

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

TRADEMARK TRIAL AND APPEAL BOARD

Applicant: Technicolor Trademark Management
Mark: TECHNICOLOR & DESIGN (BLACK & WHITE BAR)
Serial No. 77/899,203 Examining Atty: Aretha C. Somerville
Filed: December 22, 2009 Law Office: 107
Docket No.: 67070-0003 Int'l Class(es): 9, 35, 38, 40, 41, 42

BOX TTAB – FEE
Commissioner for Trademarks
P.O. BOX 1451
Alexandria, VA 22313-1451

NOTICE OF APPEAL

Despite the word “final” appearing in the hard copy version of the most recent Office Action of November 13, 2010, the online database reflects the action as non-final and would not permit the filing of a Request for Reconsideration or a Notice of Appeal. See the non-final status at **Exhibit A**. As a result, Applicant on May 12, 2011 filed a response online in the normal course. In the event the most recent Office Action was in fact final, Applicant also hereby appeals the decision of the Examining Attorney in connection with the above-referenced application with respect to the services of Classes 35 and 41.

A copy of the response filed is attached as **Exhibit B**. Applicant’s undersigned attorney hereby authorizes the Commissioner to charge Deposit Account No. 18-0013, in the amount of

05/20/2011 HPHAM1 00000022 180013 77899203

01 FC:6403 200.00 DA



05-18-2011

\$200.00 to cover the filing fee for this Notice of Appeal. Such fees should be reimbursed if the November 13, 2010 Office Action was not, in fact, final.

If additional fees are required during the prosecution of this Notice of Appeal, the Commissioner is authorized to charge Deposit Account No. 18-0013, for the requisite amount. It is requested that Applicant's undersigned counsel be promptly advised of any such additional charges.

Respectfully submitted,

Date: May 13, 2011

By: MMLO
Mary Margaret L. O'Donnell
RADER, FISHMAN & GRAUER PLLC
39533 Woodward Avenue, Suite 140
Bloomfield Hills, MI 48304
(248) 594-0649
mmlo@raderfishman.com
PTO Customer Number 010291

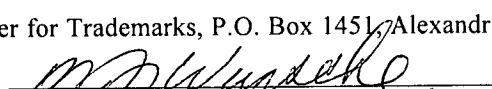
I hereby certify, pursuant to 37 C.F.R. §§ 1.8 and 1.1(a), that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Box TTAB – FEE, Commissioner for Trademarks, P.O. Box 1451, Alexandria, Virginia 22313-1451, on May 13, 2011, by M. Jennifer Wunsche, 

EXHIBIT A

**United States Patent and Trademark Office**[Home](#) | [Site Index](#) | [Search](#) | [Guides](#) | [Contacts](#) | [eBusiness](#) | [eBiz alerts](#) | [News](#) | [Help](#)***Electronic System for Trademark Trials and Appeals***Notice of Appeal.
Navigation: - StopESTTA v.3.0
PTO-2190 (Exp. 03/31/2014)
OMB No. 0651-0040 (Exp. 03/31/2014)**Stop**

Applicant	Technicolor Trademark Management
Application Serial Number	77899203
Filing Date of Application	2009-12-22
Date of Publication	
International Classes	009 035 038 040 041 042
Applied-for Mark	TECHNICOLOR

The application status is:

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..

The above-referenced application does not appear to be in the proper prosecution status for appeal. Accordingly, the appeal cannot be instituted.

If you believe that your application is ripe for appeal, you must submit a timely written notice of appeal.

