

# TTAB

**Moore & Van Allen**

September 1, 2009

**Via Express Mail: EM138381553US**

**BOX TTAB NO FEE**  
UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451

Re: Applicant: United Business Media LLC  
Mark: **THINK SERVICES**  
Application No. 77/408,045  
Our Reference: 013845.008

**Ellen A. Rubel**  
Attorney at Law

T 919 286 8041  
F 919 416 8341  
ellenrubel@mvalaw.com

**Moore & Van Allen PLLC**

Suite 500  
430 Davis Drive  
PO Box 13706  
Research Triangle Park, NC 27709

*Courier:*  
Suite 500  
430 Davis Drive  
Morrisville, NC 27560

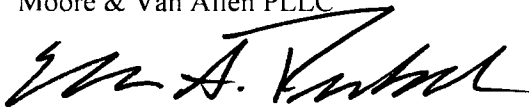
Dear Ms. Vela:

We are enclosing the following:

1. Response to the Board Order issued on August 28, 2009 with regard to the Additional 60-Day Extension of Time to Oppose Application Serial No. 77/408,045, filed by Think Schuhwerk GmbH; and
2. a copy of the official documentation and certified English translation showing Marko Schuhfabrik GmbH's change of name.

Sincerely yours,

Moore & Van Allen PLLC

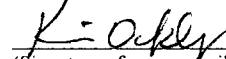


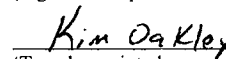
Ellen A. Rubel  
Enclosures

**CERTIFICATE OF MAILING BY "EXPRESS MAIL"**

"Express Mail" mailing label number **EM138381553US**

I hereby certify that this correspondence is addressed to the UNITED STATES PATENT AND TRADEMARK OFFICE, Trademark Trial and Appeal Board, P.O. Box 1451, Alexandria, VA 22313-1451, and is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10

  
\_\_\_\_\_  
(Signature of person mailing paper or fee)

  
\_\_\_\_\_  
(Typed or printed name of person mailing paper or fee)

September 1, 2009  
\_\_\_\_\_  
(Date of signature)



**09-01-2009**

U.S. Patent & Trademark Office Reg. Ct. #79

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

In re Application of:  
United Business Media LLC

Serial No.: 77/408,045

Filed: February 27, 2008

Mark: THINK SERVICES

Trademark Law Office: 103

Examining Attorney:  
W. Wendy Jun


**BOX TTAB NO FEE**

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451

**Response to Board Order**

In response to the Board Order issued on August 28, 2009, Potential Opposer, Think Schuhwerk GmbH, hereby submits the enclosed official documentation and certified English translation showing that Marko Schuhfabrik GmbH, the party who on May 6, 2009 filed the original 90-Day Request for Extension of Time to Oppose Application Serial No. 77/408,045, legally changed its name to Think Schuhwerk GmbH. The change of name was effective August 1, 2009.

Respectfully submitted,



Ellen A. Rubel  
N.C. State Bar No. 28051  
Attorney for Think Schuhwerk, GmbH  
MOORE & VAN ALLEN, PLLC  
430 Davis Drive, Suite 500  
Morrisville, North Carolina 27560  
Telephone (919) 286-8041

Dated: September 1, 2009

Certified Translation from the German Language

Dr. Wolfgang Lenhart  
Public Notary  
1010 Vienna (Wien)  
Bösendorferstraße 5  
DVR 1014251

**REPUBLIC OF AUSTRIA**

Corporate Register:  
Administration of Justice

Corporate Data Bank:  
FB

Key Date: 4 August 2009

Abstract from the Register  
showing historical details

FN 111549 v

This abstract is based on the General Ledger supplemented by the details from the  
Deed Register.

