

ESTTA Tracking number: **ESTTA696869**

Filing date: **09/18/2015**

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

**Petition for Cancellation**

Notice is hereby given that the following party requests to cancel indicated registration.

**Petitioner Information**

Name	Suntex International, Inc.		
Entity	Corporation	Citizenship	Pennsylvania
Address	3311 Fox Hill Road Easton, PA 18045 UNITED STATES		

Attorney information	Nancy Rubner Frandsen, Charlie C. Lyu BAKER & HOSTETLER LLP 2929 Arch Street Cira Centre, 12th Floor Philadelphia, PA 19104 UNITED STATES clyu@bakerlaw.com, nfrandsen@bakerlaw.com, kblumer@bakerlaw.com, bhpdocket@bakerlaw.com Phone:215-568-3100		
----------------------	---	--	--

**Registration Subject to Cancellation**

Registration No	4623925	Registration date	10/21/2014
Registrant	Curriculum Associates, LLC 153 Rangeway Road North Billerica, MA 01862 UNITED STATES		

**Goods/Services Subject to Cancellation**

Class 009. First Use: 2013/12/20 First Use In Commerce: 2013/12/20 All goods and services in the class are cancelled, namely: Downloadable mobile applications for education in the nature of math games
---

**Grounds for Cancellation**

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

**Mark Cited by Petitioner as Basis for Cancellation**

U.S. Registration No.	2448022	Application Date	10/24/1996
Registration Date	05/01/2001	Foreign Priority Date	NONE
Word Mark	24		
Design Mark			
Description of Mark	NONE		

Goods/Services	Class 009. First use: First Use: 2000/09/15 First Use In Commerce: 2000/09/15 computer software, namely, educational software for improving math skills
----------------	--

Attachments	Petition for Cancellation.pdf(23643 bytes ) Exh A - U.S . Registration No. 1,718,364.pdf(45002 bytes ) Exh B - U.S . Registration No. 2,448,022.pdf(75124 bytes ) Exh C - Combined Decl of Use.pdf(157857 bytes ) Exh D - Notice of Acceptance.pdf(40885 bytes ) Exh E - U.S . Registration No. 1,718,954.pdf(47006 bytes ) Exh F - U.S . Registration No. 1,729,964.pdf(51610 bytes ) Exh G - U.S . Registration No. 2,469,915.pdf(53319 bytes ) Exh H - U.S . Registration No. 3,033,720.pdf(53396 bytes ) Exh I - U.S . Registration No. 3,479,453.pdf(69585 bytes ) Exh J - U.S . Registration No. 3,223,059.pdf(53775 bytes ) Exh K - U.S . Registration No. 4,623,925.pdf(119332 bytes )
-------------	---

### Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Charlie C. Lyu/
Name	Nancy Rubner Frandsen, Charlie C. Lyu
Date	09/18/2015

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

Suntex International, Inc.

Petitioner,

Reg. No.: 4,623,925

Registered: October 21, 2014

Mark: DOOR 24

v.

Cancellation No.:

Curriculum Associates LLC,

Registrant.

**PETITION FOR CANCELLATION**

Petitioner, Suntex International, Inc. (“Suntex” or “Petitioner”), a corporation organized under the laws of the State of Pennsylvania, with a principal place of business at 3311 Fox Hill Road, Easton, PA 18045, believes it will be damaged by Registration No. 4,623,925 for DOOR 24, filed by Curriculum Associates LLC (“Curriculum Associates” or “Registrant”), upon information and belief, a corporation organized under the laws of the State of Massachusetts, with a principal place of business at 153 Rangeway Road, North Billerica, Massachusetts 01862.

As grounds for its Petition for Cancellation, it is alleged that:

1. Suntex is an organization committed to furthering mathematics education. Among other things, Suntex is the developer and distributor of the well-known 24@ game, a unique mathematics teaching tool for students. Suntex has been in business since at least as early as 1988.

2. Since at least October 1991, Suntex has used the mark 24 for equipment sold as a unit for playing a numbers game. *See* U.S. Registration No. 1,718,364 attached at Exhibit A.

