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Filing date: **09/11/2008**

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

Proceeding	92049339
Party	Plaintiff Bitsteam Inc.
Correspondence Address	Thomas M. Saunders Seyfarth Shaw LLP World Trade Center East, Two Seaport Lane, Suite 300 Boston, MA 02210-2028 UNITED STATES bosippto@seyfarth.com
Submission	Opposition/Response to Motion
Filer's Name	Thomas M. Saunders
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Signature	/s/TMS/
Date	09/11/2008
Attachments	thunderhawkmotion.PDF (38 pages)(950401 bytes)

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

BITSTREAM, INC.,

Petitioner,

v.

CHARLES ANTHONY BOOKMAN,

Registrant.

Cancellation No. 92049339

Registration No. 2715836

**PETITIONER'S *SUPPLEMENTAL* OPPOSITION TO
REGISTRANT'S MOTION TO DISMISS
PETITIONER'S PETITION FOR CANCELLATION
FOR FAILURE TO STATE A CLAIM UPON WHICH RELIEF MAY BE GRANTED**

INTRODUCTION

On June 17, 2008, Registrant, Charles Anthony Bookman, ("Registrant"), filed a Motion under Rule 12(b)(6) to dismiss the Petition for Cancellation filed by Petitioner Bitstream, Inc. ("Petitioner"). On July 21, 2008, Petitioner filed a timely opposition to Registrant's Motion.

One basis for Registrant's Motion was that this action is premature in that the Examining Attorney *may not* refuse Petitioner's Application, Ser. No. 77/472223 in view of Registrant's Mark. Petitioner's concern has now been realized. By the Office Action of September 10, 2008, (Appendix A) the Examining Attorney *did in fact* refuse Petitioner's Application in view of Registrant's Mark.

ACTUAL REFUSAL TO REGISTER

Petitioner's Petition alleges that Petitioner will be damaged by the continued registration of Registrant's THUNDERHAWK mark. Petition, ¶ 13. As noted in the Office Action of September 10, 2008, the Examining Attorney refused registration of Petitioner's pending

application for THUNDERHAWK, Ser. No. 77/472223 under Trademark Act Section 2(d), 15 U.S.C. Section 1052(d), because the mark, when used on or in connection with the identified goods/services, so resembles the mark in U.S. Registration Nos. 2,715,836 (Registrant's Mark) as to be likely to cause confusion, to cause mistake, or to deceive. Office Action of September 10, 2008, page 1. Thus, Petitioner has suffered further actual harm by this rejection, and the rejection effectively moots Registrant's argument that the instant Petition for Cancellation is based on speculation.

CONCLUSION

For all of the foregoing reasons, Registrant's motion to dismiss the instant Petition for Cancellation should be denied in its entirety. If the Petition for Cancellation is found to be deficient in any respect, which Petitioner denies, Petitioner requests leave to re-plead pursuant to Fed. R. Civ. P. 15(a) and the authorities set forth in TBMP § 503.03.

Respectfully submitted,

SEYFARTH SHAW LLP

Dated: September 11, 2008

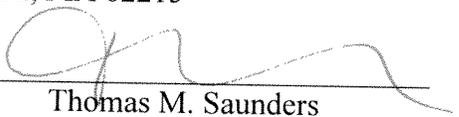
By: 

Thomas M. Saunders
Deidré A. Francis
Attorneys for Petitioner
BITSTREAM, INC.

CERTIFICATE OF SERVICE

I hereby certify that on September 11, 2008, I served the foregoing papers on the Registrant by mailing a copy thereof by First Class Mail, postage prepaid, addressed to Registrant's correspondence address of record as follows:

Charles Anthony Bookman
1085 Commonwealth Avenue, # 273
Boston, MA 02215



Thomas M. Saunders

Subject: TRADEMARK APPLICATION NO. 77472223 - THUNDERHAWK - 54680.000002
Sent: 9/10/2008 10:26:56 AM
Sent As: ECOM114@USPTO.GOV
Attachments: Attachment - 1
Attachment - 2
Attachment - 3
Attachment - 4
Attachment - 5
Attachment - 6
Attachment - 7
Attachment - 8
Attachment - 9
Attachment - 10
Attachment - 11
Attachment - 12
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Attachment - 28
Attachment - 29
Attachment - 30
Attachment - 31

UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 77/472223

MARK: THUNDERHAWK

77472223

CORRESPONDENT ADDRESS:

JOSEPH V. MYERS III
SEYFARTH SHAW LLP
ONE PEACHTREE POINTE
1545 PEACHTREE STREET NE, SUITE 700
ATLANTA, GA 30309

RESPOND TO THIS ACTION:

<http://www.uspto.gov/teas/eTEASpageD.htm>

GENERAL TRADEMARK INFORMATION:

<http://www.uspto.gov/main/trademarks.htm>

APPLICANT: BITSTREAM, INC.