Last entry dated 31 July 2009 carrying entry number 24; Court having jurisdiction: Landesgericht Ried for the  
Inn District

1 formerly: Landesgericht Ried for the Inn District HRB No. 10  
Scharding District Court (previous first entry on 3 February 1978)

COMPANY  
24 Think Schulwerk GmbH

LEGAL FORM  
1 Limited liability company (Company in GmbH-form)

REGISTERED PLACE OF BUSINESS in  
1 Political Community of Kopfling located in the Inn District

BUSINESS ADDRESS  
11 Hauptstraße 35  
4794 Kopfling / Inn District

CAPITAL  
16 EUR 36,400

ANNUAL STATEMENT KEY DATE  
1 31 December

ANNUAL STATEMENT (last entry; for other details see historical summary)  
23 for 31 December 2007; filed on 11 February 2009

POWER OF REPRESENTATION  
8 If several managing directors have been appointed, the Company will be represented  
by two managing directors jointly or by one managing director in association with a "Prokurist"  
(signatory-holder of a commercial power of attorney).  
If several managing directors have been appointed, the General Meeting shall have the right  
to confer an independent power of representation to individual managing directors.

1	Articles of Association adopted on 29 December 1977	001
1	Resolution of the General Meeting held on 18 September 1986 Capital increase from corporate funds by ATS 250,000 and by resolution of the General Meeting of the same day by ATS 150,000.--, amounting to a total of ATS 500,000.-- Amendment of item four of the Articles of Association	002
4	Merger Agreement dated 24 September 1999 Incorporation of the operation of Schuhfabrik Martin Koller GmbH & Co KG (FN 17722 m)	003
8	Resolution of the General Meeting held on 21 December 2000 Re-formatting the Articles of Association	005
16	Articles of Association amended by resolution of the General Meeting held on 10 March 2003 pursuant to 1 <sup>st</sup> EURO JUBEEI	006
16	Capital increase by EUR 63.58 according to the resolution of the General Meeting held on 10 March 2003; amendment of item 5 of the Articles of Association	007
16	Amendment of item 11 of the Articles of Association according to the resolution of the General Meeting held on 10 March 2003	008
24	Amendment of item 1 of the Articles of Association according to the resolution of the General Meeting held on 23 June 2009	009

#### MANAGING DIRECTORS (under Trade Law)

C	Martin Koller born 13 August 1962
11	He has represented the Company as of 1 January 2002 together with another managing director or a "Prokurist"
H	Gerhard Aigner born 10 December 1958
11	He has represented the Company as of 1 January 2002 together with another managing director or another "Prokurist"

#### PROKURIST (signatory holding a commercial power of attorney)

J	Mag. Dr. Hans Posch born 13 June 1956
15	He has represented the Company as of 8 January 2003 together with another managing director or a "Prokurist"
K	Andreas Kainz born 7 November 1966
21	He has represented the Company as of 17 September 2007 together with another managing director or a "Prokurist"

#### PARTNER

E	LEGERO Schuhfabrik Gesellschaft m.b.H.
16	INITIAL CONTRIBUTION: EUR 36,400
16	Sum total: ; EUR 36,400
	AMOUNT PAID IN: EUR 36,400
	Sum Total. EUR 36,400

#### PERSONAL DETAILS

1	C	Martin Koller born 13 August 1962
1		No. 35 4794 Kopfnig /Inn District
8	E	LEGERO Schuhfabrik Gesellschaft m.b.H.
8		(FN 59571 I)
12		Marburger Straße 10 8042 Graz

1 H Gerhard Aigner, born 10 December 1958  
 11 Raimundstr 10  
 4053 Haid  
 15 J Mag. Dr. Hans Posch born June 13, 1956  
 15 Heimschuh 14  
 8451 Heimschuh  
 21 K Andreas Kainz born 7 November 1966  
 21 Rinneggerstraße 10/2a  
 8045 Weinitzen