3. On October 24, 1996, Suntex filed U.S. application no. 75186979, an intent-to-use application, for the mark 24 in class 9 for “computer software, namely, educational software for improving math skills,” intending on expanding its 24® card game into an electronic medium.

4. In or about September of 2000, Suntex expanded its operations and commenced use of its already well-known 24 mark for “computer software, namely, educational software for improving math skills.” *See* U.S. Registration No. 2,448,022 attached at Exhibit B.

5. On May 1, 2001, the United States Patent and Trademark Office (“USPTO”) granted Suntex’s application for 24 in class 9. Suntex’s 24 mark in class 9 is registered under U.S. Registration No. 2,448,022, a title and status copy of this registration is attached at Exhibit B.

6. On February 2, 2007, Suntex filed a Combined Declaration of Use and Incontestability Under Sections 8 & 15 for its Reg. No. 2,448,022 for 24 in class 9, attached at Exhibit C.

7. And on March 31, 2007, the USPTO acknowledged the Section 15 affidavit for Suntex’s 24 mark in class 9, attached at Exhibit D.

8. Suntex’s Reg. No. 2,448,022 is valid, subsisting, in force and incontestable.

9. In total, Suntex owns the following registered marks containing “24” for a numbers or math game (collectively, “Suntex’s Family of 24 Marks”):

Mark	Reg. No.	Date of Registration	Goods and Services	Exhibit
24	1,718,364	Sept. 22, 1992	IC028. Equipment sold as a unit for playing a numbers game.	A

24	2,448,022	May 1, 2001	IC009. Computer software, namely, educational software for improving math skills.	B
24 CHALLENGE	1,718,954	Sept. 22, 1992	IC041. Educational services; namely, tournaments featuring mathematics.	E
TWENTY-FOUR CHALLENGE	1,729,964	Nov. 3, 1992	IC041. Educational services; namely, tournaments featuring mathematics.	F
24 GAME & Design 	2,469,915	July 17, 2001	IC009. Computer software, namely, educational computer software for improving math skills.	G
24 GAME	3,033,720	Dec. 27, 2005	IC009. Computer software, namely, educational computer software for improving math skills. IC028. Equipment sold as a unit for playing a numbers game.	H
24 CHALLENGE MATH PROGRAM & Design	3,479,453	Aug. 5, 2008	IC041. Educational services; namely, providing on-line instructional information, lessons, games and tournaments in the area of math; providing on-line math games;	I

			educational services, namely, tournaments featuring math.	
24 GAME	3,223,059	Mar. 27, 2007	IC041. Educational services; namely, providing on-line instructional information, lessons, games and tournaments in the area of math; providing on-line math games; educational services, namely, tournaments featuring math.	J

10. Attached as Exhibits A, B, and E-J are printouts from the electronic records of the United States Patent and Trademark Office showing registration and ownership of Suntex’s Family of 24 Marks. Said registrations are valid, subsisting and in force and incontestable

11. Since at least as early as September 15, 2000, and long before Registrant’s stated date of first use, Suntex’s Family of 24 Marks have been in continuous use in U.S. commerce, including for “computer software, namely, educational software for improving math skills.”

12. During this time, Suntex has advertised, promoted and offered for sale the aforementioned goods under Suntex’s Family of 24 Marks. Accordingly, Suntex’s Family of 24 Marks have become well-known and well-established—and incontestable—in connection with Suntex’s goods.

13. Upon information and belief, Registrant, Curriculum Associates LLC, registered its trademark DOOR 24 under Reg. No. 4,623,925 for downloadable mobile applications for

education in the nature of math games, in class 9. Reg. No. 4,623,925 was filed on February 16, 2014 and claims a first use in interstate commerce date of December 20, 2013. The registration issued on October 21, 2014. A copy of Reg. No. 4,623,925 is attached as Exhibit K.

