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Filing date: **08/05/2008**

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

|                           |                                                                                                                                                                                           |
|---------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Proceeding                | 91168033                                                                                                                                                                                  |
| Party                     | Plaintiff<br>UBS AG                                                                                                                                                                       |
| Correspondence<br>Address | Patrick J. Jennings<br>Pillsbury Winthrop Shaw Pittman LLP<br>1650 Tysons Blvd.<br>McLean, VA 22102<br>UNITED STATES<br>stephanie.goeller@pillsburylaw.com, kevin.kramer@pillsburylaw.com |
| Submission                | Plaintiff's Notice of Reliance                                                                                                                                                            |
| Filer's Name              | Stephanie F. Goeller                                                                                                                                                                      |
| Filer's e-mail            | stephanie.goeller@pillsburylaw.com, kevin.kramer@pillsburylaw.com                                                                                                                         |
| Signature                 | /Stephanie F. Goeller/                                                                                                                                                                    |
| Date                      | 08/05/2008                                                                                                                                                                                |
| Attachments               | NOTICE OF RELIANCE I.pdf ( 134 pages )(5777030 bytes )                                                                                                                                    |

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

|                       |   |                                 |
|-----------------------|---|---------------------------------|
| UBS AG,               | ) |                                 |
|                       | ) |                                 |
|                       | ) |                                 |
| Opposer,              | ) | Opposition No. 91168033         |
|                       | ) |                                 |
| v.                    | ) |                                 |
|                       | ) | Application Ser. No. 78/524,329 |
|                       | ) |                                 |
| United Bankers' Bank, | ) |                                 |
|                       | ) |                                 |
| Applicant.            | ) |                                 |
|                       | ) |                                 |

**UBS AG'S FIRST NOTICE OF RELIANCE**

Pursuant to 37 C.F.R. § 2.122(b) and (e), Opposer UBS AG hereby provides notice that it will rely on the following relevant documents in this proceeding:

1. Attached hereto as Exhibit 1 are two status and title copies of United States Trademark Registration No. 1,573,828 ("the '828 Registration"). The status and title copies were issued by the United States Patent and Trademark Office ("USPTO") after the filing date of the notice of opposition in this case and show that the Opposer, UBS AG, owns the mark set forth in the '828 Registration and did so at the time the notice of opposition was filed. The '828 Registration forms the basis of this opposition.

2. Attached hereto as Exhibit 2 is a copy of the decision of the Trademark Trial and Appeal Board in Opposition No. 91150775, *UBS AG v. UFS Securities, L.L.C.*, (TTAB January 30, 2004). This decision is relevant to the strength of Opposer's UBS mark and scope of protection to which it is entitled.

3. Attached hereto as Exhibit 3 is a true and correct copy of 10 AM. Jur. 2d *Banks and Financial Institutions*, § 2 (1997), which is probative of the definition of term “banking.”

4. Attached hereto as Exhibit 4 is a true and correct copy of United States Trademark Registration No. 3,063,801, which is probative of the fact that the services at issue are of the type which emanate from the same source.

5. Attached hereto as Exhibit 5 is a true and correct copy of United States Trademark Registration No. 3,007,175, which is probative of the fact that the services at issue are of the type which emanate from the same source.

6. Attached hereto as Exhibit 6 is a true and correct copy of United States Trademark Registration No. 3,286,500, which is probative of the fact that the services at issue are of the type which emanate from the same source.

7. Attached hereto as Exhibit 7 is a true and correct copy of United States Trademark Registration No. 2,880,622, which is probative of the fact that the services at issue are of the type which emanate from the same source.

8. Attached hereto as Exhibit 8 is a true and correct copy of United States Trademark Registration No. 3,314,410, which is probative of the fact that the services at issue are of the type which emanate from the same source.

9. Attached hereto as Exhibit 9 is a true and correct copy of United States Trademark Registration No. 3,313,937, which is probative of the fact that the services at issue are of the type which emanate from the same source.

10. Attached hereto as Exhibit 10 is a true and correct copy of United States Trademark Registration No. 3,034,227, which is probative of the fact that the services at issue are of the type which emanate from the same source.

11. Attached hereto as Exhibit 11 is a true and correct copy of United States Trademark Registration No. 3,325,818, which is probative of the fact that the services at issue are of the type which emanate from the same source.

12. Attached hereto as Exhibit 12 is a true and correct copy of United States Trademark Registration No. 2,648,012, which is probative of the fact that the services at issue are of the type which emanate from the same source.

13. Attached hereto as Exhibit 13 is a true and correct copy of United States Trademark Registration No. 2,718,571, which is probative of the fact that the services at issue are of the type which emanate from the same source.

14. Attached hereto as Exhibit 14 is a true and correct copy of United States Trademark Registration No. 2,785,269, which is probative of the fact that the services at issue are of the type which emanate from the same source.

15. Attached hereto as Exhibit 15 is a true and correct copy of United States Trademark Registration No. 3,072,763, which is probative of the fact that the services at issue are of the type which emanate from the same source.

16. Attached hereto as Exhibit 16 is a true and correct copy of United States Trademark Registration No. 3,092,354, which is probative of the fact that the services at issue are of the type which emanate from the same source.

17. Attached hereto as Exhibit 17 is a true and correct copy of United States Trademark Registration No. 3,291,094, which is probative of the fact that the services at issue are of the type which emanate from the same source.

18. Attached hereto as Exhibit 18 is a true and correct copy of United States Trademark Registration No. 3,004,905, which is probative of the fact that the services at issue are of the type which emanate from the same source.

19. Attached hereto as Exhibit 19 is a true and correct copy of United States Trademark Registration No. 2,728,502, which is probative of the fact that the services at issue are of the type which emanate from the same source.

20. Attached hereto as Exhibit 20 is a true and correct copy of United States Trademark Registration No. 2,900,984, which is probative of the fact that the services at issue are of the type which emanate from the same source.

21. Attached hereto as Exhibit 21 is a true and correct copy of United States Trademark Registration No. 3,191,023, which is probative of the fact that the services at issue are of the type which emanate from the same source.

22. Attached hereto as Exhibit 22 is a true and correct copy of United States Trademark Registration No. 3,239,983, which is probative of the fact that the services at issue are of the type which emanate from the same source.