CORRESPONDENT'S REFERENCE/DOCKET NO:

54680.000002

CORRESPONDENT E-MAIL ADDRESS:

tmatlanta@seyfarth.com

OFFICE ACTION

The assigned examining attorney has reviewed the referenced application and determined the following.

I. LIKELIHOOD OF CONFUSION:

The examining attorney refuses registration under Trademark Act Section 2(d), 15 U.S.C. Section 1052(d), because the applicant's mark, when used on or in connection with the identified goods/services, so resembles the mark in U.S. Registration Nos. 2,715,836 as to be likely to cause confusion, to cause mistake, or to deceive. TMEP section 1207. See the enclosed registration.

The examining attorney must analyze each case in two steps to determine whether there is a likelihood of confusion. First, the examining attorney must look at the marks themselves for similarities in appearance, sound, connotation and commercial impression. *In re E. I. DuPont de Nemours & Co.*, 476 F.2d 1357, 177 USPQ 563 (CCPA 1973). Second, the examining attorney must compare the goods or services to determine if they are related or if the activities surrounding their marketing are such that confusion as to origin is likely. *In re August Storck KG*, 218 USPQ 823 (TTAB 1983); *In re International Telephone and Telegraph Corp.*, 197 USPQ 910 (TTAB 1978); *Guardian Products Co., v. Scott Paper Co.*, 200 USPQ 738 (TTAB 1978).

- COMPARISON OF THE MARKS:

The examining attorney must compare the marks for similarities in sound, appearance, meaning or connotation. *In re E. I. DuPont de Nemours & Co.*, 476 F.2d 1357, 177 USPQ 563 (CCPA 1973). Similarity in any one of these elements is sufficient to find a likelihood of confusion. *In re Mack*, 197 USPQ 755 (TTAB 1977). A comparison of the applicant's mark **THUNDERHAWK** and the registered mark **THUNDERHAWK** shows that the marks are identical in every element sound, appearance and meaning.

- COMPARISON OF THE GOODS/SERVICES:

The goods or services of the parties need not be identical or directly competitive to find a likelihood of confusion. They need only be related in some manner, or the conditions surrounding their marketing be such, that they could be encountered by the same purchasers under circumstances that could give rise to the mistaken belief that the goods come from a common source. *In re Martin's Famous Pastry Shoppe, Inc.*, 748 F.2d 1565, 223 USPQ 1289 (Fed. Cir. 1984); *In re Corning Glass Works*, 229 USPQ 65 (TTAB 1985); *In re Rexel Inc.*, 223 USPQ 830 (TTAB 1984); *Guardian Products Co., Inc. v. Scott Paper Co.*, 200 USPQ 738 (TTAB 1978); *In re International Telephone & Telegraph Corp.*, 197 USPQ 910 (TTAB 1978).

The applicant's goods/services and the registrant's Class 42 services in part (i.e., computer consultation, search engine services, computer software consultation, etc.) are related in that they are often sold/offered together and travel along the same channels of trade. If similar goods/services travel in the same channels of trade under the same marks, confusion as to source is likely because, naturally, the consumers are accustomed to seeing these goods being sold under the *same* marks. Attached is a sampling of registered marks for both computer software and online non-downloadable software and some of applicant's Class 42 services, thus clearly indicating that these goods/services emanate from a common source and are offered under the same marks in trade. Therefore, the applicant's goods/services are highly likely to be encountered by the same purchasers of the registrant's services in Class 42.

If the applicant chooses to respond to the refusal to register, the applicant must also respond to the following informality.

II. RECITATION OF SERVICES – Class 42

The Class 42 recitation of services is unacceptable because it lacks sufficient specificity. Accordingly, the applicant may adopt the following recitation, if accurate:

- Providing **temporary use of a non-downloadable** mobile Internet browser **software** with data compression and caching functionality to enable enhanced Internet browsing via mobile telephones, personal digital assistants, and wireless devices, in International Class 42. TMEP §1402.11.