EXECUTIVE SUMMARY

Landesgericht Ried / Inn District

1 First incorporation concluded on 3 August 1994 Corporate matter 914 Fr 69/94 g  
 First incorporation pursuant to Art. XXIII, paragraph 4 EBRG  
 4 registered on 30 September 1999 Corporate matter 16 Fr 2272/99 m  
 application for amendment received on 28 September 1999  
 8 registered on 7 February 2001 Corporate matter 16 Fr 72/01 m  
 application for amendment received on 10 January 2001  
 11 registered on 17 January 2002 Corporate matter 16 Fr 109/02 a  
 application for amendment received on 16 January 2002  
 12 registered on 26 September 2002 Corporate matter 16 Fr 1927/02 z  
 application for amendment received on 25 September 2002  
 15 registered on 1 April 2003 Corporate matter 16 Fr 66/03 z  
 application for amendment received on 31 March 2003  
 16 registered on 29 April 2003 Corporate matter 16 Fr 822/03 h  
 application for amendment received on 28 April 2003  
 21 registered on 9 November 2007 Corporate matter 16 Fr 3366/07 i  
 application for amendment received on 8 November 2007  
 23 registered on 12 February 2009 Corporate matter 16 Fr 466/09 m  
 electronically filed annual statement received on 2 February 2009  
 24 registered on 31 July 2009 Corporate matter 16 Fr 2294/09 a  
 application for amendment received on 7 July 2009

INFORMATION RECEIVED FROM ÖSTERREICHISCHE NATIONALBANK

as per 4 August 2009 in respect of valid identification number 316318  
 issued via ÖGIZIN Clearing Office ..... A1A021  
 on 4 August 2009, at 14:39:20 p.m.: 649 11284670 ..... NUMBER OF LINES: 91

Circular stamp with insignia: Dr. Wolfgang Lenhart  
 Public Notary  
 Wien - Innere Stadt

Mag. Jophann Schleicher  
 Deputy of Public Notary Dr. Wolfgang Lenhart  
 In Wien-Innere Stadt  
 - Gerichtskommissär (Court Agent)

**REPUBLIC OF AUSTRIA**

Corporate Register:  
Administration of Justice

Corporate Data Bank  
FB

Key Date: 11 August 2009

Abstract from the Register  
showing historical details

FN 111549 v

This abstract is based on the General Ledger supplemented by the details from the Deed Register.

The details that are historical by 11 August 2009 have been struck out. Entries and branch establishments struck off the Register have been laterally marked by "H".

Last entry dated 7 August under registration No. 25; Court having jurisdiction: Landesgericht Ried having competence for the Inn District

1 formerly: Landesgericht Ried for the Inn district HRB No. 10  
Scharding District Court (first entry on 3 February 1978)

COMPAY

1 "MARKET" Schuh-Gesellschaft m.b.H  
4 MARKET-SCHUHFABRIK GmbH  
24 Think Schuhwerk GmbH

LEGAL FORM

1 Limited liability company (Company in GmbH form)

REGISTERED PLACE OF BUSINESS based at  
1 Political Community of Kopfing / Inn District

BUSINESS ADDRESS

1 No. 35  
4794 Kopfing / Inn District  
11 Hauptstraße 35  
4794 Kopfing / Inn District

CAPITAL

1 ATS 500,000  
16 EUR 36,400

KEY DATE FOR ANNUAL STATEMENT

31 December

ANNUAL STATEMENT

2 per 31 December 1997; filed 29 August 1998  
5 per 31 December 1998; filed 1 October 1999  
9 per 31 December 1999; filed 6 March 2001  
10 per 31 December 2000; filed 7 January 2002  
13 per 31 December 2001; filed 20 Dec. 2002  
17 per 31 December 2002; filed 12 Nov. 2003  
18 per 31 December 2003; filed 10 Nov. 2004  
19 per 31 December 2004; filed 2 August 2005  
20 per 31 December 2005; filed 24 October 2006  
22 per 31 December 2006; filed 15 Feb. 2008  
23 per 31 December 2007; filed 11 Feb. 2009  
25 per 31 December 2008; filed 5 August 2009

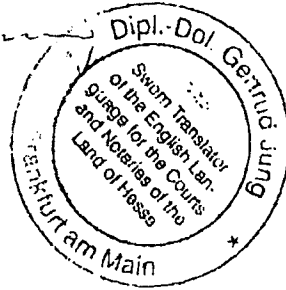
POWER OF REPRESENTATION

- 1 If several general directors have been appointed, the General Meeting determines their power of representation
- 8 If several managing directors have been appointed, the Company shall be represented by two managing directors jointly or by one managing director in association with a "Prokurist" (signatory holder of a commercial power of attorney)
- If several managing directors have been appointed, the General Meeting has the right to confer independent power of representation to individual managing directors

is to certify that the afore-going is a correct and complete translation of the German-language document  
before me.