23. Attached hereto as Exhibit 23 is a true and correct copy of United States Trademark Registration No. 2,710,428, which is probative of the fact that the services at issue are of the type which emanate from the same source.

24. Attached hereto as Exhibit 24 is a true and correct copy of United States Trademark Registration No. 3,256,580, which is probative of the fact that the services at issue are of the type which emanate from the same source.

25. Attached hereto as Exhibit 25 is a true and correct copy of United States Trademark Registration No. 3,219,222, which is probative of the fact that the services at issue are of the type which emanate from the same source.

26. Attached hereto as Exhibit 26 is a true and correct copy of United States Trademark Registration No. 3,092,355, which is probative of the fact that the services at issue are of the type which emanate from the same source.

27. Attached hereto as Exhibit 27 is a true and correct copy of United States Trademark Registration No. 2,606,575, which is probative of the fact that the services at issue are of the type which emanate from the same source.

28. Attached hereto as Exhibit 28 is a true and correct copy of United States Trademark Registration No. 3,285,490, which is probative of the fact that the services at issue are of the type which emanate from the same source.

29. Attached hereto as Exhibit 29 is a true and correct copy of United States Trademark Registration No. 3,148,222, which is probative of the fact that the services at issue are of the type which emanate from the same source.

30. Attached hereto as Exhibit 30 is a true and correct copy of United States Trademark Registration No. 2,656,261, which is probative of the fact that the services at issue are of the type which emanate from the same source.

31. Attached hereto as Exhibit 31 is a true and correct copy of United States Trademark Registration No. 2,869,227, which is probative of the fact that the services at issue are of the type which emanate from the same source.

32. Attached hereto as Exhibit 32 is a true and correct copy of United States Trademark Registration No. 3,298,213, which is probative of the fact that the services at issue are of the type which emanate from the same source.

33. Attached hereto as Exhibit 33 is a true and correct copy of United States Trademark Registration No. 3,253,879, which is probative of the fact that the services at issue are of the type which emanate from the same source.

34. Attached hereto as Exhibit 34 is a true and correct copy of United States Trademark Registration No. 3,318,058, which is probative of the fact that the services at issue are of the type which emanate from the same source.

35. Attached hereto as Exhibit 35 is a true and correct copy of United States Trademark Registration No. 3,092,353, which is probative of the fact that the services at issue are of the type which emanate from the same source.

36. Attached hereto as Exhibit 36 is a true and correct copy of United States Trademark Registration No. 2,928,502, which is probative of the fact that the services at issue are of the type which emanate from the same source.

37. Attached hereto as Exhibit 37 is a true and correct copy of United States Trademark Registration No. 3,086,799, which is probative of the fact that the services at issue are of the type which emanate from the same source.

38. Attached hereto as Exhibit 38 is a true and correct copy of United States Trademark Registration No. 3,006,891, which is probative of the fact that the services at issue are of the type which emanate from the same source, such as Opposer.

39. Attached hereto as Exhibit 39 is a true and correct copy of United States Trademark Registration No. 3,325,817, which is probative of the fact that the services at issue are of the type which emanate from the same source.

40. Attached hereto as Exhibit 40 is a true and correct copy of United States Trademark Registration No. 3,356,548, which is probative of the fact that the services at issue are of the type which emanate from the same source.

Respectfully submitted,



Date: August 5, 2008

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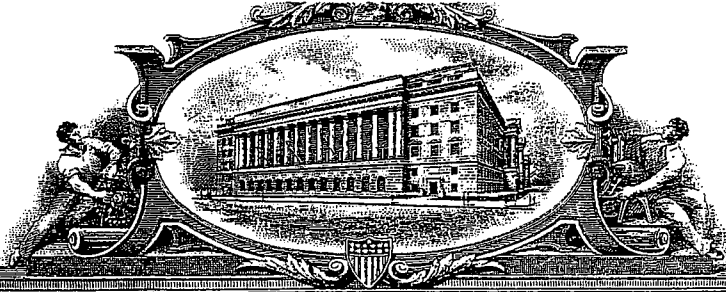
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*Counsel for Opposer*  
*UBS AG*



## **OPPOSER EXHIBIT 1**

1706088



# THE UNITED STATES OF AMERICA

**TO ALL TO WHOM THESE PRESENTS SHALL COME:**

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

June 23, 2008

THE ATTACHED U.S. TRADEMARK REGISTRATION 1,573,828 IS  
CERTIFIED TO BE A TRUE COPY WHICH IS IN FULL FORCE AND  
EFFECT WITH NOTATIONS OF ALL STATUTORY ACTIONS TAKEN  
THEREON AS DISCLOSED BY THE RECORDS OF THE UNITED STATES  
PATENT AND TRADEMARK OFFICE.

REGISTERED FOR A TERM OF 10 YEARS FROM *December 26, 1989*  
1st RENEWAL FOR A TERM OF 10 YEARS FROM *December 26, 1999*

SAID RECORDS SHOW TITLE TO BE IN:

*UBS AG*

*A SWITZERLAND CORPORATION*

By Authority of the

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

M. TARVER

Certifying Officer



Int. Cl.: 36

Prior U.S. Cls.: 101 and 102

**United States Patent and Trademark Office**

Reg. No. 1,573,828

Registered Dec. 26, 1989

**SERVICE MARK  
PRINCIPAL REGISTER**

**UBS**

UNION BANK OF SWITZERLAND (SWITZER-  
LAND CORPORATION)  
45 BAHNHOFSTRASSE  
ZURICH, SWITZERLAND

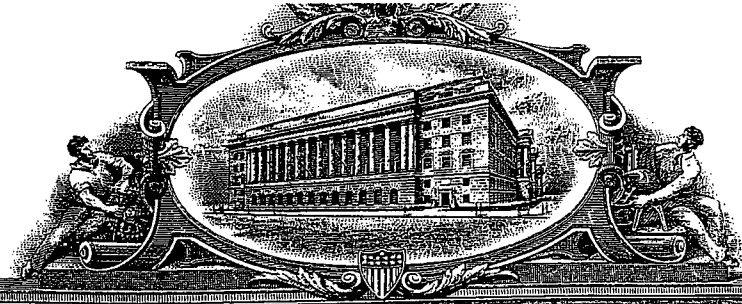
FIRST USE 1-1-1962; IN COMMERCE  
1-1-1962.

SER. NO. 73-795,596, FILED 4-21-1989.

