



BULKY DOCUMENTS

(Exceeds 100 pages)

Proceeding/Serial No: **92050789**

Filed: 11/26/2010

Title: **RESPONDENT'S NOTICE OF RELIANCE**

Part 1 of 2

92050789



BULKY EXHIBITS

Proceeding/Serial No: 92050789

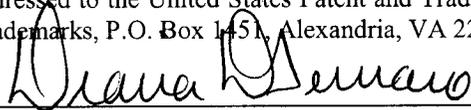
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Title: RESPONDENT'S NOTICE OF
RELIANCE

EXHIBIT 42: 1 CD

92050789

1 I hereby certify that on the date shown below, this correspondence is being deposited electronically with the
2 Trademark Trial and Appeal Board and also being deposited with United States Postal Service First Class Mail
3 addressed to the United States Patent and Trademark Office, Trademark Trial and Appeal Board, Commissioner for
4 Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451.



Dated: November 22, 2010

Diana D. DiGennaro

5 MARTIN R. GLICK (Cal. Bar No. 40187)
6 DIANA D. DIGENNARO (Cal. Bar No. 248471)
7 HOWARD RICE NEMEROVSKI CANADY
8 FALK & RABKIN

TTAB

9 A Professional Corporation
10 Three Embarcadero Center, 7th Floor
11 San Francisco, California 94111-4024
12 Telephone: 415/434-1600
13 Facsimile: 415/677-6262

14 Attorneys for Respondent
15 HEWLETT-PACKARD DEVELOPMENT
16 COMPANY, L.P.

#77197146

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

19 NARTRON CORPORATION,

20 Petitioner,

21 v.

22 HEWLETT-PACKARD DEVELOPMENT
23 COMPANY, L.P.,

24 Respondent.

Cancellation No. 92050789

Registration No. 3,600,880

Registration Date: April 7, 2009

Mark: **TOUCHSMART**

RESPONDENT'S NOTICE OF RELIANCE



11-26-2010

U.S. Patent & TM Office Mail Rept. Ct. #72

Exhibit	Document
5	A copy of United States Trademark Registration No. 2,232,611 for the mark ZOOMSMART for “computer printers; computer software for enhancing print quality and to facilitate interconnect and use between a computer and printer; software drivers for computer printers; and user manuals supplied therewith,” in International Class 009.
6	A copy of U.S. Trademark Application Serial No. 77/826,570 for the mark COPYSMART for “computer printers; laser printers; inkjet printers; scanners; photocopiers; facsimile machines; computer peripherals; computer software; computer hardware,” in International Class 009.

Exhibit 1 is the registration that Petitioner seeks to cancel. Exhibits 2-6 are relevant to show that, in addition to its registration of the mark TOUCHSMART in International Class 009, Respondent has also used and registered a series of other marks in International Class 009 ending in the term “SMART.” These registrations are relevant to Respondent’s intent in selecting the TOUCHSMART mark and to the likelihood of confusion between Petitioner’s SMART TOUCH mark and Respondent’s TOUCHSMART mark.

B. Other Registrations.

Exhibits 7-31 are photocopies of United States trademark registrations owned by third parties for marks in International Class 009 incorporating the word “SMART.” Exhibits 32-41 are photocopies of United States trademark registrations owned by third parties for marks in International Class 009 incorporating the word “TOUCH.” The following exhibits are attached:

Exhibit	Document
7	A copy of United States Trademark Registration No. 3,828,904 for the mark SMART TOUCH for “cell phone covers and cell phone screen protectors,” in International Class 009; and a copy of a printout from Trademark Applications and Registrations Retrieval (“TARR”) showing the current status and title of the same.
8	A copy of United States Trademark Registration No. 3,574,250 for the mark SMARTTOUCH GDO for “biometrically enabled, fingerprint-activated

Exhibit	Document
	garage door openers,” in International Class 009; and a copy of a printout from TARR showing the current status and title of the same.
9	A copy of United States Trademark Registration No. 3,578,300 for the mark SMART CONTROL PANEL for “keypads; electronic security devices, namely, electronic controls for granting access and egress through doors,” in International Class 009; and a copy of a printout from TARR showing the current status and title of the same.
10	A copy of United States Trademark Registration No. 2,571,855 for the mark SMARTTOUCH for “electronic controls for vehicle mounted snow plows,” in International Class 009; and a copy of a printout from TARR showing the current status and title of the same.
11	A copy of United States Trademark Registration No. 1,745,089 for the mark SMART TOUCH for “automatic weighing equipment; namely, retail programmable service counter scales,” in International Class 009; and a copy of a printout from TARR showing the current status and title of the same.
12	A copy of United States Trademark Registration No. 3,288,301 for the mark SMARTTOUCH-XL for “electric shavers, blades for electric shavers, hair clippers, hair and beard trimmers; component parts of the aforesaid goods,” in International Class 009; and a copy of a printout from TARR showing the current status and title of the same.
13	A copy of United States Trademark Registration No. 3,621,041 for the mark SMARTPOINT for “electronic safe locks that control access by means of a numerical code-entry keypad or biometric fingerprint-identification technology reader or a combination of both,” in International Class 009; and a copy of a printout from TARR showing the current status and title of the same.
14	A copy of United States Trademark Registration No. 3,291,816 for the mark SMARTPARTS for “laser printer, fax machine, multi-function printer replacement parts and installation instructions provided therewith; components and replacement parts for use in laser printers, fax machines, multi-function printers and bar coding printers, namely, fuser transfer units, fuser, fuser assembly, separation rollers, transfer rollers, paper feed rollers, charge rollers, pick up rollers, separation pad, cleaning brush and installation instructions sold as a unit in conjunction therewith,” in International Class 009; and a copy of a printout from TARR showing the current status and title of the same.
15	A copy of United States Trademark Registration No. 3,568,646 for the mark

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Exhibit	Document
	SMART SEARCH for “computer software and documentation distributed therewith, namely, automated eligibility verification software containing cascading search criteria for use in determining whether a patient is covered by health insurance,” in International Class 009; and a copy of a printout from TARR showing the current status and title of the same.
16	A copy of United States Trademark Registration No. 3,645,005 for the mark SMARTLINK for “software and downloadable software, hardware and software protocols for managing, distributing, reporting and sharing veterinary practice and laboratory information; software feature and downloadable software feature for managing, distributing, reporting and sharing veterinary practice and laboratory information; communication software for managing, distributing, reporting and sharing veterinary practice and laboratory information; computer communications software to allow customers to access veterinary practice and laboratory information and transact business,” in International Class 009; and a copy of a printout from TARR showing the current status and title of the same.
17	A copy of United States Trademark Registration No. 3,103,199 for the mark SMART CABLES for “universal electrical conductor cables” in International Class 009; and a copy of a printout from TARR showing the current status and title of the same.
18	A copy of United States Trademark Registration No. 3,339,778 for the mark SMARTSYSTEMS for “downloadable computer software for use in managing and configuring remote electronic equipment,” in International Class 009; and a copy of a printout from TARR showing the current status and title of the same.
19	A copy of United States Trademark Registration No. 3,367,407 for the mark SMART PC for “downloadable computer software and computer software for use in analyzing, identifying and optimizing the characteristics of computer drives and multiple software applications and for data management and user documentation sold as a unit therewith,” in International Class 009; and a copy of a printout from TARR showing the current status and title of the same.
20	A copy of United States Trademark Registration No. 3,021,145 for the mark SMARTEX for, <i>inter alia</i> , “software recorded on magnetic and optical data media, namely resource planning software in connection with textile machines,” in International Class 009; and a copy of a printout from TARR

Exhibit	Document
	showing the current status and title of the same.
21	A copy of United States Trademark Registration No. 3,464,391 for the mark SMARTTURN for, <i>inter alia</i> , “software for use in connection with supply chain management and execution, including managing and coordinating the flow of goods, services, information and finances in association with the production and delivery of products as they move from raw materials to parts suppliers to manufacturers to wholesalers to retailers to consumers as it applies to the business operations of ports, marine terminals, shipping lines, rail terminals, rail lines, distribution centers, warehouses, trucking lines, retailers, manufacturers and third party logistics providers; software for managing logistics, reverse logistics, supply chain services, supply chain visibility and synchronization, supply and demand forecasting and product distribution processes for others,” in International Class 009; and a copy of a printout from TARR showing the current status and title of the same.
22	A copy of United States Trademark Registration No. 3,372,083 for the mark SMART CAT for “computer cursor control devices, namely, touchpads for performing touchpad functions, namely, controlling a cursor, performing scrolling functions, navigating through web pages, performing gesture commands, and zooming in and out of a display screen,” in International Class 009; and a copy of a printout from TARR showing the current status and title of the same.
23	A copy of United States Trademark Registration No. 3,661,101 for the mark SMART CHIEF for, <i>inter alia</i> , “electronic navigation instruments for ships; electronic navigation, alarm and surveying apparatuses for ships for the purpose of surveying and correcting the course, for plotting the course to destinations, for the rendering and displaying of maps, for satellite navigations, for weather analysis, for analysis of sea conditions, for assistance in docking, mooring, going alongside and putting out of harbour, for assistance in loading and unloading, for surveying and controlling the cargo and the cargo hold, for surveying and controlling the ballast and dead freight, for surveying and controlling the engines, for surveying and controlling the propellers, for surveying and controlling the power transmission, for surveying and controlling the fuel system, for surveying and controlling the electrical system, for fire warnings and for telecommunication transmissions at sea,” in International Class 009; and a copy of a printout from TARR showing the

Exhibit	Document
	current status and title of the same.
24	A copy of United States Trademark Registration No. 3,120,909 for the mark SMART COMPANION for “apparatus and instruments for recording, transmission, reproduction and processing of sound and/or images and/or data, namely, computerized user interface system comprising computers, cameras, microphones and other human speech sensors and human motion sensors, and computer software for the processing of information from such sensing devices, for providing messaging services, for communicating information, for playing and displaying digital media, for providing personal assistance and for providing home surveillance,” in International Class 009; and a copy of a printout from TARR showing the current status and title of the same.
25	A copy of United States Trademark Registration No. 3,131,418 for the mark SMART TOOLZ for “smart card development kit featuring blank smart cards, computer hardware and application software used to develop smart cards, computer application program software and computer hardware for smart cards, smart card readers, power supply cables, and printer user guides and technical specification sheets, sold as a unit therewith,” in International Class 009; and a copy of a printout from TARR showing the current status and title of the same.
26	A copy of United States Trademark Registration No. 3,490,197 for the mark SMART CIRCUIT for “battery cells and batteries,” in International Class 009; and a copy of a printout from TARR showing the current status and title of the same.
27	A copy of United States Trademark Registration No. 3,229,184 for the mark SMART STITCH for “video game programs; computer game programs; game software,” in International Class 009; and a copy of a printout from TARR showing the current status and title of the same.
28	A copy of United States Trademark Registration No. 2,794,532 for the mark SMART TOKEN for, <i>inter alia</i> , “computer hardware, computer peripherals, and computer software, namely, operating systems, applications, and utilities, for providing communication, access, and storage security, on stand-alone computers, over a global computer network, and over other networks, and manuals sold with the software,” in International Class 009; and a copy of a printout from TARR showing the current status and title of the same.
29	A copy of United States Trademark Registration No. 2,172,955 for the mark

Exhibit	Document
	SMART LOAD for "electronic circuit for power sensing termination," in International Class 009; and a copy of a printout from TARR showing the current status and title of the same.
30	A copy of United States Trademark Registration No. 1,763,616 for the mark SMART CLAPPER for "acoustically operated electromechanical switch," in International Class 009; and a copy of a printout from TARR showing the current status and title of the same.
31	A copy of United States Trademark Registration No. 3,149,356 for the mark SMART LEGEND for "electrical wire and cable bearing period markings unique to cable, namely, LAN cable, cable for voice, cable for video, and cable for data transmission; cable connectors, cable modems, power cables, and printer cables," in International Class 009; and a copy of a printout from TARR showing the current status and title of the same.
32	A copy of United States Trademark Registration No. 3,116,359 for the mark TRUE TOUCH for "electric light controls," in International Class 009; and a copy of a printout from TARR showing the current status and title of the same.
33	A copy of United States Trademark Registration No. 2,856,081 for the mark SIMPLY TOUCH for "computer touchscreens, video and computer display monitors equipped with touchscreens, electronic controllers for touchscreens, and computer software therefore; computer peripherals namely joysticks, video game controllers, remote controls, keyboards, mice, mouse, trackballs, touchpads, digital cameras and computer programs to provide an interface between an personal computer or workstation and peripherals therefore; telephony equipment, namely microphones, headsets, headphones and keyboards; peripherals for electronic appliances, namely, hand-held electronic devices in the nature of hand-held computers, personal digital assistants, electronic organizers, and mobile and cellular phones; computer operating software for use with such peripherals," in International Class 009; and a copy of a printout from TARR showing the current status and title of the same.
34	A copy of United States Trademark Registration No. 3,569,214 for the mark CRYSTAL TOUCH for "computer touchscreens," in International Class 009; and a copy of a printout from TARR showing the current status and title of the same.
35	A copy of United States Trademark Registration No. 3,296,914 for the mark TOUCH MARK for "computer monitors; computer touchscreens; digital

Exhibit	Document
	photo frames for displaying digital pictures, video clips and music; flat panel display screens,” in International Class 009; and a copy of a printout from TARR showing the current status and title of the same.
36	A copy of United States Trademark Registration No. 3,323,748 for the mark TOTAL TOUCH for “gaming equipment, namely an interactive touch screen accessory for slot machines for use by slot players for placing customer service requests and providing television and music channels on demand,” in International Class 009; and a copy of a printout from TARR showing the current status and title of the same.
37	A copy of United States Trademark Registration No. 1,363,056 for the mark MASTER TOUCH for “remote control transmitters,” in International Class 009; and a copy of a printout from TARR showing the current status and title of the same.
38	A copy of United States Trademark Registration No. 2,384,590 for the mark DIRECT TOUCH for “LCD-display panels used for inputting commands to programmable logic controllers and networks of programmable logic controllers,” in International Class 009; and a copy of a printout from TARR showing the current status and title of the same.
39	A copy of United States Trademark Registration No. 2,683,941 for the mark ONE TOUCH for “computer systems comprising computers; operating system software; instructional application software for use by business communicators and instructors in facilitating corporate communications and interactive distance learning in all fields of training and instruction; processor/memory cards; disk controller cards; communications cards; graphics cards; touch monitors; keypads; response keypads; liquid crystal displays; microphones; microprocessor-based cards; electronic site controllers; and modems, for use with a global computer network, local area networks (LANs) and wide area networks (WANs), all used for interactive training and educational purposes, and user manuals sold,” in International Class 009; and a copy of a printout from TARR showing the current status and title of the same.
40	A copy of United States Trademark Registration No. 3,655,420 for the mark TOUCH CRUISE for “mobile phones; mobile phones with data transmission function; video phones; smart phones; personal digital assistants; personal digital assistants featuring global positioning system; personal digital

Exhibit	Document
	assistants with wireless communication function; personal digital assistants with telecommunication function; voice over internet protocol phones; camera phones; tablet computers; ultra mobile personal computers; headset, headsets with wireless transmission function, synchronization cable, cradle, battery, AC adaptor, chargers, remote controllers, keyboards, leather pouches for personal digital assistants or mobile phones and cases for mobile phones and personal digital assistants, memory cards, in-car chargers for mobile phones and personal digital assistants, and in-car holders for mobile phones and personal digital assistants,” in International Class 009; and a copy of a printout from TARR showing the current status and title of the same.
41	A copy of United States Trademark Registration No. 1,377,969 for the mark TOUCH VIEW for “electric membrane switch panels,” in International Class 009; and a copy of a printout from TARR showing the current status and title of the same.

Exhibits 7-41 are relevant to show that the terms “smart” and “touch” are descriptive and that Petitioner’s SMART TOUCH mark is neither arbitrary nor distinctive. Exhibits 7-41 are also relevant to show that the terms “smart” and “touch” are weak due to the crowded field of similar marks in International Class 009. In addition, Exhibits 22-31 are a representative sample of the numerous “SMART” registrations in International Class 009 that include a disclaimer of any exclusive right to use that term. Similarly, Exhibits 32-41 are a representative sample of the numerous “TOUCH” registrations in International Class 009 that include a disclaimer of any exclusive right to use that term.

C. Other Printed Publications.

Exhibit	Document
42	Product video demonstrations for the HP TouchSmart 600 PC, HP TouchSmart 310 PC, HP TouchSmart tm2 Notebook PC and HP TouchSmart 9100 Business PC, from Respondent’s website (hp.com), accessed November 19, 2010, available at http://www.hp.com/united-

Exhibit	Document
	states/campaigns/touchsmart/.
43	A copy of a printout from the WESTLAW computerized library of an article, "Microsoft hopes people get touchy on their PCs," dated November 12, 2009, by Edward C. Baig, in <i>USA Today</i> (page 1B), a publication of general circulation that is available to the public. Exhibit 43 is relevant because it is representative of the type of publication that reviews HP TouchSmart products and shows the perceived target consumers for those products, HP's competitors with respect to those products, and the nature of the competing products.
44	A copy of a printout from the WESTLAW computerized library of an article, "Desktops: these eight systems define PC perfection," dated November 1, 2008, from <i>Computer Shopper</i> (Volume 28, Issue 11, page 62), a publication that is available to the public online at http://computershopper.com . Exhibit 44 is relevant because it is representative of the type of publication that reviews HP TouchSmart products and shows the perceived target consumers for those products, HP's competitors with respect to those products, and the nature of the competing products.
45	A copy of a printout from the WESTLAW computerized library of an article, "Budget Desktops; Gaming Desktops; Media Centers," dated November 6, 2007, from <i>PC Magazine</i> (page 69), a publication of general circulation that is available to the public. Exhibit 45 is relevant because it is representative of the type of publication that reviews HP TouchSmart products and shows the perceived target consumers for those products, HP's competitors with respect to those products, and the nature of the competing products.
46	A copy of a printout from the WESTLAW computerized library of an article, "Five High-tech Electronics," dated October 16, 2007, from <i>Kitchen & Bath Business</i> , a publication of general circulation that is available to the public. Exhibit 46 is relevant because it is representative of the type of publication that reviews HP TouchSmart products and shows the perceived target consumers for those products, HP's competitors with respect to those products, and the nature of the competing products.
47	A copy of a printout from the WESTLAW computerized library of an article, "While in the Kitchen, Stir the Stew and Surf the Web," dated September 16, 2007, by Anne Eisenberg, in <i>The New York Times</i> (page 34), a publication of general circulation that is available to the public. Exhibit 47 is relevant

Exhibit	Document
	because it is representative of the type of publication that reviews HP TouchSmart products and shows the perceived target consumers for those products, HP's competitors with respect to those products, and the nature of the competing products.
48	A copy of a printout from the WESTLAW computerized library of an article, "The Best Stuff; Editors' Choices In Key Categories," dated June 26, 2007, from <i>PC Magazine</i> (page 70), a publication of general circulation that is available to the public. Exhibit 48 is relevant because it is representative of the type of publication that reviews HP TouchSmart products and shows the perceived target consumers for those products, HP's competitors with respect to those products, and the nature of the competing products.
49	A copy of a printout from the WESTLAW computerized library of an article, "HP TouchSmart IQ770: get organized with Vista and a touch screen," dated April 1, 2007, by Rich Brown, in <i>Computer Shopper</i> (Volume 27, Issue 4, page 24), a publication that is available to the public online at http://computershopper.com . Exhibit 49 is relevant because it is representative of the type of publication that reviews HP TouchSmart products and shows the perceived target consumers for those products, HP's competitors with respect to those products, and the nature of the competing products.
50	A copy of a printout from the WESTLAW computerized library of an article, "The Computer With a TV, and a Family's Virtual Bulletin Board," dated January 11, 2007, by Marty Katz, in <i>The New York Times</i> (page C12), a publication of general circulation that is available to the public. Exhibit 50 is relevant because it is representative of the type of publication that reviews HP TouchSmart products and shows the perceived target consumers for those products, HP's competitors with respect to those products, and the nature of the competing products. Exhibit 50 also shows Respondent's first use of the TOUCHSMART mark.
51	A copy of a printout from Respondent's website (hp.com), "ColorSmart Technology OverView," printed June 3, 2010, available at http://h10025.www1.hp.com/ewfrf/wc/document?docname=bpu50001&lc=en&dlc=en&cc=us&product=61022 . Exhibit 51 is relevant because it shows actual use of the COLORSMART mark, which is part of Respondent's "SMART" family of marks.

Exhibit	Document
52	A copy of a printout from Respondent's website (hp.com), "HP DeskJet 300 Series ColorSmart Driver," printed June 3, 2010, available at http://h10025.www1.hp.com/ewfrf/wc/softwareDownloadIndex?softwareitem=dj180en&cc=us&lc=en&dlc=en . Exhibit 52 is relevant because it shows actual use of the COLORSMART mark, which is part of Respondent's "SMART" family of marks.
53	A copy of a post from the Engadget website (engadget.com), "Master Lock unveils smartTouch garage door opener," by Darren Murph, dated December 26, 2007, available at http://www.engadget.com/2007/12/26/master-lock-unveils-smarttouch-garage-door-opener/ . Exhibit 53 is relevant because it shows actual use of the SMARTTOUCH GDO mark (Registration No. 3,574,250, which is attached hereto as Exhibit 8).
54	A copy of a printout from the Amazon website (amazon.com) offering for sale the Masterlock Smart Touch Finger Activated Garage Door Opener, printed November 19, 2010, available at http://www.amazon.com/Masterlock-Finger-Activated-Garage-Opener/dp/B002IS8ZLI/ref=sr_1_1?ie=UTF8&s=electronics&qid=1290198757&sr=8-1 . Exhibit 54 is relevant because it shows actual use of the SMARTTOUCH GDO mark (Registration No. 3,574,250, which is attached hereto as Exhibit 8).
55	A copy of a printout from the LiftMaster website (liftmaster.com) offering for sale the LiftMaster Smart Control Panel, printed November 18, 2010, available at http://www.liftmaster.com/consumerweb/pages/accessoriesmodeldetail.aspx?modelId=842 . Exhibit 55 is relevant because it shows actual use of the SMART CONTROL PANEL mark (Registration No. 3,578,300, which is attached hereto as Exhibit 9).
56	A copy of a printout from the Amazon website (amazon.com) offering for sale the Chamberlain LiftMaster 398LM 315 Mhz Smart Control Panel, printed November 19, 2010, available at http://www.amazon.com/Masterlock-Finger-Activated-Garage-Opener/dp/B002IS8ZLI/ref=sr_1_1?ie=UTF8&s=hi&qid=1290205363&sr=1-1 . Exhibit 56 is relevant because it shows actual use of the SMART CONTROL PANEL mark (Registration No. 3,578,300, which is attached hereto as Exhibit 9).

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Exhibit	Document
57	A copy of a printout from The Boss website (bossplow.com) offering for sale The Boss SMARTTOUCH 2 control, printed November 18, 2010, available at http://www.bossplow.com/products/smarttechnology/smarttouch2/index . Exhibit 57 is relevant because it shows actual use of the SMARTTOUCH mark (Registration No. 2,571,855, which is attached hereto as Exhibit 10).
58	A copy of a printout from the Amazon website (amazon.com) offering for sale Philips Norelco HQ9 SpeedXL SmartTouchXL Electric Shaver Replacement Heads for use with Philips Norelco SmartTouchXL electric razors, printed November 19, 2010, available at http://www.amazon.com/Norelco-SpeedXL-SmartTouchXL-Electric-Replacement/dp/B000Q99WYK/ref=sr_1_2?ie=UTF8&s=beauty&qid=1290206135&sr=1-2 . Exhibit 58 is relevant because it shows actual use of the SMARTTOUCH-XL mark (Registration No. 3,288,301, which is attached hereto as Exhibit 12).
59	A copy of a printout from the Rolland website (rollandsafeandlock.com) offering for sale SmartPoint electronic locks, printed November 18, 2010, available at http://www.rollandsafeandlock.com/safe-locks/lagard-smartlink-II-smartpoint . Exhibit 59 is relevant because it shows actual use of the SMARTPOINT mark (Registration No. 3,621,041, which is attached hereto as Exhibit 13).
60	A copy of a printout from the Amazon website (amazon.com) offering for sale Smartparts SP8PRTC Printer Cartridge for SP8PRT Digital Frame, printed November 19, 2010, available at http://www.amazon.com/Smartparts-SP8PRTC-Printer-Cartridge-Digital/dp/B0015657UG/ref=sr_1_3?ie=UTF8&s=electronics&qid=1290206753&sr=8-3-catcorr . Exhibit 60 is relevant because it shows actual use of the SMARTPARTS mark (Registration No. 3,291,816, which is attached hereto as Exhibit 14).
61	A copy of an article from <i>Investment News</i> (investmentnews.com), "Tool removes the grunt work from college planning," by Davis D. Janowski, dated July 19, 2009, available at http://www.investmentnews.com/article/20090719/REG/307199988 . Exhibit 61 is relevant because it shows actual use of the SMART SEARCH mark (Registration No. 3,568,646, which is attached hereto as Exhibit 15).
62	A copy of a printout from the IDEXX Laboratories website (idexx.com)

Exhibit	Document
	offering for sale SmartLink technology, printed November 18, 2010, available at http://www.idexx.com/view/xhtml/en_us/smallanimal/practice-management/connect/smartlink.jsf . Exhibit 62 is relevant because it shows actual use of the SMARTLINK mark (Registration No. 3,645,005, which is attached hereto as Exhibit 16).
63	A copy of a printout from the Official Smart Cables website (buysmartcables.com), which offers for sale battery jumper cables, printed November 18, 2010, available at https://www.buysmartcables.com/ . Exhibit 63 is relevant because it shows actual use of the SMART CABLES mark (Registration No. 3,103,199, which is attached hereto as Exhibit 17).
64	A copy of a printout from the Intermec website (intermec.com) offering for sale SmartSystems Foundation software, printed November 18, 2010, available at http://www.intermec.com/products/smrtsysfoundation/downloads.aspx . Exhibit 64 is relevant because it shows actual use of the SMARTSYSTEMS mark (Registration No. 3,339,778, which is attached hereto as Exhibit 18).
65	A copy of a printout from the Alibaba website (alibaba.com) offering for sale SmarTEX software, printed November 18, 2010, available at http://www.alibaba.com/product-free/111933068/SmarTEX.html . Exhibit 65 is relevant because it shows actual use of the SMARTEX mark (Registration No. 3,021,145, which is attached hereto as Exhibit 20).
66	A copy of a printout from the SmartTurn website (smartturn.com) offering for sale SmartTurn software, printed November 18, 2010, available at http://www.smartturn.com/ . Exhibit 66 is relevant because it shows actual use of the SMARTTURN mark (Registration No. 3,464,391, which is attached hereto as Exhibit 21).
67	A copy of a printout from the Cirque website offering for sale the Smart Cat Touchpad, printed November 19, 2010, available at http://www.cirque.com/desktoptouchpad/productsandorders/smartcat.aspx . Exhibit 67 is relevant because it shows actual use of the SMART CAT mark (Registration No. 3,372,083, which is attached hereto as Exhibit 22).
68	A copy of a printout from the Amazon website (amazon.com) offering for sale Leviton True Touch Lighting Control, printed November 19, 2010, available at http://www.amazon.com/Leviton-001-TT106-1EI-Touch-Lighting-Control/dp/B000GKDU8S/ref=sr_1_3?ie=UTF8&s=electronics&qid=129021

Exhibit	Document
	0898&sr=1-3. Exhibit 68 is relevant because it shows actual use of the TRUE TOUCH mark (Registration No. 3,116,359, which is attached hereto as Exhibit 32).
69	A copy of printouts from the Lumio website (lumio.com) offering for sale the Lumio Crystal Touch data sheet and optical touch screen, printed November 19, 2010, available at http://lumio.com/lumio.php?cid=2&id=1 and http://lumio.com/index.php . Exhibit 69 is relevant because it shows actual use of the CRYSTAL TOUCH mark (Registration No. 3,569,214, which is attached hereto as Exhibit 34).
70	A copy of a printout from the Total Touch POS website (totaltouchpos.com) offering for sale Total Touch POS software, printed November 19, 2010, available at http://totaltouchpos.com . Exhibit 70 is relevant because it shows actual use of the TOTAL TOUCH mark (Registration No. 3,323,748, which is attached hereto as Exhibit 36).
71	A copy of a printout from the EPI website (epiflow.com) offering for sale Master-Touch MP Series flowmeters, printed November 19, 2010, available at http://www.epiflow.com/mastertouch.html . Exhibit 71 is relevant because it shows actual use of the MASTER TOUCH mark (Registration No. 1,363,056, which is attached hereto as Exhibit 37).
72	A copy of a printout from the One Touch Systems website (onetouch.com) offering for sale the One Touch learning, training and communication solution, printed November 19, 2010, available at http://onetouch.com/ . Exhibit 72 is relevant because it shows actual use of the ONE TOUCH mark (Registration No. 2,683,941, which is attached hereto as Exhibit 39).
73	A copy of a printout from the HTC website (htc.com) offering for sale the HTC Touch Cruise handheld device, printed November 19, 2010, available at http://www.htc.com/www/product/touchcruise/overview.html . Exhibit 73 is relevant because it shows actual use of the TOUCH CRUISE mark (Registration No. 3,655,420, which is attached hereto as Exhibit 40).
74	A copy of a printout from the OfficeMax website (officemax.com) showing online search results for "SMART TOUCH," printed June 4, 2010, available at http://www.officemax.com/catalog/noSearchResults.jsp?csRedirectSearchString="smart%20touch"&csRedirectSearchResultCount=0&csSearchTag=true&_requestid=720184 . Exhibit 74 is relevant because it shows that Petitioner's

Exhibit	Document
	SMART TOUCH product and Respondent's TOUCHSMART products are sold in different channels of trade to different consumers.
75	A copy of a printout from the OfficeMax website (officemax.com) showing online search results for "NARTRON," printed June 4, 2010, available at http://www.officemax.com/catalog/noSearchResults.jsp?csRedirectSearchString=Nartron&csRedirectSearchResultCount=0&csSearchTag=true&_requestid=720240 . Exhibit 75 is relevant because it shows that Petitioner's SMART TOUCH product and Respondent's TOUCHSMART products are sold in different channels of trade to different consumers.
76	A copy of a printout from the Staples website (staples.com) showing online search results for "SMART TOUCH," printed June 4, 2010, available at http://www.staples.com/office/supplies/StaplesSearch?searchkey=%22Smart+Touch%22&storeId=10001&catalogId=10051&langId=-1&fromUrl=home . Exhibit 76 is relevant because it shows that Petitioner's SMART TOUCH product and Respondent's TOUCHSMART products are sold in different channels of trade to different consumers.
77	A copy of a printout from the Staples website (staples.com) showing online search results for "NARTRON," printed June 4, 2010, available at http://www.staples.com/office/supplies/StaplesSearch?searchkey=Nartron&storeId=10001&catalogId=10051&langId=-1&fromUrl=home . Exhibit 77 is relevant because it shows that Petitioner's SMART TOUCH product and Respondent's TOUCHSMART products are sold in different channels of trade to different consumers.
78	A copy of a printout from the Office Depot website (officedepot.com) showing online search results for "SMART TOUCH," printed June 4, 2010, available at http://www.officedepot.com/catalog/search.do?Ntt=%22smart+touch%22&matchmode=matchallany&fkey= . Exhibit 78 is relevant because it shows that Petitioner's SMART TOUCH product and Respondent's TOUCHSMART products are sold in different channels of trade to different consumers.
79	A copy of a printout from the Office Depot website (officedepot.com) showing online search results for "NARTRON," printed June 4, 2010, available at http://www.officedepot.com/catalog/search.do?Ntt=nartron&orgNtt=nartron&matchmode=matchallany&fkey=b4VAe8s_O3_MLE4VdfJhHI4&Ntk=all .