Frankfurt am Main, 12 August 2009

*Gertrud Jung*





Dr. Wolfgang Lenhart  
öffentlicher Notar  
1010 Wien, Bösendorferstraße 5  
DVR 1014251

**JUSTIZ**  
FIRMENBUCH



**FB**  
FIRMENBUCHDATENBANK

Stichtag 4.8.2009

Auszug mit aktuellen Daten

FN 111549 v

Grundlage dieses Auszuges ist das Hauptbuch ergänzt um Daten aus der Urkunden-  
sammlung.

Letzte Eintragung am 31.07.2009 mit der Eintragungsnummer 21  
zuständiges Gericht Landesgericht Ried im Innkreis

- 1 früher Landesgericht Ried im Innkreis HRB 10  
Bezirksgericht Schärding (fr.  
Ersteintragung am 03.02.1978

FIRMA

- 24 Think Schuhwerk GmbH

RECHTSFORM

- 1 Gesellschaft mit beschränkter Haftung

SITZ in

- 1 politischer Gemeinde Kopfing im Innkreis

GESCHÄFTSANSCHRIFT

- 11 Hauptstraße 35  
4794 Kopfing im Innkreis

KAPITAL

- 16 EUR 36.400

STICHTAG für JAHRESABSCHLUSS

- 1 31. Dezember

JAHRESABSCHLUSS (zuletzt eingetragen; weitere siehe Historie)

- 23 zum 31.12.2007 eingereicht am 11.02.2009

VERTRETUNGSBEFUGNIS

- 8 Die Gesellschaft wird, wenn mehrere Geschäftsführer  
bestellt sind, durch zwei Geschäftsführer gemeinsam oder  
durch einen von ihnen gemeinsam mit einem Prokuristen  
vertreten.  
Die Generalversammlung kann, auch wenn mehrere Geschäfts-  
führer bestellt sind, einzelnen von ihnen selbständige  
Vertretungsbefugnis erteilen.

- 1 Gesellschaftsvertrag vom 29.12.1977 001

- 1 Generalversammlungsbeschluss vom 18.09.1986 002  
Kapitalerhöhung aus Gesellschaftsmitteln um ATS 250.000,--  
und mit Beschluß der Gen.Vers. vom gleichen Tag um weitere

ATS 150.000,-- auf insgesamt ATS 500.000,--.  
 Änderung des Gesellschaftsvertrages in Pkt. Viertera.

4	Einbringungsvertrag vom 24.09.1999 Einbringung des Betriebes der Schuhfabrik Martin Koller GmbH & Co KG (FN 17722 m)	004
8	Generalversammlungsbeschluss vom 21.12.2000 Neufassung des Gesellschaftsvertrages.	005
16	Gesellschaftsvertrag mit Generalversammlungsbeschluss vom 10.03.2003 gemäß 1. Euro-JuBeG angepasst.	006
16	Generalversammlungsbeschluss vom 10.03.2003 Kapitalerhöhung um EUR 63,58. Änderung des Gesellschaftsvertrages in Punkt 5.	007
16	Generalversammlungsbeschluss vom 10.03.2003 Änderung des Gesellschaftsvertrages in Punkt 11.	008
24	Generalversammlungsbeschluss vom 23.06.2009 Änderung des Gesellschaftsvertrages in Punkt 1.	009

GESCHAFTSFÜHRER (handelsrechtlich)

11	C Martin Koller, geb. 13.08.1962 vertritt seit 01.01.2002 gemeinsam mit einem weiteren Geschäftsführer oder einem Prokuristen
11	H Gerhard Algrner, geb. 10.12.1958 vertritt seit 01.01.2002 gemeinsam mit einem weiteren Geschäftsführer oder einem Prokuristen

PROKURIST

15	J Mag.Dr. Hans Posch, geb. 13.06.1956 vertritt seit 08.01.2003 gemeinsam mit einem Geschäftsführer oder einem weiteren Prokuristen
21	K Andreas Kainz, geb. 07.11.1966 vertritt seit 17.09.2007 gemeinsam mit einem Geschäftsführer oder einem weiteren Prokuristen