Please note, the Class 9 goods are acceptable as filed.

PLEASE NOTE: The applicant is advised that the above suggestions may not be a complete listing of amended specifications available to the applicant, but are instead provided only as suggestions. Given the indefinite nature of the services in part, the examining attorney is unable to suggest a more comprehensive amended identification for the applicant's consideration and possible adoption in responding to this Office Action. It is the applicant's duty and prerogative to identify the goods and services. TMEP section 1402.01(d).

PTO ONLINE SEARCHING MANUAL:

For aid in selecting acceptable identifications of goods and services and determining proper classification, the searchable Manual of Acceptable Identifications of Goods and Services is available on the PTO website at www.uspto.gov.

Please also note that, while an application may be amended to clarify or limit the identification, additions to the identification are not permitted. 37 C.F.R. §2.71(a); TMEP §1402.06. Therefore, the applicant may not amend to include any goods or services that are not within

Although the examining attorney has refused registration, the applicant may respond to the refusal to register by submitting evidence and arguments in support of registration.

If the applicant has any questions or needs assistance in responding to this Office Action, please telephone the assigned examining attorney.

/KaranChhina/
Karanendra S. Chhina
Trademark Attorney
Law Office 114
(571) 272-9447

TEAS PLUS APPLICANTS MUST SUBMIT DOCUMENTS ELECTRONICALLY OR SUBMIT FEE: TEAS Plus applicants should submit the following documents using the Trademark Electronic Application System (TEAS) at <http://www.uspto.gov/teas/index.html>: (1) written responses to Office actions; (2) preliminary amendments; (3) changes of correspondence address; (4) changes of owner's address; (5) appointments and revocations of attorney; (6) amendments to allege use; (7) statements of use; (8) requests for extension of time to file a statement of use, and (9) requests to delete a §1(b) basis. If any of these documents are filed on paper, they must be accompanied by a \$50 per class fee. 37 C.F.R. §§2.6(a)(1)(iv) and 2.23(a)(i). Telephone responses will not incur an additional fee. NOTE: In addition to the above, applicant must also continue to accept correspondence from the Office via e-mail throughout the examination process in order to avoid the additional fee. 37 C.F.R. §2.23(a)(2).

RESPOND TO THIS ACTION: Applicant should file a response to this Office action online using the form at <http://www.uspto.gov/teas/eTEASpageD.htm>, waiting 48-72 hours if applicant received notification of the Office action via e-mail. For *technical* assistance with the form, please e-mail TEAS@uspto.gov. For questions about the Office action itself, please contact the assigned examining attorney. **Do not respond to this Office action by e-mail; the USPTO does not accept e-mailed responses.**

If responding by paper mail, please include the following information: the application serial number, the mark, the filing date and the name, title/position, telephone number and e-mail address of the person signing the response. Please use the following address: Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451.

STATUS CHECK: Check the status of the application at least once every six months from the initial filing date using the USPTO Trademark Applications and Registrations Retrieval (TARR) online system at <http://tarr.uspto.gov>. When conducting an online status check, print and maintain a copy of the complete TARR screen. If the status of your application has not changed for more than six months, please contact the assigned examining attorney.

Print: Sep 5, 2008

78133290

TYPED DRAWING

Serial Number

78133290

Status

CANCELLATION PENDING

Word Mark

THUNDERHAWK

Standard Character Mark

No

Registration Number

2715836

Date Registered

2003/05/13

Type of Mark

SERVICE MARK

Register

PRINCIPAL

Mark Drawing Code

(1) TYPED DRAWING

Owner

Bookman, Charles, Anthony INDIVIDUAL UNITED STATES 1085 Commonwealth Ave #273 Boston MASSACHUSETTS 02215

Goods/Services

Class Status -- ACTIVE. IC 042. US 100 101. G & S: Computer code conversion for others; computer consultation; computer graphics services; computer network design for others; computer programming for others; computer project management services; computer services, namely, creating and maintaining websites for others, computer services, namely, data recovery services, computer services, namely, designing and implementing web pages and web sites for others, computer services, namely, providing search engines for obtaining data on a global computer network, computer services, namely, creating indexes of information, sites and other resources available on computer networks, computer services, namely, managing web sites for others, computer services, namely, redirecting electronic mail to changed personal electronic addresses, computer site design, computer software consultation, computer software design for others; computer software development, computer systems analysis. First Use: 1994/01/02. First Use In Commerce: 1994/01/02.