14. Each of Suntex's Family of 24 Marks, including Suntex's Reg. No. 2,448,022 for 24 in class 9, pre-dates the date of first use of Curriculum Associate's DOOR 24 mark that is the subject of Reg. No. 4,623,925.

**CANCELLATION OF MARK UNDER SECTION 2(D)  
OF THE TRADEMARK ACT**

15. Suntex realleges and incorporates by reference the allegations of the preceding paragraphs as though fully set forth herein.

16. Registrant's registration for DOOR 24 should be cancelled pursuant to Section 2(d) of the Lanham Act, 15 U.S.C. § 1052, on the grounds that Registrant's designation DOOR 24 so closely resembles Petitioner's prior used and registered marks for 24 for a numbers or math game, including Reg. No. 2,448,022 that, when used in connection with Registrant's goods and services, is likely to cause confusion, to cause mistake, or to deceive, with consequent injury to Petitioner, the trade, and the public.

17. Here, the dominant portions of Registrant's mark – *i.e.*, "24" – are visually and aurally indistinguishable from Suntex's Family of 24 Marks, including Reg. No. 2,448,022 for 24 in class 9. Indeed, Registrant's DOOR 24 mark subsumes Petitioner's Reg. No. 2,448,022 for 24 in class 9.

18. The goods associated with Registrant's mark and Suntex's Family of 24 Marks, including Suntex's Reg. No. 2,448,022, both involve mathematics related educational software,

and both are classified in International Class 9. These goods are identical and will likely travel in the same channels of trade.

19. Upon information and belief, Registrant was aware of Suntex's Family of 24 Marks at the time that Registrant filed its application for DOOR 24.

20. Registrant's use and intended use of the mark shown in Reg. No. 4,623,925 is without Suntex's consent or permission.

21. Upon information and belief, allowing continued registration of Registrant's DOOR 24 mark would allow Registrant to unfairly trade upon Suntex's substantial goodwill developed in Suntex's Family of 24 Marks.

22. Petitioner Suntex will be injured by the continued registration of Registrant's DOOR 24 mark insofar as the challenged registration confers upon Registrant rights to which it is not entitled and which may be used to adversely affect the continued registration of Suntex's Family of 24 Marks and Suntex's use of the same.

23. Petitioner Suntex is also likely to be damaged by Registrant's registration because such registration gives Registrant statutory rights in violation and derogation of Petitioner's prior and superior rights.

\* \* \*

WHEREFORE, Petitioner Suntex prays that this Cancellation be sustained and that Registration No. 4,623,925 be cancelled in its entirety.

Respectfully submitted,

Date: September 18, 2015

BAKER & HOSTETLER LLP

By: /Charlie C. Lyu/  
Charlie C. Lyu  
[clyu@bakerlaw.com](mailto:clyu@bakerlaw.com)  
Nancy Rubner Frandsen  
[nfrandsen@bakerlaw.com](mailto:nfrandsen@bakerlaw.com)  
2929 Arch Street  
Cira Centre, 12th Floor  
Philadelphia, PA 19104-2891  
Telephone: 215.564.3580  
Facsimile: 215.568.3439

**CERTIFICATE OF SERVICE**

I hereby certify that on September 18, 2015, a true and correct copy of the foregoing **PETITION FOR CANCELLATION** was placed in the United States Mail, postage prepaid upon:

Julia K. O'Neill  
Feinberg Hanson LLP  
855 Boylston Street  
Boston, Massachusetts 02116  
[joneill@feinberghanson.com](mailto:joneill@feinberghanson.com)  
[dpasalis@feinberghanson.com](mailto:dpasalis@feinberghanson.com)

/Kara Blumer/  
Kara Blumer

---

# EXHIBIT A

Int. Cl.: 28

Prior U.S. Cl.: 22

**United States Patent and Trademark Office** **Reg. No. 1,718,364**  
Registered Sep. 22, 1992

---

**TRADEMARK  
PRINCIPAL REGISTER**

24

SUNTEX INTERNATIONAL (PENNSYLVANIA  
CORPORATION)  
118 NORTH THIRD STREET  
EASTON, PA 18042

FOR: EQUIPMENT SOLD AS A UNIT FOR  
PLAYING A NUMBERS GAME, IN CLASS 28  
(U.S. CL. 22).

