:** Jan. 30, 2012

**Publication Date:** Nov. 13, 2001

# United States of America

United States Patent and Trademark Office

## GEEKNET

**Reg. No. 3,888,853**

**Registered Dec. 14, 2010**

**Int. Cl.: 35**

**SERVICE MARK**

**PRINCIPAL REGISTER**

GEEKNET, INC. (DELAWARE CORPORATION)  
650 CASTRO STREET, SUITE 450  
MOUNTAIN VIEW, CA 94041

FOR: ONLINE RETAIL STORE SERVICES FEATURING A WIDE VARIETY OF CONSUMER GOODS OF OTHERS; ONLINE RETAIL STORE SERVICES TARGETED TO THE OPEN SOURCE, COMPUTER, TECHNOLOGY, AND MEDIA COMMUNITIES AND FEATURING A WIDE VARIETY OF GOODS OF OTHERS; ONLINE ADVERTISING AND MARKETING SERVICES; ADVERTISING BY TRANSMISSION OF ONLINE PUBLICITY FOR THIRD PARTIES THROUGH ELECTRONIC COMMUNICATIONS NETWORKS, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 11-4-2009; IN COMMERCE 11-4-2009.

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

SER. NO. 77-880,840, FILED 11-25-2009.

WENDY JUN, EXAMINING ATTORNEY



*David J. Kyffers*

Director of the United States Patent and Trademark Office



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**Mark:** GEEKNET

# GEEKNET

**US Serial Number:** 77880840

**Application Filing Date:** Nov. 25, 2009

**US Registration Number:** 3888853

**Registration Date:** Dec. 14, 2010

**Register:** Principal

**Mark Type:** Service Mark

**TM5 Common Status  
Descriptor:**



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

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

**Status Date:** Dec. 14, 2010

**Publication Date:** Sep. 28, 2010

# United States of America

United States Patent and Trademark Office



**Reg. No. 4,991,955**

**Registered July 5, 2016**

**Int. Cl.: 35**

**SERVICE MARK**

**PRINCIPAL REGISTER**

GEEKNET, INC. (DELAWARE CORPORATION)  
11216 WAPLES MILL RD., SUITE 100  
FAIRFAX, VA 22030

FOR: ON-LINE RETAIL STORE SERVICES FEATURING A WIDE VARIETY OF GENERAL CONSUMER MERCHANDISE; WHOLESALE AND RETAIL STORE SERVICES FEATURING A WIDE VARIETY OF GENERAL CONSUMER MERCHANDISE, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 8-1-2014; IN COMMERCE 8-1-2014.

OWNER OF U.S. REG. NOS. 2,535,696 AND 4,760,109.

THE COLOR(S) WHITE AND GREEN IS/ARE CLAIMED AS A FEATURE OF THE MARK.

THE MARK CONSISTS OF THE STYLIZED WORD "THINKGEEK" IN WHICH THE WORD "THINK" APPEARS IN WHITE AND THE WORD "GEEK" APPEARS IN GREEN. EACH LETTER IN THE WORD "GEEK" IS REVERSED AND IN REVERSE LETTER ORDER, NAMELY, "KEEG", WITH THE LETTER "K" IN "THINK" AND THE LETTER "K" IN "GEEK" OVERLAPPING SO AS TO FORM A DIAMOND. THE BLACK IN THE MARK REPRESENTS BACKGROUND AND/OR TRANSPARENT AREAS AND IS NOT PART OF THE MARK.

SER. NO. 86-791,933, FILED 10-19-2015.

MATTHEW CUCCIAS, EXAMINING ATTORNEY



*Michelle K. Lee*

Director of the United States  
Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL  
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE  
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

**Requirements in the First Ten Years\***

**What and When to File:**

***First Filing Deadline:*** You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. *See* 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

***Second Filing Deadline:*** You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.\*  
*See* 15 U.S.C. §1059.

**Requirements in Successive Ten-Year Periods\***

**What and When to File:**

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.\*

**Grace Period Filings\***

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**\*ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the United States Patent and Trademark Office (USPTO). The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. *See* 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. *See* 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

**NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.**

**NOTE: A courtesy e-mail reminder of USPTO maintenance filing deadlines will be sent to trademark owners/holders who authorize e-mail communication and maintain a current e-mail address with the USPTO. To ensure that e-mail is authorized and your address is current, please use the Trademark Electronic Application System (TEAS) Correspondence Address and Change of Owner Address Forms available at <http://www.uspto.gov>.**



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**Mark:** THINKGEEK



**US Serial Number:** 86791933

**Application Filing Date:** Oct. 19, 2015

**US Registration Number:** 4991955

**Registration Date:** Jul. 05, 2016

**Filed as TEAS Plus:** Yes

**Currently TEAS Plus:** Yes

**Register:** Principal

**Mark Type:** Service Mark

**TM5 Common Status  
Descriptor:**



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

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

**Status Date:** Jul. 05, 2016

**Publication Date:** Apr. 19, 2016