

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

<p><i>In re Matter of Registration No. 3,858,223 for the mark ECLIPSE</i></p> <p>Summit Entertainment, LLC</p> <p>Petitioner,</p> <p>vs.</p> <p>Multi-Media International, LLC</p> <p>Registrant.</p>	<p>77/878,325</p> <p>Cancellation No. _____</p> <p>PETITION FOR CANCELLATION</p>
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Commissioner for Trademarks
ATTN: Trademark Trial and Appeal Board
P.O. Box 1451
Alexandra, VA 22313-1451

Dear Commissioner:

Petitioner, Summit Entertainment, LLC ("Petitioner"), a Delaware limited liability company, having a business address of 1630 Stewart Street, Suite 120, Santa Monica, California 90404, believes that it will be damaged by the registration of the mark ECLIPSE, as shown in U.S. Registration No. 3,858,223 (the "Registration"), and hereby petitions to cancel the Registration on the following grounds:

1. On November 22, 2009, Registrant Multi-Media International, LLC ("Registrant"), a Kansas limited liability company having a business address of 13915 West 107th Street, Lenexa, Kansas 66215, filed its application to register ECLIPSE on an intent-to-use basis for "magazines featuring film, television, and entertainment articles and photographs."

03/31/2011 HPHAM1 00000027 3858223
01 FC:6401 300.00 OP



03-29-2011

2. On June 27, 2010, Registrant filed a statement of use of the ECLIPSE mark with the United States Patent & Trademark Office (“PTO”). Registrant attested that it had first used the ECLIPSE mark on November 22, 2009 and that it had first used the mark in interstate commerce on June 17, 2010. Registrant also submitted, under the penalty of perjury, a declaration stating that Registrant “to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use [ECLIPSE] 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.” Based on this declaration under the penalty of perjury, the PTO, on October 5, 2010, issued the Registration.

3. Petitioner is the entity responsible for producing and distributing the highly successful motion pictures *Twilight* (released in November 2008); *The Twilight Saga: New Moon* (released in November 2009); and *The Twilight Saga: Eclipse* (released on June 30, 2010), as well as the upcoming sequels *The Twilight Saga: Breaking Dawn - Part I* and *The Twilight Saga: Breaking Dawn - Part II* (collectively the “*Twilight* Motion Pictures”), and is the owner of many of the trademarks related to and derived from the *Twilight* Motion Pictures. Specifically, Petitioner owns multiple trademark registrations and applications relating to the *Twilight* Motion Pictures (“the *Twilight* Intellectual Property”). A schedule setting forth the *Twilight* Intellectual Property is attached hereto as **Exhibit A**. Of the *Twilight* Intellectual Property, 18 are applications for the mark ECLIPSE, including:

- Ser. No. 77/921,979 for ECLIPSE in Class 3
- Ser. No. 77/921,980 for ECLIPSE in Class 4
- Ser. No. 77/921,981 for ECLIPSE in Class 5
- Ser. No. 77/921,982 for ECLIPSE in Class 6
- Ser. No. 77/921,983 for ECLIPSE in Class 9
- Ser. No. 77/921,984 for ECLIPSE in Class 11
- Ser. No. 77/921,986 for ECLIPSE in Class 14

- Ser. No. 77/921,987 for ECLIPSE in Class 16
- Ser. No. 77/921,988 for ECLIPSE in Class 18
- Ser. No. 77/921,989 for ECLIPSE in Class 20
- Ser. No. 77/921,990 for ECLIPSE in Class 21
- Ser. No. 77/921,991 for ECLIPSE in Class 22
- Ser. No. 77/921,992 for ECLIPSE in Class 24
- Ser. No. 77/921,993 for ECLIPSE in Class 25
- Ser. No. 77/921,994 for ECLIPSE in Class 26
- Ser. No. 77/921,995 for ECLIPSE in Class 28
- Ser. No. 77/923,047 for ECLIPSE in Class 41

Copies of the TARR/TESS pages for those applications are collectively attached hereto as **Exhibit B**.

4. Petitioner began licensing the rights to use the ECLIPSE mark for merchandise associated with motion pictures at least as early as June 1, 2008. This date of first use precedes the filing date of the Registration and the date Registrant alleged it first used ECLIPSE in commerce. Since then, Petitioner has used the ECLIPSE mark on a variety of goods and services relating to motion pictures, and Petitioner's *Eclipse* sequel in the *Twilight* Motion Pictures has received significant media attention prior to its release, during its run in theatres, and prior to and during its release on DVD, BluRay and other media. Petitioner has developed common law rights in the ECLIPSE mark which predate the filing date of the Registration or Registrant's alleged date of first use.

5. On November 18, 2009, Petitioner sent Registrant a cease and desist letter regarding Registrant's use of TWILIGHT and NEW MOON for magazines associated with the *Twilight* Motion Pictures and relating to unauthorized use of other intellectual property associated with the *Twilight* Motion Pictures (the "Twilight Intellectual Property"). A true and correct copy of Petitioner's cease and desist letter to Registrant is attached hereto as **Exhibit C**. Although Registrant received Petitioner's cease and desist letter, it continued its infringement. Registrant thereafter expanded its infringement of the *Twilight* Intellectual Property and filed its

application to register ECLIPSE in bad faith and with full awareness of Petitioner's prior rights in the Twilight Intellectual Property, including ECLIPSE.

6. Petitioner and Registration are parties to another matter before the Board, namely, Opposition No. 91-196,280, wherein Petitioner has opposed Registrant's application to register the BREAKING DAWN mark, another mark associated with the *Twilight* Motion Pictures ("the Breaking Dawn Opposition").

7. The mark identified in the Registration is likely to cause confusion, mistake, or deception as to the source or origin of Petitioner's goods and services offered under the ECLIPSE mark, and to draw a false association, sponsorship, connection, affiliation, or endorsement with Petitioner, the *Twilight* Motion Pictures and/or the Twilight Intellectual Property.

8. Petitioner will be damaged by the continued registration of the mark shown in the Registration, in that such registration gives Registrant a *prima facie* exclusive right to the use of the ECLIPSE mark, despite the likelihood of confusion, mistake, or deception, and allows Registrant to trade on Petitioner's existing goodwill in the ECLIPSE mark, the *Twilight* Motion Pictures, and the Twilight Intellectual Property.

9. Furthermore, Petitioner's ECLIPSE mark, as it relates to the *Twilight* Motion Pictures, is famous and distinctive within the meaning of the Federal Trademark Dilution Act. Registrant filed its application to register ECLIPSE and alleged use in commerce of ECLIPSE after Petitioner's ECLIPSE mark became famous, and Registrant has made commercial use of the ECLIPSE mark. The registration of the mark shown in the Registration is likely to dilute Petitioner's ECLIPSE mark.

10. Lastly, Registrant has committed fraud on the PTO. Registrant was aware of Petitioner's prior rights in the ECLIPSE mark and that Petitioner's use and registration of the ECLIPSE mark was likely to cause confusion, or to cause mistake, or to deceive with Petitioner's ECLIPSE mark and the *Twilight* Motion Pictures.

Specifically, Registrant is knowingly trading the goodwill associated with the *Twilight* Motion Pictures, and refuses to stop despite Petitioner's objection thereto. Yet Registrant submitted to the PTO, under the penalty of perjury, a declaration that no such likelihood of confusion, mistake or deception existed.

11. Once this proceeding has been instituted, Petitioner will seek consolidation of this proceeding with the Breaking Dawn Opposition.

12. The filing fee of \$300 for the Petition for Cancellation is enclosed. Any additional charges or credits should be taken from or credited to Petitioner's counsel's Deposit Account No. 131241. A duplicate copy of this Petition for Cancellation is submitted herewith for that purpose.

WHEREFORE, Petitioner prays that this Petition be sustained in favor of Petitioner and that the Registration be cancelled.

Respectfully submitted,

Dated: March 24, 2011

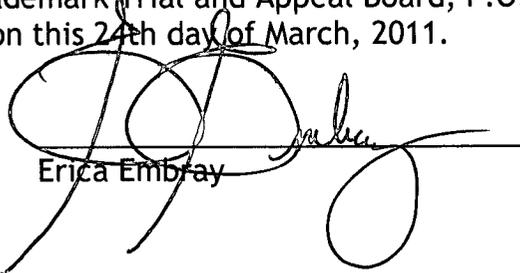
By:



Jill M. Pietrini
Paul Bost
MANATT, PHELPS & PHILLIPS, LLP
11355 W. Olympic Boulevard
Los Angeles, California 90064
Telephone: (310) 312-4325
*Attorney for Petitioner Summit
Entertainment, LLC*

CERTIFICATE OF MAILING

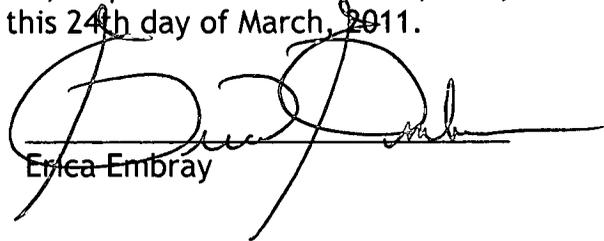
I hereby certify that this correspondence is being deposited with the United States Postal Service, postage prepaid, in an envelope addressed to: Assistant Commissioner for Trademarks, Attn: Trademark Trial and Appeal Board, P.O. Box 1451, Alexandria, Virginia 22313-1451, on this 24th day of March, 2011.



Erica Embrey

CERTIFICATE OF SERVICE

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail, postage prepaid, in an envelope addressed to: Multi-Media International, LLC, c/o Michael Levine, Esq. Levine & Associates, P.C., 15 Barclay Road, Scarsdale, NY 10583, on this 24th day of March, 2011.