FIRST USE 9-30-1991; IN COMMERCE  
9-30-1991.  
OWNER OF U.S. REG. NOS. 1,528,433 AND  
1,528,434.

SER. NO. 74-217,089, FILED 10-30-1991.

MARY KAY MCDONALD, EXAMINING AT-  
TORNEY

# **EXHIBIT B**

**Int. Cl.: 9**

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

**Reg. No. 2,448,022**

**United States Patent and Trademark Office**

**Registered May 1, 2001**

**TRADEMARK  
PRINCIPAL REGISTER**

**24**

SUNTEX INTERNATIONAL, INC. (PENNSYLVANIA CORPORATION)  
118 NORTH THIRD STREET  
EASTON, PA 18042

FIRST USE 9-15-2000; IN COMMERCE 9-15-2000.

SN 75-186,979, FILED 10-24-1996.

FOR: COMPUTER SOFTWARE, NAMELY, EDUCATIONAL SOFTWARE FOR IMPROVING MATH SKILLS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

DORITT L. CARROLL, EXAMINING ATTORNEY

**STATUS**

**DOCUMENTS**

[Back to Search](#)



Print

**Generated on:** This page was generated by TSDR on 2015-09-18 15:01:46 EDT

**Mark:** 24 No Image exists for this case.

**US Serial Number:** 75186979 **Application Filing Date:** Oct. 24, 1996

**US Registration Number:** 2448022 **Registration Date:** May 01, 2001

**Register:** Principal

**Mark Type:** Trademark

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

**Status Date:** May 19, 2010

**Publication Date:** Feb. 03, 1998 **Notice of Allowance Date:** Apr. 28, 1998

▲ **Mark Information**

▼ Expand All

▲ **Goods and Services**

▲ **Basis Information (Case Level)**

▼ **Current Owner(s) Information**

**Owner Name:** Suntex International, Inc.

**Owner Address:** 118 North Third Street  
Easton, PENNSYLVANIA 18042  
UNITED STATES

**Legal Entity Type:** CORPORATION **State or Country Where Organized:** PENNSYLVANIA

▲ **Attorney/Correspondence Information**

▲ **Prosecution History**

▲ **Maintenance Filings or Post Registration Information**

▲ **TM Staff and Location Information**

▲ **Assignment Abstract Of Title Information - Click to Load**

▲ **Proceedings - Click to Load**

# **EXHIBIT C**

## Combined Declaration of Use and Incontestability Under Sections 8 & 15

The table below presents the data as entered.

Input Field	Entered
<b>REGISTRATION NUMBER</b>	2448022
<b>REGISTRATION DATE</b>	05/01/2001
<b>SERIAL NUMBER</b>	75186979
<b>MARK SECTION</b>	
MARK	24
<b>OWNER SECTION (current)</b>	
NAME	Suntex International, Inc.
STREET	118 North Third Street
CITY	Easton
STATE	Pennsylvania
ZIP/POSTAL CODE	18042
COUNTRY	US
<b>OWNER SECTION (proposed)</b>	
NAME	Suntex International, Inc.
STREET	118 North Third Street
CITY	Easton
STATE	Pennsylvania
ZIP/POSTAL CODE	18042
COUNTRY	US
EMAIL	sschwartz@cozen.com
AUTHORIZED TO COMMUNICATE VIA E-MAIL	Yes
<b>ATTORNEY SECTION (current)</b>	
NAME	SCOTT B SCHWARTZ