The Board's address is as follows:

Commissioner for Trademarks
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

[HOME](#) | [INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [CONTACT US](#) | [PRIVACY STATEMENT](#)

05/13/2011 02:56 PM EDT

EXHIBIT B

PTO Form 1957 (Rev 9/2005)
OMB No. 0651-0050 (Exp. 04/2009)

Response to Office Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	77899203
LAW OFFICE ASSIGNED	LAW OFFICE 107
MARK SECTION (no change)	
GOODS AND/OR SERVICES SECTION (009)(current)	
INTERNATIONAL CLASS	009
DESCRIPTION	<p>Apparatus for receiving, recording, transmission, reproduction, storage, encoding or decoding of sound or images, namely, transmitters and receivers of digital data, decoders for receiving multimedia content, in particular videos, photos or sounds, electronic decoders, media players; TVs, CD, DVD and Blu-Ray players and recorders; MP3 and MP4 players; multimedia servers; computer servers, computers; computer terminals, data transmission and telephone terminals, in particular for global communications networks such as the Internet; telephone apparatus; modems and telecommunication routers; home networking devices; multimedia terminals; access and access control devices for data processing equipment, authentication devices for telecommunications networks, namely, authentication computer servers, electronic token and electronic encoded chip cards, access control equipment, biometric devices for identification via fingerprint, voice and pupil detectors; software and hardware platforms for the digital distribution of audio video contents and games; apparatus for games, namely, handheld games adapted for use with television receivers; projection screens and projectors; TV and movie studio apparatus, namely, cameras, TV monitors, mixing consoles, digital video effects apparatus; software for the creation, management, editing and use of data bases; software for providing access to computer or data transmission networks, in particular to a global communications network such as the Internet; Computer programs and software, namely, software and hardware platforms for content distribution of video, data and voice, in the field of media, entertainment and communication; software and hardware platforms for digital distribution of audio video content and video games; software for the creation and development of video games; motion picture films, DVDs, sound and video recordings featuring a wide variety of subjects; prerecorded audio and video optical discs featuring music and motion pictures on a wide variety of subjects; computer programs for video games; computer memory cards and memory chips; 3D movie theatre glasses</p>
FILING BASIS	Section 44(e)
FOREIGN REGISTRATION NUMBER	093696968
FOREIGN REGISTRATION COUNTRY	France
FOREIGN REGISTRATION DATE	05/14/2010

FOREIGN EXPIRATION DATE 12/07/2019

GOODS AND/OR SERVICES SECTION (009)(proposed)

INTERNATIONAL CLASS 009

TRACKED TEXT DESCRIPTION

Apparatus for receiving, recording, transmission, reproduction, storage, encoding or decoding of sound or images, namely, transmitters and receivers of digital data, decoders for receiving multimedia content, in particular videos, photos or sounds, electronic decoders, media players; ~~TVs, CD, DVD and Blu-Ray players and recorders; TVs, CD, DVD and optical disc players and recorders;~~ TVs, CD, DVD and optical disc players and recorders; MP3 and MP4 players; multimedia servers; computer servers, computers; computer terminals, data transmission and telephone terminals, in particular for global communications networks such as the Internet; telephone apparatus; modems and telecommunication routers; home networking devices; multimedia terminals; ~~access and access control devices for data processing equipment, authentication devices for telecommunications networks, namely, authentication computer servers, electronic token and electronic encoded chip cards; access control equipment, biometric devices for identification via fingerprint, voice and pupil detectors;~~ access and access control devices for data processing equipment, authentication devices for telecommunications networks, namely, authentication computer servers, electronic token and electronic encoded chip cards; software and hardware platforms for the digital distribution of audio video contents and games; ~~apparatus for games, namely, handheld games adapted for use with television receivers;~~ apparatus for games, namely, handheld electronic games adapted for use with television receivers; projection screens and projectors; TV and movie studio apparatus, namely, cameras, TV monitors, mixing consoles, digital video effects apparatus; software for the creation, management, editing and use of data bases; software for providing access to computer or data transmission networks, in particular to a global communications network such as the Internet; Computer programs and software, namely, software and hardware platforms for content distribution of video, data and voice, in the field of media, entertainment and communication; software and hardware platforms for digital distribution of audio video content and video games; ~~software for the creation and development of video games;~~ software for the creation and development of video games motion picture films, DVDs, sound and video recordings featuring a wide variety of subjects; ~~motion picture films, DVDs, sound and video recordings featuring a wide variety of subjects;~~ prerecorded audio and video optical discs featuring music and motion pictures on a wide variety of subjects; computer programs for video games; computer memory cards and memory chips; 3D movie theatre glasses