	GESELLSCHAFTER	STAMMEINLAGE	HIERAUF GELEISTET
16	E LEGERO Schuhfabrik Gesellschaft m.b.H.		
16	.....	EUR 36.400	EUR 36.400
	.....		
	Summen:	EUR 36.400	EUR 36.400

--- PERSONEN -----

1	C	Martin Koller, geb. 13.08.1962
1		Nr. 35 4794 Kopfung im Innkreis
8	E	LEGERO Schuhfabrik Gesellschaft m.b.H.
8		(FN 59571 f)

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ZUSAMMENFASSUNG

Einzelverfahren (Einsprüche)

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----- INFORMATION DER ÖSTERREICHISCHEN NATIONALBANK -----

zum 04.08.2009 gültige Idennummer: 310108  
 erstellt über Verrechnungsstelle ÖGIZIN \*\*\*\*\* HA071  
 \*\*\*\*\* 4.8.2009 14:39:20,649 11284670 \*\*\* ZEILEN: 91



Mag. Johann Schleichner  
 als Stellvertreter des Magistrats  
 Dr. Wolfgang Lenhart  
 Wien - Innere Stadt  
 als Gerichtskommissär

Stichtag 11.8.2009

Auszug mit historischen Daten

FN115194

Grundlage dieses Auszuges ist das Hauptbuch ergänzt um Daten aus dem Firmenbuchsammlung.

Die mit 11.08.2009 in Österreichischen Daten sind Bundespendenregister, Selbständige Personen-träger und Zweigniederlassungen sind schriftlich mit dem Firmenbuch verbunden.

Letzte Eintragung am 07.08.2009 mit der Eintragungsummer 115194  
zuständiges Gericht: Landesgericht Wien im Innkreis

1 Früher Landesgericht Wien im Innkreis, HRB 10  
Bezirkgericht Schwatthaus (1)  
Ersteintragung am 03.02.1978

FIRMA

1 "MARKE" Schuh-Gesellschaft m.b.H.  
4 MARKE-Schuhfabrik GmbH  
24 Think Schuhwerk GmbH

RECHTSFORM

1 Gesellschaft mit beschränkter Haftung

SITZ in

1 politischer Gemeinde Ropling im Innkreis

GESCHÄFTSANSCHRIFT

1 Nr. 35  
4794 Ropling im Innkreis  
11 Hauptstraße 15  
4794 Ropling im Innkreis

KAPITAL

1 ATS 500.000  
16 EUR 35.400

STICHTAG für JAHRABSCHLUSS

1 31. Dezember

Einreichung

2 zum 31.12.1997 eingereicht am 29.09.1998  
5 zum 31.12.1998 eingereicht am 01.10.1999  
9 zum 31.12.1999 eingereicht am 06.03.2001  
10 zum 31.12.2000 eingereicht am 03.01.2002  
13 zum 31.12.2001 eingereicht am 30.12.2002  
17 zum 31.12.2002 eingereicht am 12.11.2003  
18 zum 31.12.2003 eingereicht am 10.11.2004  
19 zum 31.12.2004 eingereicht am 02.08.2005  
20 zum 31.12.2005 eingereicht am 24.10.2006  
22 zum 31.12.2006 eingereicht am 15.02.2008  
23 zum 31.12.2007 eingereicht am 11.02.2008  
25 zum 31.12.2008 eingereicht am 05.08.2009

VERTRETUNGSBEFUGNIS

1 Die Generalversammlung bestimmt, wenn mehrere Geschäftsführer bestellt sind, deren Vertretungsbefugnis.  
2 Die Gesellschaft wird, wenn mehrere Geschäftsführer bestellt sind, durch zwei Geschäftsführer gemeinsam oder durch einen von ihnen gemeinsam mit einem Prokuristen vertreten.  
Die Generalversammlung kann, auch wenn mehrere Geschäftsführer bestellt sind, einzelnen von ihnen selbständige Vertretungsbefugnis erteilen.