Erica Embray

300229129.1

EXHIBIT A

Ct	File#	Mark	Country	Class	Goods & Services	Serial/ Reg. No	Filing/ Reg. Date	Status	Notes/ Deadlines
1	-292	ECLIPSE	U.S.	3	Artificial eyelashes, body shimmer powder, cosmetics, fragrances, incense, and non-medicated lip balm; hair care products, namely, hair color remover, hair conditioner, hair dye, hair rinses, hair shampoo, hair waving lotion, and non-medicated hair care preparations; nail care products, namely, artificial fingernails, emery boards, nail decals, nail polish, nail polish base coat and nail polish top coat; skin care products, namely, after-shave lotion, anti-wrinkle cream, astringent for cosmetic purposes, bath gel, bath oil, bath powder, beauty masks, body cream, body lotion, bubble bath, depilatory creams, essential oils for personal use, eye cream, eye makeup remover, facial scrubs, hand cream, massage oil, shaving cream, shower gel, skin clarifiers, skin emollients, skin moisturizer, skin soap, sun screen preparations, and suntanning preparations	<u>77/921,979</u>	1/28/10	Suspended	Suspended 12/14/10 - see Suspension Letter for cited marks
2	-293	ECLIPSE	U.S.	4	Candles and lamp oils	<u>77/921,980</u>	1/28/10	Allowed	NOA issued 8/10/10; SOU/RFE2 due 8/10/11
3	-294	ECLIPSE	U.S.	5	Air fresheners, antibiotic ointment, bandages for skin wounds, car deodorizers, flea collars, nutritional supplements, room deodorants, and vitamins	<u>77/921,981</u>	1/28/10	Pending	OAR due 7/6/11
4	-295	ECLIPSE	U.S.	6	Metal key chains, metal bag clips, metal signs and metal door knockers	<u>77/921,982</u>	1/28/10	Pending	OAR due 7/6/11
5	-296	ECLIPSE	U.S.	9	Downloadable files containing images [FIRST USE: 1/27/10] Backpacks adapted for holding computers, camera cases, cases for mobile phones, cases for PDAs, cell phones, computer games, decorative charms for cell phones, decorative magnets sold in sheets, decorative wind socks, digital trading cards, disposable cameras, downloadable computer wallpapers and screen savers, downloadable files and recordings featuring music, downloadable widgets, electric door bells, electronic diaries, eyeglasses and eyeglass cases, headphones and earphones, juke boxes, laptop carrying cases, magnets, motion picture films in the fields of drama and romance, mousepads, musical sound recordings, neon signs, slot machines, sunglasses and sunglass cases, switch plate covers, tape measures, television programs and documentaries, trading cards in the form of CDs, video game software, and video games; pre-recorded DVDs, videotapes, and other audiovisual recordings featuring motion pictures; computer storage devices, namely, flash drives; covers for cell phones, portable music players, laptops, PDAs, and gaming devices; and downloadable software that provides access to movie and entertainment-related content and allows users to socialize and interact with other users	<u>77/921,983</u>	1/28/10	Suspended	Suspended 12/14/10 - see Suspension Letter for cited marks
6	-297	ECLIPSE	U.S.	11	Book lights, candle lamps, electric blankets, electric festive holiday lights, flashlights, fog machines, lamps, lamp shades, lanterns lighting fixtures, night lights, ornamental fountains, and pen lights	<u>77/921,984</u>	1/28/10	Pending	OAR due 7/6/11

Ct	File#	Mark	Country	Class	Goods & Services	Serial/ Reg. №	Filing/ Reg. Date	Status	Notes/ Deadlines
7	-298	ECLIPSE	U.S.	14	Brass wrist cuff bracelets, clocks, dog tags for wear by humans for decorative purposes, jewelry, jewelry boxes, jewelry boxes of metal, jewelry sets, lapel pins, medals, ring sets, rubber bracelets, silver wrist cuff bracelets, sun dials, watch bands, watch bracelets, and watches	<u>77/921,986</u>	1/28/10	Suspended	Suspended 12/9/10 - pending disposition of <u>78877296</u>
8	-299	ECLIPSE	U.S.	16	Adhesive tape for stationery or household purposes, address books, appointment books, art papers, art pictures, banners, binders, blank journals, book covers, bookends, bookmarks, calendars, chalk, chalk boards, coloring books, decals, decorative paper centerpieces, door hangers, dry erase boards, erasers, file folders, gift cards, gift wrapping paper, greeting cards, journals concerning entertainment, lithographs, magazines in the field of entertainment, money clips, note cards, notebooks, paper bags, paper banners, paper bows for wrapping, paper coasters, paper emblems, paper flags, paper napkins, paper party decorations, paper place mats, paperweights, pencil cases, pencils, pens, photograph albums, postcards, poster books, posters, rubber stamps, scrapbook albums, scrapbooks, sheet music, songbooks, stationery, stickers, temporary tattoos, and trading cards; kits containing sticker books, magnets and figurines; kits containing party supplies, namely, paper napkins, plastic utensils, and paper or plastic plates, cups, table covers, and decorations	<u>77/921,987</u>	1/28/10	Suspended	Suspended 12/9/10 - pending dispo of <u>77878325</u> , <u>77913990</u> & <u>77914002</u>
9	-300	ECLIPSE	U.S.	18	All purpose carrying bags, all purpose carrying cases, back packs, beach bags, business card cases, collars for pets, cosmetic carrying cases sold empty, key cases, key chains of leather, keychains of imitation leather, luggage, luggage tags, makeup bags sold empty, messenger bags, pet clothing, pet leashes, purses, umbrellas, wallets, wrist bands of leather, and wrist bands of imitation leather	<u>77/921,988</u>	1/28/10	Suspended	Suspended 12/10/10 - pending dispo of <u>76283006</u> , <u>77113348</u> , <u>77156768</u> , <u>77204383</u> , <u>78606551</u> & <u>77914002</u>
10	-301	ECLIPSE	U.S.	20	Plastic bag clips, bar stools, beach chairs, bulletin boards, calendars made of wood, cat scratching posts, corks for bottles, decorative wall plaques of plastic, decorative wall plaques of wood, director's chairs, drawer pulls, key chains made of plastic, letter boxes, life-size cardboard character cutouts, mirror picture frames, mirrors, non-metal dog tags, non-metal wall hooks, personal compact mirrors, pet beds, picture frames, pillows, plastic banners, plastic boxes, plastic novelty license plates, rubber key caps, wind chimes, window shades, wood boxes, and wrist cuffs made of resin; and vinyl appliques for attachment to windows, mirrors and other solid surfaces	<u>77/921,989</u>	1/28/10	Pending	OAR due 7/20/11
11	-302	ECLIPSE	U.S.	21	Beverageware, bottle openers, candle extinguishers, candle holders, candle rings, candle snuffers, candlesticks, candy boxes, candy dishes, canisters, ceramic figurines, charms for attachment to beverage glassware for identification purposes, coasters not of paper and not table linen, cocktail shakers, compacts sold empty, containers for household or kitchen use, cookie jars, cork screws, cruetts, decanters, decorative ceramic tiles not for use as building	<u>77/921,990</u>	1/28/10	Pending	OAR due 8/14/11

Ct	File#	Mark	Country	Class	Goods & Services	Serial/ Reg. No	Filing/ Reg. Date	Status	Notes/ Deadlines
					materials, decorative plates, dishes, flasks, foam drink holders, glass boxes, glass storage jars, insulating sleeve holders for beverage cans, lunch boxes with thermal containers, meal trays, napkin holders, piggy banks not made of metal, ornamental glass spheres, pet feeding dishes, plastic water bottles sold empty, portable coolers, salt and pepper shakers, serving trays, steins, toothpick holders, travel mugs, vases, waste baskets, and wine stoppers; eyebrow brushes, eyelash formers, facial sponges for applying makeup, hair brushes, hair combs, and makeup brushes; and dinnerware, namely, plates, cups and utensils not of metal				
12	-303	ECLIPSE	U.S.	22	Lanyards for holding key chains, key fobs, eyewear, portable electronic devices, badges, identification cards, bottles and containers, pens, keys, toys, charms and whistles; all-purpose straps, bungee cords, canvas bags for laundry, multi-purpose cloth bags, tents, and Venetian blind tapes	<u>77921,991</u>	1/28/10	Allowed	NOA issued 1/11/11; SOU/RFEI due 7/11/11
13	-304	ECLIPSE	U.S.	24	Bed linen, bath linen, blankets, cloth banners, cloth coasters, curtains, decorative wall hangings of textile, elastic straps for luggage, handkerchiefs, kitchen linen, plastic place mats, plastic table covers, potholders, shower curtains, and table linens	<u>77921,992</u>	1/28/10	Pending	OAR due 7/25/11
14	-305	ECLIPSE	U.S.	25	Clothing, namely, aprons, bandanas, baby bibs not of paper, dresses, gloves, hooded shirts, infantwear, jackets, jerseys, leggings, lingerie, loungewear, mittens, mock turtle neck shirts, neckties, pants, ponchos, scarves, shirts, shorts, sleepwear, socks, sweaters, sweatpants, sweatshirts, tank tops, track pants, t-shirts, tunics, vests, wind resistant jackets, and wrap outerwear; belts; footwear; headwear; and wrist bands made of cloth	<u>77921,993</u>	1/28/10	Suspended	Suspended 12/14/10 - see Suspension Letter for cited marks
15	-306	ECLIPSE	U.S.	26	Armbands, belt buckles not made of precious metal, embroidered patches for clothing, ornamental cloth patches, ornamental novelty buttons, ribbons and bows for gift wrapping, shoelaces, and zipper pulls; hair accessories, namely, barrettes, clips, combs and decorative bobby pins	<u>77921,994</u>	1/28/10	Allowed	NOA issued 1/4/11; SOU/RFEI due 7/4/11
16	-307	ECLIPSE	U.S.	28	Action figures, action skill games, amusement game machines, arcade games, balloons, balls for games, bendable toys, board games, bobbleheads, body boards, bowling bags, card games, carnival masks, checker sets, chess games, Christmas stockings, Christmas tree ornaments, Christmas tree skirts, covers for golf clubs, doll cases, doll clothing, dolls, flying discs, fuzzy dice, golf ball markers, golf balls, kites, models and model kits, party favors, pet toys, playing cards, plush toys, puzzles, snow globes, sports balls, stress relief balls for exercise, and yo-yos	<u>77921,995</u>	1/28/10	Pending	OAR due 8/1/11
17	-240	ECLIPSE	U.S.	41	Entertainment in the nature of on-going dramatic television programs, production and distribution of motion pictures, providing information relating to motion pictures, television programs and literary works; providing a website featuring information on motion pictures, television programs, literary works and music; providing online computer games	<u>77923,047</u>	1/28/10	Suspended	Suspended 10/26/10 - see Suspension Letter for cited marks

Ct	File#	Mark	Country	Class	Goods & Services	Serial/ Reg. No	Filing/ Reg. Date	Status	Notes/ Deadlines
18	-310	ECLIPSE	U.S.	45	Licensing of merchandise associated with motion pictures [FIRST USE: 6/1/08] Providing online information on the licensing of merchandise associated with motion pictures; and providing a selection of online greeting cards	77923,049	1/28/10	Allowed	NOA issued 8/3/10; SOU/RFE2 due 8/3/11

EXHIBIT B



Trademarks > Trademark Electronic Search System (TESS)

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TESS HOME NEW USER STRUCTURED FREE FORM BROWSE DICT SEARCH OG BOTTOM HELP

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

Record 1 out of 1

TARR Status ASSIGN Status TDR TTAB Status (Use the "Back" button of the Internet Browser to return to TESS)

ECLIPSE

Word Mark ECLIPSE

Goods and Services IC 003. US 001 004 006 050 051 052. G & S: Artificial eyelashes, body shimmer powder, cosmetics, fragrances, incense, and non-medicated lip balm; hair care products, namely, hair color remover, hair conditioner, hair dye, hair rinses, hair shampoo, hair waving lotion, and non-medicated hair care preparations; nail care products, namely, artificial fingernails, emery boards, fingernail and toenail decals, nail polish, nail polish base coat and nail polish top coat; skin care products, namely, after-shave lotion, anti-wrinkle cream, astringent for cosmetic purposes, bath gel, bath oil, bath powder, beauty masks, body cream, body lotion, bubble bath, depilatory creams, essential oils for personal use, eye cream, eye makeup remover, facial scrubs, hand cream, massage oil, shaving cream, shower gel, skin clarifiers, skin emollients, skin moisturizer, skin soap, sun screen preparations, and sun tanning preparations