Print: Sep 5, 2008

78133280

Goods/Services

Class Status -- ACTIVE. IC 035. US 100 101 102. G & S: computer services, namely, address change notification services in the nature of posting notifications of changes of address for businesses via the Internet. First Use: 1994/01/02. First Use In Commerce: 1994/01/02.

Filing Date

2002/06/05

Examining Attorney

ALT, JILL C.

Print: Sep 10, 2008

78326283

DESIGN MARK

Serial Number

78326283

Status

REGISTERED

Word Mark

NEXIDIA

Standard Character Mark

Yes

Registration Number

2928804

Date Registered

2005/03/01

Type of Mark

TRADEMARK; SERVICE MARK

Register

PRINCIPAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

Nexidia, Inc. CORPORATION DELAWARE 3060 PEACHTREE RD NW SUITE 730
Atlanta GEORGIA 30305

Goods/Services

Class Status -- ACTIVE. IC 009. US 021 023 026 036 038. G & S:
Computer software in the field of voice search technology, namely
speech recognition and speaker identification and speech searching and
indexing but not for use in providing wireless telecommunications
goods and services. First Use: 2003/11/05. First Use In Commerce:
2003/11/05.

Goods/Services

Class Status -- ACTIVE. IC 042. US 100 101. G & S: Providing
temporary use of on-line non-downloadable software in the field of
voice search technology, namely speech recognition, speaker
identification, and speech searching and indexing; computer
consultation in the field of voice search technology; providing
technical support services, namely, troubleshooting of computer
hardware and software problems in person and by telephone and e-mail;
but none of the above services are used to provide wireless
telecommunications goods and services. First Use: 2003/11/05. First

Print: Sep 10, 2008

78326283

Use In Commerce: 2003/11/05.

Filing Date

2003/11/11

Examining Attorney

STRASER, RICHARD A

Attorney of Record

Jack D. Todd

NEXIDIA

Print: Sep 10, 2008

78612598

DESIGN MARK

Serial Number

78612598

Status

REGISTERED

Word Mark

ARAS INNOVATOR

Standard Character Mark

Yes

Registration Number

3097776

Date Registered

2006/05/30

Type of Mark

SERVICE MARK

Register

PRINCIPAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

Aras Corporation CORPORATION DELAWARE Heritage Place 439 South Union Street Lawrence MASSACHUSETTS 01843

Goods/Services

Class Status -- ACTIVE. IC 042. US 100 101. G & S: Technical support and troubleshooting for enterprise software applications; installation of computer software; integration of computer systems, software, and networks; computer consultation; information technology consultation; providing temporary use of non-downloadable on-line software that utilizes standard Internet Protocols to allow the creation, modification, integration, and use of enterprise software applications. First Use: 2002/00/00. First Use In Commerce: 2002/00/00.

Filing Date

2005/04/20

Examining Attorney

MAKHDOOM, SAIMA

Attorney of Record

Print: Sep 10, 2008

78612598

Michelle A. Massicotte

ARAS INNOVATOR

Print: Sep 10, 2008

78629286

DESIGN MARK

Serial Number

78629286

Status

REGISTERED

Word Mark

BUILD AND GO

Standard Character Mark

Yes

Registration Number

3090035

Date Registered

2006/05/09

Type of Mark

SERVICE MARK

Register

PRINCIPAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

Hurt, Frank T LIMITED LIABILITY COMPANY NORTH DAKOTA PO Box 1464
Dickinson NORTH DAKOTA 58602

Goods/Services

Class Status -- ACTIVE. IC 042. US 100 101. G & S: Design, creation, hosting, and maintenance of web sites for others; technical support services, namely, troubleshooting of computer hardware and software problems via the Internet, telephone and e-mail; computer consultation, namely, consulting on the designing, creating, hosting, maintenance, operating and managing of commercial web site for others; providing temporary use of on-line non-downloadable software for creating web sites. First Use: 2002/06/28. First Use In Commerce: 2002/06/28.