Exhibit	Document
	Exhibit 79 is relevant because it shows that Petitioner's SMART TOUCH product and Respondent's TOUCHSMART products are sold in different channels of trade to different consumers.
80	A copy of the definition of "smart" from the Oxford English Dictionary Online (oed.com), printed September 25, 2009, available at http://dictionary.oed.com/ . Exhibit 80 is relevant because it shows that the term "smart" has a meaning in the technology field that is recognized in the general language.
81	A copy of the definition of "smart" from the Computer User Online Dictionary (computeruser.com), printed November 18, 2010, available at http://www.computeruser.com/dictionary/smart/ . Exhibit 81 is relevant because it shows that the term "smart" has a meaning in the technology field that is recognized in the general language.
82	A copy of the definition of "smart" from the Merriam-Webster Online Dictionary (merriam-webster.com), printed November 18, 2010, available at http://www.merriam-webster.com/dictionary/smart . Exhibit 82 is relevant because it shows that the term "smart" has a meaning in the technology field that is recognized in the general language.

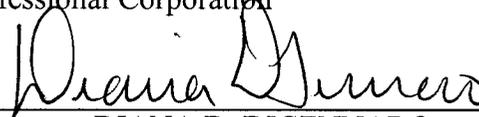
D. Discovery Responses.

Exhibits 83-85 are photocopies of Petitioner's written responses to discovery propounded by Respondent. The following exhibits are attached:

Exhibit	Document
83	Petitioner's Initial Disclosures dated July 22, 2009.
84	Petitioner's Responses to Respondent Hewlett-Packard Development Company, L.P.'s First Set of Interrogatories dated April 29, 2010.
85	Petitioner's Responses to Respondent Hewlett-Packard Development Company, L.P.'s First Requests for Production dated April 29, 2010.

1 DATED: November 22, 2010.

2 MARTIN R. GLICK
3 DIANA D. DIGENNARO
4 HOWARD RICE NEMEROVSKI CANADY
5 FALK & RABKIN
6 A Professional Corporation

7 By: 
8 _____
9 DIANA D. DIGENNARO

10 Attorneys for Respondent HEWLETT-PACKARD
11 DEVELOPMENT COMPANY, L.P.

12
13 HOWARD
14 RICE
15 NEMEROVSKI
16 CANADY
17 FALK
18 & RABKIN
19
20
21
22
23
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27
28

A Professional Corporation

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

NARTRON CORPORATION,
Petitioner,

v.

HEWLETT-PACKARD DEVELOPMENT
COMPANY, L.P.,
Respondent.

Cancellation No. 92050789

Registration No. 3,600,880

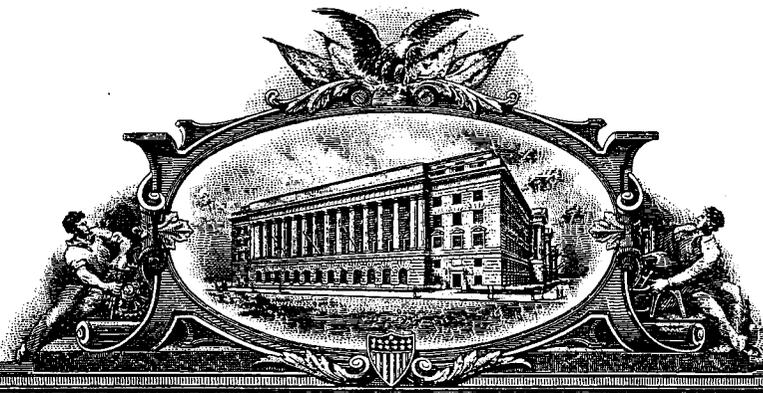
Registration Date: April 7, 2009

Mark: **TOUCHSMART**

RESPONDENT'S NOTICE OF RELIANCE

EXHIBIT 1

7253202



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office

August 12, 2010

THE ATTACHED U.S. TRADEMARK REGISTRATION 3,600,880 IS
CERTIFIED TO BE A TRUE COPY OF THE REGISTRATION ISSUED BY
THE UNITED STATES PATENT AND TRADEMARK OFFICE WHICH
REGISTRATION IS IN FULL FORCE AND EFFECT.

REGISTERED FOR A TERM OF 10 YEARS FROM *April 07, 2009*
SAID RECORDS SHOW TITLE TO BE IN: *Registrant*

By Authority of the
Under Secretary of Commerce for Intellectual Property
and Director of the United States Patent and Trademark Office

T. Wallace
T. WALLACE
Certifying Officer



Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36 and 38

United States Patent and Trademark Office

Reg. No. 3,600,880

Registered Apr. 7, 2009

TRADEMARK
PRINCIPAL REGISTER

TOUCHSMART

HEWLETT-PACKARD DEVELOPMENT COMPAN-
NY, L.P. (TEXAS LIMITED PARTNERSHIP)
11445 COMPAQ CENTER DRIVE WEST
HOUSTON, TX 77070

FOR: PERSONAL COMPUTERS, COMPUTER
HARDWARE, COMPUTER MONITORS, COMPU-
TER DISPLAY SCREENS, IN CLASS 9 (U.S. CLS. 21,
23, 26, 36 AND 38).

FIRST USE 1-29-2007; IN COMMERCE 1-29-2007.

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

SER. NO. 77-197,146, FILED 6-4-2007.

BENJAMIN ALLEN, EXAMINING ATTORNEY

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

NARTRON CORPORATION,
Petitioner,

v.

HEWLETT-PACKARD DEVELOPMENT
COMPANY, L.P.,
Respondent.

Cancellation No. 92050789

Registration No. 3,600,880

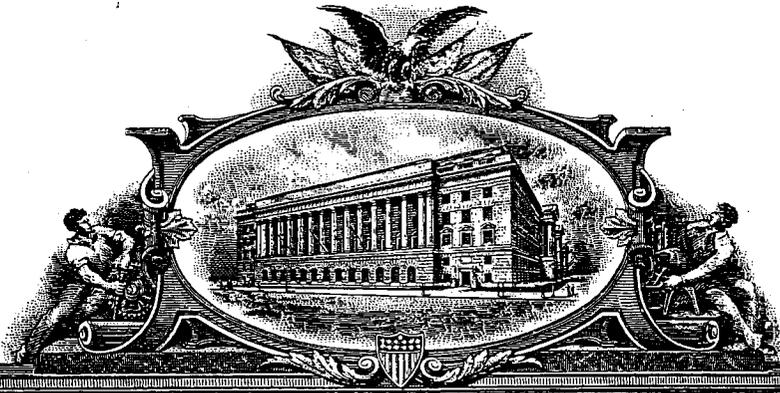
Registration Date: April 7, 2009

Mark: **TOUCHSMART**

RESPONDENT'S NOTICE OF RELIANCE

EXHIBIT 2

7253202



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

August 17, 2010

THE ATTACHED U.S. TRADEMARK REGISTRATION 2,362,503 IS CERTIFIED TO BE A TRUE COPY WHICH IS IN FULL FORCE AND EFFECT WITH NOTATIONS OF ALL STATUTORY ACTIONS TAKEN THEREON AS DISCLOSED BY THE RECORDS OF THE UNITED STATES PATENT AND TRADEMARK OFFICE.

REGISTERED FOR A TERM OF 10 YEARS FROM *June 27, 2000*
1st RENEWAL FOR A TERM OF 10 YEARS FROM *June 27, 2010*
SECTION 8 & 15

LESS GOODS

CANCELLED SECTION 8

CLASS(ES) CANCELLED:

INT. CLASS 016

SAID RECORDS SHOW TITLE TO BE IN:

HEWLETT-PACKARD DEVELOPMENT COMPANY, L. P.
A LIMITED PARTNERSHIP TEXAS

By Authority of the
Under Secretary of Commerce for Intellectual Property
and Director of the United States Patent and Trademark Office



T. Wallace
T. WALLACE
Certifying Officer

Int. Cls.: 2, 9, and 16

Prior U.S. Cls.: 2, 5, 6, 11, 16, 21, 22, 23, 26,
29, 36, 37, 38, and 50

Reg. No. 2,362,503

United States Patent and Trademark Office

Registered June 27, 2000

**TRADEMARK
PRINCIPAL REGISTER**

PHOTOSMART

HEWLETT-PACKARD COMPANY (DELAWARE CORPORATION)
3000 HANOVER STREET
PALO ALTO, CA 943040890 BY MERGER HEWLETT-PACKARD COMPANY (CALIFORNIA CORPORATION) PALO ALTO, CA 94304

FOR: INK CARTRIDGES FOR COMPUTER PRINTERS AND COMPUTER PERIPHERALS, IN CLASS 2 (U.S. CLS. 6, 11 AND 16).

FIRST USE 3-0-1997; IN COMMERCE 3-0-1997.

FOR: COMPUTER PERIPHERALS, NAMELY, PRINTERS AND SCANNERS; COMPUTER OPERATING SOFTWARE FOR USE WITH THE AFOREMENTIONED COMPUTER PERIPHERALS; DIGITAL

CAMERAS; AND USER MANUALS SUPPLIED THEREWITH, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 3-0-1997; IN COMMERCE 3-0-1997.

FOR: ~~COMPUTER PAPER, PRINTING PAPER, NOTE PAPER, NOTE CARDS AND PLASTIC TRANSPARENCIES FOR USE WITH COMPUTER PERIPHERALS~~, IN CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND 50).

FIRST USE 3-0-1997; IN COMMERCE 3-0-1997.

SN 75-141,653, FILED 7-23-1996.

JEFFERY COWARD, EXAMINING ATTORNEY

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

NARTRON CORPORATION,
Petitioner,

v.

HEWLETT-PACKARD DEVELOPMENT
COMPANY, L.P.,

Respondent.

Cancellation No. 92050789

Registration No. 3,600,880

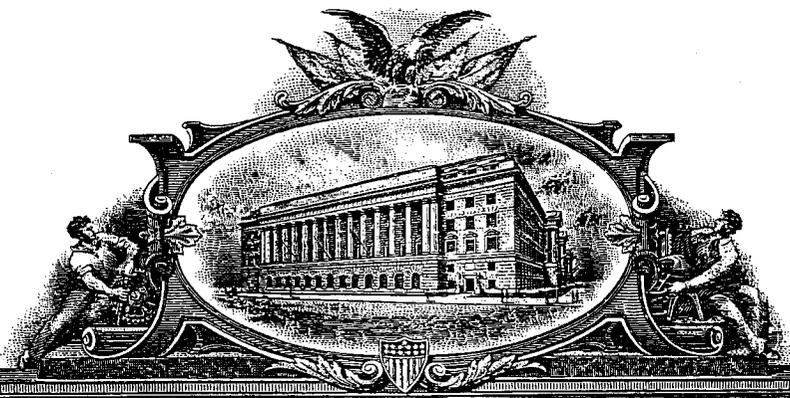
Registration Date: April 7, 2009

Mark: TOUCHSMART

RESPONDENT'S NOTICE OF RELIANCE

EXHIBIT 3

7253202



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office

August 12, 2010

THE ATTACHED U.S. TRADEMARK REGISTRATION 3,665,225 IS
CERTIFIED TO BE A TRUE COPY OF THE REGISTRATION ISSUED BY
THE UNITED STATES PATENT AND TRADEMARK OFFICE WHICH
REGISTRATION IS IN FULL FORCE AND EFFECT.

REGISTERED FOR A TERM OF 10 YEARS FROM *August 04, 2009*
SAID RECORDS SHOW TITLE TO BE IN: *Registrant*

By Authority of the
Under Secretary of Commerce for Intellectual Property
and Director of the United States Patent and Trademark Office

T. Wallace
T. WALLACE
Certifying Officer



Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36, and 38

Reg. No. 3,665,225

United States Patent and Trademark Office

Registered Aug. 4, 2009

TRADEMARK
PRINCIPAL REGISTER

MEDIASMART

HEWLETT-PACKARD DEVELOPMENT COMPAN-
NY, L.P. (TEXAS LIMITED PARTNERSHIP)
11445 COMPAQ CENTER DRIVE WEST
HOUSTON, TX 77070

FOR: TELEVISIONS; TELEVISION MONITORS;
FLAT PANEL DISPLAY SCREENS; DIGITAL MEDIA
RECEIVERS, NAMELY, AUDIOVISUAL RECEI-
VERS, AUDIO-VIDEO RECEIVERS, VIDEO
RECEIVERS; COMPUTER SOFTWARE FOR USE
IN DIGITAL MEDIA PURCHASE, PLAYBACK,
SHARING, STREAMING AND RECORDING; COM-
PUTER HARDWARE; MEDIA SERVERS; COMPU-

TER SERVERS; COMPUTER PERIPHERALS, IN
CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 8-0-2006; IN COMMERCE 8-0-2006.

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

SN 78-981,145, FILED 3-22-2006.

SOPHIA S. KIM, EXAMINING ATTORNEY

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

NARTRON CORPORATION,

Petitioner,

v.

HEWLETT-PACKARD DEVELOPMENT
COMPANY, L.P.,

Respondent.

Cancellation No. 92050789

Registration No. 3,600,880

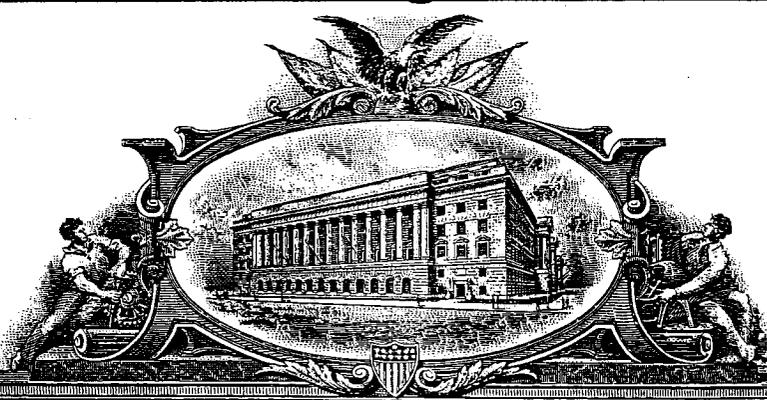
Registration Date: April 7, 2009

Mark: **TOUCHSMART**

RESPONDENT'S NOTICE OF RELIANCE

EXHIBIT 4

7253202



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office

August 10, 2010

THE ATTACHED U.S. TRADEMARK REGISTRATION 2,057,747 IS CERTIFIED TO BE A TRUE COPY WHICH IS IN FULL FORCE AND EFFECT WITH NOTATIONS OF ALL STATUTORY ACTIONS TAKEN THEREON AS DISCLOSED BY THE RECORDS OF THE UNITED STATES PATENT AND TRADEMARK OFFICE.

REGISTERED FOR A TERM OF 10 YEARS FROM *April 29, 1997*
1st RENEWAL FOR A TERM OF 10 YEARS FROM *April 29, 2007*
SECTION 8 & 15

LESS GOODS

SAID RECORDS SHOW TITLE TO BE IN:

HEWLETT-PACKARD DEVELOPMENT COMPANY, L.P.
A TEXAS LIMITED PARTNERSHIP

By Authority of the
Under Secretary of Commerce for Intellectual Property
and Director of the United States Patent and Trademark Office

M. TARVER
Certifying Officer



Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36, and 38

Reg. No. 2,057,747

United States Patent and Trademark Office

Registered Apr. 29, 1997

**TRADEMARK
PRINCIPAL REGISTER**

COLORSMART

HEWLETT-PACKARD COMPANY (CALIFORNIA CORPORATION)
3000 HANOVER STREET
PALO ALTO, CA 94304

AS A UNIT, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 5-0-1994; IN COMMERCE 5-0-1994.

OWNER OF U.S. REG. NO. 1,625,722.

FOR: ~~COMPUTER PRINTERS, COMPUTER SOFTWARE FOR ENHANCING PRINT QUALITY, AND USER MANUALS THEREFOR SOLD~~

SN 74-511,971, FILED 4-13-1994.

KAREN K. BUSH, EXAMINING ATTORNEY

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

NARTRON CORPORATION,
Petitioner,

v.

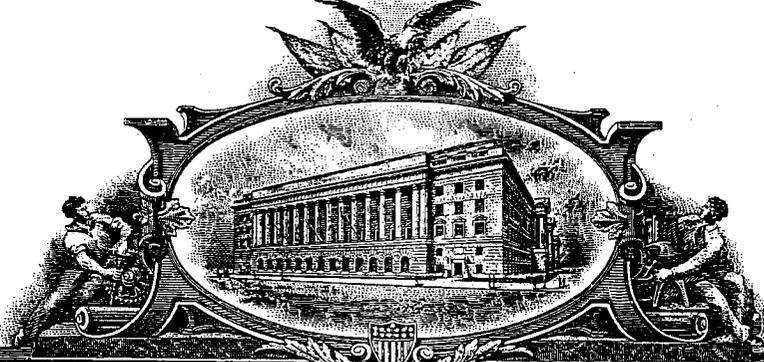
HEWLETT-PACKARD DEVELOPMENT
COMPANY, L.P.,
Respondent.

Cancellation No. 92050789
Registration No. 3,600,880
Registration Date: April 7, 2009
Mark: TOUCHSMART

RESPONDENT'S NOTICE OF RELIANCE

EXHIBIT 5

7253202



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

August 17, 2010

THE ATTACHED U.S. TRADEMARK REGISTRATION 2,232,611 IS CERTIFIED TO BE A TRUE COPY WHICH IS IN FULL FORCE AND EFFECT WITH NOTATIONS OF ALL STATUTORY ACTIONS TAKEN THEREON AS DISCLOSED BY THE RECORDS OF THE UNITED STATES PATENT AND TRADEMARK OFFICE.

REGISTERED FOR A TERM OF 10 YEARS FROM *June 27, 2000*
SECTION 8 & 15

SAID RECORDS SHOW TITLE TO BE IN:

HEWLETT-PACKARD DEVELOPMENT COMPANY, L. P.
A LIMITED PARTNERSHIP TEXAS

By Authority of the
Under Secretary of Commerce for Intellectual Property
and Director of the United States Patent and Trademark Office



T. Wallace
T. WALLACE
Certifying Officer

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36, and 38

United States Patent and Trademark Office

Reg. No. 2,232,611

Registered Mar. 16, 1999

**TRADEMARK
PRINCIPAL REGISTER**

ZOOMSMART

HEWLETT-PACKARD COMPANY (CALIFORNIA CORPORATION)
3000 HANOVER STREET
PALO ALTO, CA 94304

FOR: COMPUTER PRINTERS; COMPUTER SOFTWARE FOR ENHANCING PRINT QUALITY AND TO FACILITATE INTERCONNECT AND USE BETWEEN A COMPUTER AND PRINTER; SOFTWARE DRIVERS FOR COM-

PUTER PRINTERS; AND USER MANUALS SUPPLIED THEREWITH, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 3-0-1997; IN COMMERCE 3-0-1997.

SN 75-132,396, FILED 7-11-1996.

RICHARD KIM, EXAMINING ATTORNEY

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

NARTRON CORPORATION,
Petitioner,

v.

HEWLETT-PACKARD DEVELOPMENT
COMPANY, L.P.,
Respondent.

Cancellation No. 92050789

Registration No. 3,600,880

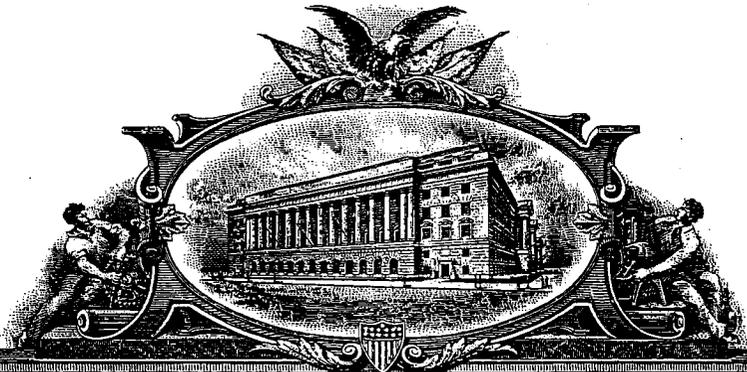
Registration Date: April 7, 2009

Mark: **TOUCHSMART**

RESPONDENT'S NOTICE OF RELIANCE

EXHIBIT 6

7253268



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

**UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office**

August 31, 2010

**THIS IS TO CERTIFY THAT ANNEXED IS A TRUE COPY FROM THE
RECORDS OF THIS OFFICE OF THE TRADEMARK FILE WRAPPER AND
CONTENTS OF:**

TRADEMARK APPLICATION: 77/826,570

FILING DATE: September 15, 2009

By Authority of the
Under Secretary of Commerce for Intellectual Property
and Director of the United States Patent and Trademark Office



N. Williams
N. WILLIAMS
Certifying Officer

PTO Form 1478 (Rev 9/2006)

OMB No. 0651-0009 (Exp 12/31/2011)

Trademark/Service Mark Application, Principal Register

Serial Number: 77826570

Filing Date: 09/15/2009

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	77826570
MARK INFORMATION	
*MARK	<u>COPYSMART</u>
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	COPYSMART
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font, style, size, or color.
REGISTER	Principal
APPLICANT INFORMATION	
*OWNER OF MARK	Hewlett-Packard Development Company, L.P.
*STREET	11445 Compaq Center Drive West
*CITY	Houston
*STATE (Required for U.S. applicants)	Texas
*COUNTRY	United States
*ZIP/POSTAL CODE (Required for U.S. applicants only)	77070
PHONE	650.857.5144
FAX	650.813.3095
EMAIL ADDRESS	malla.abril@hp.com
LEGAL ENTITY INFORMATION	

TYPE	limited partnership
STATE/COUNTRY WHERE LEGALLY ORGANIZED	Texas
NAME(S) OF GENERAL PARTNER(S) & CITIZENSHIP/INCORPORATION	HPQ Holdings, LLC, a Delaware limited liability company
GOODS AND/OR SERVICES AND BASIS INFORMATION	
INTERNATIONAL CLASS	009
*IDENTIFICATION	Computer printers; laser printers; inkjet printers; scanners; photocopiers; facsimile machines; computer peripherals; computer software; computer hardware
FILING BASIS	SECTION 1(b)
CORRESPONDENCE INFORMATION	
NAME	Hewlett-Packard Company
INTERNAL ADDRESS	Attention: Malia Abril
STREET	3000 Hanover Street, ms 1051
CITY	Palo Alto
STATE	California
COUNTRY	United States
ZIP/POSTAL CODE	94304
PHONE	650.857.5144
FAX	650.813.3095
EMAIL ADDRESS	malia.abril@hp.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
FEE INFORMATION	
NUMBER OF CLASSES	1
FEE PER CLASS	325
*TOTAL FEE DUE	325
*TOTAL FEE PAID	325
SIGNATURE INFORMATION	
SIGNATURE	/Francis G. Toldi/
SIGNATORY'S NAME	Francis G. Toldi

SIGNATORY'S POSITION	Senior Counsel
DATE SIGNED	09/15/2009

PTO Form 1478 (Rev 9/2006)

OMB No. 0651-0006 (Exp 12/31/2011)

Trademark/Service Mark Application, Principal Register**Serial Number: 77826570****Filing Date: 09/15/2009****To the Commissioner for Trademarks:****MARK: COPYSMART** (Standard Characters, see mark)

The literal element of the mark consists of COPYSMART.

The mark consists of standard characters, without claim to any particular font, style, size, or color.

The applicant, Hewlett-Packard Development Company, L.P., a limited partnership legally organized under the laws of Texas, comprising of HPQ Holdings, LLC, a Delaware limited liability company, having an address of

11445 Compaq Center Drive West

Houston, Texas 77070

United States

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

International Class 009: Computer printers; laser printers; inkjet printers; scanners; photocopiers; facsimile machines; computer peripherals; computer software; computer hardware**Intent to Use:** The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).**Correspondence Information:** Hewlett-Packard Company

Attention: Malia Abril

3000 Hanover Street, ms 1051

Palo Alto, California 94304

650.857.5144(phone)

650.813.3095(fax)

malia.abril@hp.com (authorized)

A fee payment in the amount of \$325 has been submitted with the application, representing payment for 1 class(es).

Declaration

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant, he/she believes the

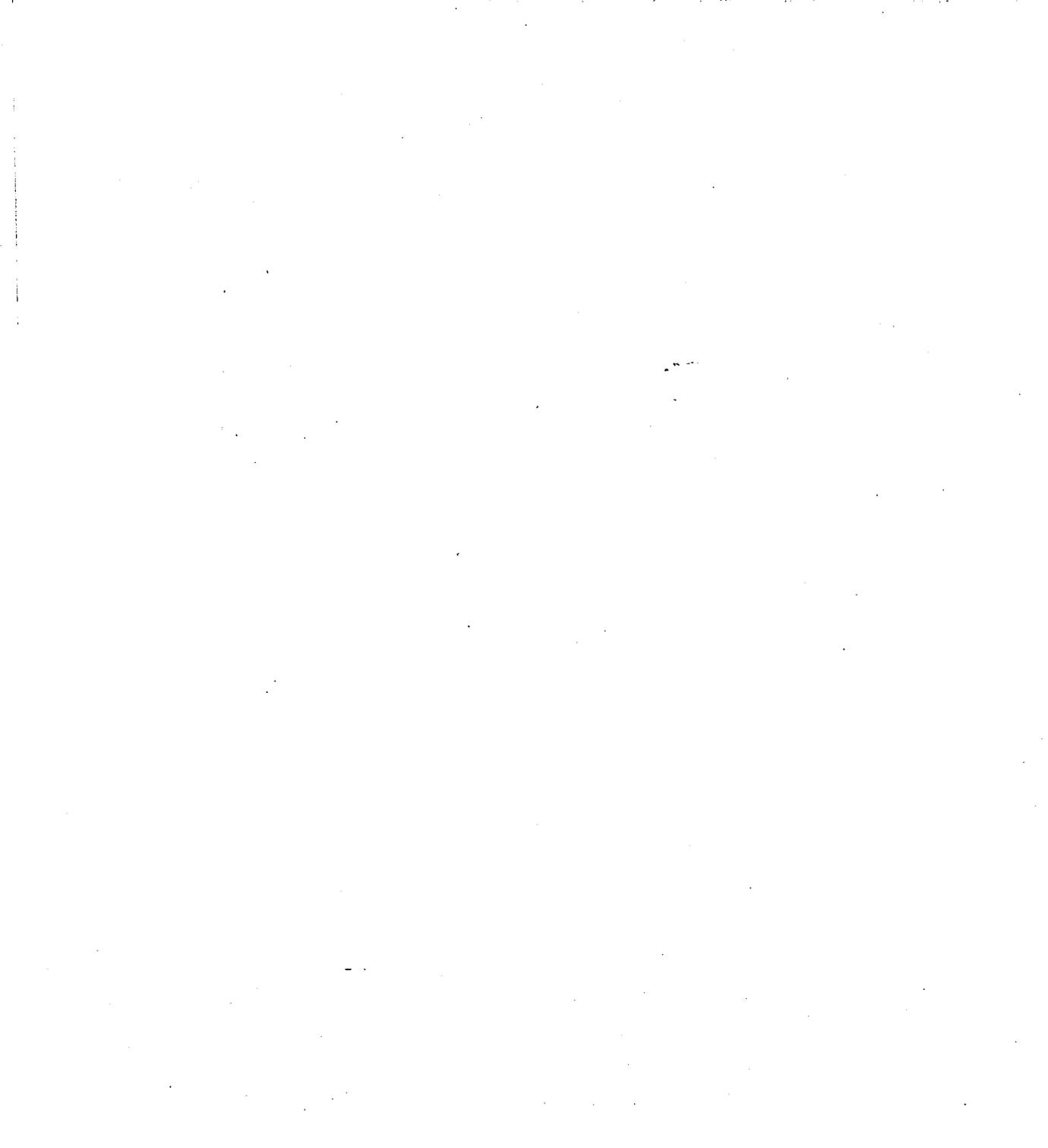
applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

Signature: /Francis G. Toldi/ Date Signed: 09/15/2009
Signatory's Name: Francis G. Toldi
Signatory's Position: Senior Counsel

RAM Sale Number: 8588
RAM Accounting Date: 09/15/2009

Serial Number: 77826570
Internet Transmission Date: Tue Sep 15 12:24:20 EDT 2009
TEAS Stamp: USPTO/BAS-15.243.169.72-2009091512242046
4930-77826570-4608250c544eede2c6d97f1fef
16da6a-DA-8588-20090915121646961698

COPYSMART



From: TMDesignCodeComments
Sent: Saturday, September 19, 2009 00:16 AM
To: malia.abril@hp.com
Subject: Notice of Pseudo Mark for Serial Number: 77826570

**ATTORNEY REFERENCE
NUMBER:**

The USPTO may assign pseudo marks, as appropriate, to new applications to assist in searching the USPTO database for conflicting marks. They have no legal significance and will not appear on the registration certificate.

A PSEUDO MARK may be assigned to marks that include words, numbers, compound words, symbols, or acronyms that can have alternative spellings or meanings. For example, if the mark comprises the words 'YOU ARE' surrounded by a design of a box, the pseudo mark field in the USPTO database would display the mark as 'YOU ARE SQUARE'. A mark filed as 'URGR8' would receive a pseudo mark of 'YOU ARE GREAT'.