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 77921979

Filing Date January 28, 2010

Current Filing Basis 1B

Original Filing Basis 1B

Owner (APPLICANT) Summit Entertainment, LLC LIMITED LIABILITY COMPANY DELAWARE 1630 Stewart Street, Suite 120 Santa Monica CALIFORNIA 90404

Attorney of Record Jill M. Pietrini

Type of Mark TRADEMARK

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

This page was generated by the TARR system on 2011-03-21 20:01:09 ET

Serial Number: 77921979 [Assignment Information](#) [Trademark Document Retrieval](#)

Registration Number: (NOT AVAILABLE)

Mark

ECLIPSE

(words only): ECLIPSE

Standard Character claim: Yes

Current Status: An Office action suspending further action on the application has been sent (issued) to the applicant. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

Date of Status: 2010-12-14

Filing Date: 2010-01-28

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 110

Attorney Assigned:
ELLINGER FATHY JESSICA M

Current Location: MIX -TMO Law Office 110 - Examining Attorney Assigned

Date In Location: 2010-12-14

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

1. Summit Entertainment, LLC

Address:
Summit Entertainment, LLC

1630 Stewart Street, Suite 120
Santa Monica, CA 90404
United States
Legal Entity Type: Limited Liability Company
State or Country Where Organized: Delaware

GOODS AND/OR SERVICES

International Class: 003

Class Status: Active

Artificial eyelashes, body shimmer powder, cosmetics, fragrances, incense, and non-medicated lip balm; hair care products, namely, hair color remover, hair conditioner, hair dye, hair rinses, hair shampoo, hair waving lotion, and non-medicated hair care preparations; nail care products, namely, artificial fingernails, emery boards, fingernail and toenail decals, nail polish, nail polish base coat and nail polish top coat; skin care products, namely, after-shave lotion, anti-wrinkle cream, astringent for cosmetic purposes, bath gel, bath oil, bath powder, beauty masks, body cream, body lotion, bubble bath, depilatory creams, essential oils for personal use, eye cream, eye makeup remover, facial scrubs, hand cream, massage oil, shaving cream, shower gel, skin clarifiers, skin emollients, skin moisturizer, skin soap, sun screen preparations, and sun tanning preparations

Basis: 1(b)

First Use Date: (DATE NOT AVAILABLE)

First Use in Commerce Date: (DATE NOT AVAILABLE)

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.

2010-12-14 - Letter of suspension mailed

2010-12-14 - Suspension Letter Written

2010-11-23 - Amendment From Applicant Entered

2010-11-23 - Communication received from applicant

2010-11-23 - Assigned To LIE

2010-11-09 - PAPER RECEIVED

2010-05-04 - Non-final action mailed

2010-05-04 - Non-Final Action Written
2010-04-27 - Assigned To Examiner
2010-03-04 - Applicant amendment prior to exam entered
2010-03-04 - Assigned To LIE
2010-02-06 - TEAS Voluntary Amendment Received
2010-02-02 - New Application Office Supplied Data Entered In Tram
2010-02-01 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Jill M. Pietrini

Correspondent

JILL M. PIETRINI
MANATT, PHELPS & PHILLIPS, LLP
11355 W OLYMPIC BLVD
LOS ANGELES, CA 90064-1631
Phone Number: (310) 312-4325
Fax Number: (310) 312-4224



Trademarks > Trademark Electronic Search System (TESS)

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Record 1 out of 1

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

ECLIPSE

Word Mark	ECLIPSE
Goods and Services	IC 004. US 001 006 015. G & S: Candles and lamp oils
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	77921980
Filing Date	January 28, 2010
Current Filing Basis	1B
Original Filing Basis	1B
Published for Opposition	June 15, 2010
Owner	(APPLICANT) Summit Entertainment, LLC LIMITED LIABILITY COMPANY DELAWARE 1630 Stewart Street, Suite 120 Santa Monica CALIFORNIA 90404
Attorney of Record	Jill M. Pietrini
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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

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

This page was generated by the TARR system on 2011-03-21 20:02:31 ET

Serial Number: 77921980 Assignment Information Trademark Document Retrieval

Registration Number: (NOT AVAILABLE)

Mark

ECLIPSE

(words only): ECLIPSE

Standard Character claim: Yes

Current Status: A first request for extension of time to file a Statement of Use has been granted.

Date of Status: 2011-02-02

Filing Date: 2010-01-28

The Notice of Allowance Date is: 2010-08-10

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 110

Attorney Assigned:
ELLINGER FATHY JESSICA M

Current Location: 700 -Intent To Use Section

Date In Location: 2010-08-10

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

1. Summit Entertainment, LLC

Address:

Summit Entertainment, LLC
1630 Stewart Street, Suite 120
Santa Monica, CA 90404
United States
Legal Entity Type: Limited Liability Company
State or Country Where Organized: Delaware

GOODS AND/OR SERVICES

International Class: 004
Class Status: Active
Candles and lamp oils
Basis: 1(b)
First Use Date: (DATE NOT AVAILABLE)
First Use in Commerce Date: (DATE NOT AVAILABLE)

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.

2011-02-04 - Notice Of Approval Of Extension Request Mailed
2011-02-02 - Extension 1 granted
2011-02-02 - Extension 1 filed
2011-02-02 - TEAS Extension Received
2010-08-10 - NOA Mailed - SOU Required From Applicant
2010-06-15 - Published for opposition
2010-05-26 - Notice of publication
2010-05-12 - Law Office Publication Review Completed
2010-05-12 - Assigned To LIE
2010-05-03 - Approved For Pub - Principal Register

2010-04-27 - Assigned To Examiner
2010-03-04 - Applicant amendment prior to exam entered
2010-03-04 - Assigned To LIE
2010-02-06 - TEAS Voluntary Amendment Received
2010-02-02 - New Application Office Supplied Data Entered In Tram
2010-02-01 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Jill M. Pietrini

Correspondent

JILL M. PIETRINI
MANATT, PHELPS & PHILLIPS, LLP
11355 W OLYMPIC BLVD
LOS ANGELES, CA 90064-1631
Phone Number: (310) 312-4325
Fax Number: (310) 312-4224



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ECLIPSE

Word Mark ECLIPSE

Goods and Services IC 005. US 006 018 044 046 051 052. G & S: Air fresheners, antibiotic ointment, bandages for skin wounds, car deodorizers, flea collars, nutritional supplements, room deodorants, and vitamins

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 77921981

Filing Date January 28, 2010

Current Filing Basis 1B

Original Filing Basis 1B

Owner (APPLICANT) Summit Entertainment, LLC LIMITED LIABILITY COMPANY DELAWARE 1630 Stewart Street, Suite 120 Santa Monica CALIFORNIA 90404

Attorney of Record Jill M. Pietrini

Type of Mark TRADEMARK

Register PRINCIPAL

Live/Dead Indicator LIVE

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Serial Number: 77921981 Assignment Information Trademark Document Retrieval

Registration Number: (NOT AVAILABLE)

Mark

ECLIPSE

(words only): ECLIPSE

Standard Character claim: Yes

Current Status: A final Office action has been sent (issued) to the applicant. Applicant failed to satisfy all requirements and/or refusals raised previously. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

Date of Status: 2011-01-06

Filing Date: 2010-01-28

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 110

Attorney Assigned:
ELLINGER FATHY JESSICA M

Current Location: MIX -TMO Law Office 110 - Examining Attorney Assigned

Date In Location: 2011-01-06

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

1. Summit Entertainment, LLC

Address:

Summit Entertainment, LLC
1630 Stewart Street, Suite 120
Santa Monica, CA 90404
United States

Legal Entity Type: Limited Liability Company
State or Country Where Organized: Delaware

GOODS AND/OR SERVICES

International Class: 005

Class Status: Active

Air fresheners, antibiotic ointment, bandages for skin wounds, car deodorizers, flea collars, nutritional supplements, room deodorants, and vitamins

Basis: 1(b)

First Use Date: (DATE NOT AVAILABLE)

First Use in Commerce Date: (DATE NOT AVAILABLE)

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.

2011-01-06 - Final refusal mailed
2011-01-06 - Final Refusal Written
2010-11-23 - Amendment From Applicant Entered
2010-11-23 - Communication received from applicant
2010-11-23 - Assigned To LIE
2010-11-09 - PAPER RECEIVED
2010-05-04 - Non-final action mailed
2010-05-03 - Non-Final Action Written
2010-04-27 - Assigned To Examiner

2010-03-04 - Applicant amendment prior to exam entered

2010-03-04 - Assigned To LIE

2010-02-06 - TEAS Voluntary Amendment Received

2010-02-02 - New Application Office Supplied Data Entered In Tram

2010-02-01 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Jill M. Pietrini

Correspondent

JILL M. PIETRINI

MANATT, PHELPS & PHILLIPS, LLP

11355 W OLYMPIC BLVD

LOS ANGELES, CA 90064-1631

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Fax Number: (310) 312-4224



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Record 1 out of 1

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ECLIPSE

Word Mark	ECLIPSE
Goods and Services	IC 006. US 002 012 013 014 023 025 050. G & S: Metal key chains, metal bag clips, metal signs and metal door knockers
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	77921982
Filing Date	January 28, 2010
Current Filing Basis	1B
Original Filing Basis	1B
Owner	(APPLICANT) Summit Entertainment, LLC LIMITED LIABILITY COMPANY DELAWARE 1630 Stewart Street, Suite 120 Santa Monica CALIFORNIA 90404
Attorney of Record	Jill M. Pietrini
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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Serial Number: 77921982 [Assignment Information](#) [Trademark Document Retrieval](#)

Registration Number: (NOT AVAILABLE)

Mark

ECLIPSE

(words only): ECLIPSE

Standard Character claim: Yes

Current Status: A final Office action has been sent (issued) to the applicant. Applicant failed to satisfy all requirements and/or refusals raised previously. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

Date of Status: 2011-01-06

Filing Date: 2010-01-28

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 110

Attorney Assigned:
ELLINGER FATHY JESSICA M

Current Location: M1X -TMO Law Office 110 - Examining Attorney Assigned

Date In Location: 2011-01-05

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

1. Summit Entertainment, LLC

Address:

Summit Entertainment, LLC
1630 Stewart Street, Suite 120
Santa Monica, CA 90404
United States
Legal Entity Type: Limited Liability Company
State or Country Where Organized: Delaware

GOODS AND/OR SERVICES

International Class: 006
Class Status: Active
Metal key chains, metal bag clips, metal signs and metal door knockers
Basis: 1(b)
First Use Date: (DATE NOT AVAILABLE)
First Use in Commerce Date: (DATE NOT AVAILABLE)

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.