Filing Date

2005/05/13

Examining Attorney

BELENKER, ESTHER

Build And Go

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753554

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R e MARK S V
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P rk C I w Co
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Goo rv s a e VE 0 9 C AL FONND LAW 1 AR 4 0
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c o m p u t i n p e r v e i s a n d s t e m s . 0 t e r p s o g t w a i o p l f e r a s i f i y o e m i ,
t o m u i g s e r i s s g s y . l u e / c a m p a n e r s s w t e n a t a m e r c a r s 0 1 w t h
h s / s h . s e r r t e c l u e / e r 4 / 0 d f r r u s e n a m e r c a r s 0 1 w t h
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b l e a n d r e s y e s a g u b l e h t e n . o f c o m p t i e r h a r d w a r e a n e c s o f t w a r
p r o g r a m s f a r u a e a n d c o m p u t i n g o n s l e r s e r v i c e s t o d u r o f e
C o m p u t e r s f a r u a e a n d c o m p u t i n g o n s l e r s e r v i c e s t o d u r o f e
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o r c 0 0 / 0 0 .

Registration(s)
Prior Registration(s)
535666, 2539705, 2995673, AND OTHERS

Filing Date

Print: Sep 10, 2008

78753554

2005/11/14

Examining Attorney
VANSTON, KATHLEEN M.

Attorney of Record
Robert B. Burlingame

HIGHLY SCYLD

DESIGN MARK

Serial Number

78819061

Status

REGISTERED

Word Mark

EDUCATE. INNOVATE. EVERYWHERE.

Standard Character Mark

Yes

Registration Number

3279557

Date Registered

2007/08/14

Type of Mark

SERVICE MARK

Register

PRINCIPAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

Blackboard Inc. CORPORATION DELAWARE 5th Floor 1899 L Street, NW
Washington D.C. 20036

Goods/Services

Class Status -- ACTIVE. IC 042. US 100 101. G & S: Computer consultation in the field of instructional management systems and online education; extranet services for software users, namely, integration of computer systems and networks; technical support services, namely, trouble-shooting of computer software programs and the posting of support documentation for online learning, financial transaction processing and security cards, in connection therewith; providing an on-line computer database in the field of software manuals; providing temporary use of online non-downloadable software for others to create modifications and extensions of open program software source codes; providing information and links to web-sites of others in the field of open program software source codes; providing an online computer database in the field of software code designs and extensions created with open program source code; providing computer software technical support services in the nature of installation, uninstallation, updating and troubleshooting for clients and third party software developers; providing quality assurance services for

others to test compatibility of third party created software extensions; providing an on-line computer database in the field of software developer support information; online ticketing in the nature of submitting and tracking of computer help-desk support tickets for technical support services; computer service, namely acting as an application service provider in the field of knowledge management to host computer application software for searching and retrieving information from databases and computer networks; providing customized on-line webpages featuring user-defined information, which includes search engines and on-line web links to other websites. First Use: 2005/09/08. First Use In Commerce: 2005/09/08.

Filing Date

2006/02/20

Examining Attorney

THOMPSON, HEATHER

Attorney of Record

Peter J. Riebling

EDUCATE. INNOVATE.
EVERYWHERE.

Print: Sep 10, 2008

78832849

DESIGN MARK

Serial Number

78832849

Status

REGISTERED

Word Mark

SCYLD CLUSTERWARE

Standard Character Mark

Yes

Registration Number

3295523

Date Registered

2007/09/18

Type of Mark

TRADEMARK; SERVICE MARK

Register

PRINCIPAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

Scyld Computing Corporation CORPORATION DELAWARE 300 California Street, Suite 600 San Francisco CALIFORNIA 94104

Goods/Services

Class Status -- ACTIVE. IC 009. US 021 023 026 036 038. G & S: Computer software, namely, computer programs for operating systems; computer operating systems; computer software platforms for use with computing servers and clusters; and instructional materials sold therewith. First Use: 2006/08/00. First Use In Commerce: 2006/08/00.

Goods/Services

Class Status -- ACTIVE. IC 042. US 100 101. G & S: Software development services for others; technical support, namely, troubleshooting of computer hardware and software problems for users and computer consultation services to users of computer hardware and software. First Use: 2006/08/00. First Use In Commerce: 2006/08/00.

Prior Registration(s)

2535665;2539705;2995673;AND OTHERS

Disclaimer Statement

N. :
Printed Sep 10 2 00 8

788³ 2849

F C IM I S E T
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2 RO / Da A OWN.