FOR: BANKING, INVESTMENT BANKING,  
AND SECURITIES BROKERAGE SERVICES,  
IN CLASS 36 (U.S. CLS. 101 AND 102).

MARTIN MARKS, EXAMINING ATTORNEY

1706088



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UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office

June 23, 2008

THE ATTACHED U.S. TRADEMARK REGISTRATION 1,573,828 IS  
CERTIFIED TO BE A TRUE COPY WHICH IS IN FULL FORCE AND  
EFFECT WITH NOTATIONS OF ALL STATUTORY ACTIONS TAKEN  
THEREON AS DISCLOSED BY THE RECORDS OF THE UNITED STATES  
PATENT AND TRADEMARK OFFICE.

REGISTERED FOR A TERM OF 10 YEARS FROM *December 26, 1989*  
1st RENEWAL FOR A TERM OF 10 YEARS FROM *December 26, 1999*

SAID RECORDS SHOW TITLE TO BE IN:

*UBS AG*  
*A SWITZERLAND CORPORATION*

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

M. TARVER  
Certifying Officer



Int. Cl.: 36

Prior U.S. Cls.: 101 and 102

Reg. No. 1,573,828

**United States Patent and Trademark Office** Registered Dec. 26, 1989

**SERVICE MARK  
PRINCIPAL REGISTER**

**UBS**

UNION BANK OF SWITZERLAND (SWITZER-  
LAND CORPORATION)  
45 BAHNHOFSTRASSE  
ZURICH, SWITZERLAND

FOR: BANKING, INVESTMENT BANKING,  
AND SECURITIES BROKERAGE SERVICES,  
IN CLASS 36 (U.S. CLS. 101 AND 102).

FIRST USE 1-1-1962; IN COMMERCE  
1-1-1962.

SER. NO. 73-795,596, FILED 4-21-1989.

MARTIN MARKS, EXAMINING ATTORNEY

## **OPPOSER EXHIBIT 2**

Mailed: January 30, 2004  
Paper No. 20  
PTH

UNITED STATES PATENT AND TRADEMARK OFFICE

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Trademark Trial and Appeal Board

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UBS AG  
v.  
UFS Securities, L.L.C.

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Opposition No. 91150775  
to application Serial Nos. 76203687 and 76203688  
filed on February 2, 2001

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Paul W. Kruse, Kevin Kramer, James R. Menker and Thomas P.  
Feddo of Pillsbury Winthrop for UBS AG.

Denise C. Mazour of Thomte, Mazour & Niebergall for UFS  
Securities, L.L.C.

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Before Hairston, Walters and Chapman, Administrative  
Trademark Judges.

Opinion by Hairston, Administrative Trademark Judge:

UFS Securities, L.L.C. (a Nebraska limited liability  
company) has filed applications to register the marks UFS  
SECURITIES (typed drawing) and UFS SECURITIES as shown  
below,



both for "securities brokerage services."<sup>1</sup>

Opposer, UBS AG, a Swiss corporation, filed a notice of opposition to registration of applicant's marks, alleging priority of use and likelihood of confusion under Section 2(d) of the Trademark Act, as ground for opposition.

Opposer specifically alleges that it is the owner of a registration for the mark UBS for "banking, investment banking, and securities brokerage services;"<sup>2</sup> that it, along with its predecessor, is the prior user of the mark UBS for such services; that opposer has built up extensive and valuable goodwill and consumer recognition in the mark UBS; and that applicant's marks, if used in connection with the identified services, so resemble opposer's mark as to be likely to cause confusion, to cause mistake, or to deceive.

Applicant filed an answer wherein it denied the allegations of the notice of opposition.

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<sup>1</sup> Serial Nos. 76203688 and 76203687, respectively, filed February 2, 2001 and alleging a bona fide intention to use the mark in commerce. In each application, the word "SECURITIES" is disclaimed apart from the mark as shown.

<sup>2</sup> Registration No. 1,573,828 issued December 26, 1989; Section 8 affidavit accepted; Section 15 affidavit acknowledged; renewed.



The record consists of the files of the involved applications; the testimony deposition of opposer's witness Neil Gluckin (with exhibits); and opposer's notices of reliance on printed publications. Applicant did not take testimony or otherwise offer any evidence on its behalf.

Both opposer and applicant filed briefs on the case. An oral hearing was not requested.

The record shows that opposer UBS AG offers financial services, including banking, investment banking, and securities brokerage services. Opposer is one of the largest financial services companies in the world and has offices throughout the United States and North America. Opposer is the fourth largest stockbroker for individuals in the United States; one of the top five traders of shares on the NYSE; and one of the top ten traders of shares on the NASDAQ.

Opposer has used the UBS mark in connection with its services since 1962. Opposer has spent substantial sums on advertising and promoting its services.<sup>3</sup> Opposer advertises by way of print media, direct marketing, sponsorship of events and its web site. For well over ten years, opposer has advertised in such magazines and newspapers as *The Economist*, *Fortune*, *Baron's*, *Harvard Business Review*, *The New York Times Sunday Magazine*, *The Wall Street Journal* and

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<sup>3</sup> Opposer's advertising/promotional figures have been made of record under seal.

*The Financial Times*. In addition, opposer has organized and conducted numerous seminars and conferences wherein it has provided investment information to investment professionals and potential investors.

Inasmuch as applicant failed to take testimony or submit any other evidence, what we know about applicant is the information in the application. Applicant is a limited liability company of Nebraska located in Lincoln, Nebraska.

Because opposer, during its testimony period, submitted status and title copies of its pleaded registration, there is no issue with respect to opposer's priority. *King Candy Co., Inc. v. Eunice King's Kitchen, Inc.*, 496 F.2d 1400, 182 USPQ 108 (CCPA 1974).

Our determination of likelihood of confusion under Section 2(d) must be based on an analysis of all of the probative facts in evidence that are relevant to the factors bearing on the likelihood of confusion issue. In *re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 177 USPQ 563 (CCPA 1973). In any likelihood of confusion analysis, two key factors to be considered are the similarities/dissimilarities between the marks and the similarities/dissimilarities between the goods and/or services.

Turning first to the services, we find that opposer's securities brokerage services and applicant's securities

brokerage services are identical.<sup>4</sup> Further, there being no limitations in the recitation of services in either opposer's registration or applicant's applications, it must be presumed that opposer's and applicant's services would travel in all the normal channels of trade for such services and be offered to all the usual purchasers.