2011-01-06 - Final refusal mailed
2011-01-05 - Final Refusal Written
2010-11-22 - Amendment From Applicant Entered
2010-11-22 - Communication received from applicant
2010-11-22 - Assigned To LIE
2010-11-08 - PAPER RECEIVED
2010-05-04 - Non-final action mailed
2010-05-03 - Non-Final Action Written
2010-04-27 - Assigned To Examiner
2010-03-04 - Applicant amendment prior to exam entered

2010-03-04 - Assigned To LIE

2010-02-06 - TEAS Voluntary Amendment Received

2010-02-02 - New Application Office Supplied Data Entered In Tram

2010-02-01 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Jill M. Pietrini

Correspondent

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ECLIPSE

Word Mark ECLIPSE

Goods and Services IC 009. US 021 023 026 036 038. G & S: Backpacks adapted for holding computers, camera cases, cases for mobile phones, protective carrying cases for PDAs, cell phones, computer games, decorative charms for cell phones, decorative magnets sold in sheets, decorative wind socks, digital trading cards in the form of CDs, video game software, and video game cartridges and discs; disposable cameras, downloadable computer wallpaper software and screen saver software, digital media, namely, downloadable audio files featuring films, music and entertainment and video recordings featuring films, music and entertainment, downloadable widgets, namely, software to be embedded on third party websites, electric door bells, electronic diaries, eyeglasses and eyeglass cases, headphones and earphones, juke boxes, laptop carrying cases, magnets, motion picture films in the fields of drama and romance, mousepads, musical sound recordings, neon signs, slot machines, sunglasses and sunglass cases, decorative switch plate covers, tape measures, downloadable television programs and documentaries featuring drama, comedy, horror, romance, and variety provided via a global computer network or video-on-demand service, trading cards in the form of CDs, video game software, and video game cartridges and discs; pre-recorded DVDs, videotapes, and other audiovisual recordings featuring motion pictures, television programs, and documentaries; computer storage devices, namely, flash drives; covers for cell phones, portable and handheld electronic digital devices for playing music, laptop computers, personal digital assistants, namely, PDAs, and gaming devices, namely, gaming machines; and downloadable software that provides access to movie and entertainment-related content and allows users to socialize and interact with other users. Downloadable files containing images relating to motion pictures, television programs, music and documentaries. FIRST USE: 20091200. FIRST USE IN COMMERCE: 20091200

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 77921983

Filing Date January 28, 2010

Current Filing Basis 1A;1B

Original Filing Basis 1A;1B

Owner (APPLICANT) Summit Entertainment, LLC LIMITED LIABILITY COMPANY DELAWARE 1630 Stewart Street, Suite 120 Santa Monica CALIFORNIA 90404

Attorney of Record Jill M. Pietrini

Type of Mark TRADEMARK

Register PRINCIPAL

Live/Dead Indicator LIVE

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Serial Number: 77921983 [Assignment Information](#) [Trademark Document Retrieval](#)

Registration Number: (NOT AVAILABLE)

Mark

ECLIPSE

(words only): ECLIPSE

Standard Character claim: Yes

Current Status: An Office action suspending further action on the application has been sent (issued) to the applicant. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

Date of Status: 2010-12-14

Filing Date: 2010-01-28

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 110

Attorney Assigned:
ELLINGER FATHY JESSICA M

Current Location: MIX -TMO Law Office 110 - Examining Attorney Assigned

Date In Location: 2010-12-14

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

1. Summit Entertainment, LLC

Address:
Summit Entertainment, LLC

1630 Stewart Street, Suite 120
Santa Monica, CA 90404
United States

Legal Entity Type: Limited Liability Company
State or Country Where Organized: Delaware

GOODS AND/OR SERVICES

International Class: 009

Class Status: Active

Backpacks adapted for holding computers, camera cases, cases for mobile phones, protective carrying cases for PDAs, cell phones, computer games, decorative charms for cell phones, decorative magnets sold in sheets, decorative wind socks, digital trading cards in the form of CDs, video game software, and video game cartridges and discs; disposable cameras, downloadable computer wallpaper software and screen saver software, digital media, namely, downloadable audio files featuring films, music and entertainment and video recordings featuring films, music and entertainment, downloadable widgets, namely, software to be embedded on third party websites, electric door bells, electronic diaries, eyeglasses and eyeglass cases, headphones and earphones, juke boxes, laptop carrying cases, magnets, motion picture films in the fields of drama and romance, mousepads, musical sound recordings, neon signs, slot machines, sunglasses and sunglass cases, decorative switch plate covers, tape measures, downloadable television programs and documentaries featuring drama, comedy, horror, romance, and variety provided via a global computer network or video-on-demand service, trading cards in the form of CDs, video game software, and video game cartridges and discs; pre-recorded DVDs, videotapes, and other audiovisual recordings featuring motion pictures, television programs, and documentaries; computer storage devices, namely, flash drives; covers for cell phones, portable and handheld electronic digital devices for playing music, laptop computers, personal digital assistants, namely, PDAs, and gaming devices, namely, gaming machines; and downloadable software that provides access to movie and entertainment-related content and allows users to socialize and interact with other users; Downloadable files containing images relating to motion pictures, television programs, music and documentaries

Basis: 1(a)

First Use Date: 2009-12-00

First Use in Commerce Date: 2009-12-00

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.

2010-12-14 - Letter of suspension mailed

2010-12-14 - Suspension Letter Written

2010-11-23 - Amendment From Applicant Entered
2010-11-23 - Communication received from applicant
2010-11-23 - Assigned To LIE
2010-11-09 - PAPER RECEIVED
2010-05-06 - Non-final action mailed
2010-05-05 - Non-Final Action Written
2010-04-27 - Assigned To Examiner
2010-03-04 - Applicant amendment prior to exam entered
2010-03-04 - Assigned To LIE
2010-02-06 - TEAS Voluntary Amendment Received
2010-02-02 - New Application Office Supplied Data Entered In Tram
2010-02-01 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Jill M. Pietrini

Correspondent

JILL M. PIETRINI
MANATT, PHELPS & PHILLIPS, LLP
11355 W OLYMPIC BLVD
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Fax Number: (310) 312-4224



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ECLIPSE

Word Mark	ECLIPSE
Goods and Services	IC 011. US 013 021 023 031 034. G & S: Book lights, candle lamps, electric blankets, electric festive holiday lights, flashlights, fog machines, lamps, lamp shades, lanterns, lighting fixtures, electric night lights, ornamental fountains, and pen lights
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	77921984
Filing Date	January 28, 2010
Current Filing Basis	1B
Original Filing Basis	1B
Owner	(APPLICANT) Summit Entertainment, LLC LIMITED LIABILITY COMPANY DELAWARE 1630 Stewart Street, Suite 120 Santa Monica CALIFORNIA 90404
Attorney of Record	Jill M. Pietrini
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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Serial Number: 77921984 Assignment Information Trademark Document Retrieval

Registration Number: (NOT AVAILABLE)

Mark

ECLIPSE

(words only): ECLIPSE

Standard Character claim: Yes

Current Status: A non-final Office action has been sent (issued) to the applicant. This is a letter from the examining attorney requiring additional information and/or making an initial refusal. The applicant must respond to this Office action. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

Date of Status: 2011-01-06

Filing Date: 2010-01-28

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 110

Attorney Assigned:
ELLINGER FATHY JESSICA M

Current Location: M1X -TMO Law Office 110 - Examining Attorney Assigned

Date In Location: 2011-01-05

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

1. Summit Entertainment, LLC

Address:

Summit Entertainment, LLC
1630 Stewart Street, Suite 120
Santa Monica, CA 90404
United States

Legal Entity Type: Limited Liability Company
State or Country Where Organized: Delaware

GOODS AND/OR SERVICES

International Class: 011

Class Status: Active

Book lights, candle lamps, electric blankets, electric festive holiday lights, flashlights, fog machines, lamps, lamp shades, lanterns, lighting fixtures, electric night lights, ornamental fountains, and pen lights

Basis: 1(b)

First Use Date: (DATE NOT AVAILABLE)

First Use in Commerce Date: (DATE NOT AVAILABLE)

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.

2011-01-06 - Non-final action mailed

2011-01-05 - Non-Final Action Written

2010-11-23 - Amendment From Applicant Entered

2010-11-23 - Communication received from applicant

2010-11-23 - Assigned To LIE

2010-11-09 - PAPER RECEIVED

2010-05-04 - Non-final action mailed

2010-05-03 - Non-Final Action Written

2010-04-27 - Assigned To Examiner

2010-03-04 - Applicant amendment prior to exam entered

2010-03-04 - Assigned To LIE

2010-02-06 - TEAS Voluntary Amendment Received

2010-02-02 - New Application Office Supplied Data Entered In Tram

2010-02-01 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Jill M. Pietrini

Correspondent

JILL M. PIETRINI

MANATT, PHELPS & PHILLIPS, LLP

11355 W OLYMPIC BLVD

LOS ANGELES, CA 90064-1631

Phone Number: (310) 312-4325

Fax Number: (310) 312-4224



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ECLIPSE

Word Mark	ECLIPSE
Goods and Services	IC 014. US 002 027 028 050. G & S: Brass wrist cuff bracelets, clocks, dog tags for wear by humans for decorative purposes, jewelry, jewelry boxes, jewelry boxes of metal, lapel pins, medals, rings, rubber bracelets, silver wrist cuff bracelets, sun dials, watch bands, watch bracelets, and watches
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	77921986
Filing Date	January 28, 2010
Current Filing Basis	1B
Original Filing Basis	1B
Owner	(APPLICANT) Summit Entertainment, LLC LIMITED LIABILITY COMPANY DELAWARE 1630 Stewart Street, Suite 120 Santa Monica CALIFORNIA 90404
Attorney of Record	Jill M. Pietrini
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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Serial Number: 77921986 Assignment Information Trademark Document Retrieval

Registration Number: (NOT AVAILABLE)

Mark

ECLIPSE

(words only): ECLIPSE

Standard Character claim: Yes

Current Status: An Office action suspending further action on the application has been sent (issued) to the applicant. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

Date of Status: 2010-12-10

Filing Date: 2010-01-28

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 110

Attorney Assigned:
ELLINGER FATHY JESSICA M

Current Location: M1X -TMO Law Office 110 - Examining Attorney Assigned

Date In Location: 2010-12-09

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

1. Summit Entertainment, LLC

Address:
Summit Entertainment, LLC

1630 Stewart Street, Suite 120
Santa Monica, CA 90404
United States
Legal Entity Type: Limited Liability Company
State or Country Where Organized: Delaware

GOODS AND/OR SERVICES

International Class: 014

Class Status: Active

Brass wrist cuff bracelets, clocks, dog tags for wear by humans for decorative purposes, jewelry, jewelry boxes, jewelry boxes of metal, lapel pins, medals, rings, rubber bracelets, silver wrist cuff bracelets, sun dials, watch bands, watch bracelets, and watches

Basis: 1(b)

First Use Date: (DATE NOT AVAILABLE)

First Use in Commerce Date: (DATE NOT AVAILABLE)

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.