Response to this notice is not required; however, to suggest additions or changes to the pseudo mark assigned to your mark, please e-mail TMDesignCodeComments@USPTO.GOV. You must reference your application serial number within your request. The USPTO will review the proposal and update the record, if appropriate. For questions, please call 1-800-786-9199 to speak to a Customer Service representative.

The USPTO will not send any further response to your e-mail. Check TESS in approximately two weeks to see if the requested changes have been entered. Requests deemed unnecessary or inappropriate will not be entered.

Pseudo marks assigned to the referenced serial number are listed below.

PSEUDO MARK:

COPY SMART

*** User:jkelly ***

#	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/ Search Duration	Search
01	1	0	1	1	0:01	77826570[SN]
02	969	N/A	0	0	0:01	hewlett\$[on]
03	30	15	15	8	0:01	2 and (*cop* *smart*)[bi,ti]
04	32	19	13	7	0:01	(*cop* and *smart*)[bi,ti]
05	11162	N/A	0	0	0:02	*{"ckqx"}op*[bi,ti]
06	23803	N/A	0	0	0:02	*{"csz"}m{v:3}rt*[bi,ti]
07	32	N/A	0	0	0:01	5 and 6
08	0	0	0	0	0:01	7 not 4
09	9546	N/A	0	0	0:03	6 not dead[ld]
10	6130	N/A	0	0	0:04	9 and "009"[ce]
11	2431	N/A	0	0	0:02	9 and "009"[ie]
12	14	0	14	11	0:01	9 and (a b 200)[ie]
13	1344	N/A	0	0	T/0:06	11 and (inkj\$ computer\$ laser\$ photo\$)[gs]
14	1350	0	1350	873	0:03	11 and (inkj\$ computer\$ laser\$ photo\$)[gs]
15	1081	0	1081	703	0:01	11 not 14

Session started 12/11/2009 8:48:01 PM

Session finished 12/11/2009 10:16:38 PM

Total search duration 0 minutes 30 seconds

Session duration 88 minutes 37 seconds

Default NEAR limit=1 ADJ limit=1

Sent to TICRS as Serial Number: 77826570

To: Hewlett-Packard Development Company, L.P ETC. (malia.abril@hp.com)
Subject: U.S. TRADEMARK APPLICATION NO. 77826570 - COPYSMART - N/A
Sent: 12/11/2009 10:17:01 PM
Sent As: ECOM117@USPTO.GOV
Attachments:

UNITED STATES PATENT AND TRADEMARK OFFICE**SERIAL NO:** 77826570**MARK:** COPYSMART***77826570*****CORRESPONDENT ADDRESS:**
HEWLETT-PACKARD COMPANY
3000 HANOVER ST # MS1051
PALO ALTO, CA 94304-1112**RESPOND TO THIS ACTION:**
<http://www.uspto.gov/teas/eTEASpageD.htm>**GENERAL TRADEMARK INFORMATION:**
<http://www.uspto.gov/main/trademarks.htm>**APPLICANT:** Hewlett-Packard
Development Company, L.P ETC.**CORRESPONDENT'S
REFERENCE/DOCKET NO:**
N/A**CORRESPONDENT E-MAIL ADDRESS:**
malia.abril@hp.com**OFFICE ACTION**

TO AVOID ABANDONMENT, THE OFFICE MUST RECEIVE A PROPER RESPONSE TO THIS OFFICE ACTION WITHIN 6 MONTHS OF THE ISSUE/MAILING DATE.

ISSUE/MAILING DATE: 12/11/2009

The referenced application has been reviewed by the assigned trademark examining attorney. Applicant must respond timely and completely to the issue(s) below. 15 U.S.C. §1062(b); 37 C.F.R. §§2.62(a), 2.65(a); TMEP §§711, 718.03.

PARTIAL REQUIREMENT: IDENTIFICATION OF GOODS
THIS REQUIREMENT APPLIES ONLY TO THE GOODS SPECIFIED THEREIN.

The goods include computer software; however, the wording used to describe the software is indefinite and must be clarified to indicate the purpose or function of the software. If the software is field-specific, applicant must also specify the field of use. TMEP §1402.03(d). Clarification of the purpose, function

or field of use of the software is necessary to permit proper examination of the application and to enable the Office to make appropriate decisions concerning possible conflicts between the applicant's mark and other marks. *See In re N.A.D. Inc.*, 57 USPQ2d 1872, 1874 (TTAB 2000).

For assistance with identifying goods and/or services in trademark applications, please see the online searchable *Manual of Acceptable Identifications of Goods and Services* at <http://tess2.uspto.gov/netahhtml/tidm.html>.

Identifications of goods and/or services can be amended only to clarify or limit the goods and/or services; adding to or broadening the scope of the goods and/or services is not permitted. 37 C.F.R. §2.71(a); *see* TMEP §§1402.06 *et seq.*, 1402.07. Therefore, applicant may not amend the identification to include goods and/or services that are not within the scope of the goods and/or services set forth in the present identification.

If applicant should fail to respond to this Office action within the six-month period for response, then the following goods will be deleted from the application: "computer software".

The application will then proceed with the following goods only:

Class 9: Computer printers; laser printers; inkjet printers; scanners; photocopiers; facsimile machines; computer peripherals; computer hardware

37 C.F.R. §2.65(a).

SEARCH OF OFFICE'S DATABASE OF MARKS

The trademark examining attorney has searched the Office's database of registered and pending marks and has found no conflicting marks that would bar registration under Trademark Act Section 2(d). TMEP §704.02; *see* 15 U.S.C. §1052(d).

John Kelly /jmck/
Trademark Attorney
Law Office 117
571.272.9412
Fax: 571.273-9117 (official responses only)

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.

PTO Form 1957 (Rev 9/2005)

OMB No. 0651-0050 (Exp. 04/30/2011)

Response to Office Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	77826570
LAW OFFICE ASSIGNED	LAW OFFICE 117
MARK SECTION (no change)	
GOODS AND/OR SERVICES SECTION (current)	
INTERNATIONAL CLASS	009
DESCRIPTION	
Computer printers; laser printers; inkjet printers; scanners; photocopiers; facsimile machines; computer peripherals; computer software; computer hardware	
FILING BASIS	Section 1(b)
GOODS AND/OR SERVICES SECTION (proposed)	
INTERNATIONAL CLASS	009
TRACKED TEXT DESCRIPTION	
Computer printers; laser printers; inkjet printers; scanners; photocopiers; facsimile machines; computer peripherals; computer software ; computer software for optimizing image and print quality; computer software for color matching and reproduction in imaging and printing; computer software for use in the field of printing and photocopying; computer hardware	
FINAL DESCRIPTION	
Computer printers; laser printers; inkjet printers; scanners; photocopiers; facsimile machines; computer peripherals; computer software for optimizing image and print quality; computer software for color matching and reproduction in imaging and printing; computer software for use in the field of printing and photocopying; computer hardware	
FILING BASIS	Section 1(b)
SIGNATURE SECTION	
RESPONSE SIGNATURE	/Francis G. Toldi/
SIGNATORY'S NAME	Francis G. Toldi
SIGNATORY'S POSITION	Senior Counsel

DATE SIGNED	04/09/2010
AUTHORIZED SIGNATORY	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Fri Apr 09 13:53:28 EDT 2010
TEAS STAMP	USPTO/ROA-15.219.153.79-2 0100409135328170965-77826 570-46083c211455ecc177b88 4b5b54e6c34388-N/A-N/A-20 100409134951235615

PTO Form 1957 (Rev. 9/2005)

OMB No. 0651-0050 (Exp. 04/30/2011)

Response to Office Action

To the Commissioner for Trademarks:

Application serial no. 77826570 has been amended as follows:

CLASSIFICATION AND LISTING OF GOODS/SERVICES

Applicant proposes to amend the following class of goods/services in the application:

Current: Class 009 for Computer printers; laser printers; inkjet printers; scanners; photocopiers; facsimile machines; computer peripherals; computer software; computer hardware

Original Filing Basis:

Filing Basis: Section 1(b), Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. (15 U.S.C. Section 1051(b)).

Proposed:

Tracked Text Description: Computer printers; laser printers; inkjet printers; scanners; photocopiers; facsimile machines; computer peripherals; ~~computer software;~~ computer software for optimizing image and print quality; computer software for color matching and reproduction in imaging and printing; computer software for use in the field of printing and photocopying; computer hardware

Class 009 for Computer printers; laser printers; inkjet printers; scanners; photocopiers; facsimile machines; computer peripherals; computer software for optimizing image and print quality; computer software for color matching and reproduction in imaging and printing; computer software for use in the field of printing and photocopying; computer hardware

Filing Basis: Section 1(b), Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. (15 U.S.C. Section 1051(b)).

SIGNATURE(S)

Response Signature

Signature: /Francis G. Toldi/ Date: 04/09/2010

Signatory's Name: Francis G. Toldi

Signatory's Position: Senior Counsel

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the applicant's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the applicant in this matter: (1) the applicant has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the applicant has filed a power of attorney appointing him/her in this matter; or (4) the applicant's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

Serial Number: 77826570

Internet Transmission Date: Fri Apr 09 13:53:28 EDT 2010

TEAS Stamp: USPTO/ROA-15.219.153.79-2010040913532817

0965-77826570-46083c211455ecc177b884b5b5

4e6c34388-N/A-N/A-20100409134951235615

To: Hewlett-Packard Development Company, L.P ETC.
(malia.abril@hp.com)

Subject: U.S. TRADEMARK APPLICATION NO. 77826570 - COPYSMART - N/A

Sent: 12/11/2009 10:17:03 PM

Sent As: ECOM117@USPTO.GOV

Attachments:

IMPORTANT NOTICE REGARDING YOUR TRADEMARK APPLICATION

Your trademark application (Serial No. 77826570) has been reviewed. The examining attorney assigned by the United States Patent and Trademark Office ("USPTO") has written a letter (an "Office action") on 12/11/2009 to which you must respond (*unless the Office letter specifically states that no response is required*). Please follow these steps:

1. Read the Office letter by clicking on this [link](http://tmportal.uspto.gov/external/portal/tow?DDA=Y&serial_number=77826570&doc_type=OOA&mail_date=20091211) http://tmportal.uspto.gov/external/portal/tow?DDA=Y&serial_number=77826570&doc_type=OOA&mail_date=20091211 OR go to <http://tmportal.uspto.gov/external/portal/tow> and enter your serial number to access the Office letter. If you have difficulty accessing the Office letter, contact TDR@uspto.gov.

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

2. **Contact** the examining attorney who reviewed your application if you have any questions about the content of the Office letter (contact information appears at the end thereof).

3. **Respond** within 6 months, calculated from 12/11/2009 (*or sooner if specified in the Office letter*), using the Trademark Electronic Application System (TEAS) **Response to Office Action form**. If you have difficulty using TEAS, contact TEAS@uspto.gov.

ALERT:

Failure to file any required response by the applicable deadline will result in the ABANDONMENT (loss) of your application.

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.

From: TMOfficialNotices@USPTO.GOV
Sent: Tuesday, June 15, 2010 00:30 AM
To: malia.abril@hp.com
Subject: Official USPTO Notice of Publication: Serial Number 77826570

NOTICE OF PUBLICATION

Serial Number: 77-826,570
Mark: COPYSMART(STANDARD CHARACTER MARK)
International Class(es): 009
Applicant: Hewlett-Packard Development Company, L.P.
Attorney Reference Number:

The mark identified above has been published in the *Trademark Official Gazette (OG)* on Jun 15, 2010. Any party who believes it will be damaged by the registration of the mark may file a notice of opposition (or extension of time therefor) with the Trademark Trial and Appeal Board. If no party files an opposition or extension request within thirty (30) days after the publication date, then within twelve (12) weeks of the publication date a notice of allowance (NOA) should issue. (Note: The applicant must file a Statement of Use or Extension Request within six (6) months after the NOA issues.)

On the publication date or shortly thereafter, the applicant should carefully review the information that appears in the OG for accuracy (see steps, below). If any information is incorrect, the applicant should immediately email the requested correction to TMPostPubQuery@uspto.gov. For general information about this notice, please contact the Trademark Assistance Center at 1-800-786-9199.

1. Click on the following link or paste the URL into an internet browser:
http://www.uspto.gov/web/trademarks/tmog/20100615_OG.pdf#page=1
2. Wait for the total OG to upload completely (as indicated on bottom of OG page).
3. At the top/side of the displayed page, click wherever the "binoculars" icon appears.
4. Enter in the "search" box the name of the applicant (for individual: last name, first name) or the serial number in this exact format (with hyphen and comma): 77-826,570, e.g.
5. View the retrieved result(s). If multiple results appear in the "results" box, click directly on each "search term" shown in the box to access all separate appearances in the OG.

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

NARTRON CORPORATION,
Petitioner,

v.

HEWLETT-PACKARD DEVELOPMENT
COMPANY, L.P.,
Respondent.

Cancellation No. 92050789

Registration No. 3,600,880

Registration Date: April 7, 2009

Mark: TOUCHSMART

RESPONDENT'S NOTICE OF RELIANCE

EXHIBIT 7

United States of America

United States Patent and Trademark Office

**Smart
TOUCH**

Reg. No. 3,828,904

Registered Aug. 3, 2010

Int. Cls.: 9 and 16

TRADEMARK

PRINCIPAL REGISTER

BEYOND ELECTRONICS, INC. (CALIFORNIA CORPORATION), DBA BEYOND CELL
INTL,
12718 SCHABARUM AVENUE
IRWINDALE, CA 91706

FOR: CELL PHONE COVERS AND CELL PHONE SCREEN PROTECTORS, IN CLASS 9 (U.S.
CLS. 21, 23, 26, 36 AND 38).

FIRST USE 9-1-2008; IN COMMERCE 9-1-2008.

FOR: STICKERS, IN CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND 50).

FIRST USE 9-1-2008; IN COMMERCE 9-1-2008.

THE MARK CONSISTS OF THE WORDS "SMART TOUCH" BOTH OF WHICH ARE OUT-
LINED.

SN 77-542,839, FILED 8-8-2008.

LINDSEY RUBIN, EXAMINING ATTORNEY



David J. Kappas

Director of the United States Patent and Trademark Office

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2010-11-19 14:38:31 ET

Serial Number: 77542839 Assignment Information Trademark Document Retrieval

Registration Number: 3828904

Mark



(words only): SMART TOUCH

Standard Character claim: No

Current Status: Registered.

Date of Status: 2010-08-03

Filing Date: 2008-08-08

Transformed into a National Application: No

Registration Date: 2010-08-03

Register: Principal

Law Office Assigned: LAW OFFICE 108

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2010-07-01

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. BEYOND ELECTRONICS, INC.

DBA/AKA/TA/Formerly: DBA BEYOND CELL INT'L

Address:

BEYOND ELECTRONICS, INC.
12718 Schabarum Avenue
Irwindale, CA 91706
United States

Legal Entity Type: Corporation**State or Country of Incorporation:** California

GOODS AND/OR SERVICES

International Class: 009**Class Status:** Active

CELL PHONE COVERS AND CELL PHONE SCREEN PROTECTORS

Basis: 1(a)**First Use Date:** 2008-09-01**First Use in Commerce Date:** 2008-09-01**International Class:** 016**Class Status:** Active

STICKERS

Basis: 1(a)**First Use Date:** 2008-09-01**First Use in Commerce Date:** 2008-09-01

ADDITIONAL INFORMATION

Color(s) Claimed: Color is not claimed as a feature of the mark.**Description of Mark:** The mark consists of the words "SMART TOUCH" both of which are outlined.

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2010-08-03 - Registered - Principal Register

2010-07-02 - Notice Of Acceptance Of Statement Of Use Mailed

2010-07-01 - Law Office Registration Review Completed

2010-06-30 - Allowed for Registration - Principal Register (SOU accepted)

2010-06-14 - Statement Of Use Processing Complete
2010-06-02 - Use Amendment Filed
2010-06-02 - TEAS Statement of Use Received
2010-01-20 - Extension 1 granted
2009-12-02 - Extension 1 filed
2010-01-19 - Case Assigned To Intent To Use Paralegal
2009-12-02 - TEAS Extension Received
2009-06-02 - NOA Mailed - SOU Required From Applicant
2009-03-10 - Published for opposition
2009-02-18 - Notice of publication
2009-02-03 - Law Office Publication Review Completed
2009-02-03 - Assigned To LIE
2009-01-22 - Approved For Pub - Principal Register
2008-12-31 - Teas/Email Correspondence Entered
2008-12-31 - Communication received from applicant
2008-12-31 - TEAS Response to Office Action Received
2008-11-19 - Non-final action mailed
2008-11-19 - Non-Final Action Written
2008-11-18 - Assigned To Examiner
2008-08-12 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Thomas I. Rozsa

CorrespondentTHOMAS I. ROZSA
ROZSA LAW GROUP LC
18757 BURBANK BOULEVARD

SUITE 220
TARZANA, CA 91356-3346
Phone Number: 818-783-0990
Fax Number: 818-783-0992

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

NARTRON CORPORATION,

Petitioner,

v.

HEWLETT-PACKARD DEVELOPMENT
COMPANY, L.P.,

Respondent.

Cancellation No. 92050789

Registration No. 3,600,880

Registration Date: April 7, 2009

Mark: TOUCHSMART

RESPONDENT'S NOTICE OF RELIANCE

EXHIBIT 8

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36, and 38

United States Patent and Trademark Office

Reg. No. 3,574,250

Registered Feb. 10, 2009

TRADEMARK
SUPPLEMENTAL REGISTER

smartTOUCH GDO

BIOMETRX, INC. (NEW YORK CORPORATION)
500 NORTH BROADWAY
JERICHO, NY 11576

FOR: BIOMETRICALLY ENABLED, FINGER-
PRINT-ACTIVATED GARAGE DOOR OPENERS,
IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 10-12-2007; IN COMMERCE 10-12-2007.

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

NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "GDO", APART FROM THE MARK
AS SHOWN.

SER. NO. 77-349,838, FILED P.R. 12-12-2007; AM.
S.R. 12-19-2008.

SUSAN RICHARDS, EXAMINING ATTORNEY

HP 000338

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2010-11-19 14:44:17 ET

Serial Number: 77349838 Assignment Information Trademark Document Retrieval

Registration Number: 3574250

Mark

smartTOUCH GDO

(words only): SMARTTOUCH GDO

Standard Character claim: Yes

Current Status: Registered.

Date of Status: 2009-02-10

Filing Date: 2007-12-12

Transformed into a National Application: No

Registration Date: 2009-02-10

Register: Supplemental

Law Office Assigned: LAW OFFICE 103

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2009-02-10

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. BIOMETRX, INC.

Address:

BIOMETRX, INC.
 500 NORTH BROADWAY
 JERICHO, NY 11576
 United States
Legal Entity Type: Corporation
State or Country of Incorporation: New York

GOODS AND/OR SERVICES

International Class: 009
Class Status: Active
 BIOMETRICALLY ENABLED, FINGERPRINT-ACTIVATED GARAGE DOOR OPENERS
Basis: 1(a)
First Use Date: 2007-10-12
First Use in Commerce Date: 2007-10-12

ADDITIONAL INFORMATION

Disclaimer: "GDO"

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

- 2009-02-10 - Registered - Supplemental Register
- 2009-01-08 - Law Office Publication Review Completed
- 2009-01-08 - Assigned To LIE
- 2008-12-23 - APPROVED FOR REGISTRATION SUPPLEMENTAL REGISTER
- 2008-12-19 - Teas/Email Correspondence Entered
- 2008-12-19 - Communication received from applicant
- 2008-12-19 - TEAS Response to Office Action Received
- 2008-12-19 - Petition To Revive-Granted
- 2008-12-19 - TEAS Petition To Revive Received

2008-10-29 - Attorney Revoked And/Or Appointed

2008-10-29 - TEAS Revoke/Appoint Attorney Received

2008-10-24 - Abandonment Notice Mailed - Failure To Respond

2008-10-24 - Abandonment - Failure To Respond Or Late Response

2008-03-25 - Non-final action mailed

2008-03-25 - Non-Final Action Written

2008-03-20 - Assigned To Examiner

2007-12-18 - Notice Of Pseudo Mark Mailed

2007-12-17 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Thomas A. O'Rourke

Correspondent

Thomas A. O'Rourke

Bodner & O'Rourke, LLP

Suite 108

425 Broadhollow Road

Melville NY 11747

Phone Number: 631-249-7500

Fax Number: 631-249-4508

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

NARTRON CORPORATION,
Petitioner,

v.

HEWLETT-PACKARD DEVELOPMENT
COMPANY, L.P.,
Respondent.

Cancellation No. 92050789

Registration No. 3,600,880

Registration Date: April 7, 2009

Mark: **TOUCHSMART**

RESPONDENT'S NOTICE OF RELIANCE

EXHIBIT 9

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36, and 38

United States Patent and Trademark Office

Reg. No. 3,578,300

Registered Feb. 17, 2009

TRADEMARK
SUPPLEMENTAL REGISTER

SMART CONTROL PANEL

THE CHAMBERLAIN GROUP, INC. (CONNECTI-
CUT CORPORATION)

845 LARCH AVENUE

ELMHURST, IL 601261196

FOR: KEYPADS; ELECTRONIC SECURITY DE-
VICES, NAMELY, ELECTRONIC CONTROLS FOR
GRANTING ACCESS AND EGRESS THROUGH
DOORS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 2-1-2007; IN COMMERCE 2-1-2007.

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

OWNER OF U.S. REG. NO. 2,374,138.

NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "CONTROL PANEL", APART FROM
THE MARK AS SHOWN.

SER. NO. 78-933,638, FILED P.R. 7-20-2006; AM. S.R.
12-8-2008.

RONALD AIKENS, EXAMINING ATTORNEY

HP 000350

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2010-11-19 14:44:43 ET

Serial Number: 78933638 Assignment Information Trademark Document Retrieval

Registration Number: 3578300

Mark

SMART CONTROL PANEL

(words only): SMART CONTROL PANEL

Standard Character claim: Yes

Current Status: Registered.

Date of Status: 2009-02-17

Filing Date: 2006-07-20

Transformed into a National Application: No

Registration Date: 2009-02-17

Register: Supplemental

Law Office Assigned: LAW OFFICE 112

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2009-02-17

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. The Chamberlain Group, Inc.

Address:

The Chamberlain Group, Inc.
845 Larch Avenue
Elmhurst, IL 601261196
United States
Legal Entity Type: Corporation
State or Country of Incorporation: Connecticut

GOODS AND/OR SERVICES

International Class: 009
Class Status: Active
keypads; electronic security devices, namely, electronic controls for granting access and egress through doors
Basis: 1(a)
First Use Date: 2007-02-01
First Use in Commerce Date: 2007-02-01

ADDITIONAL INFORMATION

Disclaimer: "CONTROL PANEL"

Prior Registration Number(s):
2374138

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2009-02-17 - Registered - Supplemental Register
2009-01-12 - Law Office Publication Review Completed
2009-01-08 - APPROVED FOR REGISTRATION SUPPLEMENTAL REGISTER
2009-01-08 - Amendment to Use approved
2008-12-11 - Teas/Email Correspondence Entered
2008-12-11 - Communication received from applicant
2008-12-08 - TEAS Request For Reconsideration Received

2008-12-05 - Amendment To Use Processing Complete
2008-12-05 - Use Amendment Filed
2008-12-04 - TEAS Amendment of Use Received
2008-06-08 - Notification Of Final Refusal Emailed
2008-06-08 - Final refusal e-mailed
2008-06-08 - Final Refusal Written
2008-04-03 - Amendment From Applicant Entered
2008-04-03 - Communication received from applicant
2008-04-02 - PAPER RECEIVED
2007-09-30 - Notification Of Non-Final Action E-Mailed
2007-09-30 - NON-FINAL ACTION E-MAILED
2007-09-30 - Non-Final Action Written
2007-07-18 - Amendment From Applicant Entered
2007-07-18 - Communication received from applicant
2007-07-18 - Assigned To LIE
2007-06-29 - PAPER RECEIVED
2006-12-26 - Non-final action e-mailed
2006-12-26 - Non-Final Action Written
2006-12-16 - Assigned To Examiner
2006-07-25 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Joseph T. Nabor

Correspondent

JOSEPH T. NABOR
FITCH, EVEN, TABIN & FLANNERY
120 S LA SALLE ST STE 1600
CHICAGO, IL 60603-3590

Phone Number: 312-577-7000

Fax Number: 312-577-7007

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

NARTRON CORPORATION,
Petitioner,

v.

HEWLETT-PACKARD DEVELOPMENT
COMPANY, L.P.,
Respondent.

Cancellation No. 92050789

Registration No. 3,600,880

Registration Date: April 7, 2009

Mark: **TOUCHSMART**

RESPONDENT'S NOTICE OF RELIANCE

EXHIBIT 10

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36, and 38

Reg. No. 2,571,855

United States Patent and Trademark Office

Registered May 21, 2002

**TRADEMARK
PRINCIPAL REGISTER**

SMARTTOUCH

NORTHERN STAR INDUSTRIES, INC. (MICHIGAN CORPORATION)
200 WEST FRANK PIPP DRIVE
IRON MOUNTAIN, MI 49801 BY CHANGE OF
NAME M.J. ELECTRIC, INC. (MICHIGAN CORPORATION) IRON MOUNTAIN, MI 49801

FIRST USE 11-12-2001; IN COMMERCE 11-12-2001.

SN 75-713,898, FILED 5-25-1999.

FOR: ELECTRONIC CONTROLS FOR VEHICLE
MOUNTED SNOW PLOWS, IN CLASS 9 (U.S. CLS.
21, 23, 26, 36 AND 38).

BRIAN NEVILLE, EXAMINING ATTORNEY

HP 000339

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2010-11-19 14:45:11 ET

Serial Number: 75713898 Assignment Information Trademark Document Retrieval

Registration Number: 2571855

Mark (words only): SMARTTOUCH

Standard Character claim: No

Current Status: Section 8 and 15 affidavits have been accepted and acknowledged.

Date of Status: 2007-12-11

Filing Date: 1999-05-25

Transformed into a National Application: No

Registration Date: 2002-05-21

Register: Principal

Law Office Assigned: LAW OFFICE 114

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 830 -Post Registration

Date In Location: 2007-12-11

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. NORTHERN STAR INDUSTRIES, INC.

Address:

NORTHERN STAR INDUSTRIES, INC.
1819 North Stephenson Avenue P.O. Box 788
Iron Mountain, MI 49801
United States

Legal Entity Type: Corporation

State or Country of Incorporation: Michigan

GOODS AND/OR SERVICES

International Class: 009

Class Status: Active

electronic controls for vehicle mounted snow plows

Basis: 1(a)

First Use Date: 2001-11-12

First Use in Commerce Date: 2001-11-12

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2007-12-11 - Section 8 (6-year) accepted & Section 15 acknowledged

2007-12-10 - Assigned To Paralegal

2007-12-07 - TEAS Section 8 & 15 Received

2007-08-30 - Case File In TICRS

2005-07-13 - TEAS Change Of Owner Address Received

2002-05-21 - Registered - Principal Register

2002-02-04 - Allowed for Registration - Principal Register (SOU accepted)

2002-02-04 - Assigned To Examiner

2001-12-26 - Statement Of Use Processing Complete

2001-12-26 - Use Amendment Filed

2001-09-24 - Extension 1 granted

2001-08-31 - Extension 1 filed

2001-03-06 - NOA Mailed - SOU Required From Applicant

2000-12-12 - Published for opposition

2000-11-10 - Notice of publication

2000-09-18 - Approved For Pub - Principal Register

2000-04-05 - Communication received from applicant

1999-10-05 - Non-final action mailed

1999-09-17 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Sarah M. H. Brindley

Correspondent

Sarah M. H. Brindley

QUARLES & BRADY LLP

Suite 2040

411 EAST WISCONSIN AVENUE

MILWAUKEE WI 53202

Phone Number: 414 277 5000

Fax Number: 414 271 3552

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

NARTRON CORPORATION,
Petitioner,

v.

HEWLETT-PACKARD DEVELOPMENT
COMPANY, L.P.,
Respondent.

Cancellation No. 92050789

Registration No. 3,600,880

Registration Date: April 7, 2009

Mark: **TOUCHSMART**

RESPONDENT'S NOTICE OF RELIANCE

EXHIBIT 11

Int. Cl.: 9

Prior U.S. Cl.: 26

United States Patent and Trademark Office Reg. No. 1,745,089
Registered Jan. 5, 1993

**TRADEMARK
PRINCIPAL REGISTER**

SMART TOUCH

METTLER-TOLEDO, INC. (DELAWARE COR-
PORATION)
350 WEST WILSON BRIDGE ROAD
WORTHINGTON, OH 43085

SERVICE COUNTER SCALES, IN CLASS 9 (U.S.
CL. 26).
FIRST USE 3-10-1992; IN COMMERCE
3-10-1992.

FOR: AUTOMATIC WEIGHING EQUIP-
MENT; NAMELY, RETAIL PROGRAMMABLE

SN 74-124,797, FILED 12-18-1990.
ESTHER SMITH, EXAMINING ATTORNEY

HP 000340

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2010-11-19 14:46:00 ET

Serial Number: 74124797 Assignment Information Trademark Document Retrieval

Registration Number: 1745089

Mark (words only): SMART TOUCH

Standard Character claim: No

Current Status: This registration has been renewed.

Date of Status: 2003-03-21

Filing Date: 1990-12-18

Transformed into a National Application: No

Registration Date: 1993-01-05

Register: Principal

Law Office Assigned: LAW OFFICE 4

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 40S -Scanning On Demand

Date In Location: 2008-05-23

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. METTLER-TOLEDO, INC.

Address:

METTLER-TOLEDO, INC.
1900 Polaris Parkway
Columbus, OH 432402020
United States

Legal Entity Type: Corporation

State or Country of Incorporation: Delaware

GOODS AND/OR SERVICES

International Class: 009

Class Status: Active

automatic weighing equipment; namely, retail programmable service counter scales

Basis: 1(a)

First Use Date: 1992-03-10

First Use in Commerce Date: 1992-03-10

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2008-11-20 - TEAS Change Of Correspondence Received

2008-09-07 - Attorney Revoked And/Or Appointed

2008-09-07 - TEAS Revoke/Appoint Attorney Received

2008-05-23 - Case File In TICRS

2007-10-12 - TEAS Change Of Correspondence Received

2003-03-21 - First renewal 10 year

2003-03-21 - Section 8 (10-year) accepted/ Section 9 granted

2003-01-02 - Combined Section 8 (10-year)/Section 9 filed

2003-01-02 - PAPER RECEIVED

1999-05-14 - Section 8 (6-year) accepted & Section 15 acknowledged

1998-12-23 - Section 8 (6-year) and Section 15 Filed

1993-01-05 - Registered - Principal Register

1992-10-28 - Allowed for Registration - Principal Register (SOU accepted)

1992-10-27 - Assigned To Examiner

1992-10-20 - Statement Of Use Processing Complete
1992-09-23 - Use Amendment Filed
1992-08-04 - NOA Mailed - SOU Required From Applicant
1991-07-23 - Published for opposition
1991-06-21 - Notice of publication
1991-04-26 - Approved For Pub - Principal Register
1991-04-26 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Jeffrey S. Standley

Correspondent

Jeffrey S. Standley
Standley Law Group LLP
6300 Riverside Drive
Dublin OH 43017
Phone Number: 614-792-5555
Fax Number: 614-792-5536

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

NARTRON CORPORATION,
Petitioner,

v.