We turn next to a consideration of the similarity or dissimilarity of the marks, in their entirety, as to appearance, sound, connotation and commercial impression. At the outset, we note that "when marks would appear on virtually identical goods or services, the degree of similarity necessary to support a conclusion of likely confusion declines." *Century 21 Real Estate Corp., v. Century Life of America*, 970 F.2d 874, 23 USPQ2d 1698 (Fed. Cir. 1992). Further, although the marks at issue must be considered in their entirety, it is well settled that one feature of a mark may be more significant than another, and it is not improper to give more weight to this dominant feature in determining the commercial impression created by the mark. Disclaimed or otherwise descriptive matter is generally viewed as a less dominant or significant feature of a mark. See *In re National Data Corp.*, 753 F.2d 1056, 224 USPQ 749 (Fed. Cir. 1985). Finally, as noted by the

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<sup>4</sup> Although opposer's pleaded registration covers banking and investment services, in its brief on the case, opposer's

Board in *Alberto-Culver Co. v. F.D.C. Wholesale Corp.*, 16 USPQ2d 1597, 1602 (TTAB 1990), where as here, the marks consist of unpronounceable letter combinations, "they may be inherently difficult to remember and thus more susceptible of confusion or mistake than are word marks... ."

Applying the above principles to the marks at issue, we find that applicant's marks, UFS SECURITIES and UFS SECURITIES and design, are substantially similar to opposer's mark UBS in sound, appearance and overall commercial appearance. In comparing the marks, it is appropriate to give more weight to the UFS portion of applicant's marks because of the descriptive nature of the word SECURITIES. Indeed, it is the UFS portion of applicant's marks that customers would likely use to refer to applicant's services. The UFS portion of applicant's marks and opposer's UBS mark differ by only the middle letter. The letter combinations UFS and UBS are unpronounceable and are inherently difficult to remember. Although the UFS portion of one of applicant's marks is depicted in a stylized format, this does not serve to distinguish the marks to avoid a likelihood of confusion.

Further, opposer's evidence of the length and extent of use of its UBS mark, along with the advertising thereof, establish that opposer's UBS mark is a strong mark in the

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likelihood of confusion argument centers on its securities

field of securities brokerage services. Thus, it is entitled to a wide scope of protection. Specialty Brands, Inc. v. Coffee Bean Distributors, Inc., 784 F.2d 669, 223 USPQ 1281, 1284 (Fed. Cir. 1984). Applicant's marks, which consist of a very similar combination of letters, come too close to the zone of protection to be accorded opposer's mark.

In view of the foregoing, we find that applicant's marks UFS SECURITIES and UFS SECURITIES and design are so similar to opposer's mark UBS that, if used in connection with services that are identical (securities brokerage services), confusion is likely to result. See, e.g., Weiss Associates, Inc. v. HRL Associates, Inc., 902 F.2d 1546, 14 USPQ2d 1840 (Fed. Cir. 1990); [confusion found likely in contemporaneous use of TMM and TMS, both for software systems]; Dere v. Institute for Scientific Information, Inc., 420 F.2d 1068, 164 USPQ 347 (CCPA 1970) [confusion found likely in contemporaneous use of I.A.I. for indexes to books and literature and ISI for publications]; Chemetron Corp. v. N.R.G. Fuels Corp., 157 USPQ 111 (TTAB 1968) [confusion found likely in contemporaneous use of NCG for compressed gases and NRG for liquefied petroleum, etc].

**Decision:** The opposition is sustained as to each of the involved applications.

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brokerage services.



## **OPPOSER EXHIBIT 3**



# AMERICAN JURISPRUDENCE

SECOND EDITION

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A MODERN COMPREHENSIVE TEXT STATEMENT OF  
AMERICAN LAW

STATE AND FEDERAL

COMPLETELY REVISED AND REWRITTEN  
IN THE LIGHT OF MODERN AUTHORITIES AND DEVELOPMENTS

VOLUME 10

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BANKS AND FINANCIAL INSTITUTIONS §§ 1-887

1997



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Aqueduct Building, Rochester, New York 14694

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Unless otherwise specified by statute, it is immaterial whether a bank is federally or state chartered; the term "bank" includes institutions doing a banking business without reference to the chartering entity.<sup>9</sup>

The Federal Deposit Insurance Corporation Act defines a bank as any national bank, State bank, and District bank, and any Federal branch and insured branch; and any former savings association that has converted from a savings association charter and is a Savings Association Insurance Fund member.<sup>10</sup>

The Federal Bank Holding Company Act defines a "bank" as any institution whose deposits are insured by the Federal Deposit Insurance Corporation.<sup>11</sup>

A bank has also been defined as a place of business where credits are opened by the deposit or collection of money or currency, subject to be paid or to be remitted upon draft, check, or order; or where money is advanced or loaned on stocks, bonds, or bullion, and bills of exchange; or where promissory notes are received for discount or for sale.<sup>12</sup> Accordingly, in the commercial sense, banks are of three kinds: (1) of deposit, (2) of discount, and (3) of circulation.<sup>13</sup>

The character of a banking corporation is not affected by its possession and exercise of nonbanking powers.<sup>14</sup> The term "bank," as used in some statutes, does not include private bankers, copartnerships, or voluntary associations doing a banking business.<sup>15</sup>

Although banks have a certain public service aspect to their natures,<sup>16</sup> a bank is not a public service corporation.<sup>17</sup>

**Observation:** Often, statutes define banks in terms of a particular function that they engage in; thus, for example, the Uniform Commercial Code, in check collections, refers to "payor banks," and Federal statutes and regulations refer to "payee banks,"<sup>18</sup> and "depository banks."<sup>19</sup>

## § 2. —Banking

Having a place of business where deposits are received and paid out on checks or other orders and where money is loaned upon security is the principal substance of the business of a banker.<sup>20</sup> Comprehensively, the business of banking consists of the issuance of notes payable on demand and intended to

Bank (Tex App Houston (1st Dist)) 666 SW2d 524, writ ref n r e (Jul 11, 1984) and rebg of writ of error overr (Sep 19, 1984) and cert den 469 US 1213, 84 L Ed 2d 332, 105 S Ct 1185 (Edge Act corporation organized to finance international transactions).

As to Edge Act corporations, see §§ 156 et seq.