EXCLUSIVE RIGHT TO USE "CLUSTERWARE" APART

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A m rd
tto ey of Reco
Robert B. Burlingame

SCYLD CLUSTERWARE

Print: Sep 10, 2008

78881707

DESIGN MARK

Serial Number

78881707

Status

REGISTERED

Word Mark

PIGEON POINT

Standard Character Mark

No

Registration Number

3436047

Date Registered

2008/05/27

Type of Mark

TRADEMARK; SERVICE MARK

Register

PRINCIPAL

Mark Drawing Code

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

Owner

Pigeon Point Systems CORPORATION CALIFORNIA P. O. Box 66989 Scotts Valley CALIFORNIA 950676989

Goods/Services

Class Status -- ACTIVE. IC 009. US 021 023 026 036 038. G & S: Computer software and computer hardware used to implement the management subsystems of standards-based modular platforms for the telecommunications industry and other industries, namely, in the computer, internet, defense, electronics, and aerospace industries. First Use: 1997/06/30. First Use In Commerce: 1997/06/30.

Goods/Services

Class Status -- ACTIVE. IC 042. US 100 101. G & S: Software and hardware related services, namely, computer consultation services aimed at assisting the implementation of computer software and hardware use for the management subsystems of standards-based modular platforms for the telecommunications industry and other industries, namely, in the computer, internet, defense, electronics, and aerospace industries. First Use: 1997/06/30. First Use In Commerce: 1997/06/30.

Print: Sep 10, 2008

78881707

Colors Claimed

Color is not claimed as a feature of the mark.

Filing Date

2006/05/11

Examining Attorney

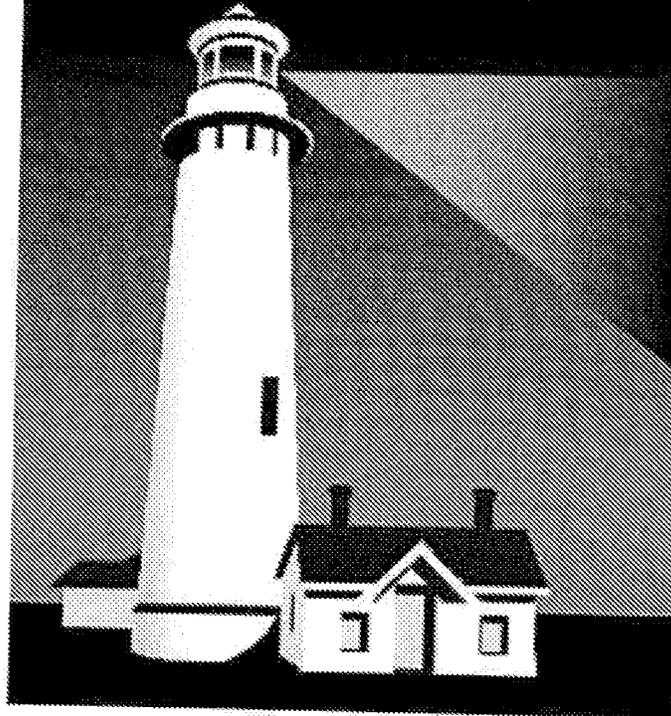
KEARNEY, COLLEEN

Attorney of Record

Janet R. Kleinberg

PIGEON

POINT



Print: Sep 10, 2008

78922093

DESIGN MARK

Serial Number

78922093

Status

REGISTERED

Word Mark

REDDOT LIVESERVER

Standard Character Mark

Yes

Registration Number

3455721

Date Registered

2008/06/24

Type of Mark

TRADEMARK; SERVICE MARK

Register

PRINCIPAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

RedDot Solutions Corp. CORPORATION NEW YORK One Battery Park Plaza New York NEW YORK 10004

Goods/Services

Class Status -- ACTIVE. IC 009. US 021 023 026 036 038. G & S: website development and web content management software, namely, computer software for developing, editing, managing and centralizing information on internet, intranet and extranet sites, for modifying software applications accessible for internet, intranet and extranet sites, for managing software applications that collect and provide data to internet, intranet and extranet sites, and for ensuring website compliance with industry, regulatory and internal requirements. First Use: 2004/09/01. First Use In Commerce: 2004/09/01.

Goods/Services

Class Status -- ACTIVE. IC 042. US 100 101. G & S: Computer consultation and computer programming services. First Use: 2004/09/01. First Use In Commerce: 2004/09/01.