HEWLETT-PACKARD DEVELOPMENT
COMPANY, L.P.,
Respondent.

Cancellation No. 92050789
Registration No. 3,600,880
Registration Date: April 7, 2009
Mark: **TOUCHSMART**

RESPONDENT'S NOTICE OF RELIANCE

EXHIBIT 12

Int. Cl.: 8

Prior U.S. Cls.: 23, 28 and 44

United States Patent and Trademark Office

Reg. No. 3,288,301

Registered Sep. 4, 2007

TRADEMARK
PRINCIPAL REGISTER

SMARTTOUCH-XL

KONINKLIJKE PHILIPS ELECTRONICS N.V.
(NETHERLANDS LTD LIAB CO)
GROENEWOUDSEWEG 1
NL-5621 BA EINDHOVEN, NETHERLANDS

PRIORITY DATE OF 7-12-2005 IS CLAIMED.

FOR: ELECTRIC SHAVERS, BLADES FOR ELECTRIC SHAVERS, HAIR CLIPPERS, HAIR AND BEARD TRIMMERS; COMPONENT PARTS OF THE AFORESAID GOODS, IN CLASS 8 (U.S. CLS. 23, 28 AND 44).

OWNER OF INTERNATIONAL REGISTRATION
0877249 DATED 12-16-2005, EXPIRES 12-16-2015.

SER. NO. 79-021,001, FILED 12-16-2005.

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

COLLEEN DOMBROW, EXAMINING ATTORNEY

HP 000342

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2010-11-19 14:46:17 ET

Serial Number: 79021001 Assignment Information Trademark Document Retrieval

Registration Number: 3288301

Mark

SMARTTOUCH-XL

(words only): SMARTTOUCH-XL

Standard Character claim: Yes

Current Status: Registered.

Date of Status: 2007-09-04

Filing Date: 2005-12-16

Transformed into a National Application: No

Registration Date: 2007-09-04

Register: Principal

Law Office Assigned: LAW OFFICE 101

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2007-09-04

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Koninklijke Philips Electronics N.V.

Address:

Koninklijke Philips Electronics N.V.
Groenewoudseweg 1
NL-5621 BA Eindhoven
Netherlands

Legal Entity Type: Limited Liability Company

State or Country Where Organized: Netherlands

GOODS AND/OR SERVICES

International Class: 008

Class Status: Active

Electric shavers, blades for electric shavers, hair clippers, hair and beard trimmers; component parts of the aforesaid goods

Basis: 66(a)

First Use Date: (DATE NOT AVAILABLE)

First Use in Commerce Date: (DATE NOT AVAILABLE)

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

International Registration Number: 0877249

International Registration Date: 2005-12-16

Priority Claimed: Yes

Date of Section 67 Priority Claim: 2005-07-12

International Registration Status: Request For Extension Of Protection Processed

Date of International Registration Status: 2006-03-23

International Registration Renewal Date: 2015-12-16

Notification of Designation Date: 2006-03-23

Date of Automatic Protection: 2007-09-23

Date International Registration Cancelled: (DATE NOT AVAILABLE)

First Refusal: Yes

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2008-09-19 - Final Decision Transaction Processed By IB

2007-12-17 - Final Disposition Notice Sent To IB

2007-12-17 - Final Disposition Processed

2007-12-11 - Final Disposition Notice Created, To Be Sent To IB

2007-09-06 - Notification Of Possible Opposition - Processed By IB

2007-09-04 - Registered - Principal Register

2007-08-23 - Notification Of Possible Opposition Sent To IB

2007-08-23 - Notification Of Possible Opposition Created, To Be Sent To IB

2007-06-19 - Published for opposition

2007-05-30 - Notice of publication

2007-04-18 - Law Office Publication Review Completed

2007-04-17 - Assigned To LIE
2007-03-27 - Examiner's amendment mailed
2007-03-26 - Approved for Pub - Principal Register (Initial exam)
2007-03-26 - Examiner's Amendment Entered
2007-03-26 - Examiners Amendment - Written
2007-03-22 - Teas/Email Correspondence Entered
2006-11-17 - Communication received from applicant
2006-11-17 - Attorney Revoked And/Or Appointed
2006-11-17 - TEAS Revoke/Appoint Attorney Received
2006-11-17 - TEAS Response to Office Action Received
2006-06-08 - Refusal Processed By IB
2006-05-22 - Non-Final Action Mailed - Refusal Sent To IB
2006-05-19 - Refusal Processed By MPU
2006-05-18 - Non-Final Action (Ib Refusal) Prepared For Review
2006-05-17 - Non-Final Action Written
2006-05-09 - Assigned To Examiner
2006-03-24 - New Application Entered In Tram
2006-03-23 - Sn Assigned For Sect 66a Appl From IB

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

YAN GLICKBERG

Correspondent

YAN GLICKBERG

PHILIPS ELECTRONICS N AMERICA CORP

PO BOX 3001

BRIARCLIFF MANOR, NY 10510-8001

Phone Number: (914) 333-9618

Fax Number: (914) 332-0615

Domestic Representative

Yan Glickberg

Phone Number: (914) 333-9618

Fax Number: (914) 332-0615

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

NARTRON CORPORATION,
Petitioner,

v.

HEWLETT-PACKARD DEVELOPMENT
COMPANY, L.P.,
Respondent.

Cancellation No. 92050789

Registration No. 3,600,880

Registration Date: April 7, 2009

Mark: **TOUCHSMART**

RESPONDENT'S NOTICE OF RELIANCE

EXHIBIT 13

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36, and 38

Reg. No. 3,621,041

United States Patent and Trademark Office

Registered May 12, 2009

TRADEMARK
PRINCIPAL REGISTER

SMARTPOINT

COMPUTERIZED SECURITY SYSTEMS, INC.
(MICHIGAN CORPORATION)
1950 AUSTIN DRIVE
TROY, MI 48083

FIRST USE 2-18-2008; IN COMMERCE 2-18-2008.

FOR: ELECTRONIC SAFE LOCKS THAT CONTROL ACCESS BY MEANS OF A NUMERICAL CODE-ENTRY KEYPAD OR BIOMETRIC FINGER-PRINT-IDENTIFICATION TECHNOLOGY READER OR A COMBINATION OF BOTH, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

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

SN 78-882,565, FILED 5-12-2006.

JASON TURNER, EXAMINING ATTORNEY

HP 000343

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2010-11-19 14:46:34 ET

Serial Number: 78882565 Assignment Information Trademark Document Retrieval

Registration Number: 3621041

Mark

SMARTPOINT

(words only): SMARTPOINT

Standard Character claim: Yes

Current Status: Registered.

Date of Status: 2009-05-12

Filing Date: 2006-05-12

Transformed into a National Application: No

Registration Date: 2009-05-12

Register: Principal

Law Office Assigned: LAW OFFICE 108

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2009-04-07

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. KABA MAS LLC

Address:

KABA MAS LLC
749 WEST SHORT STREET
LEXINGTON, KY 40508
United States
Legal Entity Type: Limited Liability Company
State or Country Where Organized: Kentucky

GOODS AND/OR SERVICES

International Class: 009

Class Status: Active

Electronic safe locks that control access by means of a numerical code-entry keypad or biometric fingerprint-identification technology reader or a combination of both

Basis: 1(a)

First Use Date: 2008-02-18

First Use in Commerce Date: 2008-02-18

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2010-01-13 - Automatic Update Of Assignment Of Ownership

2009-05-12 - Registered - Principal Register

2009-04-07 - Law Office Registration Review Completed

2009-04-06 - Assigned To LIE

2009-04-04 - Allowed for Registration - Principal Register (SOU accepted)

2009-03-17 - Teas/Email Correspondence Entered

2009-03-17 - Communication received from applicant

2009-03-16 - TEAS Request For Reconsideration Received

2009-02-24 - Notification Of Final Refusal Emailed

2009-02-24 - Final refusal e-mailed
2009-02-24 - SU - Final Refusal - Written
2009-02-03 - Teas/Email Correspondence Entered
2009-02-02 - Communication received from applicant
2009-02-02 - TEAS Response to Office Action Received
2008-11-25 - TEAS Change Of Correspondence Received
2008-07-31 - Notification Of Non-Final Action E-Mailed
2008-07-31 - NON-FINAL ACTION E-MAILED
2008-07-31 - SU - Non-Final Action - Written
2008-07-10 - Statement Of Use Processing Complete
2008-07-01 - Use Amendment Filed
2008-07-01 - TEAS Statement of Use Received
2008-01-01 - NOA Mailed - SOU Required From Applicant
2007-10-09 - Published for opposition
2007-09-19 - Notice of publication
2007-09-05 - Law Office Publication Review Completed
2007-09-05 - Assigned To LIE
2007-07-27 - Approved For Pub - Principal Register
2007-07-09 - Examiner's Amendment Entered
2007-07-09 - Notification Of Examiners Amendment E-Mailed
2007-07-09 - EXAMINERS AMENDMENT E-MAILED
2007-07-09 - Examiners Amendment -Written
2007-05-08 - NON-FINAL ACTION E-MAILED
2007-05-08 - Non-Final Action Written
2007-04-16 - Attorney Revoked And/Or Appointed

2007-04-16 - TEAS Revoke/Appoint Attorney Received
2007-04-17 - Teas/Email Correspondence Entered
2007-04-16 - Communication received from applicant
2007-04-16 - TEAS Response to Office Action Received
2007-04-16 - TEAS Change Of Correspondence Received
2006-10-17 - Non-final action mailed
2006-10-16 - Non-Final Action Written
2006-10-14 - Assigned To Examiner
2006-05-18 - Notice Of Pseudo Mark Mailed
2006-05-17 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Eric Stevens

Correspondent

ERIC P. STEVENS
POYNER SPRUILL LLP
301 FAYETTEVILLE STREET
SUITE 1900
RALEIGH, NC 27601
Phone Number: (919) 783-1017
Fax Number: (919) 783-1075

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

NARTRON CORPORATION,
Petitioner,

v.

HEWLETT-PACKARD DEVELOPMENT
COMPANY, L.P.,
Respondent.

Cancellation No. 92050789

Registration No. 3,600,880

Registration Date: April 7, 2009

Mark: **TOUCHSMART**

RESPONDENT'S NOTICE OF RELIANCE

EXHIBIT 14

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36, and 38

Reg. No. 3,291,816

United States Patent and Trademark Office

Registered Sep. 11, 2007

TRADEMARK
PRINCIPAL REGISTER

SMARTPARTS

CORPORATE EXPRESS, INC. (COLORADO CORPORATION)
1 ENVIRONMENTAL WAY
BROOMFIELD, CO 80021

FOR: LASER PRINTER, FAX MACHINE, MULTI-FUNCTION PRINTER REPLACEMENT PARTS AND INSTALLATION INSTRUCTIONS PROVIDED THEREWITH; COMPONENTS AND REPLACEMENT PARTS FOR USE IN LASER PRINTERS, FAX MACHINES, MULTI-FUNCTION PRINTERS AND BAR CODING PRINTERS, NAMELY, FUSER TRANSFER UNITS, FUSER, FUSER ASSEMBLY, SEPARATION ROLLERS, TRANSFER ROLLERS, PAPER FEED ROLLERS, CHARGE ROLLERS, PICK

UP ROLLERS, SEPARATION PAD, CLEANING BRUSH AND INSTALLATION INSTRUCTIONS SOLD AS A UNIT IN CONJUNCTION THEREWITH, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 1-14-2005; IN COMMERCE 1-14-2005.

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

SN 78-708,934, FILED 9-8-2005.

KALIE KUNG, EXAMINING ATTORNEY

HP 000344

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2010-11-19 14:46:50 ET

Serial Number: 78708934 [Assignment Information](#) [Trademark Document Retrieval](#)

Registration Number: 3291816

Mark

SMARTPARTS

(words only): SMARTPARTS

Standard Character claim: Yes

Current Status: Registered.

Date of Status: 2007-09-11

Filing Date: 2005-09-08

Transformed into a National Application: No

Registration Date: 2007-09-11

Register: Principal

Law Office Assigned: LAW OFFICE 103

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2007-08-07

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. STAPLES, INC.

Address:

STAPLES, INC.
500 STAPLES DRIVE
FRAMINGHAM, MA 01702
United States
Legal Entity Type: Corporation
State or Country of Incorporation:(NOT AVAILABLE)

GOODS AND/OR SERVICES

International Class: 009

Class Status: Active

LASER PRINTER, FAX MACHINE, MULTI-FUNCTION PRINTER REPLACEMENT PARTS AND INSTALLATION INSTRUCTIONS PROVIDED THEREWITH; COMPONENTS AND REPLACEMENT PARTS FOR USE IN LASER PRINTERS, FAX MACHINES, MULTI-FUNCTION PRINTERS AND BAR CODING PRINTERS, NAMELY, FUSER TRANSFER UNITS, FUSER, FUSER ASSEMBLY, SEPARATION ROLLERS, TRANSFER ROLLERS, PAPER FEED ROLLERS, CHARGE ROLLERS, PICK UP ROLLERS, SEPARATION PAD, CLEANING BRUSH AND INSTALLATION INSTRUCTIONS SOLD AS A UNIT IN CONJUNCTION THEREWITH

Basis: 1(a)

First Use Date: 2005-01-14

First Use in Commerce Date: 2005-01-14

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2009-12-23 - Automatic Update Of Assignment Of Ownership

2009-12-09 - Automatic Update Of Assignment Of Ownership

2009-12-02 - Automatic Update Of Assignment Of Ownership

2009-06-17 - Attorney Revoked And/Or Appointed

2009-06-17 - TEAS Revoke/Appoint Attorney Received

2007-10-03 - Automatic Update Of Assignment Of Ownership

2007-09-11 - Registered - Principal Register
2007-08-07 - Law Office Registration Review Completed
2007-08-07 - Assigned To LIE
2007-06-22 - Allowed for Registration - Principal Register (SOU accepted)
2007-06-02 - Statement Of Use Processing Complete
2007-02-26 - Use Amendment Filed
2007-02-26 - TEAS Statement of Use Received
2007-02-20 - NOA Mailed - SOU Required From Applicant
2006-11-28 - Published for opposition
2006-11-08 - Notice of publication
2006-10-04 - Law Office Publication Review Completed
2006-09-29 - Assigned To LIE
2006-09-25 - Approved For Pub - Principal Register
2006-09-22 - Examiner's Amendment Entered
2006-09-22 - EXAMINERS AMENDMENT E-MAILED
2006-09-22 - Examiners Amendment -Written
2006-09-21 - Teas/Email Correspondence Entered
2006-09-21 - Communication received from applicant
2006-09-21 - TEAS Response to Office Action Received
2006-08-21 - Final refusal e-mailed
2006-08-21 - Final Refusal Written
2006-07-28 - Amendment From Applicant Entered
2006-07-17 - Communication received from applicant
2006-07-17 - PAPER RECEIVED
2006-03-21 - Non-final action e-mailed

2006-03-21 - Non-Final Action Written

2006-03-21 - Assigned To Examiner

2005-09-15 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Erich G. Rhyhart

Correspondent

Erich G. Rhyhart

Staples, Inc.

500 Staples Drive

Framingham MA 01702

Phone Number: 5082535000

Fax Number: 5082537805

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

NARTRON CORPORATION,
Petitioner,

v.

HEWLETT-PACKARD DEVELOPMENT
COMPANY, L.P.,
Respondent.

Cancellation No. 92050789

Registration No. 3,600,880

Registration Date: April 7, 2009

Mark: **TOUCHSMART**

RESPONDENT'S NOTICE OF RELIANCE

EXHIBIT 15

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36, and 38

United States Patent and Trademark Office

Reg. No. 3,568,646

Registered Jan. 27, 2009

TRADEMARK
PRINCIPAL REGISTER

SMART SEARCH

ENVOY CORPORATION (DELAWARE COR-
PORATION)
1283 MURFREESBORO ROAD
NASHVILLE, TN 37217

FOR: COMPUTER SOFTWARE AND DOCUMENTATION DISTRIBUTED THEREWITH, NAMELY, AUTOMATED ELIGIBILITY VERIFICATION SOFTWARE CONTAINING CASCADING SEARCH CRITERIA FOR USE IN DETERMINING WHETHER A PATIENT IS COVERED BY HEALTH INSURANCE, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 7-0-2006; IN COMMERCE 7-0-2006.

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

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "SEARCH", APART FROM THE MARK AS SHOWN.

SN 78-840,367, FILED 3-17-2006.

ESTHER BELENKER, EXAMINING ATTORNEY

HP 000345

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2010-11-19 14:47:11 ET

Serial Number: 78840367 Assignment Information Trademark Document Retrieval

Registration Number: 3568646

Mark

SMART SEARCH

(words only): SMART SEARCH

Standard Character claim: Yes

Current Status: Registered.

Date of Status: 2009-01-27

Filing Date: 2006-03-17

Transformed into a National Application: No

Registration Date: 2009-01-27

Register: Principal

Law Office Assigned: LAW OFFICE 111

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2008-12-23

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Envoy Corporation

Address:

Envoy Corporation
1283 Murfreesboro Road
Nashville, TN 37217
United States

Legal Entity Type: Corporation

State or Country of Incorporation: Delaware

GOODS AND/OR SERVICES

International Class: 009

Class Status: Active

Computer software and documentation distributed therewith, namely, automated eligibility verification software containing cascading search criteria for use in determining whether a patient is covered by health insurance

Basis: 1(a)

First Use Date: 2006-07-00

First Use in Commerce Date: 2006-07-00

ADDITIONAL INFORMATION

Disclaimer: "SEARCH"

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2009-12-14 - TEAS Change Of Correspondence Received

2009-01-27 - Registered - Principal Register

2008-12-23 - Law Office Registration Review Completed

2008-12-21 - Allowed for Registration - Principal Register (SOU accepted)

2008-10-16 - Teas/Email Correspondence Entered

2008-10-15 - Communication received from applicant

2008-10-15 - TEAS Response to Office Action Received

2008-04-15 - Notification Of Non-Final Action E-Mailed

2008-04-15 - NON-FINAL ACTION E-MAILED
2008-04-15 - SU - Non-Final Action - Written
2008-04-10 - Statement Of Use Processing Complete
2008-03-25 - Use Amendment Filed
2008-03-25 - TEAS Statement of Use Received
2007-09-25 - NOA Mailed - SOU Required From Applicant
2007-07-03 - Published for opposition
2007-06-13 - Notice of publication
2007-05-30 - Law Office Publication Review Completed
2007-05-30 - Assigned To LIE
2007-05-30 - Assigned To LIE
2007-05-29 - Approved For Pub - Principal Register
2007-05-25 - Examiner's Amendment Entered
2007-05-25 - EXAMINERS AMENDMENT E-MAILED
2007-05-25 - Examiners Amendment - Written
2007-04-11 - Teas/Email Correspondence Entered
2007-04-11 - Communication received from applicant
2007-04-11 - Assigned To LIE
2007-03-07 - TEAS Response to Office Action Received
2006-12-13 - Assignment Of Ownership Not Updated Automatically
2006-12-06 - Assignment Of Ownership Not Updated Automatically
2006-09-07 - Non-final action e-mailed
2006-09-07 - Non-Final Action Written
2006-09-01 - Assigned To Examiner
2006-03-22 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Robert L. Brewer

Correspondent

Robert L. Brewer

Bass, Berry & Sims PLC

Suite 2800

150 3rd Avenue South

Nashville TN 37201

Phone Number: 615-742-7760

Fax Number: 615-742-0410

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

NARTRON CORPORATION,
Petitioner,

v.

HEWLETT-PACKARD DEVELOPMENT
COMPANY, L.P.,
Respondent.

Cancellation No. 92050789
Registration No. 3,600,880
Registration Date: April 7, 2009
Mark: **TOUCHSMART**

RESPONDENT'S NOTICE OF RELIANCE

EXHIBIT 16

Int. Cls.: 9 and 42

Prior U.S. Cls.: 21, 23, 26, 36, 38, 100, and 101

United States Patent and Trademark Office

Reg. No. 3,645,005

Registered June 23, 2009

TRADEMARK
SERVICE MARK
PRINCIPAL REGISTER

SMARTLINK

IDEXX LABORATORIES, INC. (DELAWARE CORPORATION)
ONE IDEXX DRIVE
WESTBROOK, ME 04092

FOR: SOFTWARE AND DOWNLOADABLE SOFTWARE, HARDWARE AND SOFTWARE PROTOCOLS FOR MANAGING, DISTRIBUTING, REPORTING AND SHARING VETERINARY PRACTICE AND LABORATORY INFORMATION; SOFTWARE FEATURE AND DOWNLOADABLE SOFTWARE FEATURE FOR MANAGING, DISTRIBUTING, REPORTING AND SHARING VETERINARY PRACTICE AND LABORATORY INFORMATION; COMMUNICATION SOFTWARE FOR MANAGING, DISTRIBUTING, REPORTING, AND SHARING VETERINARY PRACTICE AND LABORATORY INFORMATION; COMPUTER COMMUNICATIONS SOFTWARE TO ALLOW CUSTOMERS TO ACCESS VETERINARY PRACTICE AND LABORATORY INFORMATION AND TRANS-

ACT RELATED BUSINESS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 3-5-2007; IN COMMERCE 3-5-2007.

FOR: PROVIDING TEMPORARY USE OF ON-LINE NON-DOWNLOADABLE COMMUNICATIONS SOFTWARE TO ALLOW CUSTOMERS TO ACCESS VETERINARY PRACTICE AND LABORATORY INFORMATION AND TRANSACT RELATED BUSINESS, IN CLASS 42 (U.S. CLS. 100 AND 101).

FIRST USE 3-5-2007; IN COMMERCE 3-5-2007.

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

SN 78-776,652, FILED 12-19-2005.

ALICIA COLLINS, EXAMINING ATTORNEY

HP 000346

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2010-11-19 14:47:27 ET

Serial Number: 78776652 Assignment Information Trademark Document Retrieval

Registration Number: 3645005

Mark

SMARTLINK

(words only): SMARTLINK

Standard Character claim: Yes

Current Status: Registered.

Date of Status: 2009-06-23

Filing Date: 2005-12-19

Transformed into a National Application: No

Registration Date: 2009-06-23

Register: Principal

Law Office Assigned: LAW OFFICE 115

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2009-05-18

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. IDEXX Laboratories, Inc.

Address:

IDEXX Laboratories, Inc.
One IDEXX Drive
Westbrook, ME 04092
United States
Legal Entity Type: Corporation
State or Country of Incorporation: Delaware

GOODS AND/OR SERVICES

International Class: 009

Class Status: Active

Software and downloadable software, hardware and software protocols for managing, distributing, reporting and sharing veterinary practice and laboratory information; software feature and downloadable software feature for managing, distributing, reporting and sharing veterinary practice and laboratory information; communication software for managing, distributing, reporting, and sharing veterinary practice and laboratory information; computer communications software to allow customers to access veterinary practice and laboratory information and transact related business

Basis: 1(a)

First Use Date: 2007-03-05

First Use in Commerce Date: 2007-03-05

International Class: 042

Class Status: Active

Providing temporary use of on-line non-downloadable communications software to allow customers to access veterinary practice and laboratory information and transact related business

Basis: 1(a)

First Use Date: 2007-03-05

First Use in Commerce Date: 2007-03-05

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2009-06-23 - Registered - Principal Register

2009-05-18 - Law Office Registration Review Completed

2009-05-18 - Allowed for Registration - Principal Register (SOU accepted)

2009-04-24 - Teas/Email Correspondence Entered
2009-04-23 - Communication received from applicant
2009-04-23 - TEAS Response to Office Action Received
2008-11-06 - Non-final action mailed
2008-11-05 - SU - Non-Final Action - Written
2008-10-09 - Teas/Email Correspondence Entered
2008-10-09 - Communication received from applicant
2008-10-09 - TEAS Response to Office Action Received
2008-04-14 - Non-final action mailed
2008-04-12 - SU - Non-Final Action - Written
2008-03-26 - Teas/Email Correspondence Entered
2008-03-26 - Communication received from applicant
2008-03-26 - Assigned To LIE
2008-03-14 - TEAS Response to Office Action Received
2007-09-28 - Non-final action mailed
2007-09-27 - SU - Non-Final Action - Written
2007-08-20 - Statement Of Use Processing Complete
2007-08-20 - Extension 1 granted
2007-05-22 - Use Amendment Filed
2007-05-22 - Extension 1 filed
2007-05-22 - TEAS Extension Received
2007-05-22 - TEAS Statement of Use Received
2006-12-12 - NOA Mailed - SOU Required From Applicant
2006-09-19 - Published for opposition
2006-08-30 - Notice of publication

2006-07-31 - Law Office Publication Review Completed
2006-07-28 - Assigned To LIE
2006-07-21 - Approved For Pub - Principal Register
2006-07-19 - Teas/Email Correspondence Entered
2006-07-19 - Communication received from applicant
2006-07-19 - TEAS Response to Office Action Received
2006-06-05 - Non-final action mailed
2006-06-02 - Non-Final Action Written
2006-05-19 - Assigned To Examiner
2005-12-23 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Cynthia Johnson Walden

Correspondent

CYNTHIA JOHNSON WALDEN
FISH & RICHARDSON P.C.
PO BOX 1022
MINNEAPOLIS, MN 55440-1022
Phone Number: 617-542-5070
Fax Number: 617-542-8906

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

NARTRON CORPORATION,
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HEWLETT-PACKARD DEVELOPMENT
COMPANY, L.P.,
Respondent.

Cancellation No. 92050789
Registration No. 3,600,880
Registration Date: April 7, 2009
Mark: TOUCHSMART

RESPONDENT'S NOTICE OF RELIANCE

EXHIBIT 17

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36 and 38

United States Patent and Trademark Office

Reg. No. 3,103,199

Registered June 13, 2006

TRADEMARK
PRINCIPAL REGISTER

SMART CABLES

MEDCONX, INC. (CALIFORNIA CORPORATION)

2901 TASMAN DRIVE, SUITE 106

SANTA CLARA, CA 95054

FOR: UNIVERSAL ELECTRICAL CONDUCTOR
CABLES, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 2-13-2003; IN COMMERCE 2-13-2003.

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

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "CABLES", APART FROM THE MARK AS SHOWN.

SER. NO. 78-512,515, FILED 11-5-2004.

BARBARA RUTLAND, EXAMINING ATTORNEY

HP 000347

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2010-11-19 14:47:46 ET

Serial Number: 78512515 Assignment Information Trademark Document Retrieval

Registration Number: 3103199

Mark

SMART CABLES

(words only): SMART CABLES

Standard Character claim: Yes

Current Status: Registered.

Date of Status: 2006-06-13

Filing Date: 2004-11-05

Transformed into a National Application: No

Registration Date: 2006-06-13

Register: Principal

Law Office Assigned: LAW OFFICE 101

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2006-06-13

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Medconx, Inc.

Address:

Medconx, Inc.
2901 Tasman Drive, Suite 106
Santa Clara, CA 95054
United States
Legal Entity Type: Corporation
State or Country of Incorporation: California

GOODS AND/OR SERVICES

International Class: 009
Class Status: Active
Universal electrical conductor cables
Basis: 1(a)
First Use Date: 2003-02-13
First Use in Commerce Date: 2003-02-13

ADDITIONAL INFORMATION

Disclaimer: "CABLES"

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2009-05-13 - Assignment Of Ownership Not Updated Automatically
2007-02-21 - TEAS Change Of Correspondence Received
2006-06-13 - Registered - Principal Register
2006-03-21 - Published for opposition
2006-03-01 - Notice of publication
2006-02-02 - Law Office Publication Review Completed
2006-01-27 - Assigned To LIE
2006-01-13 - Approved for Pub - Principal Register (Initial exam)
2006-01-03 - Teas/Email Correspondence Entered

2005-12-07 - Communication received from applicant
2005-12-07 - TEAS Response to Office Action Received
2005-06-16 - TEAS Change Of Correspondence Received
2005-06-13 - Non-final action mailed
2005-06-11 - Non-Final Action Written
2005-06-09 - Assigned To Examiner
2005-03-08 - Applicant amendment prior to exam entered
2005-03-08 - PAPER RECEIVED
2004-11-15 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

JAMES W. PETERSON

Correspondent

Meredith M. Wilkes

JONES DAY

901 Lakeside Avenue

Cleveland OH 44114

Phone Number: 216-586-7231

Fax Number: 216-579-0212

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

NARTRON CORPORATION,
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HEWLETT-PACKARD DEVELOPMENT
COMPANY, L.P.,
Respondent.

Cancellation No. 92050789

Registration No. 3,600,880

Registration Date: April 7, 2009

Mark: **TOUCHSMART**

RESPONDENT'S NOTICE OF RELIANCE

EXHIBIT 18

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36 and 38

United States Patent and Trademark Office

Reg. No. 3,339,778

Registered Nov. 20, 2007

TRADEMARK
PRINCIPAL REGISTER

SMARTSYSTEMS

INTERMEC TECHNOLOGIES CORPORATION
(WASHINGTON CORPORATION)
6001 36TH AVENUE WEST
EVERETT, WA 98203

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

FOR: DOWNLOADABLE COMPUTER SOFT-
WARE FOR USE IN MANAGING AND CONFIG-
URING REMOTE ELECTRONIC EQUIPMENT, IN
CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

SER. NO. 78-921,098, FILED 6-30-2006.

FIRST USE 1-4-2006; IN COMMERCE 1-4-2006.

MELISSA VALLILLO, EXAMINING ATTORNEY

HP 000353

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2010-11-19 14:48:10 ET

Serial Number: 78921098 Assignment Information Trademark Document Retrieval

Registration Number: 3339778

Mark

SMARTSYSTEMS

(words only): SMARTSYSTEMS

Standard Character claim: Yes

Current Status: Registered.