FINAL DESCRIPTION

Apparatus for receiving, recording, transmission, reproduction, storage, encoding or decoding of sound or images, namely, transmitters and receivers of digital data, decoders for receiving multimedia content, in particular videos, photos or sounds, electronic decoders, media players; TVs, CD, DVD and optical disc players and recorders; MP3 and MP4 players; multimedia servers; computer servers, computers; computer terminals, data transmission and telephone terminals, in particular for global communications networks such as the Internet; telephone apparatus; modems and telecommunication routers; home networking devices; multimedia terminals; access and access control devices for data processing equipment, authentication devices for telecommunications networks, namely, authentication computer servers, electronic token and electronic encoded chip cards; software and hardware platforms for the digital distribution of audio video contents and games; apparatus for games, namely, handheld electronic games adapted for use with television receivers; projection screens and projectors; TV and movie studio apparatus, namely, cameras, TV monitors, mixing consoles, digital video effects apparatus; software for the creation, management, editing and use of data bases; software for providing access to computer or data transmission networks, in particular to a global communications network such as the Internet; Computer programs and software, namely, software and hardware platforms for content distribution of video, data and voice, in the field of media, entertainment and communication; software and hardware platforms for digital distribution of audio video content and video games; software for the creation and

development of video games motion picture films, DVDs, sound and video recordings featuring a wide variety of subjects; prerecorded audio and video optical discs featuring music and motion pictures on a wide variety of subjects; computer programs for video games; computer memory cards and memory chips; 3D movie theatre glasses

FILING BASIS Section 44(e)

FOREIGN REGISTRATION NUMBER 093696968

FOREIGN REGISTRATION COUNTRY France

FOREIGN REGISTRATION DATE 05/14/2010

FOREIGN EXPIRATION DATE 12/07/2019

GOODS AND/OR SERVICES SECTION (035)(current)

INTERNATIONAL CLASS 035

DESCRIPTION

business management and administration, advertising; reproduction of documents

FILING BASIS Section 44(e)

GOODS AND/OR SERVICES SECTION (035)(proposed)

INTERNATIONAL CLASS 035

TRACKED TEXT DESCRIPTION

Business management and administration, advertising; reproduction of documents; business services, namely management of broadcast operations relating to television studios, newsrooms and production control rooms

FINAL DESCRIPTION

Business management and administration, advertising; reproduction of documents; business services, namely management of broadcast operations relating to television studios, newsrooms and production control rooms

FILING BASIS Section 44(e)

GOODS AND/OR SERVICES SECTION (038)(no change)

GOODS AND/OR SERVICES SECTION (040)(current)

INTERNATIONAL CLASS 040

DESCRIPTION

Processing still picture film after exposure; dyeing still picture film, photographic film, cinematographic film; color correction services; developing, printing, editing, enlarging, etching, photofinishing and reproduction of photographic films, cinematographic films, audio tapes, video tapes, video discs or other recording media; transfer of material from one recording medium to another; providing broadcast facility management; DVD duplication

FILING BASIS Section 44(e)

GOODS AND/OR SERVICES SECTION (040)(proposed)**INTERNATIONAL CLASS** 040**TRACKED TEXT DESCRIPTION**

Processing still picture film after exposure; dyeing still picture film, photographic film, cinematographic film; color correction services; developing, printing, editing, enlarging, etching, photofinishing and reproduction of photographic films, cinematographic films, audio tapes, video tapes, video discs or other recording media; transfer of material from one recording medium to another; ~~providing broadcast facility management~~; DVD duplication

FINAL DESCRIPTION

Processing still picture film after exposure; dyeing still picture film, photographic film, cinematographic film; color correction services; developing, printing, editing, enlarging, etching, photofinishing and reproduction of photographic films, cinematographic films, audio tapes, video tapes, video discs or other recording media; transfer of material from one recording medium to another; DVD duplication