Prior Registration(s)

Print: Sep 10, 2008

78922093

3033978;3052665

Filing Date

2006/07/03

Examining Attorney

GUTTADAURO, JULIE

Attorney of Record

Frank S. Benjamin

REDDOT LIVESERVER

Print: Sep 10, 2008

78969206

DESIGN MARK

Serial Number

78969206

Status

REGISTERED

Word Mark

CAPSHOT

Standard Character Mark

Yes

Registration Number

3416255

Date Registered

2008/04/22

Type of Mark

TRADEMARK; SERVICE MARK

Register

PRINCIPAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

G Force Global Technologies, Inc. CORPORATION FLORIDA 10655 NW Highway
225 Ocala FLORIDA 34482

Goods/Services

Class Status -- ACTIVE. IC 009. US 021 023 026 036 038. G & S:
Computer software for use in testing computer systems and
applications. First Use: 2008/01/16. First Use In Commerce:
2008/01/16.

Goods/Services

Class Status -- ACTIVE. IC 042. US 100 101. G & S: Testing or
research on machines, apparatus and instruments in the field of
computers; Computer consultation; Technological consultation in the
field of computer systems and applications. First Use: 2008/01/16.
First Use In Commerce: 2008/01/16.

Filing Date

2006/09/07

Examining Attorney

BORSUK, ESTHER A.

Print: Sep 10, 2008

78969206

Attorney of Record

Maureen Beacom Gorman

CAPSHOT

Print: Sep 10, 2008

78975320

DESIGN MARK

Serial Number

78975320

Status

REGISTERED

Word Mark

SHAREPOINT

Standard Character Mark

No

Registration Number

2841861

Date Registered

2004/05/11

Type of Mark

SERVICE MARK

Register

PRINCIPAL

Mark Drawing Code

(1) TYPED DRAWING

Owner

Microsoft Corporation CORPORATION WASHINGTON One Microsoft Way Redmond
WASHINGTON 980526399

Goods/Services

Class Status -- ACTIVE. IC 042. US 100 101. G & S: computer services, namely, providing search engines for obtaining data on a global computer network; [and] * providing temporary use of non-downloadable workgroup and document management software for use in creating * managing databases and web sites, and producing and managing documents; on-line web site information services, namely, providing computer users with databases and web site links to facilitate workgroup collaboration and document creation and management; computer consultation services and technical support services in the fields of computers, computer networks, software, document management, and workgroup systems; and providing an on-line computer database in the fields of computers, computer networks, software and computerized document management and workgroup systems via computer networks and global communication networks. First Use: 2002/10/15. First Use In Commerce: 2002/10/15.

Filing Date

Print: Sep 10, 2008

78975320

2000/06/22

Examining Attorney

SMIGA, HOWARD

Attorney of Record

William O. Ferron, Jr.

SHAREPOINT

Subject: TRADEMARK APPLICATION NO. 77472223 - THUNDERHAWK - 54680.000002
Sent: 9/10/2008 10:27:01 AM
Sent As: ECOM114@USPTO.GOV
Attachments:

IMPORTANT NOTICE
USPTO OFFICE ACTION HAS ISSUED ON 9/10/2008 FOR
APPLICATION SERIAL NO. 77472223

Please follow the instructions below to continue the prosecution of your application:

VIEW **OFFICE** **ACTION:** Click on this link
http://tportal.uspto.gov/external/portal/tow?DDA=Y&serial_number=77472223&doc_type=OOA&mail_date=20080910 (or copy and paste this URL into the address field of your browser), or visit <http://tportal.uspto.gov/external/portal/tow> and enter the application serial number to access the Office action.

PLEASE NOTE: The Office action may not be immediately available but will be viewable within 24 hours of this notification.

RESPONSE MAY BE REQUIRED: You should carefully review the Office action to determine (1) if a response is required; (2) how to respond; and (3) the applicable response time period. Your response deadline will be calculated from 9/10/2008.

Do NOT hit "Reply" to this e-mail notification, or otherwise attempt to e-mail your response, as the USPTO does NOT accept e-mailed responses. Instead, the USPTO recommends that you respond online using the Trademark Electronic Application System response form at <http://www.uspto.gov/teas/eTEASpageD.htm>.

HELP: For *technical* assistance in accessing the Office action, please e-mail TDR@uspto.gov. Please contact the assigned examining attorney with questions about the Office action.

WARNING

- 1. The USPTO will NOT send a separate e-mail with the Office action attached.**
- 2. Failure to file any required response by the applicable deadline will result in the ABANDONMENT of your application.**