Date of Status: 2007-11-20

Filing Date: 2006-06-30

Transformed into a National Application: No

Registration Date: 2007-11-20

Register: Principal

Law Office Assigned: LAW OFFICE 113

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2007-11-20

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Intermecc Technologies Corporation

Address:

Intermec Technologies Corporation
6001 36th Avenue West
Everett, WA 98203
United States
Legal Entity Type: Corporation
State or Country of Incorporation: Washington

GOODS AND/OR SERVICES

International Class: 009
Class Status: Active
downloadable computer software for use in managing and configuring remote electronic equipment
Basis: 1(a)
First Use Date: 2006-01-04
First Use in Commerce Date: 2006-01-04

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

USPTO Reference Number: A0006615
International Registration Number: 0909275
International Registration Date: 2006-12-07
Original Filing Date with USPTO: 2006-12-07
International Registration Status: Application For IR Registered By IB
Date of International Registration Status: 2007-01-11
International Registration Renewal Date: 2016-12-07
Irregularity Reply by Date: (DATE NOT AVAILABLE)

Madrid History:

02-28-2008 - 11:33:58 - Ceasing Of Effect Reviewed - No Action Required By Office
02-20-2008 - 08:03:57 - Partial Ceasing Of Effect To Be Processed
01-11-2007 - 08:01:29 - Application For IR Registered By IB
12-12-2006 - 21:00:44 - IR Certified And Sent To IB
12-12-2006 - 16:36:01 - Manually Certified
12-07-2006 - 16:38:17 - New Application For IR Received

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2007-11-20 - Registered - Principal Register

2007-09-04 - Published for opposition

2007-08-15 - Notice of publication
2007-08-01 - Law Office Publication Review Completed
2007-08-01 - Approved for Pub - Principal Register (Initial exam)
2007-06-29 - Teas/Email Correspondence Entered
2007-06-29 - Communication received from applicant
2007-06-28 - Assigned To LIE
2007-06-21 - TEAS Response to Office Action Received
2007-06-21 - Petition To Revive-Granted
2007-06-21 - TEAS Petition To Revive Received
2006-11-21 - Non-final action e-mailed
2006-11-21 - Non-Final Action Written
2006-11-14 - Assigned To Examiner
2006-10-27 - TEAS Change Of Correspondence Received
2006-07-08 - Notice Of Pseudo Mark Mailed
2006-07-07 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Kevin S. Costanza

Correspondent

Kevin S. Costanza

Seed IP Law Group PLLC

Suite 5400

701 Fifth Avenue

Seattle WA 98104

Phone Number: 206-622-4900

Fax Number: 206-682-6031

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

NARTRON CORPORATION,
Petitioner,

v.

HEWLETT-PACKARD DEVELOPMENT
COMPANY, L.P.,
Respondent.

Cancellation No. 92050789

Registration No. 3,600,880

Registration Date: April 7, 2009

Mark: **TOUCHSMART**

RESPONDENT'S NOTICE OF RELIANCE

EXHIBIT 19

Int. Cls.: 9, 35, and 42

Prior U.S. Cls.: 21, 23, 26, 36, 38, 100, 101, and 102

Reg. No. 3,367,407

United States Patent and Trademark Office

Registered Jan. 8, 2008

TRADEMARK
SERVICE MARK
SUPPLEMENTAL REGISTER

Smart PC

RODICHEV, ALEXANDER YURIEVICH (RUSSIAN FED. INDIVIDUAL)
UL. GUBANOVA 4-93
SAMARA, RUSSIAN FED. 443125

FOR: DOWNLOADABLE COMPUTER SOFTWARE AND COMPUTER SOFTWARE FOR USE IN ANALYZING, IDENTIFYING AND OPTIMIZING THE CHARACTERISTICS OF COMPUTER DRIVES AND MULTIPLE SOFTWARE APPLICATIONS AND FOR DATA MANAGEMENT AND USER DOCUMENTATION SOLD AS A UNIT THEREWITH, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 6-11-2004; IN COMMERCE 11-24-2004.

FOR: PROVIDING ON-LINE RETAIL STORE SERVICES FEATURING SOFTWARE FOR OPTIMIZING COMPUTER PERFORMANCE AND THE CHARACTERISTICS OF COMPUTER DRIVES AND FOR DATA MANAGEMENT, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 6-11-2004; IN COMMERCE 11-24-2004.

FOR: PROVIDING A WEBSITE THAT FEATURES TECHNICAL OPERATING INFORMATION IN THE

FIELD OF ANALYZING, IDENTIFYING AND OPTIMIZING THE CHARACTERISTICS OF COMPUTER DRIVES AND MULTIPLE SOFTWARE APPLICATIONS AND FOR DATA MANAGEMENT; PROVIDING A WEBSITE FEATURING INTERACTIVE TECHNICAL SUPPORT SERVICES FOR OTHERS RELATED TO ANALYZING, IDENTIFYING AND OPTIMIZING THE CHARACTERISTICS OF COMPUTER DRIVES AND MULTIPLE SOFTWARE APPLICATIONS AND FOR DATA MANAGEMENT, IN CLASS 42 (U.S. CLS. 100 AND 101).

FIRST USE 6-11-2004; IN COMMERCE 11-24-2004.

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

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "PC", APART FROM THE MARK AS SHOWN.

SER. NO. 78-972,598, FILED P.R. 9-12-2006; AM. S.R. 10-12-2007.

BONNIE LUKEN, EXAMINING ATTORNEY

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2010-11-19 14:48:28 ET

Serial Number: 78972598 Assignment Information Trademark Document Retrieval

Registration Number: 3367407

Mark

Smart PC

(words only): SMART PC

Standard Character claim: Yes

Current Status: Registered.

Date of Status: 2008-01-08

Filing Date: 2006-09-12

Transformed into a National Application: No

Registration Date: 2008-01-08

Register: Supplemental

Law Office Assigned: LAW OFFICE 107

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2008-01-08

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Rodichev, Alexander Yurievich

Address:

Rodichev, Alexander Yurievich
Ul. Gubanova 4-93
Samara 443125
Russian Federation
Legal Entity Type: Individual
Country of Citizenship: Russian Federation

GOODS AND/OR SERVICES

International Class: 009

Class Status: Active

Downloadable computer software and computer software for use in analyzing, identifying and optimizing the characteristics of computer drives and multiple software applications and for data management and user documentation sold as a unit therewith

Basis: 1(a)

First Use Date: 2004-06-11

First Use in Commerce Date: 2004-11-24

International Class: 035

Class Status: Active

Providing on-line retail store services featuring software for optimizing computer performance and the characteristics of computer drives and for data management

Basis: 1(a)

First Use Date: 2004-06-11

First Use in Commerce Date: 2004-11-24

International Class: 042

Class Status: Active

Providing a website that features technical operating information in the field of analyzing, identifying and optimizing the characteristics of computer drives and multiple software applications and for data management; providing a website featuring interactive technical support services for others related to analyzing, identifying and optimizing the characteristics of computer drives and multiple software applications and for data management

Basis: 1(a)

First Use Date: 2004-06-11

First Use in Commerce Date: 2004-11-24

ADDITIONAL INFORMATION

Disclaimer: "PC"

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2008-01-08 - Registered - Supplemental Register
2007-12-04 - Law Office Publication Review Completed
2007-12-04 - Assigned To LIE
2007-10-29 - APPROVED FOR REGISTRATION SUPPLEMENTAL REGISTER
2007-10-29 - Examiner's Amendment Entered
2007-10-29 - Notification Of Examiners Amendment E-Mailed
2007-10-29 - EXAMINERS AMENDMENT E-MAILED
2007-10-29 - Examiners Amendment -Written
2007-10-12 - Teas/Email Correspondence Entered
2007-10-12 - Communication received from applicant
2007-10-12 - TEAS Response to Office Action Received
2007-10-10 - Notification Of Non-Final Action E-Mailed
2007-10-10 - NON-FINAL ACTION E-MAILED
2007-10-10 - Non-Final Action Written
2007-09-08 - Teas/Email Correspondence Entered
2007-08-16 - Communication received from applicant
2007-08-16 - TEAS Response to Office Action Received
2007-02-16 - Non-final action e-mailed
2007-02-16 - Non-Final Action Written
2007-02-02 - Assigned To Examiner
2006-09-18 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record
Dmitri I. Dubograev

Correspondent

DMITRI I. DUBOGRAEV
INTERNATIONAL LEGAL COUNSELS PC
901 N PITT ST STE 325
ALEXANDRIA, VA 22314-1549
Phone Number: 202.835.0966
Fax Number: 202.318.0723

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

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HEWLETT-PACKARD DEVELOPMENT
COMPANY, L.P.,
Respondent.

Cancellation No. 92050789

Registration No. 3,600,880

Registration Date: April 7, 2009

Mark: **TOUCHSMART**

RESPONDENT'S NOTICE OF RELIANCE

EXHIBIT 20

Int. Cls.: 9 and 42

Prior U.S. Cls.: 21, 23, 26, 36, 38, 100 and 101

United States Patent and Trademark Office

Reg. No. 3,021,145

Registered Nov. 29, 2005

TRADEMARK
SERVICE MARK
PRINCIPAL REGISTER

SMARTEX

JAKOB MÜLLER AG
MASCHINENFABRIK
SCHULSTRASSE 14CH-5070 FRICK
SWITZERLAND

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

FOR: SOFTWARE RECORDED ON MAGNETIC AND OPTICAL DATA MEDIA, NAMELY RESOURCE PLANNING SOFTWARE IN CONNECTION WITH TEXTILE MACHINES, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

PRIORITY DATE OF 9-11-2003 IS CLAIMED.

OWNER OF INTERNATIONAL REGISTRATION 0828880 DATED 3-2-2004, EXPIRES 3-2-2014.

FOR: ENGINEERING PROJECT DESIGN; COMPUTER PROGRAMMING, NAMELY DESIGN OF RESOURCE PLANNING SOFTWARE IN CONNECTION WITH TEXTILE MACHINES, IN CLASS 42 (U.S. CLS. 100 AND 101).

SER. NO. 79-003,842, FILED 3-2-2004.

DARRYL SPRUILL, EXAMINING ATTORNEY

HP 000354

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2010-11-19 14:48:42 ET

Serial Number: 79003842 Assignment Information Trademark Document Retrieval

Registration Number: 3021145

Mark

SMARTEX

(words only): SMARTEX

Standard Character claim: Yes

Current Status: Registered.

Date of Status: 2005-11-29

Filing Date: 2004-03-02

Transformed into a National Application: No

Registration Date: 2005-11-29

Register: Principal

Law Office Assigned: LAW OFFICE 112

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2005-11-29

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Jakob Müller AG

Address:

Jakob Müller AG
Maschinenfabrik Schulstrasse 14CH-5070 Frick
Switzerland

Legal Entity Type: Unknown

State or Country Where Organized: (NOT AVAILABLE)

GOODS AND/OR SERVICES

International Class: 009**Class Status:** Active

Software recorded on magnetic and optical data media, namely resource planning software in connection with textile machines

Basis: 66(a)**First Use Date:** (DATE NOT AVAILABLE)**First Use in Commerce Date:** (DATE NOT AVAILABLE)**International Class:** 042**Class Status:** Active

Engineering project design; computer programming, namely design of resource planning software in connection with textile machines

Basis: 66(a)**First Use Date:** (DATE NOT AVAILABLE)**First Use in Commerce Date:** (DATE NOT AVAILABLE)

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

International Registration Number: 0828880**International Registration Date:** 2004-03-02**Priority Claimed:** Yes**Date of Section 67 Priority Claim:** 2003-09-11**International Registration Status:** Request For Extension Of Protection Processed**Date of International Registration Status:** 2004-08-12**International Registration Renewal Date:** 2014-03-02**Notification of Designation Date:** 2004-08-12**Date of Automatic Protection:** 2006-02-12**Date International Registration Cancelled:** (DATE NOT AVAILABLE)**First Refusal:** Yes

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2007-09-28 - Final Decision Transaction Processed By IB

2006-07-25 - Final Disposition Notice Sent To IB

2006-07-25 - Final Disposition Processed

2006-07-16 - Final Disposition Notice Created, To Be Sent To IB

2005-11-29 - Registered - Principal Register

2005-11-03 - Change Of Owner Received From IB

2005-09-06 - Published for opposition

2005-08-17 - Notice of publication
2005-05-21 - Law Office Publication Review Completed
2005-05-21 - Assigned To LIE
2005-05-11 - Approved for Pub - Principal Register (Initial exam)
2005-04-18 - Amendment From Applicant Entered
2005-03-22 - Communication received from applicant
2005-03-22 - TEAS Response to Office Action Received
2005-03-22 - TEAS Change Of Correspondence Received
2005-03-22 - Attorney Revoked And/Or Appointed
2005-03-22 - TEAS Revoke/Appoint Attorney Received
2004-10-29 - Refusal Processed By IB
2004-09-27 - Non-final action mailed
2004-09-26 - Non-Final Action Written
2004-09-18 - Assigned To Examiner
2004-08-16 - New Application Entered In Tram
2004-08-12 - Sn Assigned For Sect 66a Appl From IB

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Edward M. Weisz

Correspondent

Schmauder & Partner AG
Zwängiweg 7
CH-8038 Zürich, Switzerland

Domestic Representative

Edward M. Weisz
Phone Number: 212-687-2770
Fax Number: 212-972-5487

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

NARTRON CORPORATION,
Petitioner,

v.

HEWLETT-PACKARD DEVELOPMENT
COMPANY, L.P.,
Respondent.

Cancellation No. 92050789

Registration No. 3,600,880

Registration Date: April 7, 2009

Mark: **TOUCHSMART**

RESPONDENT'S NOTICE OF RELIANCE

EXHIBIT 21

Int. Cls.: 9 and 42

Prior U.S. Cls.: 21, 23, 26, 36, 38, 100, and 101

Reg. No. 3,464,391

United States Patent and Trademark Office

Registered July 8, 2008

TRADEMARK
SERVICE MARK
PRINCIPAL REGISTER

SMARTTURN

SMARTTURN, INC. (DELAWARE CORPORATION)
1000 BROADWAY, SUITE 248
OAKLAND, CA 94607

FOR: SOFTWARE FOR USE IN CONNECTION WITH SUPPLY CHAIN MANAGEMENT AND EXECUTION, INCLUDING MANAGING AND COORDINATING THE FLOW OF GOODS, SERVICES, INFORMATION AND FINANCES IN ASSOCIATION WITH THE PRODUCTION AND DELIVERY OF PRODUCTS AS THEY MOVE FROM RAW MATERIALS TO PARTS SUPPLIERS TO MANUFACTURERS TO WHOLESALERS TO RETAILERS TO CONSUMERS AS IT APPLIES TO THE BUSINESS OPERATIONS OF PORTS, MARINE TERMINALS, SHIPPING LINES, RAIL TERMINALS, RAIL LINES, DISTRIBUTION CENTERS, WAREHOUSES, TRUCKING LINES, RETAILERS, MANUFACTURERS AND THIRD PARTY LOGISTICS PROVIDERS; SOFTWARE FOR MANAGING LOGISTICS, REVERSE LOGISTICS, SUPPLY CHAIN SERVICES, SUPPLY CHAIN VISIBILITY AND SYNCHRONIZATION, SUPPLY AND DEMAND FORECASTING AND PRODUCT DISTRIBUTION PROCESSES FOR OTHERS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 12-17-2005; IN COMMERCE 12-17-2005.

FOR: PROVIDING TEMPORARY USE OF NON-DOWNLOADABLE COMPUTER SOFTWARE IN CONNECTION WITH SUPPLY CHAIN MANAGE-

MENT AND EXECUTION, INCLUDING MANAGING AND COORDINATING THE FLOW OF GOODS, SERVICES, INFORMATION AND FINANCES IN ASSOCIATION WITH THE PRODUCTION AND DELIVERY OF PRODUCTS AS THEY MOVE FROM RAW MATERIALS TO PARTS SUPPLIERS TO MANUFACTURERS TO WHOLESALERS TO RETAILERS TO CONSUMERS AS IT APPLIES TO THE BUSINESS OPERATIONS OF PORTS, MARINE TERMINALS, SHIPPING LINES, RAIL TERMINALS, RAIL LINES, DISTRIBUTION CENTERS, WAREHOUSES, TRUCKING LINES, RETAILERS, MANUFACTURERS AND THIRD PARTY LOGISTICS PROVIDERS; PROVIDING TEMPORARY USE OF NON-DOWNLOADABLE COMPUTER SOFTWARE FOR USE IN MANAGING LOGISTICS, REVERSE LOGISTICS, SUPPLY CHAIN SERVICES, SUPPLY CHAIN VISIBILITY AND SYNCHRONIZATION, SUPPLY AND DEMAND FORECASTING AND PRODUCT DISTRIBUTION PROCESSES FOR OTHERS, IN CLASS 42 (U.S. CLS. 100 AND 101).

FIRST USE 12-17-2005; IN COMMERCE 12-17-2005.

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

SN 78-906,401, FILED 6-12-2006.

MICHAEL ENGEL, EXAMINING ATTORNEY

HP 000355

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2010-11-19 14:49:00 ET

Serial Number: 78906401 [Assignment Information](#) [Trademark Document Retrieval](#)

Registration Number: 3464391

Mark

SMARTTURN

(words only): SMARTTURN

Standard Character claim: Yes

Current Status: Registered.

Date of Status: 2008-07-08

Filing Date: 2006-06-12

Transformed into a National Application: No

Registration Date: 2008-07-08

Register: Principal

Law Office Assigned: LAW OFFICE 107

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2008-06-02

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. REDPRAIRIE CORPORATION

Address:

REDPRAIRIE CORPORATION
20700 SWENSON DRIVE
WAUKESHA, WI 53186
United States
Legal Entity Type: Corporation
State or Country of Incorporation: Delaware

GOODS AND/OR SERVICES

International Class: 009

Class Status: Active

Software for use in connection with supply chain management and execution, including managing and coordinating the flow of goods, services, information and finances in association with the production and delivery of products as they move from raw materials to parts suppliers to manufacturers to wholesalers to retailers to consumers as it applies to the business operations of ports, marine terminals, shipping lines, rail terminals, rail lines, distribution centers, warehouses, trucking lines, retailers, manufacturers and third party logistics providers; software for managing logistics, reverse logistics, supply chain services, supply chain visibility and synchronization, supply and demand forecasting and product distribution processes for others

Basis: 1(a)

First Use Date: 2005-12-17

First Use in Commerce Date: 2005-12-17

International Class: 042

Class Status: Active

Providing temporary use of non-downloadable computer software in connection with supply chain management and execution, including managing and coordinating the flow of goods, services, information and finances in association with the production and delivery of products as they move from raw materials to parts suppliers to manufacturers to wholesalers to retailers to consumers as it applies to the business operations of ports, marine terminals, shipping lines, rail terminals, rail lines, distribution centers, warehouses, trucking lines, retailers, manufacturers and third party logistics providers; providing temporary use of non-downloadable computer software for use in managing logistics, reverse logistics, supply chain services, supply chain visibility and synchronization, supply and demand forecasting and product distribution processes for others

Basis: 1(a)

First Use Date: 2005-12-17

First Use in Commerce Date: 2005-12-17

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2010-05-28 - Attorney Revoked And/Or Appointed
2010-05-28 - TEAS Revoke/Appoint Attorney Received
2010-06-02 - Automatic Update Of Assignment Of Ownership
2009-04-13 - Attorney Revoked And/Or Appointed
2009-04-13 - TEAS Revoke/Appoint Attorney Received
2008-07-08 - Registered - Principal Register
2008-06-02 - Law Office Registration Review Completed
2008-05-29 - Allowed for Registration - Principal Register (SOU accepted)
2008-05-05 - Statement Of Use Processing Complete
2008-04-17 - Use Amendment Filed
2008-04-23 - Automatic Update Of Assignment Of Ownership
2008-04-17 - TEAS Statement of Use Received
2007-10-02 - Extension 1 granted
2007-10-02 - Extension 1 filed
2007-10-02 - TEAS Extension Received
2007-04-17 - NOA Mailed - SOU Required From Applicant
2007-01-23 - Published for opposition
2007-01-03 - Notice of publication
2006-12-02 - Law Office Publication Review Completed
2006-12-02 - Assigned To LIE
2006-11-14 - Approved For Pub - Principal Register
2006-11-13 - Assigned To Examiner
2006-06-17 - Notice Of Pseudo Mark Mailed

2006-06-16 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Christian D. Lavers

Correspondent

Christian D. Lavers

Whyte Hirschboeck Dudek S.C.

Ste 1900

555 E Wells St

Milwaukee WI 53202-3819

Phone Number: 414-273-2100

Fax Number: 414-223-5000

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

NARTRON CORPORATION,
Petitioner,

v.

HEWLETT-PACKARD DEVELOPMENT
COMPANY, L.P.,
Respondent.

Cancellation No. 92050789

Registration No. 3,600,880

Registration Date: April 7, 2009

Mark: **TOUCHSMART**

RESPONDENT'S NOTICE OF RELIANCE

EXHIBIT 22

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36 and 38

United States Patent and Trademark Office

Reg. No. 3,372,083

Registered Jan. 22, 2008

TRADEMARK
PRINCIPAL REGISTER

SMART CAT

CIRQUE CORPORATION (UTAH CORPORATION)
SUITE A
2463 SOUTH 3850 WEST
SALT LAKE CITY, UT 84120

FOR: COMPUTER CURSOR CONTROL DEVICES, NAMELY, TOUCHPADS FOR PERFORMING TOUCHPAD FUNCTIONS, NAMELY, CONTROLLING A CURSOR, PERFORMING SCROLLING FUNCTIONS, NAVIGATING THROUGH WEB PAGES, PERFORMING GESTURE COMMANDS, AND ZOOMING IN AND OUT OF A DISPLAY SCREEN, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 8-1-1997; IN COMMERCE 8-1-1997.

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

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "SMART", APART FROM THE MARK AS SHOWN.

SER. NO. 77-178,949, FILED 5-11-2007.

JENNY PARK, EXAMINING ATTORNEY

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2010-11-19 16:49:20 ET

Serial Number: 77178949 Assignment Information Trademark Document Retrieval

Registration Number: 3372083

Mark

SMART CAT

(words only): SMART CAT

Standard Character claim: Yes

Current Status: Registered.

Date of Status: 2008-01-22

Filing Date: 2007-05-11

Transformed into a National Application: No

Registration Date: 2008-01-22

Register: Principal

Law Office Assigned: LAW OFFICE 104

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2008-01-22

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Cirque Corporation

Address:

Cirque Corporation
 Suite A 2463 South 3850 West
 Salt Lake City, UT 84120
 United States
Legal Entity Type: Corporation
State or Country of Incorporation: Utah

GOODS AND/OR SERVICES

International Class: 009
Class Status: Active
 computer cursor control devices, namely, touchpads for performing touchpad functions, namely, controlling a cursor, performing scrolling functions, navigating through web pages, performing gesture commands, and zooming in and out of a display screen
Basis: 1(a)
First Use Date: 1997-08-01
First Use in Commerce Date: 1997-08-01

ADDITIONAL INFORMATION

Disclaimer: "SMART"

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

- 2008-01-22 - Registered - Principal Register
- 2007-11-06 - Published for opposition
- 2007-10-17 - Notice of publication
- 2007-10-02 - Law Office Publication Review Completed
- 2007-10-01 - Assigned To LIE
- 2007-08-30 - Approved for Pub - Principal Register (Initial exam)
- 2007-08-30 - Examiner's Amendment Entered
- 2007-08-30 - Notification Of Examiners Amendment E-Mailed

2007-08-30 - Examiners amendment e-mailed

2007-08-30 - Examiners Amendment -Written

2007-08-24 - Assigned To Examiner

2007-05-16 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

David W. O'Bryant

Correspondent

DAVID W. O'BRYANT
MORRIS O'BRYANT COMPAGNI
734 E 200 S
SALT LAKE CITY, UT 84102-2202
Phone Number: 801-478-0071
Fax Number: 801-478-0076

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

NARTRON CORPORATION,
Petitioner,

v.

HEWLETT-PACKARD DEVELOPMENT
COMPANY, L.P.,
Respondent.

Cancellation No. 92050789
Registration No. 3,600,880
Registration Date: April 7, 2009
Mark: **TOUCHSMART**

RESPONDENT'S NOTICE OF RELIANCE

EXHIBIT 23

Int. Cls.: 9, 37 and 42

Prior U.S. Cls.: 21, 23, 26, 36, 38, 100, 101, 103 and 106

Reg. No. 3,661,101

United States Patent and Trademark Office

Registered July 28, 2009

TRADEMARK
SERVICE MARK
PRINCIPAL REGISTER

SMART CHIEF

BJØRGE MARINE AUTOMATION AS
HOLLUNSDALEN IND PARK
N-5430 BREMNES
NORWAY

FOR: ELECTRONIC NAVIGATION INSTRUMENTS FOR SHIPS; ELECTRONIC NAVIGATION, ALARM AND SURVEYING APPARATUSES FOR SHIPS FOR THE PURPOSE OF SURVEYING AND CORRECTING THE COURSE, FOR PLOTTING THE COURSE TO DESTINATIONS, FOR THE RENDERING AND DISPLAYING OF MAPS, FOR SATELLITE NAVIGATIONS, FOR WEATHER ANALYSIS, FOR ANALYSIS OF SEA CONDITIONS, FOR ASSISTANCE IN DOCKING, MOORING, GOING ALONGSIDE AND PUTTING OUT OF HARBOUR, FOR ASSISTANCE IN LOADING AND UNLOADING, FOR SURVEYING AND CONTROLLING THE CARGO AND THE CARGO HOLD, FOR SURVEYING AND CONTROLLING THE BALLAST AND DEAD FREIGHT, FOR SURVEYING AND CONTROLLING THE ENGINES, FOR SURVEYING AND CONTROLLING THE PROPELLERS, FOR SURVEYING AND CONTROLLING THE POWER TRANSMISSION, FOR SURVEYING AND CONTROLLING THE FUEL SYSTEM, FOR SURVEYING AND CONTROLLING THE ELECTRICAL SYSTEM, FOR FIRE WARNINGS AND FOR TELECOMMUNICATION TRANSMISSIONS AT SEA, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FOR: INSTALLATION, REPAIR AND MAINTENANCE OF ELECTRONIC NAVIGATION, ALARM, SURVEYING AND CHECKING APPARATUS FOR SHIPS; INSTALLATION, REPAIR AND MAINTENANCE OF COMPUTERS AND COMPUTER PERIPHERALS, IN CLASS 37 (U.S. CLS. 100, 103 AND 106).

FOR: DESIGN OF COMPUTER SYSTEMS FOR SHIPS FOR THE PURPOSE OF SURVEYING AND CORRECTING THE COURSE, FOR PLOTTING THE COURSE TO DESTINATIONS, FOR THE RENDERING AND DISPLAYING OF MAPS, FOR SATELLITE NAVIGATIONS, FOR WEATHER ANALYSIS, FOR ANALYSIS OF SEA CONDITIONS, FOR ASSIS-

TANCE IN DOCKING, MOORING, GOING ALONGSIDE AND PUTTING OUT OF HARBOUR, FOR ASSISTANCE IN LOADING AND UNLOADING, FOR SURVEYING AND CONTROLLING THE CARGO AND THE CARGO HOLD, FOR SURVEYING AND CONTROLLING THE BALLAST AND DEAD FREIGHT, FOR SURVEYING AND CONTROLLING THE ENGINES, FOR SURVEYING AND CONTROLLING THE PROPELLERS, FOR SURVEYING AND CONTROLLING THE POWER TRANSMISSION, FOR SURVEYING AND CONTROLLING THE FUEL SYSTEM, FOR SURVEYING AND CONTROLLING THE ELECTRICAL SYSTEM, FOR FIRE WARNINGS AND FOR TELECOMMUNICATION TRANSMISSIONS AT SEA; DEVELOPMENT, INSTALLATION, MAINTENANCE AND UPGRADE OF COMPUTER PROGRAMS FOR SHIPS FOR THE PURPOSE OF SURVEYING AND CORRECTING THE COURSE, FOR PLOTTING THE COURSE TO DESTINATIONS, FOR THE RENDERING AND DISPLAYING OF MAPS, FOR SATELLITE NAVIGATIONS, FOR WEATHER ANALYSIS, FOR ANALYSIS OF SEA CONDITIONS, FOR ASSISTANCE IN DOCKING, MOORING, GOING ALONGSIDE AND PUTTING OUT OF HARBOUR, FOR ASSISTANCE IN LOADING AND UNLOADING, FOR SURVEYING AND CONTROLLING THE CARGO AND THE CARGO HOLD, FOR SURVEYING AND CONTROLLING THE BALLAST AND DEAD FREIGHT, FOR SURVEYING AND CONTROLLING THE ENGINES, FOR SURVEYING AND CONTROLLING THE PROPELLERS, FOR SURVEYING AND CONTROLLING THE POWER TRANSMISSION, FOR SURVEYING AND CONTROLLING THE FUEL SYSTEM, FOR SURVEYING AND CONTROLLING THE ELECTRICAL SYSTEM, FOR FIRE WARNINGS AND FOR TELECOMMUNICATION TRANSMISSIONS AT SEA, IN CLASS 42 (U.S. CLS. 100 AND 101).

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

PRIORITY DATE OF 2-25-2008 IS CLAIMED.

OWNER OF INTERNATIONAL REGISTRATION
0974145 DATED 5-5-2008, EXPIRES 5-5-2018.

SER. NO. 79-057,676, FILED 5-5-2008.

NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "SMART" FOR INTERNATIONAL
CLASS 9, APART FROM THE MARK AS SHOWN.

MARK PILARO, EXAMINING ATTORNEY

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2010-11-19 16:22:07 ET

Serial Number: 79057676 Assignment Information Trademark Document Retrieval

Registration Number: 3661101

Mark

SMART CHIEF

(words only): SMART CHIEF

Standard Character claim: Yes

Current Status: Registered.