8. Heritage Bank & Trust Co. v Harris (1st Dist) 192 Ill App 3d 969, 88 Ill Dec 211, 478 NE2d 526.

9. 12 USCA § 1813(a)(1).

As to these individual forms of banks, see §§ 13 et seq.

10. 12 USCA § 1841(c).

As to the definition of a bank holding company under the Bank Holding Company Act generally, see §§ 8 et seq.

11. State Tax Comm'n v Yavapai County Sav. Bank, 52 Ariz 374, 81 P2d 86.

12. Oulton v Savings Institution, 84 US 109, 17 Wall 109, 21 L Ed 618.

13. Pink v Alden, 260 App Div 564, 23 NYS2d 365, affd on other grounds 285 NY 800, 35 NE2d 193.

14. Lawson v Citizens Bank of Hahira, 185 Ga 527, 195 SE 742.

15. § 21.

16. Peterson v Wells Fargo Bank (ND Cal) 556 F Supp 1100.

17. § 889.

18. § 992.

19. Brenham Production Credit Ass'n v Zeiss, 153 Tex 132, 264 SW2d 95.

circulate as money payable on demand; money on collateral negotiating loans a ment, state and national tributes of the bank loans, discounting. Although ordinarily paying out of deposits may be carrying on activity.<sup>22</sup>

As to what constituted that a corporation store, which requires persons desiring to demand, in money of a statute which deposit as a regular business.<sup>23</sup>

There is a distinction of isolated acts of which does not mean the progress. It means conducting progressively acts no

**Observation:** for the purpose federal savings a such facility by saving business on in paying out with intermediary bet

## § 3. Depository institutions Under the Federal

20. State ex rel. Taylor Inc., 358 Mo 983, 218 SW

21. American Sugar Refining Co. (DC Ky) 20 F Supp 55, affd (CA6 Ky) 107 F2d 948; B (ND Cal) 43 F Supp 889, 29 AFTR 114, affd on the (Cal) 135 F2d 512, 43-1 AFTR 13 (although finding acceptance of deposits from banking); State Tax Comm Sav. Bank, 52 Ariz 374, 81 Taylor v Currency Service, 218 SW2d 600; Commercial Nat'l Bank, 97 Tex 536, 80 v State, 141 Wis 577, 124 P

22. Rosenbloom v Anglim, 889, 42-1 USTC ¶ 10161,

UBS-000178

circulate as money where the banks are banks of issue; in receiving deposits payable on demand; in discounting commercial paper; in making loans of money on collateral security; in buying and selling bills of exchange; and, in negotiating loans and dealing in negotiable securities issued by the government, state and national, and municipal and other corporations.<sup>20</sup> The usual attributes of the banking business are receiving deposits, making collections and loans, discounting commercial paper, and issuing notes for circulation.<sup>21</sup> Although ordinarily the banking business involves more than the accepting and paying out of deposits, an institution which exercises only these two functions may be carrying on a banking business, if these things are done as a regular activity.<sup>22</sup>

As to what constitutes a banking business in a particular instance, it has been ruled that a corporation engaged in the general business of operating a department store, which receives moneys on deposit up to a certain amount from any persons desiring to deposit with it, such amount with interest to be repaid on demand, in money or goods at the election of the depositor, is within the terms of a statute which declares the soliciting, receiving, or accepting of money on deposit as a regular business by a person or a corporation to be a banking business.<sup>23</sup>

There is a distinction between doing a banking business and the performance of isolated acts of which the business consists. Carrying on a banking business does not mean the performance of a single disconnected banking business act. It means conducting, prosecuting, and continuing business by performing progressively acts normally incident to the banking business.<sup>24</sup>

**Observation:** The maintenance in a supermarket of a computer terminal for the purpose of facilitating the electronic transfer of funds between a federal savings and loan association and its depositors, and the manning of such facility by store employees, does not constitute the conduct of banking business on the part of the store; in accepting money for deposit and in paying out withdrawals, the store was simply a financial and operational intermediary between the depositor and the financial institution.<sup>25</sup>

### § 3. Depository institution; insured depository institution

Under the Federal Deposit Insurance Corporation Act, the term "depository

20. State ex rel. Taylor v Currency Services, Inc., 358 Mo 983, 218 SW2d 600.

(CA9 Cal) 135 F2d 512, 43-1 USTC ¶ 10044, 31 AFTR 13.

21. American Sugar Refining Co. v Anderson (DC Ky) 20 F Supp 55, *affd* on other grounds (CA6 Ky) 107 F2d 948; Rosenblum v Anglim (ND Cal) 43 F Supp 889, 42-1 USTC ¶ 10161, 29 AFTR 114, *affd* on the particular facts (CA9 Cal) 135 F2d 512, 43-1 USTC ¶ 10044, 31 AFTR 13 (although finding on the facts that acceptance of deposits from one customer is not banking); State Tax Comm'n v Yavapai County Sav. Bank, 52 Ariz 374, 81 P2d 86; State ex rel. Taylor v Currency Services, Inc., 358 Mo 983, 218 SW2d 600; Commercial Nat'l Bank v First Nat'l Bank, 97 Tex 536, 80 SW 601; MacLaren v State, 141 Wis 577, 124 NW 667.

23. Rosenblum v Anglim (ND Cal) 43 F Supp 889, 42-1 USTC ¶ 10161, 29 AFTR 114, *affd* on other grounds (CA9 Cal) 135 F2d 512, 43-1 USTC ¶ 10044, 31 AFTR 13; MacLaren v State, 141 Wis 577, 124 NW 667.

24. Rosenblum v Anglim (CA9 Cal) 135 F2d 512, 43-1 USTC ¶ 10044, 31 AFTR 13 (an importer/exporter accepting deposits from one client/customer as an isolated account is not subject to banking regulation since that does not make it a regular business of the firm and therefore does not constitute engaging in the banking business).