2010-12-10 - Letter of suspension mailed
2010-12-09 - Suspension Letter Written
2010-11-10 - Amendment From Applicant Entered
2010-11-10 - Communication received from applicant
2010-11-08 - PAPER RECEIVED
2010-05-04 - Non-final action mailed
2010-05-03 - Non-Final Action Written
2010-04-27 - Assigned To Examiner
2010-03-04 - Applicant amendment prior to exam entered

2010-03-04 - Assigned To LIE

2010-02-06 - TEAS Voluntary Amendment Received

2010-02-02 - New Application Office Supplied Data Entered In Tram

2010-02-01 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Jill M. Pietrini

Correspondent

JILL M. PIETRINI

MANATT, PHELPS & PHILLIPS, LLP

11355 W OLYMPIC BLVD

LOS ANGELES, CA 90064-1631

Phone Number: (310) 312-4325

Fax Number: (310) 312-4224



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WARNING: AFTER SEARCHING THE USPTO DATABASE, EVEN IF YOU THINK THE RESULTS ARE "O.K.," DO NOT ASSUME THAT YOUR MARK CAN BE REGISTERED AT THE USPTO. AFTER YOU FILE AN APPLICATION, THE USPTO MUST DO ITS OWN SEARCH AND OTHER REVIEW, AND MIGHT REFUSE TO REGISTER YOUR MARK.

View Search History:

- Plural and Singular Singular
- Live and Dead Live Dead

Search Term: 77/921,987

Field: Serial or Registration Number

Result Must Contain: All Search Terms (AND)

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

This **New User (Basic)** search form allows for searching of the most commonly searched fields: word marks, serial or registration numbers, and owners.

The **Combined Word Mark** is the default search field and includes the **word mark** and **translation**.

Use the **\$** for truncation in any field. For **Combined Word Mark** searches, the ***** is a more efficient truncation operator for left and/or right truncation. For example, the search term ***DOG*** with the **Combined Word Mark** will retrieve marks with common variations of the word **DOG** in the word mark or translation statements. Use of the **\$** truncation operator sometimes results in a truncated hit list.

For serial number or registration number searches, enter the 8-digit serial number (e.g. 75123456) or 7-digit registration number (e.g., 1234567) and select **Serial or Registration Number** as the **Field** for the search. If multiple serial or registration numbers are searched, separate the numbers by spaces and change the **Results Must Contain** value to Any Search Terms (OR). (Alternatively, separate the number by the Boolean OR operator without adjusting the **Result Must Contain** value.)

Do **NOT** include the apostrophe for contractions. For example, search for the word **DON'T** by searching **DON T**. Including Boolean operators (e.g., AND, OR, NOT) or proximity operators (e.g., ADJ, NEAR, SAME, WITH) in your search will override the **Result Must Contain** setting for the search. To actually search for these Boolean or proximity operators, include quotes around the operator.

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ECLIPSE

Word Mark ECLIPSE

Goods and Services IC 016. US 002 005 022 023 029 037 038 050. G & S: Adhesive tape for stationery or household purposes, address books, appointment books, art papers, art pictures, banners of paper, binders, blank journals, book covers, bookends, bookmarks, calendars, chalk, chalk boards for school and home use, coloring books, decals, decorative paper centerpieces, door hangers, dry erase writing boards and writing surfaces, erasers, file folders, gift cards, gift wrapping paper, greeting cards, journals concerning entertainment, lithographs, magazines in the field of entertainment, money clips, note cards, notebooks, paper bags, paper banners, decorative paper bows for wrapping, paper coasters, paper emblems, paper flags, paper napkins, paper party decorations, paper place mats, paperweights, pencil cases, pencils, pens, photograph albums, postcards, poster books, posters, rubber stamps, scrapbook albums, scrapbooks, sheet music, songbooks, stationery, stickers, temporary tattoos, and trading cards; kits containing sticker books, magnets and figurines featuring fictional characters; kits containing party supplies, namely, paper napkins, plastic utensils, namely, forks, spoons and knives, and paper or plastic plates, cups, table covers, and decorations

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 77921987

Filing Date January 28, 2010

Current Filing Basis 1B

Original Filing Basis 1B

Owner (APPLICANT) Summit Entertainment, LLC LIMITED LIABILITY COMPANY DELAWARE 1630 Stewart Street, Suite 120 Santa Monica CALIFORNIA 90404

Attorney of Record Jill M. Pietrini
Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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Serial Number: 77921987 [Assignment Information](#) [Trademark Document Retrieval](#)

Registration Number: (NOT AVAILABLE)

Mark

ECLIPSE

(words only): ECLIPSE

Standard Character claim: Yes

Current Status: An Office action suspending further action on the application has been sent (issued) to the applicant. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

Date of Status: 2010-12-09

Filing Date: 2010-01-28

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 110

Attorney Assigned:
ELLINGER FATHY JESSICA M

Current Location: M6D -TMO Law Office 115 - Docket Clerk

Date In Location: 2010-12-09

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

1. Summit Entertainment, LLC

Address:
Summit Entertainment, LLC

1630 Stewart Street, Suite 120
Santa Monica, CA 90404
United States
Legal Entity Type: Limited Liability Company
State or Country Where Organized: Delaware

GOODS AND/OR SERVICES

International Class: 016

Class Status: Active

Adhesive tape for stationery or household purposes, address books, appointment books, art papers, art pictures, banners of paper, binders, blank journals, book covers, bookends, bookmarks, calendars, chalk, chalk boards for school and home use, coloring books, decals, decorative paper centerpieces, door hangers, dry erase writing boards and writing surfaces, erasers, file folders, gift cards, gift wrapping paper, greeting cards, journals concerning entertainment, lithographs, magazines in the field of entertainment, money clips, note cards, notebooks, paper bags, paper banners, decorative paper bows for wrapping, paper coasters, paper emblems, paper flags, paper napkins, paper party decorations, paper place mats, paperweights, pencil cases, pencils, pens, photograph albums, postcards, poster books, posters, rubber stamps, scrapbook albums, scrapbooks, sheet music, songbooks, stationery, stickers, temporary tattoos, and trading cards; kits containing sticker books, magnets and figurines featuring fictional characters; kits containing party supplies, namely, paper napkins, plastic utensils, namely, forks, spoons and knives, and paper or plastic plates, cups, table covers, and decorations

Basis: 1(b)

First Use Date: (DATE NOT AVAILABLE)

First Use in Commerce Date: (DATE NOT AVAILABLE)

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.

2010-12-09 - Letter of suspension mailed
2010-12-09 - Suspension Letter Written
2010-11-10 - Amendment From Applicant Entered
2010-11-10 - Communication received from applicant
2010-11-08 - PAPER RECEIVED

2010-05-05 - Non-final action mailed
2010-05-04 - Non-Final Action Written
2010-04-27 - Assigned To Examiner
2010-03-04 - Applicant amendment prior to exam entered
2010-03-04 - Assigned To LIE
2010-02-06 - TEAS Voluntary Amendment Received
2010-02-02 - New Application Office Supplied Data Entered In Tram
2010-02-01 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Jill M. Pietrini

Correspondent

JILL M. PIETRINI
MANATT, PHELPS & PHILLIPS, LLP
11355 W OLYMPIC BLVD
LOS ANGELES, CA 90064-1631
Phone Number: (310) 312-4325
Fax Number: (310) 312-4224



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ECLIPSE

Word Mark	ECLIPSE
Goods and Services	IC 018. US 001 002 003 022 041. G & S: All purpose carrying bags, all purpose carrying cases, back packs, beach bags, business card cases, collars for pets, cosmetic carrying cases sold empty, key cases, key chains of leather, key chains of imitation leather, luggage, luggage tags, makeup bags sold empty, messenger bags, pet clothing, pet leashes, namely, animal leashes, purses, umbrellas, wallets
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	77921988
Filing Date	January 28, 2010
Current Filing Basis	1B
Original Filing Basis	1B
Owner	(APPLICANT) Summit Entertainment, LLC LIMITED LIABILITY COMPANY DELAWARE 1630 Stewart Street, Suite 120 Santa Monica CALIFORNIA 90404
Attorney of Record	Jill M. Pietrini
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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Serial Number: 77921988 Assignment Information Trademark Document Retrieval

Registration Number: (NOT AVAILABLE)

Mark

ECLIPSE

(words only): ECLIPSE

Standard Character claim: Yes

Current Status: An Office action suspending further action on the application has been sent (issued) to the applicant. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

Date of Status: 2010-12-10

Filing Date: 2010-01-28

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 110

Attorney Assigned:
ELLINGER FATHY JESSICA M

Current Location: MIX -TMO Law Office 110 - Examining Attorney Assigned

Date In Location: 2010-12-09

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

1. Summit Entertainment, LLC

Address:
Summit Entertainment, LLC

1630 Stewart Street, Suite 120
Santa Monica, CA 90404
United States
Legal Entity Type: Limited Liability Company
State or Country Where Organized: Delaware

GOODS AND/OR SERVICES

International Class: 018

Class Status: Active

All purpose carrying bags, all purpose carrying cases, back packs, beach bags, business card cases, collars for pets, cosmetic carrying cases sold empty, key cases, key chains of leather, key chains of imitation leather, luggage, luggage tags, makeup bags sold empty, messenger bags, pet clothing, pet leashes, namely, animal leashes, purses, umbrellas, wallets

Basis: 1(b)

First Use Date: (DATE NOT AVAILABLE)

First Use in Commerce Date: (DATE NOT AVAILABLE)

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.

2010-12-10 - Letter of suspension mailed

2010-12-09 - Suspension Letter Written

2010-11-10 - Amendment From Applicant Entered

2010-11-10 - Communication received from applicant

2010-11-08 - PAPER RECEIVED

2010-05-05 - Non-final action mailed

2010-05-04 - Non-Final Action Written

igned To Examiner

licant amendment prior to exam entered

2010-03-04 - Assigned To LIE

2010-02-06 - TEAS Voluntary Amendment Received

2010-02-02 - New Application Office Supplied Data Entered In Tram

2010-02-01 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Jill M. Pietrini

Correspondent

JILL M. PIETRINI

MANATT, PHELPS & PHILLIPS, LLP

11355 W OLYMPIC BLVD

LOS ANGELES, CA 90064-1631

Phone Number: (310) 312-4325

Fax Number: (310) 312-4224



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ECLIPSE

Word Mark ECLIPSE

Goods and Services IC 020. US 002 013 022 025 032 050. G & S: Plastic bag clips, bar stools, beach chairs, bulletin boards, cat scratching posts, corks for bottles, decorative wall plaques of plastic, decorative wall plaques of wood, directors chairs, drawer pulls of plastic or wood, cork, reed, cane, wicker, horn, bone, ivory, whalebone, shell, amber, mother-of-pearl, meerschaum and substitutes for all these materials, key chains made of plastic, letter boxes not of metal or masonry, life-size cardboard character cutouts, mirror picture frames, mirrors, non-metal dog tags, non-metal wall hooks, personal compact mirrors, pet beds, picture frames, pillows, plastic banners, plastic boxes, plastic novelty license plates, rubber key caps, wind chimes, window shades, wood boxes, and wrist cuffs made of resin; and vinyl appliques for attachment to windows, mirrors and other solid surfaces

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 77921989

Filing Date January 28, 2010

Current Filing Basis 1B

Original Filing Basis 1B

Owner (APPLICANT) Summit Entertainment, LLC LIMITED LIABILITY COMPANY DELAWARE 1630 Stewart Street, Suite 120 Santa Monica CALIFORNIA 90404