Date of Status: 2009-07-28

Filing Date: 2008-05-05

Transformed into a National Application: No

Registration Date: 2009-07-28

Register: Principal

Law Office Assigned: LAW OFFICE 104

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2009-07-28

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Bjørge Marine Automation AS

Address:

Bjørge Marine Automation AS
Hollundsdalen Ind Park N-5430 BREMNES
Norway

Legal Entity Type: Unknown

State or Country Where Organized: (NOT AVAILABLE)

GOODS AND/OR SERVICES

International Class: 009

Class Status: Active

Electronic navigation instruments for ships; electronic navigation, alarm and surveying apparatuses for ships for the purpose of surveying and correcting the course, for plotting the course to destinations, for the rendering and displaying of maps, for satellite navigations, for weather analysis, for analysis of sea conditions, for assistance in docking, mooring, going alongside and putting out of harbour, for assistance in loading and unloading, for surveying and controlling the cargo and the cargo hold, for surveying and controlling the ballast and dead freight, for surveying and controlling the engines, for surveying and controlling the propellers, for surveying and controlling the power transmission, for surveying and controlling the fuel system, for surveying and controlling the electrical system, for fire warnings and for telecommunication transmissions at sea

Basis: 66(a)

First Use Date: (DATE NOT AVAILABLE)

First Use in Commerce Date: (DATE NOT AVAILABLE)

International Class: 037

Class Status: Active

Installation, repair and maintenance of electronic navigation, alarm, surveying and checking apparatus for ships; installation, repair and maintenance of computers and computer peripherals

Basis: 66(a)

First Use Date: (DATE NOT AVAILABLE)

First Use in Commerce Date: (DATE NOT AVAILABLE)

International Class: 042

Class Status: Active

Design of computer systems for ships for the purpose of surveying and correcting the course, for plotting the course to destinations, for the rendering and displaying of maps, for satellite navigations, for weather analysis, for analysis of sea conditions, for assistance in docking, mooring, going alongside and putting out of harbour, for assistance in loading and unloading, for surveying and controlling the cargo and the cargo hold, for surveying and controlling the ballast and dead freight, for surveying and controlling the engines, for surveying and controlling the propellers, for surveying and controlling the power transmission, for surveying and controlling the fuel system, for surveying and controlling the electrical system, for fire warnings and for telecommunication transmissions at sea; development, installation, maintenance and upgrade of computer programs for ships for the purpose of surveying and correcting the course, for plotting the course to destinations, for the rendering and displaying of maps, for satellite navigations, for weather analysis, for analysis of sea conditions, for assistance in docking, mooring, going alongside and putting out of harbour, for assistance in loading and unloading, for surveying and controlling the cargo and the cargo hold, for surveying and controlling the ballast and dead freight, for surveying and controlling the engines, for surveying and controlling the propellers, for surveying and controlling the power transmission, for surveying and controlling the fuel system, for surveying and controlling the electrical system, for fire warnings and for telecommunication transmissions at sea

Basis: 66(a)

First Use Date: (DATE NOT AVAILABLE)

First Use in Commerce Date: (DATE NOT AVAILABLE)

ADDITIONAL INFORMATION

Disclaimer: "SMART" FOR INTERNATIONAL CLASS 9

MADRID PROTOCOL INFORMATION

International Registration Number: 0974145
International Registration Date: 2008-05-05
Priority Claimed: Yes
Date of Section 67 Priority Claim: 2008-02-25
International Registration Status: Request For Extension Of Protection Processed
Date of International Registration Status: 2008-09-18
International Registration Renewal Date: 2018-05-05
Notification of Designation Date: 2008-09-18
Date of Automatic Protection: 2010-03-18
Date International Registration Cancelled: (DATE NOT AVAILABLE)
First Refusal: Yes

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2009-11-05 - Final Disposition Notice Sent To IB
2009-11-05 - Final Disposition Processed
2009-10-28 - Final Disposition Notice Created, To Be Sent To IB
2009-07-28 - Registered - Principal Register
2009-05-21 - Change Of Owner Received From IB
2009-05-12 - Published for opposition
2009-04-22 - Notice of publication
2009-04-09 - Law Office Publication Review Completed
2009-04-08 - Approved for Pub - Principal Register (Initial exam)
2009-03-31 - Amendment From Applicant Entered
2009-03-31 - Communication received from applicant
2009-03-31 - Assigned To LIE
2009-03-30 - PAPER RECEIVED

2008-10-31 - Refusal Processed By IB

2008-09-26 - Non-Final Action Mailed - Refusal Sent To IB

2008-09-26 - Refusal Processed By MPU

2008-09-25 - Non-Final Action (Ib Refusal) Prepared For Review

2008-09-24 - Non-Final Action Written

2008-09-19 - Assigned To Examiner

2008-09-19 - New Application Entered In Tram

2008-09-18 - Sn Assigned For Sect 66a Appl From IB

ATTORNEY/CORRESPONDENT INFORMATION

Correspondent

Plougmann & Vingtoft
Postboks 1003 Sentrum
N-0104 Oslo, Norway

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

NARTRON CORPORATION,

Petitioner,

v.

HEWLETT-PACKARD DEVELOPMENT
COMPANY, L.P.,

Respondent.

Cancellation No. 92050789

Registration No. 3,600,880

Registration Date: April 7, 2009

Mark: **TOUCHSMART**

RESPONDENT'S NOTICE OF RELIANCE

EXHIBIT 24

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36 and 38

United States Patent and Trademark Office

Reg. No. 3,120,909

Registered July 25, 2006

TRADEMARK
PRINCIPAL REGISTER

SMART COMPANION

KONINKLIJKE PHILIPS ELECTRONICS N.V.
(NETHERLANDS LTD LIAB CO)
GROENEWOUDSEWEG 1
NL-5621 BA EINDHOVEN, NETHERLANDS

FOR: APPARATUS AND INSTRUMENTS FOR RECORDING, TRANSMISSION, REPRODUCTION AND PROCESSING OF SOUND AND/OR IMAGES AND/OR DATA, NAMELY, COMPUTERIZED USER INTERFACE SYSTEM COMPRISING COMPUTERS, CAMERAS, MICROPHONES AND OTHER HUMAN SPEECH SENSORS AND HUMAN MOTION SENSORS, AND COMPUTER SOFTWARE FOR THE PROCESSING OF INFORMATION FROM SUCH SENSING DEVICES, FOR PROVIDING MESSAGING SERVICES, FOR COMMUNICATING INFORMATION, FOR PLAYING AND DISPLAYING DIGITAL MEDIA, FOR PROVIDING PERSONAL ASSISTANCE AND FOR PROVIDING HOME SURVEILLANCE., IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

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

PRIORITY DATE OF 4-29-2004 IS CLAIMED.

OWNER OF INTERNATIONAL REGISTRATION
0844244 DATED 9-16-2004, EXPIRES 9-16-2014.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "SMART", APART FROM THE MARK AS SHOWN.

SER. NO. 79-009,214, FILED 9-16-2004.

KATINA MISTER, EXAMINING ATTORNEY

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2010-11-19 16:22:53 ET

Serial Number: 79009214 Assignment Information Trademark Document Retrieval

Registration Number: 3120909

Mark

SMART COMPANION

(words only): SMART COMPANION

Standard Character claim: Yes

Current Status: Registered.

Date of Status: 2006-07-25

Filing Date: 2004-09-16

Transformed into a National Application: No

Registration Date: 2006-07-25

Register: Principal

Law Office Assigned: LAW OFFICE 104

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2006-07-25

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Koninklijke Philips Electronics N.V.

Address:

Koninklijke Philips Electronics N.V.
Groenewoudseweg 1
NL-5621 BA Eindhoven
Netherlands

Legal Entity Type: Limited Liability Company

State or Country Where Organized: Netherlands

GOODS AND/OR SERVICES

International Class: 009**Class Status:** Active

Apparatus and instruments for recording, transmission, reproduction and processing of sound and/or images and/or data, namely, computerized user interface system comprising computers, cameras, microphones and other human speech sensors and human motion sensors, and computer software for the processing of information from such sensing devices, for providing messaging services, for communicating information, for playing and displaying digital media, for providing personal assistance and for providing home surveillance.

Basis: 66(a)**First Use Date:** (DATE NOT AVAILABLE)**First Use in Commerce Date:** (DATE NOT AVAILABLE)

ADDITIONAL INFORMATION

Disclaimer: "SMART"

MADRID PROTOCOL INFORMATION

International Registration Number: 0844244**International Registration Date:** 2004-09-16**Priority Claimed:** Yes**Date of Section 67 Priority Claim:** 2004-04-29**International Registration Status:** Request For Extension Of Protection Processed**Date of International Registration Status:** 2005-04-07**International Registration Renewal Date:** 2014-09-16**Notification of Designation Date:** 2005-04-07**Date of Automatic Protection:** 2006-10-07**Date International Registration Cancelled:** (DATE NOT AVAILABLE)**First Refusal:** Yes

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2008-04-18 - Final Decision Transaction Processed By IB

2007-03-25 - Final Disposition Notice Sent To IB

2007-03-25 - Final Disposition Processed

2007-03-23 - Final Disposition Notice Created, To Be Sent To IB

2006-07-25 - Registered - Principal Register

2006-05-02 - Published for opposition

2006-04-12 - Notice of publication

2006-03-07 - Law Office Publication Review Completed

2006-03-03 - Assigned To LIE

2006-03-01 - Approved for Pub - Principal Register (Initial exam)
2006-02-17 - Assigned To Examiner
2005-10-14 - Teas/Email Correspondence Entered
2005-10-10 - Communication received from applicant
2005-10-10 - TEAS Response to Office Action Received
2005-10-07 - Attorney Revoked And/Or Appointed
2005-10-07 - TEAS Revoke/Appoint Attorney Received
2005-06-09 - Refusal Processed By IB
2005-04-20 - Non-final action mailed
2005-04-18 - Non-Final Action Written
2005-04-15 - Assigned To Examiner
2005-04-08 - New Application Entered In Tram
2005-04-07 - Sn Assigned For Sect 66a Appl From IB

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Michael E. Marion, Edward W. Goodman, Jack E. Haken

Correspondent

Edward W. Goodman
PHILIPS ELECTRONICS NORTH AMERICA CORPOR
P.O. Box 3001
Briarcliff Manor NY 10510-8001
Phone Number: (914) 333-9611
Fax Number: (914) 332-0615

Domestic Representative

Edward W. Goodman
Phone Number: (914) 333-9611
Fax Number: (914) 332-0615

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

NARTRON CORPORATION,
Petitioner,

v.

HEWLETT-PACKARD DEVELOPMENT
COMPANY, L.P.,

Respondent.

Cancellation No. 92050789

Registration No. 3,600,880

Registration Date: April 7, 2009

Mark: TOUCHSMART

RESPONDENT'S NOTICE OF RELIANCE

EXHIBIT 25

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36, and 38

United States Patent and Trademark Office

Reg. No. 3,131,418

Registered Aug. 15, 2006

**TRADEMARK
SUPPLEMENTAL REGISTER**

SMART TOOLZ

CARDLOGIX CORPORATION (CALIFORNIA CORPORATION)
16 HUGHES, SUITE 100
IRVINE, CA 92618

FOR: SMART CARD DEVELOPMENT KIT FEATURING BLANK SMART CARDS, COMPUTER HARDWARE AND APPLICATION SOFTWARE USED TO DEVELOP SMART CARDS, COMPUTER APPLICATION PROGRAM SOFTWARE AND COMPUTER HARDWARE FOR SMART CARDS, SMART CARD READERS, POWER SUPPLY CABLES, AND PRINTER USER GUIDES AND TECHNICAL SPECIFICATION SHEETS, SOLD AS A UNIT THEREWITH, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 11-23-1997; IN COMMERCE 2-9-1998.

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

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "SMART TOOLS", APART FROM THE MARK AS SHOWN.

SER. NO. 78-616,183, FILED P.R. 4-25-2005; AM. S.R. 5-24-2006.

BARNEY CHARLON, EXAMINING ATTORNEY

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2010-11-19 16:23:43 ET

Serial Number: 78616183 [Assignment Information](#) [Trademark Document Retrieval](#)

Registration Number: 3131418

Mark

SMART TOOLZ

(words only): SMART TOOLZ

Standard Character claim: Yes

Current Status: Registered.

Date of Status: 2006-08-15

Filing Date: 2005-04-25

Transformed into a National Application: No

Registration Date: 2006-08-15

Register: Supplemental

Law Office Assigned: LAW OFFICE 104

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2006-08-15

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. CardLogix Corporation

Address:

CardLogix Corporation
16 Hughes, Suite 100
Irvine, CA 92618
United States
Legal Entity Type: Corporation
State or Country of Incorporation: California
Phone Number: 949-380-1312
Fax Number: 949-380-1428

GOODS AND/OR SERVICES

International Class: 009

Class Status: Active

Smart card development kit featuring blank smart cards, computer hardware and application software used to develop smart cards, computer application program software and computer hardware for smart cards, smart card readers, power supply cables, and printer user guides and technical specification sheets, sold as a unit therewith

Basis: 1(a)

First Use Date: 1997-11-23

First Use in Commerce Date: 1998-02-09

ADDITIONAL INFORMATION

Disclaimer: "SMART TOOLS"

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2010-05-26 - TEAS Change Of Correspondence Received

2009-03-20 - TEAS Change Of Correspondence Received

2006-08-15 - Registered - Supplemental Register

2006-07-05 - Law Office Publication Review Completed

2006-06-23 - Assigned To LIE

2006-06-21 - APPROVED FOR REGISTRATION SUPPLEMENTAL REGISTER

2006-06-21 - Examiner's Amendment Entered

2006-06-20 - Examiner's Amendment Entered
2006-06-20 - EXAMINERS AMENDMENT E-MAILED
2006-06-20 - Examiners Amendment -Written
2006-05-30 - Teas/Email Correspondence Entered
2006-05-24 - Communication received from applicant
2006-05-24 - TEAS Response to Office Action Received
2005-11-28 - Non-final action e-mailed
2005-11-28 - Non-Final Action Written
2005-11-22 - Assigned To Examiner
2005-05-06 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Jeana Sciarappa Schott, Esq.

Correspondent

Jeana Sciarappa Schott
Law Office Jeana Sciarappa Schott
36 Andiamo
Newport Coast CA 92657
Phone Number: 949-285-0019
Fax Number: 949-376-9567

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

NARTRON CORPORATION,
Petitioner,

v.

HEWLETT-PACKARD DEVELOPMENT
COMPANY, L.P.,
Respondent.

Cancellation No. 92050789

Registration No. 3,600,880

Registration Date: April 7, 2009

Mark: **TOUCHSMART**

RESPONDENT'S NOTICE OF RELIANCE

EXHIBIT 26

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36, and 38

United States Patent and Trademark Office

Reg. No. 3,490,197

Registered Aug. 19, 2008

TRADEMARK
PRINCIPAL REGISTER

SMART CIRCUIT

ULTRALIFE CORPORATION (NEW YORK COR-
PORATION)

2000 TECHNOLOGY PARKWAY

NEWARK, NY 14513

FOR: BATTERY CELLS AND BATTERIES, IN
CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 1-1-2008; IN COMMERCE 1-1-2008.

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

NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "SMART", APART FROM THE
MARK AS SHOWN.

SN 78-567,368, FILED 2-15-2005.

LINDA POWELL, EXAMINING ATTORNEY

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2010-11-19 16:24:55 ET

Serial Number: 78567368 [Assignment Information](#) [Trademark Document Retrieval](#)

Registration Number: 3490197

Mark

SMART CIRCUIT

(words only): SMART CIRCUIT

Standard Character claim: Yes

Current Status: Registered.

Date of Status: 2008-08-19

Filing Date: 2005-02-15

Transformed into a National Application: No

Registration Date: 2008-08-19

Register: Principal

Law Office Assigned: LAW OFFICE 117

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2008-07-17

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. ULTRALIFE CORPORATION

Address:

ULTRALIFE CORPORATION
2000 TECHNOLOGY PARKWAY
NEWARK, NY 14513
United States
Legal Entity Type: Corporation
State or Country of Incorporation: New York

GOODS AND/OR SERVICES

International Class: 009
Class Status: Active
Battery cells and batteries
Basis: 1(a)
First Use Date: 2008-01-01
First Use in Commerce Date: 2008-01-01

ADDITIONAL INFORMATION

Disclaimer: "SMART"

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2008-08-19 - Registered - Principal Register
2008-07-17 - Law Office Registration Review Completed
2008-07-17 - Assigned To LIE
2008-07-17 - Allowed for Registration - Principal Register (SOU accepted)
2008-07-14 - Applicant amendment prior to exam entered
2008-07-14 - TEAS Response to Office Action Received
2008-07-11 - Teas/Email Correspondence Entered
2008-07-11 - Communication received from applicant
2008-07-11 - TEAS Response to Office Action Received

2008-06-11 - Automatic Update Of Assignment Of Ownership
2008-03-04 - Notification Of Non-Final Action E-Mailed
2008-03-04 - NON-FINAL ACTION E-MAILED
2008-03-04 - SU - Non-Final Action - Written
2008-02-27 - Statement Of Use Processing Complete
2008-02-05 - Use Amendment Filed
2008-02-05 - TEAS Statement of Use Received
2007-07-24 - Extension 2 granted
2007-07-24 - Extension 2 filed
2007-07-24 - TEAS Extension Received
2007-02-02 - Extension 1 granted
2007-02-02 - Extension 1 filed
2007-02-02 - TEAS Extension Received
2006-08-08 - NOA Mailed - SOU Required From Applicant
2006-05-16 - Published for opposition
2006-04-26 - Notice of publication
2006-03-27 - Law Office Publication Review Completed
2006-03-24 - Assigned To LIE
2006-03-17 - Approved For Pub - Principal Register
2006-03-16 - Teas/Email Correspondence Entered
2006-03-13 - Communication received from applicant
2006-03-13 - TEAS Response to Office Action Received
2005-09-13 - Non-final action e-mailed
2005-09-13 - Non-Final Action Written
2005-09-12 - Assigned To Examiner

2005-02-28 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Stephen B. Salai

Correspondent

Stephen B. Salai

HARTER SECREST & EMERY LLP

1600 BAUSCH AND LOMB PL

ROCHESTER NY 14604-2711

Phone Number: 585 231 1386

Fax Number: 585 232 2152

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

NARTRON CORPORATION,

Petitioner,

v.

HEWLETT-PACKARD DEVELOPMENT
COMPANY, L.P.,

Respondent.

Cancellation No. 92050789

Registration No. 3,600,880

Registration Date: April 7, 2009

Mark: **TOUCHSMART**

RESPONDENT'S NOTICE OF RELIANCE

EXHIBIT 27

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36 and 38

United States Patent and Trademark Office

Reg. No. 3,229,184

Registered Apr. 17, 2007

TRADEMARK
PRINCIPAL REGISTER

SMART STITCH

GEX TECHNOLOGIES, S.A. (SPAIN CORPORATION)
C/DOLORS ALEU 19-21 (PL. 1-MOD. 3)
L'HOSPITALET DE LIOBREGAT (BARCELONA),
SPAIN 08908

FOR: VIDEO GAME PROGRAMS; COMPUTER
GAME PROGRAMS; GAME SOFTWARE, IN CLASS
9 (U.S. CLS. 21, 23, 26, 36 AND 38).

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

PRIORITY CLAIMED UNDER SEC. 44(D) ON
ERPNTY TM OFC APPLICATION NO.
4701471, FILED 11-4-2005, REG. NO. 00470471, DATED
10-11-2006, EXPIRES 11-4-2015.

NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE SMART, APART FROM THE MARK
AS SHOWN.

SER. NO. 78-748,180, FILED 11-7-2005.

HEATHER SAPP, EXAMINING ATTORNEY

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2010-11-19 16:25:39 ET

Serial Number: 78748180 Assignment Information Trademark Document Retrieval

Registration Number: 3229184

Mark

SMART STITCH

(words only): SMART STITCH

Standard Character claim: Yes

Current Status: Registered.

Date of Status: 2007-04-17

Filing Date: 2005-11-07

Transformed into a National Application: No

Registration Date: 2007-04-17

Register: Principal

Law Office Assigned: LAW OFFICE 108

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2007-04-17

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. GEX TECHNOLOGIES, S.A.

Address:

GEX TECHNOLOGIES, S.A.
C/Dolors Aleu 19-21 (Pl. 1-Mod. 3)
L'Hospitalet de Llobregat (Barcelona) 08908
Spain
Legal Entity Type: Corporation
State or Country of Incorporation: Spain

GOODS AND/OR SERVICES

International Class: 009
Class Status: Active
Video game programs; computer game programs; game software
Basis: 44(e)
First Use Date: (DATE NOT AVAILABLE)
First Use in Commerce Date: (DATE NOT AVAILABLE)

ADDITIONAL INFORMATION

Disclaimer: SMART

Foreign Application Number: 4701471
Foreign Registration Number: 00470471
Foreign Registration Date: 2006-10-11
Country: Erpn Cmnty TM Ofc
Foreign Filing Date: 2005-11-04
Foreign Expiration Date: 2015-11-04

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2007-04-17 - Registered - Principal Register
2007-01-30 - Published for opposition
2007-01-10 - Notice of publication
2006-12-20 - Law Office Publication Review Completed
2006-12-20 - Assigned To LIE
2006-12-05 - Approved For Pub - Principal Register

2006-12-05 - Amendment From Applicant Entered
2006-11-17 - Communication received from applicant
2006-11-17 - FAX RECEIVED
2006-11-16 - Amendment From Applicant Entered
2006-11-09 - Communication received from applicant
2006-11-16 - Applicant/Correspondence Changes (Non-Responsive) Entered
2006-11-09 - FAX RECEIVED
2006-11-07 - FAX RECEIVED
2006-05-23 - LETTER OF SUSPENSION E-MAILED
2006-05-23 - Suspension Letter Written
2006-05-22 - Examiner's Amendment Entered
2006-05-22 - Examiners amendment e-mailed
2006-05-22 - Examiners Amendment -Written
2006-05-11 - Assigned To Examiner
2005-11-10 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Richard M. Goldberg

Correspondent

RICHARD M. GOLDBERG
GOLDBERG PATENT LAW OFFICE
25 E SALEM ST STE 419
HACKENSACK, NJ 07601-7416
Phone Number: (201) 343-7775
Fax Number: (201) 488-3884

Domestic Representative

Richard M. Goldberg
Phone Number: (201) 343-7775
Fax Number: (201) 488-3884

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

NARTRON CORPORATION,
Petitioner,

v.

HEWLETT-PACKARD DEVELOPMENT
COMPANY, L.P.,
Respondent.

Cancellation No. 92050789

Registration No. 3,600,880

Registration Date: April 7, 2009

Mark: **TOUCHSMART**

RESPONDENT'S NOTICE OF RELIANCE

EXHIBIT 28

Int. Cls.: 9 and 42

Prior U.S. Cls.: 21, 23, 26, 36, 38, 100 and 101

United States Patent and Trademark Office

Reg. No. 2,794,532

Registered Dec. 16, 2003

**TRADEMARK
SERVICE MARK
PRINCIPAL REGISTER**

SMART TOKEN

TECSEC, INCORPORATED (VIRGINIA CORPORATION)
1953 GALLOWS ROAD
SUITE 220
VIENNA, VA 22182

FOR: COMPUTER HARDWARE, COMPUTER PERIPHERALS, AND COMPUTER SOFTWARE, NAMELY, OPERATING SYSTEMS, APPLICATIONS, AND UTILITIES, FOR PROVIDING COMMUNICATION, ACCESS, AND STORAGE SECURITY, ON STAND-ALONE COMPUTERS, OVER A GLOBAL COMPUTER NETWORK, AND OVER OTHER NETWORKS, AND MANUALS SOLD WITH THE SOFTWARE, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 7-31-1998; IN COMMERCE 10-16-1998.

FOR: DESIGNING, UPGRADING, AND MAINTAINING COMPUTER SOFTWARE FOR OTHERS, NAMELY, OPERATING SYSTEMS, APPLICATIONS,

AND UTILITIES, FOR PROVIDING COMMUNICATION, ACCESS, AND STORAGE SECURITY, ON STAND-ALONE COMPUTERS, OVER A GLOBAL COMPUTER NETWORK, AND OVER OTHER NETWORKS; AND CONSULTING SERVICES IN THE FIELDS OF COMMUNICATION SECURITY AND DATA SECURITY, IN CLASS 42 (U.S. CLS. 100 AND 101).

FIRST USE 7-31-1998; IN COMMERCE 10-16-1998.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "SMART", APART FROM THE MARK AS SHOWN.

SER. NO. 78-044,002, FILED 1-19-2001.

APRIL L. RADEMACHER, EXAMINING ATTORNEY

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2010-11-19 16:26:48 ET

Serial Number: 78044002 Assignment Information Trademark Document Retrieval

Registration Number: 2794532

Mark (words only): SMART TOKEN

Standard Character claim: No

Current Status: Partial Section 8 and 15 affidavits have been accepted and acknowledged.

Date of Status: 2010-07-01

Filing Date: 2001-01-19

Transformed into a National Application: No

Registration Date: 2003-12-16

Register: Principal

Law Office Assigned: LAW OFFICE 102

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: (NOT AVAILABLE)

Date In Location: 2010-07-01

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. TecSec, Incorporated

Address:

TecSec, Incorporated
1953 Gallows Road Suite 220
Vienna, VA 22182
United States

Legal Entity Type: Corporation

State or Country of Incorporation: Virginia

GOODS AND/OR SERVICES

International Class: 009

Class Status: Active

computer hardware, computer peripherals, and computer software, namely, operating systems, applications, and utilities, for providing communication, access, and storage security, on stand-alone computers, over a global computer network, and over other networks, and manuals sold with the software

Basis: 1(a)

First Use Date: 1998-07-31

First Use in Commerce Date: 1998-10-16

International Class: 042

Class Status: Section 8 - Cancelled

Basis: 1(a)

First Use Date: 1998-07-31

First Use in Commerce Date: 1998-10-16

ADDITIONAL INFORMATION

Disclaimer: "SMART"

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2010-07-01 - Partial Section 8 (6-year) accepted & Section 15 acknowledged

2010-06-15 - Section 8 (6-year) and Section 15 Filed

2010-07-01 - Case Assigned To Post Registration Paralegal

2010-06-15 - TEAS Section 8 & 15 Received

2008-09-23 - TEAS Change Of Correspondence Received

2003-12-16 - Registered - Principal Register

2003-09-23 - Published for opposition

2003-09-03 - Notice of publication

2003-07-30 - Approved for Pub - Principal Register (Initial exam)

2003-06-13 - Communication received from applicant

2003-06-26 - Case File In TICRS
2003-06-13 - TEAS Change Of Correspondence Received
2003-06-13 - TEAS Response to Office Action Received
2003-05-27 - Final refusal mailed
2002-03-28 - Letter of suspension mailed
2001-12-19 - Communication received from applicant
2001-06-18 - Non-final action mailed

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Thomas M. Champagne

Correspondent

Thomas M. Champagne
IP STRATEGIES, P.C.
1048 DEAD RUN DRIVE
MCLEAN VA 22101
Phone Number: 703-248-9220
Fax Number: 703-248-9244

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

NARTRON CORPORATION,
Petitioner,

v.

HEWLETT-PACKARD DEVELOPMENT
COMPANY, L.P.,
Respondent.

Cancellation No. 92050789

Registration No. 3,600,880

Registration Date: April 7, 2009

Mark: **TOUCHSMART**

RESPONDENT'S NOTICE OF RELIANCE

EXHIBIT 29

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36 and 38

Reg. No. 2,172,955

United States Patent and Trademark Office

Registered July 14, 1998

**TRADEMARK
PRINCIPAL REGISTER**

SMART LOAD

EMC TECHNOLOGY, INC. (PENNSYLVANIA
CORPORATION)
1971 OLD CUTHBERT ROAD
CHERRY HILL, NJ 08034

FIRST USE 5-2-1997; IN COMMERCE
5-2-1997.

NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "SMART", APART FROM THE
MARK AS SHOWN.

FOR: ELECTRONIC CIRCUIT FOR POWER
SENSING TERMINATION, IN CLASS 9 (U.S.
CLS. 21, 23, 26, 36 AND 38).

SER. NO. 75-314,235, FILED 6-24-1997.

JULIA S. SHIELDS, EXAMINING ATTORNEY

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2010-11-19 16:29:05 ET

Serial Number: 75314235 Assignment Information Trademark Document Retrieval

Registration Number: 2172955

Mark (words only): SMART LOAD

Standard Character claim: No

Current Status: This registration has been renewed.

Date of Status: 2009-01-12

Filing Date: 1997-06-24

Transformed into a National Application: No

Registration Date: 1998-07-14

Register: Principal

Law Office Assigned: LAW OFFICE 109

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 830 -Post Registration

Date In Location: 2009-01-12

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. SMITHS INTERCONNECT MICROWAVE COMPONENTS, INC.

DBA/AKA/TA/Formerly: DBA FLORIDA RF LABS

Address:

SMITHS INTERCONNECT MICROWAVE COMPONENTS, INC.

8851 SW OLD KANSAS AVENUE

STUART, FL 34997

United States

Legal Entity Type: Corporation

State or Country of Incorporation: Florida

GOODS AND/OR SERVICES

International Class: 009
Class Status: Active
electronic circuit for power sensing termination
Basis: 1(a)
First Use Date: 1997-05-02
First Use in Commerce Date: 1997-05-02

ADDITIONAL INFORMATION

Disclaimer: "SMART"

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2010-11-03 - Automatic Update Of Assignment Of Ownership
2009-01-12 - First renewal 10 year
2009-01-12 - Section 8 (10-year) accepted/ Section 9 granted
2009-01-08 - Assigned To Paralegal
2009-01-02 - TEAS Section 8 & 9 Received
2007-08-17 - Case File In TICRS
2004-10-14 - TEAS Change Of Correspondence Received
2004-03-01 - Section 8 (6-year) accepted & Section 15 acknowledged
2004-01-02 - Section 8 (6-year) and Section 15 Filed
1998-07-14 - Registered - Principal Register
1998-04-14 - Published for opposition
1998-03-13 - Notice of publication
1998-02-05 - Approved for Pub - Principal Register (Initial exam)

1998-02-04 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

ANDREW J. GRAY IV

Correspondent

ANDREW J. GRAY IV

Morgan, Lewis & Bockius LLP

3000 El Camino Real, Suite 700

2 Palo Alto Square

Palo Alto CA 94306

Phone Number: 650-843-4000

Fax Number: 650-843-4001

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

NARTRON CORPORATION,
Petitioner,

v.

HEWLETT-PACKARD DEVELOPMENT
COMPANY, L.P.,
Respondent.

Cancellation No. 92050789

Registration No. 3,600,880

Registration Date: April 7, 2009

Mark: **TOUCHSMART**

RESPONDENT'S NOTICE OF RELIANCE

EXHIBIT 30

Int. Cl.: 9

Prior U.S. Cls.: 21 and 26

United States Patent and Trademark Office

Reg. No. 1,763,616

Registered Apr. 6, 1993

**TRADEMARK
PRINCIPAL REGISTER**

SMART CLAPPER

JOSEPH ENTERPRISES, INC. (CALIFORNIA
CORPORATION)
425 CALIFORNIA STREET
SAN FRANCISCO, CA 94104

FOR: ACOUSTICALLY OPERATED ELEC-
TROMECHANICAL SWITCH, IN CLASS 9 (U.S.
CLS. 21 AND 26).