DOCKET NUMBER	SI.0085
<b>ATTORNEY SECTION (proposed)</b>	
NAME	SCOTT B SCHWARTZ
DOCKET NUMBER	SI.0085/126493
<b>GOODS AND/OR SERVICES SECTION</b>	
INTERNATIONAL CLASS	009
FILING COVERS ALL GOODS OR SERVICES IN THIS CLASS	YES
SPECIMEN FILE NAME(S)	<a href="#">\\TICRS2\EXPORT12\751\869\75186979\xml1\8150002.JPG</a>
SPECIMEN DESCRIPTION	CD ROM
<b>PAYMENT SECTION</b>	
NUMBER OF CLASSES	1
NUMBER OF CLASSES PAID	1
SUBTOTAL AMOUNT	300
TOTAL AMOUNT	300
<b>SIGNATURE SECTION</b>	
SIGNATURE	/Scott B. Schwartz/
SIGNATORY'S NAME	Scott B. Schwartz
SIGNATORY'S POSITION	Attorney
DATE SIGNED	02/02/2007
PAYMENT METHOD	DA
<b>FILING INFORMATION</b>	
SUBMIT DATE	Fri Feb 02 09:38:20 EST 2007
TEAS STAMP	USPTO/S08N15-12.104.104.1 06-20070202093820962834-2 448022-360b4dbe49aaf5cb06 9aa118dc8f0b8c528-DA-1363 -20070202093547263679

## **Combined Declaration of Use and Incontestability Under Sections 8 & 15 To the Commissioner for Trademarks:**

**REGISTRATION NUMBER:** 2448022

**REGISTRATION DATE:** 05/01/2001

**MARK:** 24

The owner, Suntex International, Inc., having an address of 118 North Third Street, Easton, Pennsylvania US 18042, is filing a Combined Declaration of Use and Incontestability Under Sections 8 & 15.

For International Class 009, the owner, or its related company, is using the mark in commerce on or in connection with **all** goods or services listed in the existing registration for this class; and, the owner, or its related company, has continuously used the mark in commerce for five (5) consecutive years after the date of registration, or the date of publication under Section 12(c), and is still using the mark in commerce on or in connection with **all** goods or services listed in the existing registration for this class. Also, there has been no final decision adverse to the owner's claim of ownership of such mark for those goods or services, or to the owner's right to register the same or to keep the same on the register; and, there is no proceeding involving said rights pending and not disposed of in either the U.S. Patent and Trademark Office or the courts.

The owner is submitting one specimen for this class showing the mark as used in commerce on or in connection with any item in this class, consisting of a(n) CD ROM.

[Specimen-1](#)

The registrant hereby appoints SCOTT B SCHWARTZ to file this Combined Declaration of Use and Incontestability Under Sections 8 & 15 on behalf of the registrant. The attorney docket/reference number is SI.0085/126493.

A fee payment in the amount of \$300 will be submitted with the form, representing payment for 1 class(es), plus any additional grace period fee, if necessary.

### **Declaration**

*The owner, or its related company, is using the mark in commerce on or in connection with the goods and/or services identified above, as evidenced by the attached specimen(s) showing the mark as used in commerce. The owner, or its related company, has continuously used the mark in commerce on or in connection with the goods and/or services identified above, for five (5) consecutive years after the date of registration, or the date of publication under Section 12(c), and is still using the mark in commerce on or in connection with the identified goods and/or services. There has been no final decision adverse to the owner's claim of ownership of such mark for such goods and/or services, or to the owner's right to register the same or to keep the same on the register; and there is no proceeding involving said rights pending and not disposed of either in the U.S. Patent and Trademark Office or in the courts.*

The undersigned being hereby warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements and the like may jeopardize the validity of this document, declares that he/she is properly authorized to execute this document on behalf of the Owner; and all statements made of his/her own knowledge are true and that all statements made on information and belief are believed to be true.

Signature: /Scott B. Schwartz/    Date: 02/02/2007  
Signatory's Name: Scott B. Schwartz  
Signatory's Position: Attorney

Serial Number: 75186979  
Internet Transmission Date: Fri Feb 02 09:38:20 EST 2007  
TEAS Stamp: USPTO/S08N15-12.104.104.106-200702020938  
20962834-2448022-360b4dbe49aaf5cb069aa11  
8dc8f0b8c528-DA-1363-2007020209354726367  
9



Intended for use by Suntex sales reps only



Suntex International Inc.  
3311 Fox Hill Road  
Luttwig, PA 18045  
610-253-5255  
info@24game.com  
www.24game.com  
www.Firstinmath.com

First In Math® Online Program  
Sales Representative's  
Demo CD - v5-06

©2004 Suntex SA, Inc. All rights reserved. 24® and First in Math® are registered trademarks of Suntex SA, Inc.