Attorney of Record Jill M. Pietrini

Type of Mark TRADEMARK



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ECLIPSE

Word Mark ECLIPSE

Goods and Services IC 021. US 002 013 023 029 030 033 040 050. G & S: Beverageware, bottle openers, candle extinguishers, candle holders, candle rings, candle snuffers, candlesticks, candy boxes, candy dishes, tea canisters and canister sets, ceramic figurines, charms for attachment to beverage glassware for identification purposes, coasters not of paper and not table linen, cocktail shakers, compacts sold empty, containers for household or kitchen use, cookie jars, cork screws, cruets, decanters, decorative ceramic tiles not for use as building materials, decorative plates, dishes, flasks, foam drink holders, glass boxes, glass storage jars, insulating sleeve holders for beverage cans, lunch boxes with thermal containers, meal trays, napkin holders, piggy banks not made of metal, ornamental glass spheres, pet feeding dishes, plastic water bottles sold empty, portable coolers, salt and pepper shakers, serving trays, drinking steins, toothpick holders, travel mugs, vases, waste baskets, and wine stoppers; eyebrow brushes, eyelash formers, facial sponges for applying makeup, hair brushes, hair combs, and makeup brushes; and dinnerware, namely, plates, cups and utensils not of metal

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 77921990

Filing Date January 28, 2010

Current Filing Basis 1B

Original Filing Basis 1B

Owner (APPLICANT) Summit Entertainment, LLC LIMITED LIABILITY COMPANY DELAWARE 1630 Stewart Street, Suite 120 Santa Monica CALIFORNIA 90404

Attorney of Record Jill M. Pietrini
Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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Serial Number: 77921990 Assignment Information Trademark Document Retrieval

Registration Number: (NOT AVAILABLE)

Mark

ECLIPSE

(words only): ECLIPSE

Standard Character claim: Yes

Current Status: A final Office action has been sent (issued) to the applicant. Applicant failed to satisfy all requirements and/or refusals raised previously. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

Date of Status: 2011-02-14

Filing Date: 2010-01-28

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 106

Attorney Assigned:
RICHARDS LESLIE L

Current Location: L6X -TMEG Law Office 106 - Examining Attorney Assigned

Date In Location: 2011-02-13

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

1. Summit Entertainment, LLC

Address:

Summit Entertainment, LLC
1630 Stewart Street, Suite 120
Santa Monica, CA 90404
United States

Legal Entity Type: Limited Liability Company
State or Country Where Organized: Delaware

GOODS AND/OR SERVICES

International Class: 021

Class Status: Active

Beverageware, bottle openers, candle extinguishers, candle holders, candle rings, candle snuffers, candlesticks, candy boxes, candy dishes, tea canisters and canister sets, ceramic figurines, charms for attachment to beverage glassware for identification purposes, coasters not of paper and not table linen, cocktail shakers, compacts sold empty, containers for household or kitchen use, cookie jars, cork screws, cruets, decanters, decorative ceramic tiles not for use as building materials, decorative plates, dishes, flasks, foam drink holders, glass boxes, glass storage jars, insulating sleeve holders for beverage cans, lunch boxes with thermal containers, meal trays, napkin holders, piggy banks not made of metal, ornamental glass spheres, pet feeding dishes, plastic water bottles sold empty, portable coolers, salt and pepper shakers, serving trays, drinking steins, toothpick holders, travel mugs, vases, waste baskets, and wine stoppers; eyebrow brushes, eyelash formers, facial sponges for applying makeup, hair brushes, hair combs, and makeup brushes; and dinnerware, namely, plates, cups and utensils not of metal

Basis: 1(b)

First Use Date: (DATE NOT AVAILABLE)

First Use in Commerce Date: (DATE NOT AVAILABLE)

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.

2011-02-14 - Final refusal mailed

2011-02-13 - Final Refusal Written

2010-11-23 - Amendment From Applicant Entered

2010-11-23 - Communication received from applicant

2010-11-23 - Assigned To LIE

2010-11-09 - PAPER RECEIVED

2010-05-06 - Non-final action mailed

2010-05-05 - Non-Final Action Written

2010-04-27 - Assigned To Examiner

2010-03-04 - Applicant amendment prior to exam entered

2010-03-04 - Assigned To LIE

2010-02-07 - TEAS Voluntary Amendment Received

2010-02-02 - New Application Office Supplied Data Entered In Tram

2010-02-01 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Jill M. Pietrini

Correspondent

JILL M. PIETRINI

MANATT, PHELPS & PHILLIPS, LLP

11355 W OLYMPIC BLVD

LOS ANGELES, CA 90064-1631

Phone Number: (310) 312-4325

Fax Number: (310) 312-4224



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ECLIPSE

Word Mark	ECLIPSE
Goods and Services	IC 022. US 001 002 007 019 022 042 050. G & S: Lanyards for holding key chains, key fobs, eyewear, portable electronic devices, badges, identification cards, bottles and containers, pens, keys, toys, charms and whistles; all-purpose straps, bungee cords, canvas bags for laundry, multi-purpose cloth bags, and Venetian blind tapes
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	77921991
Filing Date	January 28, 2010
Current Filing Basis	1B
Original Filing Basis	1B
Published for Opposition	November 16, 2010
Owner	(APPLICANT) Summit Entertainment, LLC LIMITED LIABILITY COMPANY DELAWARE 1630 Stewart Street, Suite 120 Santa Monica CALIFORNIA 90404
Attorney of Record	Jill M. Pietrini
Type of Mark Register	TRADEMARK PRINCIPAL
Live/Dead Indicator	LIVE

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Serial Number: 77921991 Assignment Information Trademark Document Retrieval

Registration Number: (NOT AVAILABLE)

Mark

ECLIPSE

(words only): ECLIPSE

Standard Character claim: Yes

Current Status: Notice of Allowance (NOA) sent (issued) to the applicant. Applicant must file a Statement of Use or Extension Request within six months of the NOA issuance date.

Date of Status: 2011-01-11

Filing Date: 2010-01-28

The Notice of Allowance Date is: 2011-01-11

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 106

Attorney Assigned:
RICHARDS LESLIE L

Current Location: 700 -Intent To Use Section

Date In Location: 2011-01-11

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

1. Summit Entertainment, LLC

Address:

Summit Entertainment, LLC
1630 Stewart Street, Suite 120
Santa Monica, CA 90404
United States

Legal Entity Type: Limited Liability Company**State or Country Where Organized:** Delaware

GOODS AND/OR SERVICES**International Class:** 022**Class Status:** Active

Lanyards for holding key chains, key fobs, eyewear, portable electronic devices, badges, identification cards, bottles and containers, pens, keys, toys, charms and whistles; all-purpose straps, bungee cords, canvas bags for laundry, multi-purpose cloth bags, and Venetian blind tapes

Basis: 1(b)**First Use Date:** (DATE NOT AVAILABLE)**First Use in Commerce Date:** (DATE NOT AVAILABLE)

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.

2011-01-11 - NOA Mailed - SOU Required From Applicant

2010-11-16 - Published for opposition

2010-10-27 - Notice of publication

2010-10-08 - Law Office Publication Review Completed

2010-10-08 - Approved For Pub - Principal Register

2010-09-29 - Amendment From Applicant Entered

2010-09-29 - Communication received from applicant

2010-09-29 - Assigned To LIE

2010-09-21 - PAPER RECEIVED
2010-05-06 - Non-final action mailed
2010-05-05 - Non-Final Action Written
2010-04-27 - Assigned To Examiner
2010-03-04 - Applicant amendment prior to exam entered
2010-03-04 - Assigned To LIE
2010-02-07 - TEAS Voluntary Amendment Received
2010-02-02 - New Application Office Supplied Data Entered In Tram
2010-02-01 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Jill M. Pietrini

Correspondent

JILL M. PIETRINI
MANATT, PHELPS & PHILLIPS, LLP
11355 W OLYMPIC BLVD
LOS ANGELES, CA 90064-1631
Phone Number: (310) 312-4325
Fax Number: (310) 312-4224



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ECLIPSE

Word Mark ECLIPSE

Goods and Services IC 024. US 042 050. G & S: Bed linen, bath linen, blankets, namely, bed blankets, baby blankets, children's blankets, pet blankets, blanket throws, blankets for outdoor use, and traveling blankets, clot banners, cloth coasters, curtains, decorative wall hangings of textile, elastic straps for luggage, handkerchiefs, kitchen linen, plastic place mats, plastic table covers, potholders, shower curtains, and table linens

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 77921992

Filing Date January 28, 2010

Current Filing Basis 1B

Original Filing Basis 1B

Owner (APPLICANT) Summit Entertainment, LLC LIMITED LIABILITY COMPANY DELAWARE 1630 Stewart Street, Suite 120 Santa Monica CALIFORNIA 90404

Attorney of Record Jill M. Pietrini

Type of Mark TRADEMARK

Register PRINCIPAL

Live/Dead Indicator LIVE

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Serial Number: 77921992 [Assignment Information](#) [Trademark Document Retrieval](#)

Registration Number: (NOT AVAILABLE)

Mark

ECLIPSE

(words only): ECLIPSE

Standard Character claim: Yes

Current Status: A final Office action has been sent (issued) to the applicant. Applicant failed to satisfy all requirements and/or refusals raised previously. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

Date of Status: 2011-01-25

Filing Date: 2010-01-28

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 106

Attorney Assigned:
RICHARDS LESLIE L

Current Location: L6X -TMEG Law Office 106 - Examining Attorney Assigned

Date In Location: 2011-01-25

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

1. Summit Entertainment, LLC

Address:

Summit Entertainment, LLC
1630 Stewart Street, Suite 120
Santa Monica, CA 90404
United States
Legal Entity Type: Limited Liability Company
State or Country Where Organized: Delaware

GOODS AND/OR SERVICES

International Class: 024

Class Status: Active

Bed linen, bath linen, blankets, namely, bed blankets, baby blankets, children's blankets, pet blankets, blanket throws, blankets for outdoor use, and traveling blankets, clot banners, cloth coasters, curtains, decorative wall hangings of textile, elastic straps for luggage, handkerchiefs, kitchen linen, plastic place mats, plastic table covers, potholders, shower curtains, and table linens

Basis: 1(b)

First Use Date: (DATE NOT AVAILABLE)

First Use in Commerce Date: (DATE NOT AVAILABLE)

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.