FIRST USE 11-1-1992; IN COMMERCE
11-1-1992.

OWNER OF U.S. REG. NO. 1,428,261.

NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "SMART", APART FROM THE
MARK AS SHOWN.

SN 74-137,720, FILED 2-8-1991.

ESTHER SMITH, EXAMINING ATTORNEY

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2010-11-19 16:43:35 ET

Serial Number: 74137720 Assignment Information Trademark Document Retrieval

Registration Number: 1763616

Mark (words only): SMART CLAPPER

Standard Character claim: No

Current Status: This registration has been renewed.

Date of Status: 2003-05-27

Filing Date: 1991-02-08

Transformed into a National Application: No

Registration Date: 1993-04-06

Register: Principal

Law Office Assigned: LAW OFFICE 4

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 40S -Scanning On Demand

Date In Location: 2008-07-21

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Joseph Enterprises, Inc.

Address:

Joseph Enterprises, Inc.
425 California Street, Suite 300
San Francisco, CA 94104
United States

Legal Entity Type: Corporation

State or Country of Incorporation: California

GOODS AND/OR SERVICES

International Class: 009

Class Status: Active

acoustically operated electromechanical switch

Basis: 1(a)

First Use Date: 1992-11-01

First Use in Commerce Date: 1992-11-01

ADDITIONAL INFORMATION

Disclaimer: "SMART"

Prior Registration Number(s):

1428261

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2008-07-21 - Case File In TICRS

2006-01-12 - TEAS Change Of Owner Address Received

2003-05-27 - First renewal 10 year

2003-05-27 - Section 8 (10-year) accepted/ Section 9 granted

2003-03-17 - Combined Section 8 (10-year)/Section 9 filed

2003-03-17 - PAPER RECEIVED

1999-09-17 - Section 8 (6-year) accepted & Section 15 acknowledged

1999-04-08 - Section 8 (6-year) and Section 15 Filed

1993-04-06 - Registered - Principal Register

1993-02-02 - Allowed for Registration - Principal Register (SOU accepted)

1993-02-01 - Assigned To Examiner

1992-12-24 - Statement Of Use Processing Complete

1992-12-24 - Extension 2 granted

1992-11-16 - Use Amendment Filed
1992-11-16 - Extension 2 filed
1992-06-23 - Extension 1 granted
1992-06-02 - Extension 1 filed
1991-12-17 - NOA Mailed - SOU Required From Applicant
1991-09-24 - Published for opposition
1991-08-23 - Notice of publication
1991-06-11 - Approved For Pub - Principal Register
1991-06-05 - Examiner's amendment mailed
1991-06-04 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record
PAUL W VAPNEK

Correspondent
Mary L. Shapiro
Townsend and Townsend and Crew LLP
Two Embarcadero Center, 8th Floor
San Francisco CA 94111-3834
Phone Number: (415) 576-0200
Fax Number: (415) 576-0300

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

NARTRON CORPORATION,
Petitioner,

v.

HEWLETT-PACKARD DEVELOPMENT
COMPANY, L.P.,
Respondent.

Cancellation No. 92050789

Registration No. 3,600,880

Registration Date: April 7, 2009

Mark: **TOUCHSMART**

RESPONDENT'S NOTICE OF RELIANCE

EXHIBIT 31

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36, and 38

United States Patent and Trademark Office

Reg. No. 3,149,356

Registered Sep. 26, 2006

**TRADEMARK
PRINCIPAL REGISTER**

SMART LEGEND

BELDEN TECHNOLOGIES, INC. (DELAWARE
CORPORATION)
7701 FORSYTH BLVD., SUITE 800
ST. LOUIS, MO 63105

FOR: ELECTRICAL WIRE AND CABLE BEAR-
ING PERIOD MARKINGS UNIQUE TO CABLE,
NAMELY, LAN CABLE, CABLE FOR VOICE,
CABLE FOR VIDEO, AND CABLE FOR DATA
TRANSMISSION; CABLE CONNECTORS, CABLE
MODEMS, POWER CABLES, AND PRINTER
CABLES, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 7-1-2005; IN COMMERCE 7-1-2005.

NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "SMART", APART FROM THE
MARK AS SHOWN.

SN 78-151,459, FILED 8-6-2002.

PAULA MAYS, EXAMINING ATTORNEY

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2010-11-19 16:45:02 ET

Serial Number: 78151459 Assignment Information Trademark Document Retrieval

Registration Number: 3149356

Mark (words only): SMART LEGEND

Standard Character claim: No

Current Status: Registered.

Date of Status: 2006-09-26

Filing Date: 2002-08-06

Transformed into a National Application: No

Registration Date: 2006-09-26

Register: Principal

Law Office Assigned: LAW OFFICE 106

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2006-08-17

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. BELDEN TECHNOLOGIES, INC.

Address:

BELDEN TECHNOLOGIES, INC.
7701 FORSYTH BLVD., SUITE 800
ST. LOUIS, MO 63105
United States

Legal Entity Type: Corporation

State or Country of Incorporation: Delaware

GOODS AND/OR SERVICES

International Class: 009

Class Status: Active

electrical wire and cable bearing period markings unique to cable, namely, LAN cable, cable for voice, cable for video, and cable for data transmission; cable connectors, cable modems, power cables, and printer cables

Basis: 1(a)

First Use Date: 2005-07-01

First Use in Commerce Date: 2005-07-01

ADDITIONAL INFORMATION

Disclaimer: "Smart"

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2006-09-26 - Ex parte appeal terminated

2006-09-26 - Registered - Principal Register

2006-08-12 - Law Office Registration Review Completed

2006-08-10 - Assigned To LIE

2006-08-01 - Allowed for Registration - Principal Register (SOU accepted)

2006-07-18 - Amendment From Applicant Entered

2006-06-26 - Communication received from applicant

2006-06-26 - PAPER RECEIVED

2006-05-03 - Assignment Of Ownership Not Updated Automatically

2006-02-25 - NON-FINAL ACTION E-MAILED

2006-02-25 - SU - Non-Final Action - Written

2005-11-25 - Extension 1 filed

2006-01-11 - Extension 1 granted

2005-11-16 - Statement Of Use Processing Complete
2005-10-26 - Use Amendment Filed
2005-11-25 - PAPER RECEIVED
2005-10-26 - PAPER RECEIVED
2005-05-31 - NOA Mailed - SOU Required From Applicant
2005-03-08 - Published for opposition
2005-02-16 - Notice of publication
2004-11-13 - Law Office Publication Review Completed
2004-11-10 - Assigned To LIE
2004-11-08 - Assigned To LIE
2004-10-04 - Assigned To LIE
2004-09-28 - Approved For Pub - Principal Register
2004-04-14 - PAPER RECEIVED
2004-01-16 - Case File In TICRS
2004-01-14 - Jurisdiction Restored To Examining Attorney
2004-01-14 - Ex parte appeal - Instituted
2004-01-02 - PAPER RECEIVED
2004-01-07 - EXPARTE APPEAL RECEIVED AT TTAB
2003-06-30 - Final refusal mailed
2003-06-02 - Communication received from applicant
2003-06-02 - PAPER RECEIVED
2003-02-10 - Non-final action e-mailed
2003-01-10 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record
ANN LAMPORT HAMMITTE

Correspondent

ANN LAMPORT HAMMITTE
LOWRIE LANDO & ANASTASI
ONE MAINE STREET
CAMBRIDGE MA 02142
Phone Number: 617-720-3500
Fax Number: 617-720-2441

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

NARTRON CORPORATION,
Petitioner,

v.

HEWLETT-PACKARD DEVELOPMENT
COMPANY, L.P.,
Respondent.

Cancellation No. 92050789
Registration No. 3,600,880
Registration Date: April 7, 2009
Mark: **TOUCHSMART**

RESPONDENT'S NOTICE OF RELIANCE

EXHIBIT 32

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36 and 38

Reg. No. 3,116,359

United States Patent and Trademark Office

Registered July 18, 2006

TRADEMARK
PRINCIPAL REGISTER

TRUE TOUCH

LEVITON MANUFACTURING CO., INC. (DELA-
WARE CORPORATION)

59-25 LITTLE NECK PARKWAY

LITTLE NECK, NY 11362

FOR: ELECTRIC LIGHT CONTROLS, IN CLASS 9
(U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 10-16-1998; IN COMMERCE 1-2-1999.

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

NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "TOUCH", APART FROM THE
MARK AS SHOWN.

SER. NO. 78-550,273, FILED 1-19-2005.

JOHN GARTNER, EXAMINING ATTORNEY

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2010-11-19 14:18:17 ET

Serial Number: 78550273 Assignment Information Trademark Document Retrieval

Registration Number: 3116359

Mark

TRUE TOUCH

(words only): TRUE TOUCH

Standard Character claim: Yes

Current Status: Registered.

Date of Status: 2006-07-18

Filing Date: 2005-01-19

Transformed into a National Application: No

Registration Date: 2006-07-18

Register: Principal

Law Office Assigned: LAW OFFICE 102

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2006-07-18

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Leviton Manufacturing Co., Inc.

Address:

Leviton Manufacturing Co., Inc.
59-25 Little Neck Parkway
Little Neck, NY 11362
United States
Legal Entity Type: Corporation
State or Country of Incorporation: Delaware
Phone Number: 718.229.4040

GOODS AND/OR SERVICES

International Class: 009
Class Status: Active
Electric light controls
Basis: 1(a)
First Use Date: 1998-10-16
First Use in Commerce Date: 1999-01-02

ADDITIONAL INFORMATION

Disclaimer: "touch"

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2006-07-18 - Registered - Principal Register
2006-04-25 - Published for opposition
2006-04-05 - Notice of publication
2006-03-07 - Law Office Publication Review Completed
2006-03-03 - Assigned To LIE
2006-03-02 - Approved for Pub - Principal Register (Initial exam)
2006-03-02 - Teas/Email Correspondence Entered
2006-02-21 - Communication received from applicant
2006-02-21 - TEAS Response to Office Action Received

2005-08-19 - Non-final action mailed

2005-08-18 - Non-Final Action Written

2005-08-18 - Assigned To Examiner

2005-01-28 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Paul J. Sutton

Correspondent

PAUL J. SUTTON

GREENBERG TRAURIG, LLP

200 PARK AVE FL 14

NEW YORK, NY 10166-1400

Phone Number: 212.801.2108

Fax Number: 212.801.6400

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

NARTRON CORPORATION,
Petitioner,

v.

HEWLETT-PACKARD DEVELOPMENT
COMPANY, L.P.,
Respondent.

Cancellation No. 92050789

Registration No. 3,600,880

Registration Date: April 7, 2009

Mark: TOUCHSMART

RESPONDENT'S NOTICE OF RELIANCE

EXHIBIT 33

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36 and 38

Reg. No. 2,856,081

United States Patent and Trademark Office

Registered June 22, 2004

TRADEMARK
PRINCIPAL REGISTER

SIMPLY TOUCH

H2I TECHNOLOGIES SA (FRANCE CORPORATION)
IMMEUBLE ELLIPSIS 125
RUE DE L'HOSTELLERIE
NIMES, FRANCE 30900

FOR: COMPUTER TOUCHSCREENS, VIDEO AND COMPUTER DISPLAY MONITORS EQUIPPED WITH TOUCHSCREENS, ELECTRONIC CONTROLLERS FOR TOUCHSCREENS, AND COMPUTER SOFTWARE THEREFORE; COMPUTER PERIPHERALS NAMELY JOYSTICKS, VIDEO GAME CONTROLLERS, REMOTE CONTROLS, KEYBOARDS, MICE, MOUSE, TRACKBALLS, TOUCHPADS, DIGITAL CAMERAS AND COMPUTER PROGRAMS TO PROVIDE AN INTERFACE BETWEEN AN PERSONAL COMPUTER OR WORKSTATION AND PERIPHERALS THEREFORE; TELEPHONY EQUIPMENT, NAMELY MICROPHONES, HEADSETS, HEADPHONES AND KEYBOARDS;

PERIPHERALS FOR ELECTRONIC APPLIANCES, NAMELY, HAND-HELD ELECTRONIC DEVICES IN THE NATURE OF HAND-HELD COMPUTERS, PERSONAL DIGITAL ASSISTANTS, ELECTRONIC ORGANIZERS, AND MOBILE AND CELLULAR PHONES; COMPUTER OPERATING SOFTWARE FOR USE WITH SUCH PERIPHERALS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

OWNER OF FRANCE REG. NO. 033205610, DATED 1-23-2003, EXPIRES 1-23-2013.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "TOUCH", APART FROM THE MARK AS SHOWN.

SER. NO. 78-271,878, FILED 7-9-2003.

GEORGE LORENZO, EXAMINING ATTORNEY

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2010-11-19 14:20:20 ET

Serial Number: 78271878 Assignment Information Trademark Document Retrieval

Registration Number: 2856081

Mark (words only): SIMPLY TOUCH

Standard Character claim: No

Current Status: Registered.

Date of Status: 2004-06-22

Filing Date: 2003-07-09

Transformed into a National Application: No

Registration Date: 2004-06-22

Register: Principal

Law Office Assigned: LAW OFFICE 110

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 900 -File Repository (Franconia)

Date In Location: 2004-07-08

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. h2i technologies SA

Address:

h2i technologies SA
Immeuble Ellipsis 125 rue de l'hostellerie
NIMES 30900
France

Legal Entity Type: Corporation

State or Country of Incorporation: France

Phone Number: 00.33.4.66.36.66.00

Fax Number: 00.33.4.66.36.14.13

GOODS AND/OR SERVICES

International Class: 009**Class Status:** Active

computer touchscreens, video and computer display monitors equipped with touchscreens, electronic controllers for touchscreens, and computer software therefore; Computer peripherals namely joysticks, video game controllers, remote controls, keyboards, mice, mouse, trackballs, touchpads, digital cameras and computer programs to provide an interface between an personal computer or workstation and peripherals therefore; telephony equipment, namely microphones, headsets, headphones and keyboards; peripherals for electronic appliances, namely, hand-held electronic devices in the nature of hand-held computers, personal digital assistants, electronic organizers, and mobile and cellular phones; Computer operating software for use with such peripherals

Basis: 44(e)**First Use Date:** (DATE NOT AVAILABLE)**First Use in Commerce Date:** (DATE NOT AVAILABLE)

ADDITIONAL INFORMATION

Disclaimer: "TOUCH"**Foreign Registration Number:** 033205610**Foreign Registration Date:** 2003-01-23**Country:** France**Foreign Expiration Date:** 2013-01-23

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2004-06-22 - Registered - Principal Register

2004-03-30 - Published for opposition

2004-03-12 - Notice of publication

2004-03-10 - Notice of publication

2004-01-30 - Approved for Pub - Principal Register (Initial exam)

2004-01-15 - Communication received from applicant

2004-01-15 - Email Received

2004-01-14 - Non-final action e-mailed

2004-01-14 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Correspondent

h2i technologies SA

Immeuble Ellipsis 125, rue de l'hostelle

NIMES

30900

FRX - FRANCE

Phone Number: 00.33.4.66.36.66.00

Fax Number: 00.33.4.66.36.14.13

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

NARTRON CORPORATION,
Petitioner,

v.

HEWLETT-PACKARD DEVELOPMENT
COMPANY, L.P.,
Respondent.

Cancellation No. 92050789

Registration No. 3,600,880

Registration Date: April 7, 2009

Mark: TOUCHSMART

RESPONDENT'S NOTICE OF RELIANCE

EXHIBIT 34

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36 and 38

United States Patent and Trademark Office

Reg. No. 3,569,214

Registered Feb. 3, 2009

TRADEMARK
PRINCIPAL REGISTER

Crystal Touch

LUMIO (DELAWARE CORPORATION)
325 SHARON PARK DRIVE, SUITE 710
MENLO PARK, CA 94025

FOR: COMPUTER TOUCHSCREENS, IN CLASS 9
(U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 3-15-2007; IN COMMERCE 3-15-2007.

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

NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "TOUCH", APART FROM THE
MARK AS SHOWN.

SER. NO. 77-387,265, FILED 2-3-2008.

JANICE L. MCMORROW, EXAMINING ATTOR-
NEY

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2010-11-19 14:22:38 ET

Serial Number: 77387265 Assignment Information Trademark Document Retrieval

Registration Number: 3569214

Mark

Crystal Touch

(words only): CRYSTAL TOUCH

Standard Character claim: Yes

Current Status: Registered.

Date of Status: 2009-02-03

Filing Date: 2008-02-03

Filed as TEAS Plus Application: Yes

Currently TEAS Plus Application: Yes

Transformed into a National Application: No

Registration Date: 2009-02-03

Register: Principal

Law Office Assigned: LAW OFFICE 115

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2009-02-03

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Lumio

Address:

Lumio
325 sharon park drive, suite 710
menlo park, CA 94025
United States

Legal Entity Type: Corporation**State or Country of Incorporation:** Delaware

GOODS AND/OR SERVICES

International Class: 009**Class Status:** Active

Computer touchscreens

Basis: 1(a)**First Use Date:** 2007-03-15**First Use in Commerce Date:** 2007-03-15

ADDITIONAL INFORMATION

Disclaimer: "TOUCH"

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2009-02-03 - Registered - Principal Register

2008-11-18 - Published for opposition

2008-10-29 - Notice of publication

2008-10-15 - Law Office Publication Review Completed

2008-10-15 - Assigned To LIE

2008-10-01 - Approved for Pub - Principal Register (Initial exam)

2008-09-18 - Teas/Email Correspondence Entered

2008-09-18 - Communication received from applicant
2008-09-18 - TEAS Response to Office Action Received
2008-05-13 - Notification Of Non-Final Action E-Mailed
2008-05-13 - Non-final action e-mailed
2008-05-13 - Non-Final Action Written
2008-05-13 - Assigned To Examiner
2008-02-06 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Correspondent

LUMIO
LUMIO
325 SHARON PARK DR STE 710
MENLO PARK, CA 94025-6805

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

NARTRON CORPORATION,
Petitioner,

v.

HEWLETT-PACKARD DEVELOPMENT
COMPANY, L.P.,
Respondent.

Cancellation No. 92050789

Registration No. 3,600,880

Registration Date: April 7, 2009

Mark: **TOUCHSMART**

RESPONDENT'S NOTICE OF RELIANCE

EXHIBIT 35

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36 and 38

United States Patent and Trademark Office

Reg. No. 3,296,914

Registered Sep. 25, 2007

TRADEMARK
PRINCIPAL REGISTER

Touch Mark

FOURSTAR GROUP INC. (TAIWAN CORPORATION)
12TH FLOOR 54 SEC. 4, MIN SHENG E. ROAD
MING CHI BUILDING
TAIPEI, TAIWAN 105

FOR: COMPUTER MONITORS; COMPUTER TOUCHSCREENS; DIGITAL PHOTO FRAMES FOR DISPLAYING DIGITAL PICTURES, VIDEO CLIPS AND MUSIC; FLAT PANEL DISPLAY SCREENS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 12-26-2006; IN COMMERCE 1-8-2007.

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

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "TOUCH", APART FROM THE MARK AS SHOWN.

SER. NO. 77-088,878, FILED 1-23-2007.

ROBERT C. CLARK JR., EXAMINING ATTORNEY

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2010-11-19 14:23:47 ET .

Serial Number: 77088878 [Assignment Information](#) [Trademark Document Retrieval](#)

Registration Number: 3296914

Mark

Touch Mark

(words only): TOUCH MARK

Standard Character claim: Yes

Current Status: Registered.

Date of Status: 2007-09-25

Filing Date: 2007-01-23

Filed as TEAS Plus Application: Yes

Currently TEAS Plus Application: Yes

Transformed into a National Application: No

Registration Date: 2007-09-25

Register: Principal

Law Office Assigned: LAW OFFICE 101

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2007-09-25

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Fourstar Group Inc.

Address:

Fourstar Group Inc.
12th Floor 54 Sec. 4, Min Sheng E. Road Ming Chi Building
Taipei 105
Taiwan

Legal Entity Type: Corporation**State or Country of Incorporation:** Taiwan**Phone Number:** 02-2717-3922**Fax Number:** 02-2717-2876

GOODS AND/OR SERVICES

International Class: 009**Class Status:** Active

Computer monitors; Computer touchscreens; Digital photo frames for displaying digital pictures, video clips and music; Flat panel display screens

Basis: 1(a)**First Use Date:** 2006-12-26**First Use in Commerce Date:** 2007-01-08

ADDITIONAL INFORMATION

Disclaimer: "Touch"

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2007-09-25 - Registered - Principal Register

2007-07-10 - Published for opposition

2007-06-20 - Notice of publication

2007-06-01 - Law Office Publication Review Completed

2007-06-01 - Assigned To LIE

2007-05-14 - Approved for Pub - Principal Register (Initial exam)

2007-05-10 - Assigned To Examiner

2007-01-26 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Correspondent

TED CONLON
FOURSTAR GROUP USA, INC.
63 SOUTH ST STE 190
HOPKINTON, MA 01748-2238
Phone Number: 508-435-0588
Fax Number: 508-435-5683

Domestic Representative

Ted Conlon
Phone Number: 508-435-0588
Fax Number: 508-435-5683

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

NARTRON CORPORATION,
Petitioner,

v.

HEWLETT-PACKARD DEVELOPMENT
COMPANY, L.P.,
Respondent.

Cancellation No. 92050789

Registration No. 3,600,880

Registration Date: April 7, 2009

Mark: **TOUCHSMART**

RESPONDENT'S NOTICE OF RELIANCE

EXHIBIT 36

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36 and 38

United States Patent and Trademark Office

Reg. No. 3,323,748

Registered Oct. 30, 2007

TRADEMARK
PRINCIPAL REGISTER

Total Touch

HARRAH'S LICENSE COMPANY, LLC (NEVADA
LTD LIAB CO)
TYLER/LAW
ONE HARRAH'S COURT
LAS VEGAS, NV 89119

FOR: GAMING EQUIPMENT, NAMELY AN INTERACTIVE TOUCH SCREEN ACCESSORY FOR SLOT MACHINES FOR USE BY SLOT PLAYERS FOR PLACING CUSTOMER SERVICE REQUESTS AND PROVIDING TELEVISION AND MUSIC CHANNELS ON DEMAND, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 3-13-2007; IN COMMERCE 3-13-2007.

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

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE TOUCH, APART FROM THE MARK AS SHOWN.

SER. NO. 77-150,003, FILED 4-5-2007.

JULIE THOMAS, EXAMINING ATTORNEY

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2010-11-19 14:24:47 ET

Serial Number: 77150003 Assignment Information Trademark Document Retrieval

Registration Number: 3323748

Mark

Total Touch

(words only): TOTAL TOUCH

Standard Character claim: Yes

Current Status: Registered.

Date of Status: 2007-10-30

Filing Date: 2007-04-05

Transformed into a National Application: No

Registration Date: 2007-10-30

Register: Principal

Law Office Assigned: LAW OFFICE 107

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2007-10-30

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Harrah's License Company, LLC

Address:

Harrah's License Company, LLC
One Caesars Palace Drive
Las Vegas, NV 89109
United States
Legal Entity Type: Limited Liability Company
State or Country Where Organized: Nevada
Phone Number: 901-680-7369
Fax Number: 901-680-7367

GOODS AND/OR SERVICES

International Class: 009
Class Status: Active
Gaming equipment, namely an interactive touch screen accessory for slot machines for use by slot players for placing customer service requests and providing television and music channels on demand.
Basis: 1(a)
First Use Date: 2007-03-13
First Use in Commerce Date: 2007-03-13

ADDITIONAL INFORMATION

Disclaimer: TOUCH

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2009-04-22 - Applicant/Correspondence Changes (Non-Responsive) Entered
2009-04-22 - TEAS Change Of Owner Address Received
2009-02-09 - Applicant/Correspondence Changes (Non-Responsive) Entered
2009-02-09 - TEAS Change Of Owner Address Received
2008-12-31 - Assignment Of Ownership Not Updated Automatically
2008-02-20 - Assignment Of Ownership Not Updated Automatically
2007-10-30 - Registered - Principal Register
2007-08-14 - Published for opposition

2007-07-25 - Notice of publication
2007-07-11 - Law Office Publication Review Completed
2007-07-11 - Approved for Pub - Principal Register (Initial exam)
2007-06-28 - Examiner's Amendment Entered
2007-06-28 - Notification Of Examiners Amendment E-Mailed
2007-06-28 - Examiners amendment e-mailed
2007-06-28 - Amendment to Use approved
2007-06-28 - Examiners Amendment -Written
2007-06-25 - Assigned To Examiner
2007-05-07 - Amendment To Use Processing Complete
2007-05-07 - Use Amendment Filed
2007-05-07 - Assigned To LIE
2007-04-12 - TEAS Amendment of Use Received
2007-04-10 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Correspondent

Jane E. Tyler
Harrah's Entertainment, Inc.
6075 Poplar Avenue, Suite 500
Memphis TN 38119
Phone Number: 901-680-7369
Fax Number: 901-680-7367

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

NARTRON CORPORATION,
Petitioner,

v.

HEWLETT-PACKARD DEVELOPMENT
COMPANY, L.P.,
Respondent.

Cancellation No. 92050789

Registration No. 3,600,880

Registration Date: April 7, 2009

Mark: **TOUCHSMART**

RESPONDENT'S NOTICE OF RELIANCE

EXHIBIT 37

Int. Cl.: 9

Prior U.S. Cls.: 21 and 26

United States Patent and Trademark Office

Reg. No. 1,363,056

Registered Oct. 1, 1985

**TRADEMARK
PRINCIPAL REGISTER**

MASTER TOUCH

GENERAL ELECTRIC COMPANY (NEW YORK
CORPORATION)
PORTSMOUTH, VA 23705

FOR: REMOTE CONTROL TRANSMITTERS,
IN CLASS 9 (U.S. CLS. 21 AND 26).
FIRST USE 12-5-1984; IN COMMERCE
12-5-1984.

NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "TOUCH", APART FROM THE
MARK AS SHOWN.

SER. NO. 514,103, FILED 12-17-1984.

LAURA ELLEN DAVIS, EXAMINING ATTOR-
NEY

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2010-11-19 14:26:05 ET

Serial Number: 73514103 Assignment Information Trademark Document Retrieval

Registration Number: 1363056

Mark (words only): MASTER TOUCH

Standard Character claim: No

Current Status: This registration has been renewed.

Date of Status: 2006-01-06

Filing Date: 1984-12-17

Transformed into a National Application: No

Registration Date: 1985-10-01

Register: Principal

Law Office Assigned: (NOT AVAILABLE)

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 40S -Scanning On Demand

Date In Location: 2008-05-30

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Thomson Multimedia Inc.

Address:

Thomson Multimedia Inc.
10330 NORTH MERIDIAN STREET
INDIANAPOLIS, IN 46290
United States

Legal Entity Type: Corporation

State or Country of Incorporation: Delaware

GOODS AND/OR SERVICES

International Class: 009

Class Status: Active

REMOTE CONTROL TRANSMITTERS

Basis: 1(a)

First Use Date: 1984-12-05

First Use in Commerce Date: 1984-12-05

ADDITIONAL INFORMATION

Disclaimer: "TOUCH"

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2008-05-30 - Case File In TICRS

2006-01-06 - First renewal 10 year

2006-01-06 - Section 8 (10-year) accepted/ Section 9 granted

2005-12-16 - Post Registration action mailed Sections 8 & 9

2005-12-12 - Assigned To Paralegal

2005-07-06 - Combined Section 8 (10-year)/Section 9 filed

2005-07-06 - TEAS Section 8 & 9 Received

1999-03-29 - Section 15 acknowledged

1998-11-10 - Section 15 affidavit received

1992-03-09 - Section 8 (6-year) accepted

1991-10-04 - Section 8 (6-year) filed

1985-10-01 - Registered - Principal Register

1985-04-30 - Published for opposition

1985-03-29 - Notice of publication

1985-02-25 - Approved for Pub - Principal Register (Initial exam)

1985-02-22 - Examiner's amendment mailed

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

SCOTT J. STEVENS

Correspondent

SCOTT J. STEVENS

WOODARD EMHARDT NAUGHTON MORIARTY ET AL

BANK ONE CTR/TWR

111 MONUMENT CIR STE 3700

INDIANAPOLIS IN 46204-5137

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

NARTRON CORPORATION,

Petitioner,

v.

HEWLETT-PACKARD DEVELOPMENT
COMPANY, L.P.,

Respondent.

Cancellation No. 92050789

Registration No. 3,600,880

Registration Date: April 7, 2009

Mark: **TOUCHSMART**

RESPONDENT'S NOTICE OF RELIANCE

EXHIBIT 38

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36 and 38

Reg. No. 2,384,590

United States Patent and Trademark Office

Registered Sep. 12, 2000

**TRADEMARK
PRINCIPAL REGISTER**

DIRECT TOUCH

AUTOMATIONDIRECT.COM, INC. (GEORGIA CORPORATION)
3505 HUTCHINSON ROAD
CUMMING, GA 30130 , BY CHANGE OF NAME PLC
DIRECT BY KOYO, INC. (GEORGIA CORPORATION) CUMMING, GA 30130

FOR: LCD-DISPLAY PANELS USED FOR
INPUTTING COMMANDS TO PROGRAMMABLE
LOGIC CONTROLLERS AND NETWORKS OF PROGRAMMABLE LOGIC CONTROLLERS, IN CLASS 9
(U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 9-0-1998; IN COMMERCE 9-0-1998.

OWNER OF U.S. REG. NOS. 1,919,304, 2,126,465
AND OTHERS.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT
TO USE "TOUCH", APART FROM THE MARK AS
SHOWN.

SER. NO. 75-491,664, FILED 5-27-1998.

MARGO TORBETT, EXAMINING ATTORNEY

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2010-11-19 14:27:14 ET

Serial Number: 75491664 Assignment Information Trademark Document Retrieval

Registration Number: 2384590

Mark (words only): DIRECT TOUCH

Standard Character claim: No

Current Status: This registration has been renewed.

Date of Status: 2010-09-13

Filing Date: 1998-05-27

Transformed into a National Application: No

Registration Date: 2000-09-12

Register: Principal

Law Office Assigned: LAW OFFICE 103

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: (NOT AVAILABLE)

Date In Location: 2010-09-13

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. AUTOMATIONDIRECT.COM, INC.

Address:

AUTOMATIONDIRECT.COM, INC.