22. Rosenblum v Anglim (ND Cal) 43 F Supp 889, 42-1 USTC ¶ 10161, 29 AFTR 114, *affd*

25. State ex rel. Meyer v American Community Stores Corp., 193 Neb 634, 228 NW2d 299, 73 ALR3d 1275.

**OPPOSER EXHIBIT 4**

Int. Cls.: 35, 36 and 42

Prior U.S. Cls.: 100, 101 and 102

Reg. No. 3,063,801

United States Patent and Trademark Office

Registered Feb. 28, 2006

**SERVICE MARK  
PRINCIPAL REGISTER**



**GENEVA GROUP INTERNATIONAL**

GENEVA GROUP IP GMBH WALCHWIL (SWITZERLAND LIMITED LIABILITY CORPORATION)

ZUGERSTRASSE 36  
CH-6318 WALCHWIL  
SWITZERLAND

FOR: BUSINESS MANAGEMENT, NAMELY, BUSINESS MANAGEMENT CONSULTING IN THE FIELD OF CORPORATE RISK MANAGEMENT AND INFORMATION RISK MANAGEMENT; BUSINESS ADMINISTRATION, NAMELY, BOOKKEEPING, ACCOUNTING, PREPARING BUSINESS REPORTS, AUDITING, OFFERING SECRETARIAL OFFICE SUPPORT SERVICES; COMMERCIAL ADVICE; FISCAL ASSESSMENT AND BUSINESS PLANNING, NAMELY, FOR MERGERS, PURCHASE AND SALE OF COMPANIES, ACQUISITION STRATEGIES, FRANCHISING, COMPANY LIQUIDATION AND COMPANY FAILURE; COST AND PRICE ANALYSES, NAMELY VALUATION OF COMPANIES AND CORPORATIONS AND THEIR ASSETS, MARKET RESEARCH FOR OTHERS; COMMERCIAL ADMINISTRATION, NAMELY, BUSINESS ADMINISTRATION FOR COMPANY PLANNING AND DEVELOPMENT, PROJECT CONSULTING, COMPANY RISK MANAGEMENT AND PROCESSES MANAGEMENT); DATABASE MANAGEMENT, NAMELY, COMPILING, PROCESSING AND SYSTEMATIZING DATA IN COMPUTER DATABASES; ACCOUNTING, PAYROLL PREPARATION; INTERNAL AND EXTERNAL AUDITING; PROVIDING INFORMATION ON ECONOMIC MATTERS, NAMELY PROVIDING INFORMATION ON MACRO- AND MICROECONOMIC MATTERS, SPECIFIC BUSINESS KNOW-HOW, BUSINESS OPPORTUNITIES, NETWORKING, TURNAROUND, PRIVATE EQUITY AND VENTURE CAPITAL VIA WEBSITES, PRINTED PUBLICATIONS, NEWSLETTERS, BUSINESS CONVENTIONS AND CONFERENCES; CONSULTING ON ECONOMIC MATTERS, NAMELY MACRO- AND MICROECONOMIC MATTERS, SPECIFIC BUSINESS KNOW-HOW AND BUSINESS OPPORTUNITIES, NETWORKING, TURNAROUND, PRIVATE EQUITY, VENTURE CA-

PITAL; EXPERT APPRAISALS ON ECONOMIC MATTERS, NAMELY BUSINESS APPRAISALS; TAX PREPARATION; CONSULTING IN THE FIELDS OF BOOKKEEPING, ACCOUNTING, PREPARING BUSINESS REPORTS, AUDITING, OFFERING SECRETARIAL OFFICE SUPPORT SERVICES, TAX PREPARATION, PUBLIC RELATIONS; MARKET ANALYSIS, MARKET RESEARCH INFORMATION PROJECTS, CONDUCTING MARKET STUDIES; EMPLOYMENT AGENCIES, PERSONNEL RECRUITMENT, PERSONNEL MANAGEMENT CONSULTING; PERSONNEL MANAGEMENT SERVICES FOR OTHERS, NAMELY, STAFF RECRUITMENT AND SELECTION; SERVICES OF PROFESSIONAL REINTEGRATION, NAMELY OUTPLACEMENT, STAFF EXCHANGE, PROFESSIONAL EDUCATION AND COACHING; PROFESSIONAL BUSINESS CONSULTING AND ANALYSIS, IN PARTICULAR IN CONNECTION WITH THE FOUNDATION, PURCHASE, SALE, TRANSFORMATION, REVITALIZATION, REORGANIZATION, MERGER, SUCCESSION PLANNING AND LIQUIDATION OF COMPANIES; ADVERTISING OF THE GOODS AND/OR SERVICES OF OTHERS THROUGH PLACEMENT OF ADVERTISEMENTS IN MAGAZINES, ON BILLBOARDS, ON TELEVISION, AND ON THE INTERNET; DISTRIBUTION OF ADVERTISING, NAMELY, PRODUCT AND SERVICE SALES PROMOTION FOR THIRD PARTIES THROUGH DISTRIBUTION OF ADVERTISING POSTERS AND MESSAGES ON ELECTRONIC SITES ACCESSIBLE ON COMPUTER NETWORKS, NAMELY, THE INTERNET; PROVIDING INFORMATION, NAMELY, PROVIDING INFORMATION ONLINE IN GLOBAL COMPUTER NETWORKS, NAMELY, THE INTERNET, FOR THE ABOVE-MENTIONED SERVICES, NAMELY, PROVIDING INFORMATION CONCERNING COMMERCIAL MANAGEMENT, ACCOUNTING, AUDITING, COMPANY ADMINISTRATION, TAX DECLARATIONS, PROFESSIONAL BUSINESS CONSULTING; CONSULTING SERVICES FOR ALL THE ABOVE-MENTIONED SERVICES, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FOR: FINANCIAL AND MONETARY AFFAIRS, NAMELY, FINANCIAL MANAGEMENT, TRUSTEESHIP, INVESTMENT CONSULTANCY, FINANCIAL ANALYSIS, FISCAL ASSESSMENTS, FINANCIAL AND FISCAL CONSULTANCY IN CONNECTION WITH THE INCORPORATION, REORGANIZATION, RESTRUCTURING, LIQUIDATION, SUCCESSION AND MERGER OF COMPANIES, RECEIVERSHIP AND BANKRUPTCY MANAGEMENT, DEBT-COLLECTION SERVICES, FINANCIAL SERVICES, NAMELY INCORPORATION, REORGANIZATION, RESTRUCTURING, LIQUIDATION, SUCCESSION AND MERGER OF COMPANIES, RECEIVERSHIP AND BANKRUPTCY MANAGEMENT, DEBT-COLLECTION SERVICES, FINANCIAL ANALYSIS, BANKING, CAPITAL INVESTMENTS, CHECK VERIFICATION, FINANCIAL CLEARING, CREDIT CARD SERVICES, ISSUANCE OF CREDIT CARDS, DEBIT CARD SERVICES, SAFETY DEPOSIT BOX SERVICES, EXCHANGING MONEY, FACTORING, FIDUCIARY, FINANCIAL EVALUATION, CORPORATE FINANCE, FINANCIAL SPONSORSHIP, FUND INVESTMENTS, ELECTRONIC FUND TRANSFER, INSTALLMENT LOANS, ISSUING OF TRAVELERS' CHECKS, LOAN FINANCING, SECURITIES BROKERAGE, SECURITIES LENDING, STOCK EXCHANGE QUOTATIONS, STOCKS AND BONDS BROKERAGE; FINANCIAL CONSULTING NAMELY FOR PENSION PLAN SERVICES, CONSULTING AND BROKERAGE FOR FINANCIAL INVESTMENT, INVESTMENT STRATEGY, ADVICE CONCERNING INVESTMENT, FINANCING, NAMELY INCORPORATION, REORGANIZATION, RESTRUCTURING, LIQUIDATION, SUCCESSION AND MERGER OF COMPANIES, RECEIVERSHIP AND BANKRUPTCY MANAGEMENT, DEBT-COLLECTION SERVICES, FINANCIAL ANALYSIS, BANKING, CAPITAL INVESTMENTS, CHECK VERIFICATION, FINANCIAL CLEARING, CREDIT CARD SERVICES, ISSUANCE OF CREDIT CARDS, DEBIT CARD SERVICES, DEPOSITS OF VALUABLES, EXCHANGING MONEY, FACTORING, FIDUCIARY, FINANCIAL EVALUATION, CORPORATE FINANCE, FINANCIAL SPONSORSHIP, FUND INVESTMENTS, ELECTRONIC FUND TRANSFER, INSTALLMENT LOANS, ISSUING OF TRAVELERS' CHECKS, LOAN FINANCING, SECURITIES BROKERAGE, SECURITIES LENDING, STOCK EXCHANGE QUOTATIONS, STOCKS AND BONDS BROKERAGE, NAMELY BROKERAGE SERVICES FOR STOCKS, FOR BONDS, FOR INVESTMENT FUNDS, FOR SALES OF COMPANIES, FOR SALES OF CORPORATIONS, FOR REAL ESTATE, FOR LOANS, FOR CREDIT CARD SERVICES, FOR DEBT-COLLECTION SERVICES, FOR CAPITAL INVESTMENTS, CORPORATE FINANCE, FINANCIAL SPONSORSHIP, FOR THE INCORPORATION, REORGANIZATION, RESTRUCTURING, LIQUIDATION, SUCCESSION AND MERGER OF COMPANIES, RECEIVERSHIP AND BANKRUPTCY MANAGEMENT, FIDUCIARY, FACTORING, SECURITIES LENDING; PREPARATION OF TAX OPINIONS AND TAX ESTIMATES; INVESTMENT MANAGEMENT, FINANCIAL EVALUATION AND ESTIMATION OF ASSETS, NAMELY, BUSINESSES, FORTUNES, REAL ESTATE, INTEL-