2011-01-25 - Final refusal mailed

2011-01-25 - Final Refusal Written

2010-11-22 - Amendment From Applicant Entered

2010-11-22 - Communication received from applicant

2010-11-22 - Assigned To LIE

2010-11-08 - PAPER RECEIVED

2010-05-05 - Non-final action mailed

2010-05-04 - Non-Final Action Written

2010-04-27 - Assigned To Examiner
2010-03-04 - Applicant amendment prior to exam entered
2010-03-04 - Assigned To LIE
2010-02-07 - TEAS Voluntary Amendment Received
2010-02-02 - New Application Office Supplied Data Entered In Tram
2010-02-01 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Jill M. Pietrini

Correspondent

JILL M. PIETRINI
MANATT, PHELPS & PHILLIPS, LLP
11355 W OLYMPIC BLVD
LOS ANGELES, CA 90064-1631
Phone Number: (310) 312-4325
Fax Number: (310) 312-4224



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ECLIPSE

Word Mark ECLIPSE

Goods and Services IC 025. US 022 039. G & S: Clothing, namely, aprons, bandanas, baby bibs not of paper, dresses, gloves, hooded shirts, infantwear, jackets, jerseys, leggings, lingerie, loungewear, mittens, mock turtle neck shirts, neckties, pants, ponchos, scarves, shirts, shorts, sleepwear, socks, sweaters, sweatpants, sweatshirts, tank tops, track pants, t-shirts, tunics, vests, wind resistant jackets, and wrap outerwear; belts; footwear; headwear; and wrist bands made of cloth

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 77921993

Filing Date January 28, 2010

Current Filing Basis 1B

Original Filing Basis 1B

Owner (APPLICANT) Summit Entertainment, LLC LIMITED LIABILITY COMPANY DELAWARE 1630 Stewart Street, Suite 120 Santa Monica CALIFORNIA 90404

Attorney of Record Jill M. Pietrini

Type of Mark TRADEMARK

Register PRINCIPAL

Live/Dead Indicator LIVE

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Serial Number: 77921993 [Assignment Information](#) [Trademark Document Retrieval](#)

Registration Number: (NOT AVAILABLE)

Mark

ECLIPSE

(words only): ECLIPSE

Standard Character claim: Yes

Current Status: An Office action suspending further action on the application has been sent (issued) to the applicant. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

Date of Status: 2010-12-14

Filing Date: 2010-01-28

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 106

Attorney Assigned:
RICHARDS LESLIE L

Current Location: L60 -TMEG Law Office 106

Date In Location: 2010-12-14

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

1. Summit Entertainment, LLC

Address:
Summit Entertainment, LLC

1630 Stewart Street, Suite 120
Santa Monica, CA 90404
United States

Legal Entity Type: Limited Liability Company

State or Country Where Organized: Delaware

GOODS AND/OR SERVICES

International Class: 025

Class Status: Active

Clothing, namely, aprons, bandanas, baby bibs not of paper, dresses, gloves, hooded shirts, infantwear, jackets, jerseys, leggings, lingerie, loungewear, mittens, mock turtle neck shirts, neckties, pants, ponchos, scarves, shirts, shorts, sleepwear, socks, sweaters, sweatpants, sweatshirts, tank tops, track pants, t-shirts, tunics, vests, wind resistant jackets, and wrap outerwear; belts; footwear; headwear; and wrist bands made of cloth

Basis: 1(b)

First Use Date: (DATE NOT AVAILABLE)

First Use in Commerce Date: (DATE NOT AVAILABLE)

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.

2010-12-14 - Letter of suspension mailed

2010-12-14 - Suspension Letter Written

2010-11-22 - Amendment From Applicant Entered

2010-11-22 - Communication received from applicant

2010-11-22 - Assigned To LIE

2010-11-08 - PAPER RECEIVED

2010-05-06 - Non-final action mailed

2010-05-05 - Non-Final Action Written

2010-04-27 - Assigned To Examiner

2010-03-04 - Applicant amendment prior to exam entered
2010-03-04 - Assigned To LIE
2010-02-07 - TEAS Voluntary Amendment Received
2010-02-07 - TEAS Voluntary Amendment Received
2010-02-02 - New Application Office Supplied Data Entered In Tram
2010-02-01 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Jill M. Pietrini

Correspondent

JILL M. PIETRINI
MANATT, PHELPS & PHILLIPS, LLP
11355 W OLYMPIC BLVD
LOS ANGELES, CA 90064-1631
Phone Number: (310) 312-4325
Fax Number: (310) 312-4224



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Record 1 out of 1

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

ECLIPSE

Word Mark	ECLIPSE
Goods and Services	IC 026. US 037 039 040 042 050. G & S: Armbands, belt buckles not made of precious metal, embroidered patches for clothing, ornamental cloth patches, ornamental novelty buttons, ribbons and bows for gift wrapping, shoelaces, and zipper pulls; hair accessories, namely, barrettes, clips, and decorative bobby pins; hair ornaments in the form of combs
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	77921994
Filing Date	January 28, 2010
Current Filing Basis	1B
Original Filing Basis	1B
Published for Opposition	November 9, 2010
Owner	(APPLICANT) Summit Entertainment, LLC LIMITED LIABILITY COMPANY DELAWARE 1630 Stewart Street, Suite 120 Santa Monica CALIFORNIA 90404
Attorney of Record	Jill M. Pietrini
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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

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Serial Number: 77921994 Assignment Information Trademark Document Retrieval

Registration Number: (NOT AVAILABLE)

Mark

ECLIPSE

(words only): ECLIPSE

Standard Character claim: Yes

Current Status: Notice of Allowance (NOA) sent (issued) to the applicant. Applicant must file a Statement of Use or Extension Request within six months of the NOA issuance date.

Date of Status: 2011-01-04

Filing Date: 2010-01-28

The Notice of Allowance Date is: 2011-01-04

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 106

Attorney Assigned:
RICHARDS LESLIE L

Current Location: 700 -Intent To Use Section

Date In Location: 2011-01-04

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

1. Summit Entertainment, LLC

Address:

Summit Entertainment, LLC
1630 Stewart Street, Suite 120
Santa Monica, CA 90404
United States

Legal Entity Type: Limited Liability Company**State or Country Where Organized:** Delaware**GOODS AND/OR SERVICES****International Class:** 026**Class Status:** Active

Armbands, belt buckles not made of precious metal, embroidered patches for clothing, ornamental cloth patches, ornamental novelty buttons, ribbons and bows for gift wrapping, shoelaces, and zipper pulls; hair accessories, namely, barrettes, clips, and decorative bobby pins; hair ornaments in the form of combs

Basis: 1(b)**First Use Date:** (DATE NOT AVAILABLE)**First Use in Commerce Date:** (DATE NOT AVAILABLE)**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.

2011-01-04 - NOA Mailed - SOU Required From Applicant

2010-11-09 - Published for opposition

2010-10-20 - Notice of publication

2010-10-03 - Law Office Publication Review Completed

2010-09-25 - Approved For Pub - Principal Register

2010-09-22 - Amendment From Applicant Entered

2010-09-22 - Communication received from applicant

2010-09-21 - PAPER RECEIVED

2010-05-05 - Non-final action mailed
2010-05-04 - Non-Final Action Written
2010-04-27 - Assigned To Examiner
2010-03-04 - Applicant amendment prior to exam entered
2010-03-04 - Assigned To LIE
2010-02-07 - TEAS Voluntary Amendment Received
2010-02-02 - New Application Office Supplied Data Entered In Tram
2010-02-01 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Jill M. Pietrini

Correspondent

JILL M. PIETRINI
MANATT, PHELPS & PHILLIPS, LLP
11355 W OLYMPIC BLVD
LOS ANGELES, CA 90064-1631
Phone Number: (310) 312-4325
Fax Number: (310) 312-4224



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ECLIPSE

Word Mark ECLIPSE
Goods and Services IC 028. US 022 023-038 050. G & S: Action figures, action skill games, amusement game machines, arcade games, balloons, balls for games, bendable toys, board games, bobble head dolls, body boards, bowling bags, card games, carnival masks, checker sets, chess games, Christmas stockings, Christmas tree ornaments, Christmas tree skirts, covers for golf clubs, doll cases, doll clothing, dolls, flying discs, fuzzy dice, golf ball markers, golf balls, kites, model cars, toy model vehicles and related accessories sold as units, toy model kit cars, toy scale and model kits, toy model hobbycraft kits, toy model hobbycraft kits for constructing toy model landscapes, scenery, and action figures, party favors in the nature of small toys, pet toys, playing cards, plush toys, puzzles, snow globes, sports balls, stress relief balls for exercise, and yo-yos

Standard Characters Claimed
Mark Drawing Code (4) STANDARD CHARACTER MARK
Serial Number 77921995
Filing Date January 28, 2010
Current Filing Basis 1B
Original Filing Basis 1B
Owner (APPLICANT) Summit Entertainment, LLC LIMITED LIABILITY COMPANY DELAWARE 1630 Stewart Street, Suite 120 Santa Monica CALIFORNIA 90404
Attorney of Record Jill M. Pietrini
Type of Mark TRADEMARK

Thank you for your request. Here are the latest results from the [TARR web server](#).

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Serial Number: 77921995 [Assignment Information](#) [Trademark Document Retrieval](#)

Registration Number: (NOT AVAILABLE)

Mark

ECLIPSE

(words only): ECLIPSE

Standard Character claim: Yes

Current Status: A final Office action has been sent (issued) to the applicant. Applicant failed to satisfy all requirements and/or refusals raised previously. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

Date of Status: 2011-02-01

Filing Date: 2010-01-28

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 106

Attorney Assigned:
RICHARDS LESLIE L

Current Location: L6X -TMEG Law Office 106 - Examining Attorney Assigned

Date In Location: 2011-01-31

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

1. Summit Entertainment, LLC

Address:

Summit Entertainment, LLC
1630 Stewart Street, Suite 120
Santa Monica, CA 90404
United States

Legal Entity Type: Limited Liability Company
State or Country Where Organized: Delaware

GOODS AND/OR SERVICES

International Class: 028

Class Status: Active

Action figures, action skill games, amusement game machines, arcade games, balloons, balls for games, bendable toys, board games, bobble head dolls, body boards, bowling bags, card games, carnival masks, checker sets, chess games, Christmas stockings, Christmas tree ornaments, Christmas tree skirts, covers for golf clubs, doll cases, doll clothing, dolls, flying discs, fuzzy dice, golf ball markers, golf balls, kites, model cars, toy model vehicles and related accessories sold as units, toy model kit cars, toy scale and model kits, toy model hobbycraft kits, toy model hobbycraft kits for constructing toy model landscapes, scenery, and action figures, party favors in the nature of small toys, pet toys, playing cards, plush toys, puzzles, snow globes, sports balls, stress relief balls for exercise, and yo-yos

Basis: 1(b)

First Use Date: (DATE NOT AVAILABLE)

First Use in Commerce Date: (DATE NOT AVAILABLE)

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.