**ROUTING SHEET TO POST REGISTRATION (PRU)**

**Registration Number:** 2448022



**Serial Number:** 75186979



**RAM Sale Number:** 1363

**RAM Accounting Date:** 20070202

**Total Fees:** \$300

Note: Process in accordance with Post Registration Standard Operating Procedure (SOP)

<u>Transaction</u>	<u>Fee Code</u>	<u>Transaction Date</u>	<u>Fee per Class</u>	<u>Number of Classes</u>	<u>Number of Classes Paid</u>	<u>Total Fee</u>
§8 affidavit	7205	20070202	\$100	1	1	\$100
§15 affidavit	7208	20070202	\$200	1	1	\$200

Physical Location: 900 - FILE REPOSITORY (FRANCONIA)

Lost Case Flag: False

In TICRS (AM-FLG-IN-TICRS): True

**Transaction Date:** 20070202



# **EXHIBIT D**



UNITED STATES PATENT AND TRADEMARK OFFICE

---

Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451  
[www.uspto.gov](http://www.uspto.gov)

REGISTRATION NO: 2448022 SERIAL NO: 75/186979 MAILING DATE: 03/31/2007  
REGISTRATION DATE: 05/01/2001  
MARK: 24  
REGISTRATION OWNER: Suntex International, Inc.

**CORRESPONDENCE ADDRESS:**

Camille M. Miller  
Cozen O'Connor, P.C.  
Intellectual Property Dept.  
1900 Market Street  
Philadelphia PA 19103-3508

**NOTICE OF ACCEPTANCE**

15 U.S.C. Sec. 1058(a)(1)

THE COMBINED AFFIDAVIT FILED FOR THE ABOVE-IDENTIFIED REGISTRATION MEETS THE REQUIREMENTS OF SECTION 8 OF THE TRADEMARK ACT, 15 U.S.C. Sec. 1058.

**ACCORDINGLY, THE SECTION 8 AFFIDAVIT IS ACCEPTED.**

\*\*\*\*\*

**NOTICE OF ACKNOWLEDGEMENT**

15 U.S.C. Sec. 1065

THE AFFIDAVIT FILED FOR THE ABOVE-IDENTIFIED REGISTRATION MEETS THE REQUIREMENTS OF SECTION 15 OF THE TRADEMARK ACT, 15 U.S.C. Sec. 1065.

**ACCORDINGLY, THE SECTION 15 AFFIDAVIT IS ACKNOWLEDGED.**

\*\*\*\*\*

**THE REGISTRATION WILL REMAIN IN FORCE FOR CLASS(ES):**

009.

RICE, GREGGRY A  
PARALEGAL SPECIALIST  
POST-REGISTRATION DIVISION  
571-272-9500

**PLEASE SEE THE REVERSE SIDE OF THIS NOTICE FOR INFORMATION  
CONCERNING REQUIREMENTS FOR MAINTAINING THIS REGISTRATION**

ORIGINAL

---

## **REQUIREMENTS FOR MAINTAINING A FEDERAL TRADEMARK REGISTRATION**

### **I) SECTION 8: AFFIDAVIT OF CONTINUED USE**

The registration shall remain in force for 10 years, except that the registration shall be canceled for failure to file an Affidavit of Continued Use under Section 8 of the Trademark Act, 15 U.S.C. Sec. 1058, at the end of each successive 10-year period following the date of registration.

**Failure to file the Section 8 Affidavit will result in the cancellation of the registration.**

### **II) SECTION 9: APPLICATION FOR RENEWAL**

The registration shall remain in force for 10 years, subject to the provisions of Section 8, except that the registration shall expire for failure to file an Application for Renewal under Section 9 of the Trademark Act, 15 U.S.C. Sec. 1059, at the end of each successive 10-year period following the date of registration.