FILING BASIS Section 44(e)**GOODS AND/OR SERVICES SECTION (041)(current)****INTERNATIONAL CLASS** 041**DESCRIPTION**

Entertainment services; film production; electronic and digital production and distribution of films, broadcast programs, commercial programs for others; production of computer game software; providing on line computer games; digital imaging services; 3D film production; postproduction services for film, video and music; recording studio services; motion picture play date scheduling, namely, the scheduling of film play dates for others; providing visual effects for cinematographic films, advertising and television programs; animation services for the TV, video and theatrical markets; Video tapes and DVD film rental, film rental, rental of apparatus for receiving and processing sound, images or data; rental of movie and TV equipment and accessories, namely, projection screens and projectors, TV and movie studio apparatus, namely, cameras, TV monitors, mixing consoles, digital video effects apparatus; Organization of conferences and exhibition for culture and entertainment purposes; providing of training in the field of film production, video game production; providing of information relating to organizing sporting and cultural activities, film editing; photomontage

FILING BASIS Section 44(e)**GOODS AND/OR SERVICES SECTION (041)(proposed)****INTERNATIONAL CLASS** 041**TRACKED TEXT DESCRIPTION**

Entertainment services; film production; electronic and digital production and distribution of films, broadcast programs, commercial programs for others; production of computer game software; providing on line computer games; digital imaging services; 3D film production; postproduction services for film, video and music; recording studio services; motion picture play date scheduling, namely, the scheduling of film play dates for others; providing visual effects for cinematographic films, advertising and television programs; animation services for the TV, video and theatrical markets; Video tapes and DVD film rental, film rental, rental of apparatus for receiving and processing sound, images or data; rental of movie and TV equipment and accessories, namely, projection screens and projectors, TV and movie studio apparatus, namely, cameras, TV monitors, mixing consoles, digital video effects apparatus; Organization of conferences and exhibition for culture and entertainment purposes; providing of training in the field of

film production, video game production; providing of information relating to organizing sporting and cultural activities, film editing; ~~photomontage~~; photomontage, namely, editing and assembly of photos, digital files and videos into compilations

FINAL DESCRIPTION

Entertainment services; film production; electronic and digital production and distribution of films, broadcast programs, commercial programs for others; production of computer game software; providing on line computer games; digital imaging services; 3D film production; postproduction services for film, video and music; recording studio services; motion picture play date scheduling, namely, the scheduling of film play dates for others; providing visual effects for cinematographic films, advertising and television programs; animation services for the TV, video and theatrical markets; Video tapes and DVD film rental, film rental, rental of apparatus for receiving and processing sound, images or data; rental of movie and TV equipment and accessories, namely, projection screens and projectors, TV and movie studio apparatus, namely, cameras, TV monitors, mixing consoles, digital video effects apparatus; Organization of conferences and exhibition for culture and entertainment purposes; providing of training in the field of film production, video game production; providing of information relating to organizing sporting and cultural activities, film editing; photomontage, namely, editing and assembly of photos, digital files and videos into compilations

FILING BASIS Section 44(e)

GOODS AND/OR SERVICES SECTION (042)(no change)

SIGNATURE SECTION

RESPONSE SIGNATURE /mmlo/
SIGNATORY'S NAME Mary Margaret L. O'Donnell
SIGNATORY'S POSITION Attorney - MI
DATE SIGNED 05/12/2011
AUTHORIZED SIGNATORY YES

[Back](#)

[View/Save Data as PDF](#)

Your Response To Office Action Was Submitted Successfully

Success! [View/Save E-Receipt as PDF file](#)

We have received your form for serial number 77899203. You can open and save a PDF version of the filing receipt by clicking on the button, above, and this will serve as your official confirmation copy. We will also separately send an e-mail summary of the form to "TMDOCKETING@RADERFISHMAN.COM". For electronically submitted forms, the USPTO will not mail an additional paper confirmation.

NOTE: Do **NOT** send a duplicate paper copy of this filing to the USPTO, as it will interfere with the proper processing of the electronic submission.

Thank you.

TEAS Support Team

STAMP: USPTO/ROA-12.199.187.30-20110512191833621030-77899203-4808f72183a85d874db799e5dcb92a37330-N/A-N/A-20110512191645473794



Trademark Electronic Application System (TEAS) service
U.S. Patent and Trademark Office
Please refer questions or comments to: teas@USPTO.gov