LECTUAL PROPERTY RIGHTS, LICENSES; REAL ESTATE BUSINESS, NAMELY, REAL ESTATE RENTING AND CONSULTING FOR PROPERTY INVESTMENT, LAND DEVELOPMENT AND INSURANCE OF SITES, FINANCING FOR DEVELOPMENT, OPERATION AND MANAGEMENT OF REAL ESTATE OF ALL TYPES; ADMINISTRATION OF PROPERTY, NAMELY, OF VALUABLES, DEPOSITS OF VALUABLES AND REAL ESTATE, NAMELY ASSET MANAGEMENT, WEALTH MANAGEMENT FOR OTHERS, OPERATING FAMILY OFFICES FOR OTHERS, REAL ESTATE AGENCY SERVICES; PREPARATION OF ASSET INVENTORIES FOR TAX PURPOSES; REVIEW AND COMPARISON OF BANKING SERVICES FOR OTHERS, REVIEW AND AUDIT OF THE FINANCIAL SITUATION OF BANKS; DEBT COLLECTION AGENCIES; MANAGEMENT OF PENSION FUNDS; FINANCIAL AND FISCAL CONSULTING, NAMELY, IN CONNECTION WITH THE FOUNDATION, PURCHASE, SALE, TRANSFORMATION, REVITALIZATION, REORGANIZATION, MERGER, SUCCESSION PLANNING AND LIQUIDATION OF COMPANIES, NAMELY FINANCIAL AND FISCAL CONSULTING IN CONNECTION WITH THE INCORPORATION, REORGANIZATION, RESTRUCTURING, LIQUIDATION, SUCCESSION, MERGER OF COMPANIES, IN CONNECTION WITH TAX PLANNING, PREPARATION OF TAX DECLARATIONS, IN CONNECTION WITH RECEIVERSHIP AND BANKRUPTCY, CORPORATE FINANCE, CAPITAL INVESTMENTS, PRIVATE EQUITY, FACTORING AND FIDUCIARY; ACTUARIAL SERVICES; PROVIDING INFORMATION ONLINE VIA A GLOBAL COMPUTER NETWORK, NAMELY, A WEB SITE ON THE INTERNET, FOR THE ABOVE SERVICES, NAMELY, PROVIDING INFORMATION CONCERNING FINANCIAL AFFAIRS, MONETARY AFFAIRS, ADMINISTRATION OF ASSETS, INVESTMENT OF ASSETS, REAL ESTATE, FISCAL CONSULTING AND MANAGEMENT; CONSULTING SERVICES FOR ALL THE ABOVE SERVICES VIA SUCH INTERNET WEBSITE; ACTUARIAL SERVICES; TAX ADVISING, IN CLASS 36 (U.S. CLS. 100, 101 AND 102).