**Failure to file the Application for Renewal will result in the expiration of the registration.**

**NO FURTHER NOTICE OR REMINDER OF THESE REQUIREMENTS WILL BE SENT TO THE REGISTRANT BY THE PATENT AND TRADEMARK OFFICE. IT IS RECOMMENDED THAT THE REGISTRANT CONTACT THE PATENT AND TRADEMARK OFFICE APPROXIMATELY ONE YEAR BEFORE THE EXPIRATION OF THE TIME PERIODS SHOWN ABOVE TO DETERMINE APPROPRIATE REQUIREMENTS AND FEES.**

# **EXHIBIT E**

Int. Cl.: 41

Prior U.S. Cl.: 107

**United States Patent and Trademark Office** **Reg. No. 1,718,954**  
Registered Sep. 22, 1992

---

**SERVICE MARK  
PRINCIPAL REGISTER**

**24 CHALLENGE**

SUNTEX INTERNATIONAL (PENNSYLVANIA  
CORPORATION)  
118 NORTH THIRD STREET  
EASTON, PA 18042

FOR: EDUCATIONAL SERVICES; NAMELY,  
TOURNAMENTS FEATURING MATHEMAT-  
ICS, IN CLASS 41 (U.S. CL. 107).

FIRST USE 9-30-1991; IN COMMERCE  
9-30-1991.

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

SER. NO. 74-217,092, FILED 10-30-1991.

MARY KAY MCDONALD, EXAMINING AT-  
TORNEY

# **EXHIBIT F**

**Int. Cl.: 41**

**Prior U.S. Cl.: 107**

**United States Patent and Trademark Office**

**Reg. No. 1,729,964**

**Registered Nov. 3, 1992**

**SERVICE MARK  
PRINCIPAL REGISTER**

**TWENTY-FOUR CHALLENGE**

SUNTEX INTERNATIONAL (PENNSYLVANIA  
CORPORATION)  
118 NORTH THIRD STREET  
EASTON, PA 18042

FOR: EDUCATIONAL SERVICES; NAMELY,  
TOURNAMENTS FEATURING MATHEMAT-  
ICS, IN CLASS 41 (U.S. CL. 107).

FIRST USE 11-30-1988; IN COMMERCE  
11-30-1988.

OWNER OF U.S. REG. NOS. 1,528,433 AND  
1,528,434.

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

SER. NO. 74-217,090, FILED 10-30-1991.

MARY KAY MCDONALD, EXAMINING AT-  
TORNEY

# **EXHIBIT G**

**Int. Cl.: 9**

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

**United States Patent and Trademark Office**

**Reg. No. 2,469,915**

**Registered July 17, 2001**

**TRADEMARK  
PRINCIPAL REGISTER**



SUNTEX INTERNATIONAL, INC. (PENNSYLVANIA CORPORATION)  
118 NORTH THIRD STREET  
EASTON, PA 18042

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

FOR: COMPUTER SOFTWARE, NAMELY, EDUCATIONAL COMPUTER SOFTWARE FOR IMPROVING MATH SKILLS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

SN 75-186,667, FILED 10-24-1996.

FIRST USE 9-15-2000; IN COMMERCE 9-15-2000.

DORITT L. CARROLL, EXAMINING ATTORNEY

# EXHIBIT H

**Int. Cls.: 9 and 28**

**Prior U.S. Cls.: 21, 22, 23, 26, 36, 38 and 50**

**United States Patent and Trademark Office**

**Reg. No. 3,033,720**

**Registered Dec. 27, 2005**

**TRADEMARK  
PRINCIPAL REGISTER**

**24 GAME**

SUNTEX INTERNATIONAL, INC. (PENNSYLVANIA CORPORATION)  
3311 FOX HILL ROAD  
EASTON, PA 18045

FOR: COMPUTER SOFTWARE, NAMELY, EDUCATIONAL COMPUTER SOFTWARE FOR IMPROVING MATH SKILLS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 9-15-2000; IN COMMERCE 9-15-2000.