2011-02-01 - Final refusal mailed

2011-01-31 - Final Refusal Written

2010-11-12 - Amendment From Applicant Entered

2010-11-12 - Communication received from applicant

2010-11-09 - PAPER RECEIVED

2010-05-05 - Non-final action mailed

2010-05-04 - Non-Final Action Written

2010-04-27 - Assigned To Examiner

2010-03-04 - Applicant amendment prior to exam entered

2010-03-04 - Assigned To LIE

2010-02-07 - TEAS Voluntary Amendment Received

2010-02-02 - New Application Office Supplied Data Entered In Tram

2010-02-01 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Jill M. Pietrini

Correspondent

JILL M. PIETRINI

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Phone Number: (310) 312-4325

Fax Number: (310) 312-4224



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ECLIPSE

Word Mark	ECLIPSE
Goods and Services	IC 041. US 100 101 107. G & S: Entertainment in the nature of on-going dramatic television programs, production and distribution of motion pictures, providing entertainment information relating to motion pictures, television programs and literary works; providing a website featuring entertainment information on motion pictures, television programs, literary works and music; providing online computer games
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	77923047
Filing Date	January 28, 2010
Current Filing Basis	1B
Original Filing Basis	1B
Owner	(APPLICANT) Summit Entertainment, LLC LIMITED LIABILITY COMPANY DELAWARE 1630 Stewart Street, Suite 120 Santa Monica CALIFORNIA 90404
Attorney of Record	Jill M. Pietrini
Type of Mark	SERVICE MARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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Serial Number: 77923047 Assignment Information Trademark Document Retrieval

Registration Number: (NOT AVAILABLE)

Mark

ECLIPSE

(words only): ECLIPSE

Standard Character claim: Yes

Current Status: An Office action suspending further action on the application has been sent (issued) to the applicant. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

Date of Status: 2010-10-27

Filing Date: 2010-01-28

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 106

Attorney Assigned:
RICHARDS LESLIE L

Current Location: L6X -TMEG Law Office 106 - Examining Attorney Assigned

Date In Location: 2010-10-26

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

1. Summit Entertainment, LLC

Address:
Summit Entertainment, LLC

1630 Stewart Street, Suite 120
Santa Monica, CA 90404
United States

Legal Entity Type: Limited Liability Company
State or Country Where Organized: Delaware

GOODS AND/OR SERVICES

International Class: 041

Class Status: Active

Entertainment in the nature of on-going dramatic television programs, production and distribution of motion pictures, providing entertainment information relating to motion pictures, television programs and literary works; providing a website featuring entertainment information on motion pictures, television programs, literary works and music; providing online computer games

Basis: 1(b)

First Use Date: (DATE NOT AVAILABLE)

First Use in Commerce Date: (DATE NOT AVAILABLE)

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.

2010-10-27 - Letter of suspension mailed
2010-10-26 - Suspension Letter Written
2010-09-29 - Amendment From Applicant Entered
2010-09-29 - Communication received from applicant
2010-09-29 - Assigned To LIE
2010-09-21 - PAPER RECEIVED
2010-05-06 - Non-final action mailed
2010-05-05 - Non-Final Action Written
2010-04-27 - Assigned To Examiner

2010-02-02 - New Application Office Supplied Data Entered In Tram

2010-02-01 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Jill M. Pietrini

Correspondent

JILL M. PIETRINI

MANATT, PHELPS & PHILLIPS, LLP

11355 W OLYMPIC BLVD

LOS ANGELES, CA 90064-1631

Phone Number: (310) 312-4325

Fax Number: (310) 312-4224

EXHIBIT C

November 18, 2009

Client-Matter: 11186-033

VIA FEDERAL EXPRESS

Cliff Pummill
Chief Executive Officer
MULTI-MEDIA INTERNATIONAL, LLC
13915 W. 107th St.
Lenexa, KS 66215

Cliff Pummill
Chief Executive Officer
MULTI-MEDIA INTERNATIONAL, LLC
106 Apple Street, Suite 301
Tinton Falls, NJ 07724

Re: Infringement of Intellectual Property Derived from the *Twilight* and *New Moon* Motion Pictures

Dear Mr. Pummill:

We are writing to demand that Multi-Media International, LLC (“MMI”), dba or aka Blast, immediately cease and desist from publishing, marketing, and selling magazines and any other products that infringe intellectual property owned by Summit Entertainment, LLC (“Summit”).

We are counsel for Summit, the entity responsible for producing and distributing the highly successful motion picture *Twilight* and upcoming sequel *The Twilight Saga: New Moon* (“*New Moon*”), and owner of many of the trademarks and copyrights related to and derived from *Twilight* and *New Moon* (collectively, the “*Twilight* Intellectual Property”). Summit specifically owns and has the exclusive right to license the TWILIGHT and NEW MOON trademarks and all copyrighted publicity, unit, and special shoot photography, not to mention motion picture stills and clips, for the marketing and publicity of *Twilight*, *New Moon* and products derived therefrom. Summit has obtained federal registration of many of these trademarks and copyrights. Summit has expressly licensed the use of the *Twilight* Intellectual Property for journalistic purposes (*see infra*) and the manufacture, marketing and sale of a vast multitude of merchandise, including merchandise based on the characters, locations, and plots of *Twilight* and *New Moon*, in the U.S. and abroad.

Cliff Pummill
November 18, 2009
Page 2

It has come to Summit's attention that MMI has published and is marketing and selling two youth-oriented magazines entitled "New Moon and Other Science-Fiction Favorites" ("New Moon & Sci-Fi Magazine") and "Superstars of New Moon: The Twilight Saga & Other Famous Faves" ("New Moon Superstars Magazine") (collectively, the "Twilight Magazines" or "Magazines"), which include, among other things, articles about the characters, plot lines, and actors from *Twilight* and *New Moon*. The Twilight Magazines contain an enormous amount of unauthorized and unlicensed *Twilight* Intellectual Property. The following is a *non-exhaustive* list of intellectual property infringements found in the Twilight Magazines: (1) the titles of the Magazines are effectively NEW MOON, as shown by the supersize lettering and font used for NEW MOON on each Magazine; (2) the TWILIGHT and NEW MOON trademarks appear throughout the magazines; (3) the Magazines are replete with unlawful reproductions of images derived from *Twilight* and *New Moon*, including copyrighted unit or special shoot photographs, motion picture stills, and promotional photographs and posters; and (4) over a dozen "free pin-ups" of *Twilight*-related, copyrighted materials owned by Summit. MMI's unlicensed and unauthorized use of the *Twilight* Intellectual Property in the Twilight Magazines is highly likely to cause consumers to believe that Summit has approved, licensed, and/or otherwise authorized MMI's use of the *Twilight* Intellectual Property to MMI, when, in fact, it has not done so. The likelihood of confusion and association is exacerbated by MMI's use of "Courtesy Summit Entertainment" or "Summit" on photographs appearing in the Twilight Magazines.

MMI might believe that its use of the *Twilight* Intellectual Property is protected by the license granted via <www.summitpublicity.com> ("the Summit Website"). Summit maintains the Summit Website for use by legitimate journalists who are reviewing or commenting on Summit's films. The purpose of the site is to allow a journalist or media outlet to use a photograph or motion picture still in connection with a journalistic article reviewing or commenting on a film. The terms of use of the Summit Website specifically state that the content on the site may be used "only for journalistic purposes in connection with and/or related to motion pictures and other entertainment programming distributed by Summit." A copy of the Summit Website's terms of use are attached for your convenience.

MMI's use of the *Twilight* Intellectual Property goes far beyond a journalistic use and therefore exceeds the scope of the license. MMI has used the *Twilight* Intellectual Property to create a stand alone *product*, that is, a publication solely for *commercial, not journalistic*, purposes. Perhaps the best example of MMI's non-journalistic, commercial use is the Magazines' inclusion and advertisement of numerous "pin-ups," that is, enlarged stand-alone reproductions of the *Twilight* Intellectual Property that serve no journalistic purpose but are only, quite literally, for tearing out and "pinning up." Moreover, even if MMI's use of the *Twilight* Intellectual Property is properly journalistic (it is not), much of it violates paragraph 2(a), specifically, "you will not edit, alter or modify any of the Content without Summit's prior written approval." Such unapproved uses include, for example, the aforementioned enlarged

Cliff Pummill
November 18, 2009
Page 3

“pin-ups” and New Moon Superstars Magazine’s use of a *New Moon* promotional photograph with the text removed on its inside back cover. Because MMI has not abided by the Summit Website’s terms of use, its access to the Website has been revoked and its license terminated according to paragraphs 11 and 14 of the terms of use.

Lastly, and perhaps most egregiously, many of the photographs and images used by MMI are not offered for use via the Summit Website. Use of this *Twilight* Intellectual Property is totally without Summit’s authority and not even arguably sanctioned by the terms and content of the Summit Website. Examples of these infringing images include, but are not limited to, those images displayed on pages 10, 29, 38-39, 48-52, and the back cover of New Moon & Sci-Fi Magazine; and pages 27 (bottom), 29 (top), 32 (middle), 35 (top), 53, 70 (bottom), and 71 (bottom two) of New Moon Superstars Magazine. Many of these pictures are presumably unauthorized screen captures from the *Twilight* motion picture and trailers and *New Moon* trailers, or otherwise unauthorized copies of Summit’s photographs and artwork. As mentioned above, Summit owns the copyright in all of these materials and MMI’s use without Summit’s authorization constitutes copyright infringement.

MMI’s unauthorized and unlicensed use of the TWILIGHT and NEW MOON trademarks constitutes trademark infringement, trademark dilution, false designation of origin, false association/passing off, and unfair competition, and its unauthorized and unlicensed reproduction and display of copyrighted photographs and images, motion picture stills, and posters constitutes copyright infringement. The remedies available to Summit for these unlawful acts include an injunction against the use of any intellectual property identical or confusingly similar to that owned by Summit, Summit’s actual damages, MMI’s profits, statutory damages pursuant to the copyright statute for MMI’s use of the infringing images, and attorneys’ fees. The above is not intended to be a complete listing of Summit’s rights and remedies, or of MMI’s infringements, and Summit reserves the right to assert other claims not stated herein.

Notwithstanding these available remedies, Summit requests that MMI agree in writing to immediately: (1) permanently cease publishing, circulating, marketing and selling the infringing *Twilight* Magazines; (2) permanently cease infringing in any manner any and all *Twilight* Intellectual Property, including but not limited to trademarks and copyrighted photographs, images, motion picture stills, and posters; (3) recall the *Twilight* Magazines from retail stores, warehouses, and the like, and deliver all remaining inventory to us; (4) disgorge MMI’s profits earned from the sale of the *Twilight* Magazines and from the sale of any advertising that appears in the *Twilight* Magazines; and (5) provide us with an accounting of all revenues made in connection with the *Twilight* Magazines. The accounting must include: (a) the total revenue from the publication, circulation, marketing and sale of the *Twilight* Magazines; (b) the number of *Twilight* Magazines sold and the cost of each such Magazine sold; and (c) all advertising revenue raised in connection with the *Twilight* Magazines. You may indicate MMI’s consent to

Cliff Pummill
November 18, 2009
Page 4

these requests by signing the original of this letter and returning it to me by **November 25, 2009**. A copy of this letter is enclosed for MMI's records.

Nothing contained in this letter, nor any act or omission to act by Summit is intended or should be deemed to be a waiver, abridgment, alteration, modification or reduction of any rights, claims, defenses or remedies that Summit may have in regard to this matter and all such rights, claims, defenses and remedies, whether at law or in equity, are hereby expressly reserved.

Sincerely,

Paul Bost
Manatt, Phelps & Phillips, LLP

Attachments

cc: David C. Friedman, Esq.
Jill M. Pietrini, Esq.

AGREED AND ACCEPTED:

MULTI-MEDIA INTERNATIONAL, LLC

By: _____
Cliff Pummill
Chief Executive Officer

Date: _____