3505 HUTCHINSON ROAD

CUMMING, GA 30130

United States

Legal Entity Type: Corporation

State or Country of Incorporation: Georgia

GOODS AND/OR SERVICES

International Class: 009

Class Status: Active

LCD-display panels used for inputting commands to programmable logic controllers and networks of programmable logic controllers

Basis: 1(a)

First Use Date: 1998-09-00

First Use in Commerce Date: 1998-09-00

ADDITIONAL INFORMATION

Disclaimer: "TOUCH"

Prior Registration Number(s):

1919304

1921557

1937699

1945983

2114930

2126465

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2010-09-13 - First renewal 10 year

2010-09-13 - Section 8 (10-year) accepted/ Section 9 granted

2010-09-09 - Case Assigned To Post Registration Paralegal

2010-09-03 - TEAS Section 8 & 9 Received

2006-10-07 - Section 8 (6-year) accepted & Section 15 acknowledged

2006-09-25 - Assigned To Paralegal

2006-07-17 - Section 8 (6-year) and Section 15 Filed

2006-07-17 - PAPER RECEIVED

2006-02-10 - Case File In TICRS

2000-09-12 - Registered - Principal Register

2000-06-20 - Published for opposition
2000-05-19 - Notice of publication
2000-05-03 - Amendment to Use approved
2000-04-24 - Approved For Pub - Principal Register
2000-03-31 - Communication received from applicant
2000-03-08 - Assigned To Examiner
2000-03-08 - Assigned To Examiner
2000-03-08 - Disapproval - Amendment To Use Mailed
2000-02-25 - Amendment To Use Processing Complete
1999-01-27 - Use Amendment Filed
2000-02-04 - Jurisdiction Restored To Examining Attorney
1999-12-06 - Assigned To Examiner
1999-11-30 - Continuation of final refusal mailed
1999-11-23 - Assigned To Examiner
1999-11-09 - Jurisdiction Restored To Examining Attorney
1999-11-09 - Ex parte appeal - Instituted
1999-11-01 - Assigned To Examiner
1999-08-13 - Communication received from applicant
1999-06-17 - Final refusal mailed
1999-05-27 - Communication received from applicant
1999-01-29 - Non-final action mailed
1999-01-06 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record
WILLIAM H BREWSTER

Correspondent

WILLIAM H BREWSTER
KILPATRICK STOCKTON LLP
1100 PEACHTREE ST SUITE 2800
ATLANTA GA 30309-4530
Phone Number: 404-815-6500
Fax Number: 404-815-6555

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

NARTRON CORPORATION,

Petitioner,

v.

HEWLETT-PACKARD DEVELOPMENT
COMPANY, L.P.,

Respondent.

Cancellation No. 92050789

Registration No. 3,600,880

Registration Date: April 7, 2009

Mark: **TOUCHSMART**

RESPONDENT'S NOTICE OF RELIANCE

EXHIBIT 39

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36, and 38

United States Patent and Trademark Office

Reg. No. 2,683,941

Registered Feb. 4, 2003

**TRADEMARK
PRINCIPAL REGISTER**

ONE TOUCH

ONE TOUCH SYSTEMS, INC. (CALIFORNIA CORPORATION)
40 AIRPORT PARKWAY
SAN JOSE, CA 95110

FOR: COMPUTER SYSTEMS COMPRISING COMPUTERS; OPERATING SYSTEM SOFTWARE; INSTRUCTIONAL APPLICATION SOFTWARE FOR USE BY BUSINESS COMMUNICATORS AND INSTRUCTORS IN FACILITATING CORPORATE COMMUNICATIONS AND INTERACTIVE DISTANCE LEARNING IN ALL FIELDS OF TRAINING AND INSTRUCTION; PROCESSOR/MEMORY CARDS; DISK CONTROLLER CARDS; COMMUNICATIONS CARDS; GRAPHICS CARDS; TOUCH MONITORS; KEYPADS; RESPONSE KEYPADS; LIQUID CRYSTAL DISPLAYS; MICROPHONES; MICROPROCESSOR-BASED CARDS; ELECTRONIC SITE CONTROLLERS; AND MODEMS, FOR USE WITH A GLOBAL COMPUTER NETWORK, LOCAL

AREA NETWORKS (LANS) AND WIDE AREA NETWORKS (WANS), ALL USED FOR INTERACTIVE TRAINING AND EDUCATIONAL PURPOSES, AND USER MANUALS SOLD, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 5-0-1992; IN COMMERCE 7-31-2002.

OWNER OF U.S. REG. NOS. 1,730,730, 1,796,800, AND OTHERS.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "TOUCH", APART FROM THE MARK AS SHOWN.

SN 75-545,861, FILED 9-1-1998.

MELVIN AXILBUND, EXAMINING ATTORNEY

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2010-11-19 14:31:07 ET

Serial Number: 75545861 Assignment Information Trademark Document Retrieval

Registration Number: 2683941

Mark (words only): ONE TOUCH

Standard Character claim: No

Current Status: Section 8 and 15 affidavits have been accepted and acknowledged.

Date of Status: 2009-03-03

Filing Date: 1998-09-01

Transformed into a National Application: No

Registration Date: 2003-02-04

Register: Principal

Law Office Assigned: LAW OFFICE 113

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 830 -Post Registration

Date In Location: 2009-03-03

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. One Touch Systems, Inc.

Address:

One Touch Systems, Inc.
40 Airport Parkway
San Jose, CA 95110
United States

Legal Entity Type: Corporation

State or Country of Incorporation: Delaware

GOODS AND/OR SERVICES

International Class: 009

Class Status: Active

Computer systems comprising computers; operating system software; instructional application software for use by business communicators and instructors in facilitating corporate communications and interactive distance learning in all fields of training and instruction; processor/memory cards; disk controller cards; communications cards; graphics cards; touch monitors; keypads; response keypads; liquid crystal displays; microphones; microprocessor-based cards; electronic site controllers; and modems, for use with a global computer network, local area networks (LANs) and wide area networks (WANs), all used for interactive training and educational purposes, and user manuals sold

Basis: 1(a)

First Use Date: 1992-05-00

First Use in Commerce Date: 2002-07-31

ADDITIONAL INFORMATION

Disclaimer: "TOUCH"

Prior Registration Number(s):

1730730

1730731

1795625

1796800

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2009-03-03 - Section 8 (6-year) accepted & Section 15 acknowledged

2009-02-09 - Assigned To Paralegal

2009-02-05 - TEAS Section 8 & 15 Received

2008-04-01 - Case File In TICRS

2006-10-27 - Attorney Revoked And/Or Appointed

2006-10-27 - TEAS Revoke/Appoint Attorney Received

2003-02-04 - Registered - Principal Register

2002-11-18 - PAPER RECEIVED

2002-11-29 - Allowed for Registration - Principal Register (SOU accepted)
2002-11-27 - Assigned To Examiner
2002-11-27 - Assigned To Examiner
2002-11-22 - Statement Of Use Processing Complete
2002-10-15 - Use Amendment Filed
2002-10-15 - PAPER RECEIVED
2002-05-01 - Extension 4 granted
2002-04-09 - Extension 4 filed
2001-12-18 - Extension 3 granted
2001-10-18 - Extension 3 filed
2002-04-09 - PAPER RECEIVED
2001-05-06 - Extension 2 granted
2001-04-16 - Extension 2 filed
2001-01-06 - Extension 1 granted
2000-10-17 - Extension 1 filed
2000-04-18 - NOA Mailed - SOU Required From Applicant
2000-01-25 - Published for opposition
1999-12-23 - Notice of publication
1999-11-09 - Approved For Pub - Principal Register
1999-07-07 - Letter of suspension mailed
1999-07-01 - Assigned To Examiner
1999-06-01 - Communication received from applicant
1998-12-03 - Non-final action mailed

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record
Mitchell P. Brook

Correspondent

Mitchell P. Brook

Luce, Forward, Hamilton & Scripps LLP

Suite 200

11988 El Camino Real

California CA 92130-2594

Phone Number: 858 720 6300

Fax Number: 858 720 6306

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

NARTRON CORPORATION,

Petitioner,

v.

HEWLETT-PACKARD DEVELOPMENT
COMPANY, L.P.,

Respondent.

Cancellation No. 92050789

Registration No. 3,600,880

Registration Date: April 7, 2009

Mark: **TOUCHSMART**

RESPONDENT'S NOTICE OF RELIANCE

EXHIBIT 40

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36, and 38

Reg. No. 3,655,420

United States Patent and Trademark Office

Registered July 14, 2009

TRADEMARK
PRINCIPAL REGISTER

TOUCH CRUISE

HTC CORPORATION (TAIWAN CORPORATION)
NO. 23, XINGHUA ROAD,
TAOYUAN CITY, TAIWAN 330

FOR: MOBILE PHONES; MOBILE PHONES WITH DATA TRANSMISSION FUNCTION; VIDEO PHONES; SMART PHONES; PERSONAL DIGITAL ASSISTANTS; PERSONAL DIGITAL ASSISTANTS FEATURING GLOBAL POSITIONING SYSTEM; PERSONAL DIGITAL ASSISTANTS WITH WIRELESS COMMUNICATION FUNCTION; PERSONAL DIGITAL ASSISTANTS WITH TELECOMMUNICATION FUNCTION; VOICE OVER INTERNET PROTOCOL PHONES; CAMERA PHONES; TABLET COMPUTERS; ULTRA MOBILE PERSONAL COMPUTERS; HEADSET, HEADSETS WITH WIRELESS TRANSMISSION FUNCTION, SYNCHRONIZATION CABLE, CRADLE, BATTERY, AC ADAPTOR, CHARGERS, REMOTE CONTROLLERS, KEYBOARDS, LEATHER POUCHES FOR PERSONAL DIGITAL ASSISTANTS OR MOBILE PHONES AND

CASES FOR MOBILE PHONES AND PERSONAL DIGITAL ASSISTANTS, MEMORY CARDS, IN-CAR CHARGERS FOR MOBILE PHONES AND PERSONAL DIGITAL ASSISTANTS, AND IN-CAR HOLDERS FOR MOBILE PHONES AND PERSONAL DIGITAL ASSISTANTS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 11-12-2007; IN COMMERCE 5-8-2009.

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

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "TOUCH", APART FROM THE MARK AS SHOWN.

SN 77-311,770, FILED 10-24-2007.

MICHELE SWAIN, EXAMINING ATTORNEY

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2010-11-19 14:32:20 ET

Serial Number: 77311770 [Assignment Information](#) [Trademark Document Retrieval](#)

Registration Number: 3655420

Mark

TOUCH CRUISE

(words only): TOUCH CRUISE

Standard Character claim: Yes

Current Status: Registered.

Date of Status: 2009-07-14

Filing Date: 2007-10-24

Transformed into a National Application: No

Registration Date: 2009-07-14

Register: Principal

Law Office Assigned: LAW OFFICE 116

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2009-06-10

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. HTC CORPORATION

Address:

HTC CORPORATION
No. 23, Xinghua Road,
Taoyuan City 330
Taiwan

Legal Entity Type: Corporation

State or Country of Incorporation: Taiwan

GOODS AND/OR SERVICES

International Class: 009

Class Status: Active

Mobile phones; mobile phones with data transmission function; video phones; smart phones; personal digital assistants; personal digital assistants featuring global positioning system; personal digital assistants with wireless communication function; personal digital assistants with telecommunication function; voice over internet protocol phones; camera phones; tablet computers; ultra mobile personal computers; headset, headsets with wireless transmission function, synchronization cable, cradle, battery, AC adaptor, chargers, remote controllers, keyboards, leather pouches for personal digital assistants or mobile phones and cases for mobile phones and personal digital assistants, memory cards, in-car chargers for mobile phones and personal digital assistants, and in-car holders for mobile phones and personal digital assistants

Basis: 1(a)

First Use Date: 2007-11-12

First Use in Commerce Date: 2009-05-08

ADDITIONAL INFORMATION

Disclaimer: "TOUCH"

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2009-07-14 - Registered - Principal Register

2009-06-10 - Law Office Registration Review Completed

2009-06-09 - Allowed for Registration - Principal Register (SOU accepted)

2009-05-26 - Statement Of Use Processing Complete

2009-05-22 - Use Amendment Filed

2009-05-22 - TEAS Statement of Use Received
2009-04-27 - Applicant/Correspondence Changes (Non-Responsive) Entered
2009-04-27 - TEAS Change Of Owner Address Received
2009-04-23 - Applicant/Correspondence Changes (Non-Responsive) Entered
2009-04-23 - TEAS Change Of Owner Address Received
2009-04-03 - Review Of Correspondence Complete
2009-04-03 - Notice Of Reinstatement Mailed
2009-04-02 - FAX RECEIVED
2009-04-01 - Extension 1 granted
2009-04-01 - Reinstatement Granted - Response Received
2009-04-01 - Automatic Update Of Assignment Of Ownership
2009-03-23 - Abandonment Notice Mailed - No Use Statement Filed
2009-03-23 - Abandonment - No use statement filed
2009-02-10 - Extension 1 filed
2009-02-10 - TEAS Extension Received
2009-02-24 - Case Assigned To Intent To Use Paralegal
2008-08-19 - NOA Mailed - SOU Required From Applicant
2008-05-27 - Published for opposition
2008-05-07 - Notice of publication
2008-04-22 - Law Office Publication Review Completed
2008-04-22 - Assigned To LIE
2008-04-21 - Approved For Pub - Principal Register
2008-03-31 - Teas/Email Correspondence Entered
2008-03-31 - Communication received from applicant
2008-03-31 - TEAS Response to Office Action Received
2008-01-24 - Non-final action mailed

2008-01-23 - Non-Final Action Written

2008-01-16 - Assigned To Examiner

2007-10-29 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Karol A. Kepchar

Correspondent

KAROL A. KEPCHAR
AKIN GUMP STRAUSS HAUER & FELD LLP
1333 NEW HAMPSHIRE AVE NW STE 400
WASHINGTON DC 20036-1564
Phone Number: 202.887.4000
Fax Number: 202.887.4288

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

NARTRON CORPORATION,
Petitioner,

v.

HEWLETT-PACKARD DEVELOPMENT
COMPANY, L.P.,

Respondent.

Cancellation No. 92050789

Registration No. 3,600,880

Registration Date: April 7, 2009

Mark: **TOUCHSMART**

RESPONDENT'S NOTICE OF RELIANCE

EXHIBIT 41

Int. Cl.: 9

Prior U.S. Cl.: 21

United States Patent and Trademark Office

Reg. No. 1,377,969

Registered Jan. 14, 1986

**TRADEMARK
PRINCIPAL REGISTER**

TOUCH VIEW

C.A.M. GRAPHICS CO., INC. (NEW YORK COR-
PORATION)
145 TOLEDO STREET
FARMINGDALE, NY 11735

NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "TOUCH", APART FROM THE
MARK AS SHOWN.

FOR: ELECTRIC MEMBRANE SWITCH
PANELS, IN CLASS 9 (U.S. CL. 21).
FIRST USE 4-24-1985; IN COMMERCE
4-24-1985.

SER. NO. 543,325, FILED 6-17-1985.

AMOS T. MATTHEWS, JR., EXAMINING AT-
TORNEY

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2010-11-19 14:33:38 ET

Serial Number: 73543325 [Assignment Information](#) [Trademark Document Retrieval](#)

Registration Number: 1377969

Mark (words only): TOUCH VIEW

Standard Character claim: No

Current Status: This registration has been renewed.

Date of Status: 2006-03-20

Filing Date: 1985-06-17

Transformed into a National Application: No

Registration Date: 1986-01-14

Register: Principal

Law Office Assigned: (NOT AVAILABLE)

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 40S -Scanning On Demand

Date In Location: 2008-06-06

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. C.A.M. GRAPHICS CO., INC.

Address:

C.A.M. GRAPHICS CO., INC.

166 New Highway

Amityville, NY 11701

United States

Legal Entity Type: Corporation

State or Country of Incorporation: New York

GOODS AND/OR SERVICES

International Class: 009
Class Status: Active
ELECTRIC MEMBRANE SWITCH PANELS
Basis: 1(a)
First Use Date: 1985-04-24
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PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

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2006-03-20 - First renewal 10 year
2006-03-20 - Section 8 (10-year) accepted/ Section 9 granted
2006-03-18 - Assigned To Paralegal
2005-11-03 - Combined Section 8 (10-year)/Section 9 filed
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ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

AMY F. DIVINO

Correspondent

AMY F. DIVINO

STEINBERG & RASKIN, P.C.

1140 AVENUE OF THE AMERICAS

15TH FLOOR

NEW YORK NY 10036-5803

Phone Number: (212) 768-3800

Fax Number: (212) 382-2124

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

NARTRON CORPORATION,
Petitioner,

v.

HEWLETT-PACKARD DEVELOPMENT
COMPANY, L.P.,
Respondent.

Cancellation No. 92050789

Registration No. 3,600,880

Registration Date: April 7, 2009

Mark: **TOUCHSMART**

RESPONDENT'S NOTICE OF RELIANCE

EXHIBIT 42

RESPONDENT'S NOTICE OF RELIANCE

EXHIBIT 42
PRODUCT DEMO VIDEOS

**[CD sent to Petitioner's Counsel
and to
Trademark Trial and Appeal Board]**

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EXHIBIT 43

11/12/09 USA TODAY 1B
2009 WLNR 22650286

USA Today (USA)
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November 12, 2009

Section: MONEY

Microsoft hopes people get touchy on their PCs
Windows 7 includes ability to interact with touch-screen

Edward C. Baig

Most every computer user is a whiz at pointing and clicking with a mouse. If Microsoft has a say, you'll become equally adept at touching and tapping the PC screen directly with your fingers.

As part of the company's recent launch of Windows 7, the vastly improved successor to Windows Vista, Microsoft hopes to usher in a new era for touch-based computing. And that means smudging your paw prints all over the surface of the screen -- to finger paint, play music, spin a globe or enlarge and rotate photos.

Multitouch, or the ability to manipulate the display screen with one or more fingers, is built directly into Microsoft's latest operating system. "We believe in touch," Microsoft CEO Steve Ballmer says.

You'll need hardware with special touch-capable screens. Acer, Asus, Dell, Fujitsu, Gateway, Hewlett-Packard, Lenovo, Sony, Toshiba and other PC makers have or will shortly trot out touch-ready computers with Windows 7.

With the technology fused into Windows 7, PC companies and software developers can apply their own touches on top of the operating system.

On HP's TouchSmart 600t all-in-one PC, for example, you can tap tiles to launch Twitter and recipe applications. In a Rhapsody music application, you can search for an artist or song by "writing" the name directly on the screen with your fingers.

The SimpleTap feature on Lenovo's ThinkPad T400s laptop lets you turn on Wi-Fi, alter volume and brightness and handle other basic functions by tapping onscreen tiles.

"Direct manipulation is easier to interact," maintains Ian LeGrow, a group product manager on the Windows team at Microsoft. "Our task is to make these habit-forming."

Such a task won't come easy. Because of years of doing it one way, you may well be inclined to reach for the mouse and keyboard even when there's a touch alternative.

While the ergonomics may seem unnatural at first, the truth is that folks touch computer screens all the time, getting cash at an ATM, receiving boarding passes at the airport or printing pictures at a photo kiosk. And you're a master of touch if you carry an iPhone or certain other smartphones. HP has suggested that touch is great for "walk-up computing" -- quickie behaviors such as browsing photos or consulting a family calendar.

"The great thing about touch is you don't have to teach anybody," says John Cook, a marketing vice president at HP. Joe Roberts, an executive vice president at Corel, adds, "I think it's unlearning -- that you don't need your mouse and keyboard to do this."

The demand for touch-screen PCs is rising. Amy Leong, research director at the Gartner research firm, says the number of touch-screen PC units shipped will surpass 6 million in 2010, nearly quadrupling 2008 shipments. She says about 10% of the new PC models coming this year will support touch technology. According to iSuppli forecasts, the global market for touch-screens will reach \$6.4 billion by 2013, up from \$3.4 billion in 2008.

'In search of an application'

It'll take time for the software to catch up. "Touch is technology in search of an application right now," says Michael Cherry, an analyst at Directions on Microsoft, an independent research firm.

Some software -- digital drawing programs, for instance -- lend themselves naturally to touch. For example, Corel Paint it! Touch is a new \$40 program designed specifically with touch in mind. You can take a photograph and apply a painting style to it (watercolor, impressionist, etc.) by tapping the screen.

SpaceClaim is about to bring out sophisticated 3D modeling software for engineers that exploits multitouch. It's not for consumers, but it shows off the possibilities. You can pan, rotate and zoom in on 3D models. "It's like something out of Minority Report," says Blake Courter, co-founder of the Concord, Mass., company.

Ubisoft has been previewing R.U.S.E., a wartime strategy game that will be among the first to take advantage of multitouch in Windows 7.

But turning the mouse and keyboard into benchwarmers is, at best, a touch-and-go proposition. In fact, touch is meant to augment and complement the mouse and keyboard rather than supplant them.

"Some things are just inherently easier to do with touch," says Al Monro, CEO of NextWindow in New Zealand, a supplier of optical multitouch displays for major manufacturers. For example, rather than click through menu commands to resize fonts on the screen, you can just touch the text directly to make it happen. From Microsoft's point of view, touch is one of the "natural user interfaces" -- vision, ink and speech are others -- that reflect a longtime passion of co-founder Bill Gates. The touch capabilities built into the latest Windows share elements with the 30-inch interactive tabletop computers known as Microsoft Surface, which Microsoft first deployed in 2008.

Early Surface tables are in hotels, cruise ships, retail stores and other businesses. From the tabletop, you can order drinks or display maps. Eventually, some cheaper version of the tables might show up in your living room; you or the kids might use them to play games or splatter digital photos across the surface.

Touch has barely scratched the surface on home computers, but putting the capability in the operating system ought to make it more accessible to consumers -- and it opens up all sorts of possibilities for programmers. "I think it helps any technology get more popular if it's included in Windows," Ballmer says.

There are still challenges. Take price. "If it costs me an extra \$20, I'll probably get (touch)," Monro says. "If it's an

extra 500 bucks, probably not."

Dell says the rough premium on its touch-ready Studio 17 notebook will be about \$100 over a similar system without touch. The Lenovo premium is about \$400. If touch machines gain traction, you can expect prices to fall.

Microsoft has been championing touch in Tablet PCs for some time. But though useful for students who take handwritten notes or among business users who must fill out forms, the machines barely make a blip among the masses. Tablets use a digital pen or stylus. That's not the case with the new crop of mainstream-oriented touch PCs.

Despite the push from Microsoft, the main impetus behind touch these days, at least for ordinary folks, comes from rival Apple. "The iPhone is the real kicker to the touch industry," says Amichai Ben-David, CEO of Israel-based touch-screen hardware maker N-trig.

For its part, Apple has resisted the kind of touch-screen computers now emerging from the PC camp. But there's speculation, if no actual confirmation from Apple, that the company might unveil a multitouch-based tablet computer relatively soon.

In the meantime, Apple is marketing touch technology in other ways, apart from the iPhone or iPod Touch. The entire top surface of its brand-new \$69 Magic Mouse is a multitouch sensor. You can run your finger across the surface of the Bluetooth mouse to scroll in any direction. Or you can use swiping gestures with two fingers to navigate Web pages or to browse pictures. It takes a little getting used to, and you don't get the full multitouch experience as on an iPhone.

Let your fingers do the talking

To help make touch easier to grasp on PCs, Microsoft has enlarged icons in Windows 7 for the Start Menu, Taskbar and Windows Explorer. In lieu of the mouse, you can open and shut programs by directly tapping or double-tapping with your fingers. You can summon a virtual onscreen keyboard, too, though it's nowhere near as natural as typing on a physical keyboard.

You can also zoom in on a picture by spreading two fingers apart, or zoom out by pinching them back together. And you can "right-click" by holding down one finger while you tap the screen with a second finger.

Windows 7 can support up to 100 touch points, Microsoft says, though there are hardware constraints (screen size) and the genetic reality of having just so many fingers with which to perform gestures. The behavior on the screen changes depending on how many fingers you use.

Microsoft is making available a free Windows 7 Touch Pack with a Surface-like photo collage application and a few simple games. The idea is for you to become more proficient at using gestures. In Blackboard, you're meant to solve a puzzle by dragging and rotating gears, seesaws and other game pieces with your fingers against a virtual blackboard. In Garden Pond, the object is to move origami around a pond by creating ripples with your fingers.

If touch ever takes off in a big way, consumers may have to shop differently. Just as you now might eyeball a screen and bang away at a keyboard when comparing models side by side, you may eventually also test a new variable: how responsive a screen is to your touch.

The sense of touch on home PCs is still evolving. But a strong commitment by Microsoft via Windows 7, along with improvements to touch-screen hardware, makes it intriguing technology whose time may have finally come.

E-mail: ebaig@usatoday.com

TEXT OF INFO BOX BEGINS HERE

Touching on 3 multitouch models

I've been trying out "multitouch" on three new Windows 7 models: the third generation of Hewlett-Packard's TouchSmart 600t all-in-one PC as well as two touch-based laptops, Dell's Studio 17 and the Lenovo ThinkPad T400s.

On balance, I liked all three, and I liked having the option to touch the screen directly even if old habits are hard to break. (I sometimes felt more comfortable relying on the traditional mouse and keyboard.) Let me quickly touch on the trio:

HP TouchSmart 600T (available now, \$1,050 and up, after rebate). You can drag and click tiles to launch apps for Hulu, [Netflix](#), Twitter and more, including HP's own Recipe Box. You can leave notes and draw directly on the screen -- or capture and apply special effects to webcam videos, just by tapping on the screen.

But the computer was frustrating at times. When I tried installing a TV programming guide as part of the (optional) TV tuner setup, I had to enter my ZIP code with the physical keyboard. On another program, I could use only an on-screen keypad to put in my ZIP code.

You can tap the screen to summon TV channels, but it wasn't instantaneous. I also hit snags with the Hulu app. When dark, the screen smacked of fingerprints.

Dell Studio 17 (\$899 and up, available soon). Handsome 17-inch display could be more responsive to touch at times.

The Surface Lagoon screen saver (part of [Microsoft Touch Pack](#)) is a cool way to show off the technology. Press the screen, and water ripples. Press and hold, and fish swim toward your finger, as if you're about to feed them.

Lenovo ThinkPad T400s (\$1,999 and up, available now). Multitouch on a thin, light, solid -- and yes, pricey -- business laptop. Through a feature dubbed SimpleTap, you can turn on Wi-Fi, mute the microphone, adjust brightness and handle other functions. Lets you create and customize your own tiles to open programs, files or Web pages.

By Edward C. Baig

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RESPONDENT'S NOTICE OF RELIANCE

EXHIBIT 44

11/1/08 Computer Shopper 62
2008 WLNR 25865363

Computer Shopper
Copyright 2008 SX2 Media Labs LLC

November 1, 2008

Volume 28; Issue 11

Desktops: these eight systems define PC perfection.

BEST BUDGET PC

HP Pavilion a6560f

Gone are the days when you shelled out a few hundred bucks for a desktop and got something with also-ran performance and features. Today's inexpensive systems can come with the works, and no PC proved it better this year than HP's Pavilion a6560f (and its successor, the a6660f), which is loaded with media-friendly perks (a TV tuner, a 300GB hard drive, an HDMI out) and enough performance to handle pretty much anything but demanding 3D games.

Hewlett-Packard www.hp.com \$549 (base model, a6660f)

BEST MIDRANGE PC

Dell XPS 630

True, Dell aims its XPS 630 squarely at younger or budget-minded gamers; the system's sleekly angular case is even modeled closely after the company's higher-price gaming boxes. But this midrange model packs enough punch to satisfy every member of the family--and its solid graphics hardware and large hard drive mean it has the hardware potential for the future that everyone can appreciate.

Dell * www.dell.com \$1,149 (base model)

[ILLUSTRATIONS OMITTED]

BEST HIGH-END PC

Vigor Colossus

Looking for the very tip of the top? We found it at Vigor in the aptly named Colossus, powered by Intel's hyper-enthusiast, dual-CPU Skulltrail platform. Predictably, it pulverized most other machines when dealing with multi-threaded programs. For everyday gamers or moderate-minded power users, it's overkill, but if you need capabilities

that push every envelope known to computerdom, the Colossus is your beast.

Vigor Gaming Computer www.vigorgaming.com \$6,649 (base model)

BEST SMALL-FORM-FACTOR PC

HP Pavilion Slimline S3330f

Finding a computer to fit into the tiniest possible amount of space isn't as difficult as you might think. But finding one that offers real features and real performance is usually harder. Not this year: HP's Pavilion Slimline 83330f (and its successor, the s3530f) proved that great machines don't always come in big, expensive packages. Its long list of entertainment must-haves include a TV tuner, Blu-ray reading support, and a roomy hard drive.

Hewlett-Packard www.hp.com \$499.99 (base model, s3530f)

BEST GAMING PC

Cyberpower Gamer Infinity SLI 8800

Dollar for dollar, we saw no better-equipped gaming desktop this year than Cyberpower's Gamer Infinity SLI 8800. New parts (and prices) may have outstripped the system since its release, but its strategic blend of high-performing, low-cost components wasn't equaled by any other system that passed through our labs in 2008.

Cyberpower www.cyberpowerpc.com \$2,979 (base model)

BEST HOME THEATER PC

HP Pavilion Elite m9200t

HP really knows how to deck out its media machines. Few others this year came equipped like the m9200t (and its current successor, the m9400t), which, with its hefty 750GB hard drive and built-in Blu-ray support, comes ready for full-strength TV watching and recording. But with its powerful Core 2 Quad processor, generous allotment of RAM, and gaming-caliber video card, it can tackle just about any other task with equal aplomb, too.

Hewlett-Packard www.hp.com \$799 (base model, m9400t)

BEST ALL-IN-ONE PC

Apple iMac

Increasingly stiff competition from just about every other major manufacturer hinted at a revolution in the all-in-one-PC market, but Apple still triumphs when it comes to packaging full systems into one-piece display-and-PC units. User-friendly convenience, style-aware appearance, and consistency of design--inside and out--remain Apple's trademarks and keep the iMac at the top of its category.

Apple * www.apple.com \$1,199 (base model)

Best-Designed PC

HP TouchSmart IQ506

Its black lines and thoughtful curves alone would have branded it as the most sensibly stylish of the non-Apple all-in-ones. But the inclusion of a touch screen and HP's TouchSmart software makes the TouchSmart IQ506 a fully considered experience that sets a new standard for the way living-room PCs will look in the year-and years-to come.

Hewlett-Packard * www.hp.com * \$1,499 (base model)

[ILLUSTRATION OMITTED]

For more: computershopper.com/desktops