FOR: EQUIPMENT SOLD AS A UNIT FOR PLAYING A NUMBERS GAME, IN CLASS 28 (U.S. CLS. 22, 23, 38 AND 50).

FIRST USE 9-30-1991; IN COMMERCE 9-30-1991.

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

OWNER OF U.S. REG. NOS. 1,718,364, 2,469,915 AND OTHERS.

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

SER. NO. 76-610,380, FILED 9-7-2004.

LINDA MICKLEBURGH, EXAMINING ATTORNEY

# **EXHIBIT I**

**Int. Cl.: 41**

**Prior U.S. Cls.: 100, 101 and 107**

**Reg. No. 3,479,453**

**United States Patent and Trademark Office**

**Registered Aug. 5, 2008**

**SERVICE MARK  
PRINCIPAL REGISTER**



SUNTEX INTERNATIONAL INC. (PENNSYLVANIA CORPORATION)  
3311 FOX HILL ROAD  
EASTON, PA 18045

FOR: EDUCATIONAL SERVICES, NAMELY, PROVIDING ON-LINE INSTRUCTIONAL INFORMATION, LESSONS, GAMES AND TOURNAMENTS IN THE AREA OF MATH; PROVIDING ON-LINE MATH GAMES; EDUCATIONAL SERVICES, NAMELY, TOURNAMENTS FEATURING MATH, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 2-0-2000; IN COMMERCE 2-0-2000.

OWNER OF U.S. REG. NOS. 1,718,954, 2,104,789 AND OTHERS.

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

SEC. 2(F) AS TO "CHALLENGE MATH PROGRAM".

SER. NO. 77-281,209, FILED 9-17-2007.

REBECCA EISINGER, EXAMINING ATTORNEY

# **EXHIBIT J**

**Int. Cl.: 41**

**Prior U.S. Cls.: 100, 101 and 107**

**United States Patent and Trademark Office**

**Reg. No. 3,223,059**

**Registered Mar. 27, 2007**

**SERVICE MARK  
PRINCIPAL REGISTER**

**24 GAME**

SUNTEX INTERNATIONAL, INC. (PENNSYLVANIA CORPORATION)

3311 FOX HILL ROAD

EASTON, PA 18045

FOR: EDUCATIONAL SERVICES, NAMELY, PROVIDING ON-LINE INSTRUCTIONAL INFORMATION, LESSONS, GAMES AND TOURNAMENTS IN THE AREA OF MATH; PROVIDING ON-LINE MATH GAMES; EDUCATIONAL SERVICES, NAMELY, TOURNAMENTS FEATURING MATH, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 10-0-2004; IN COMMERCE 10-0-2004.

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

OWNER OF U.S. REG. NOS. 2,448,022, 3,033,720 AND OTHERS.

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

SER. NO. 78-908,170, FILED 6-14-2006.

AMY HELLA, EXAMINING ATTORNEY

# **EXHIBIT K**

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

# Door 24

**Reg. No. 4,623,925**

CURRICULUM ASSOCIATES, LLC (MASSACHUSETTS LIMITED LIABILITY COMPANY)  
153 RANGWAY ROAD

**Registered Oct. 21, 2014**

NORTH BILLERICA, MA 01862

**Int. Cl.: 9**

FOR: DOWNLOADABLE MOBILE APPLICATIONS FOR EDUCATION IN THE NATURE  
OF MATH GAMES, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

**TRADEMARK**

FIRST USE 12-20-2013; IN COMMERCE 12-20-2013.

**PRINCIPAL REGISTER**

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

SER. NO. 86-194,978, FILED 2-16-2014.

GISELLE AGOSTO, EXAMINING ATTORNEY



*Michelle K. Lee*

Deputy Director of the United States  
Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL  
TRADEMARK REGISTRATION**

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

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

**What and When to File:**

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

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

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

**What and When to File:**

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

**Grace Period Filings\***

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

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

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

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