FOR: LEGAL SERVICES, NAMELY, PROVIDING LEGAL ADVICE, SERVICES PROVIDED BY LAWYERS AND CONDUCT OF LAWSUITS IN ALL LEGAL MATTERS, PREPARING LEGAL OPINIONS; MANAGING AND EXPLOITING INTELLECTUAL PROPERTY RIGHTS FOR OTHERS, NAMELY, OVERSEEING AND MANAGING LICENSING OF INTELLECTUAL PROPERTY RIGHTS FOR OTHERS, INTELLECTUAL PROPERTY, INTELLECTUAL PROPERTY WATCHING SERVICES, LICENSING OF INTELLECTUAL PROPERTY; SCIENTIFIC AND TECHNOLOGICAL SERVICES AND RELATED RESEARCH SERVICES RELATING TO FINANCIAL SERVICES, FINANCIAL AFFAIRS, MONETARY AFFAIRS, REAL ESTATE AFFAIRS, BUSINESS MANAGEMENT, BUSINESS ADMINISTRATION, BUSINESS OPPORTUNITIES, FOR CAPITAL INVESTMENTS, CORPORATE FINANCE, FINANCIAL SPONSORSHIP, FOR THE INCORPORATION, REORGANIZATION, RESTRUCTURING, LIQUIDATION, SUCCESSION AND MERGER

OF COMPANIES, RECEIVERSHIP AND BANKRUPTCY MANAGEMENT, FIDUCIARY, FACTORING, SECURITIES LENDING; SERVICES OF INDUSTRIAL RESEARCH AND ANALYSIS RELATING TO FINANCIAL SERVICES, FINANCIAL AFFAIRS, MONETARY AFFAIRS, REAL ESTATE AFFAIRS, BUSINESS MANAGEMENT, BUSINESS ADMINISTRATION, BUSINESS OPPORTUNITIES, FOR CAPITAL INVESTMENTS, CORPORATE FINANCE, FINANCIAL SPONSORSHIP, FOR THE INCORPORATION, REORGANIZATION, RESTRUCTURING, LIQUIDATION, SUCCESSION AND MERGER OF COMPANIES, RECEIVERSHIP AND BANKRUPTCY MANAGEMENT, FIDUCIARY, FACTORING, SECURITIES LENDING; QUALITY CONTROL CONCERNING LEGAL MATTERS, COMPUTERS AND SOFTWARE; DESIGN AND DEVELOPMENT OF COMPUTERS AND SOFTWARE, IN PARTICULAR DESIGN, DEVELOPMENT AND WRITING OF COMPUTER PROGRAMS; COMPUTER CONSULTING SERVICES; SOFTWARE DESIGN, INSTALLATION, COPYING, UPDATING, MAINTENANCE AND RENTING; SERVICES OF GRAPHIC ARTS DESIGNERS; SERVICES OF AN ENGINEER; DESIGN AND RENTING OF COMPUTERS; ANALYSIS OF COMPUTER SYSTEMS; DESIGN, CREATION, FORMATION AND MAINTENANCE OF WEBSITES AND HOME PAGES ACCESSIBLE VIA COMPUTER NETWORKS, NAMELY, THE INTERNET; PROVISION OF

SEARCH ENGINES AND HYPERTEXT LINKS FOR PURPOSES OF CONSULTING DATA AND INFORMATION VIA GLOBAL COMPUTER NETWORKS, NAMELY, THE INTERNET; HOSTING THE WEBSITES OF OTHERS ON THE INTERNET; PROVISION OF INFORMATION ONLINE VIA A GLOBAL NETWORK OF COMPUTERS, NAMELY, THE INTERNET, FOR ALL THE ABOVE-MENTIONED SERVICES, NAMELY, CONCERNING RESEARCH, ANALYSIS, INFORMATION TECHNOLOGY, COMPUTERS, SOFTWARE AND LEGAL SERVICES, CONSULTING SERVICES FOR ALL THE OTHER ABOVE-MENTIONED SERVICES, IN CLASS 42 (U.S. CLS. 100 AND 101).

PRIORITY DATE OF 5-19-2003 IS CLAIMED.

OWNER OF INTERNATIONAL REGISTRATION  
0822729 DATED 11-18-2003, EXPIRES 11-18-2013.

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

SER. NO. 79-001,993, FILED 11-18-2003.

SCOTT OSICK, EXAMINING ATTORNEY

**OPPOSER EXHIBIT 5**



Int. Cls.: 16, 35, 36, 38 and 41

Prior U.S. Cls.: 2, 5, 22, 23, 29, 37, 38, 50, 100, 101,  
102, 104 and 107

Reg. No. 3,007,175

United States Patent and Trademark Office

Registered Oct. 18, 2005

**TRADEMARK  
SERVICE MARK  
PRINCIPAL REGISTER**

**ANDBANC GRUP AGRICOL REIG**

ANDORRA BANC AGRICOL REIG, S.A. (AN-  
DORRA JOINT STOCK COMPANY)  
AVDA. MERTIXELL, 79  
ANDORRA LA VELLA, ANDORRA

FOR: BOOKBINDING ARTICLES, NAMELY, BOOKBINDING, BOOKBINDING TAPE, BOOKBINDING WIRE, CLOTH FOR BOOKBINDING; OFFICE REQUISITES, NAMELY, HOLE PUNCHERS, RUBBER BANDS, STAPLERS, BINDERS, PAPER SHREDDERS, CORRECTING FLUID FOR TYPE; PUBLICATIONS, NAMELY, MAGAZINES IN THE FIELDS OF BANKING, FINANCE, AND INVESTMENTS; BOOKS IN THE FIELDS OF BANKING, FINANCE, AND INVESTMENTS; PAMPHLETS IN THE FIELDS OF BANKING, FINANCE, AND INVESTMENTS; CATALOGS IN THE FIELDS OF BANKING, FINANCE, AND INVESTMENTS; BROCHURES IN THE FIELDS OF BANKING, FINANCE, AND INVESTMENTS; PRINTED INFORMATIONAL, INSTRUCTIONAL, AND EDUCATIONAL MATERIALS FOR USE IN THE BANKING, FINANCIAL, AND INVESTMENT INDUSTRIES; POSTERS; STATIONERY SUPPLIES, NAMELY, ADHESIVE TAPES AND DISPENSERS, FILE POCKETS, GLUE AND GLUE STICKS, ORGANIZERS, STATIONERY, STATIONERY BOXES, FOLDERS, WRITING PAPER, ENVELOPES, PORTFOLIOS, IN CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND 50).

FOR: COMMERCIAL ADMINISTRATION IN THE NATURE OF ADMINISTRATION OF BUSINESS PAYROLL FOR OTHERS, BUSINESS ACQUISITION AND MERGER CONSULTATION, PUBLICITY AGENCIES, PUBLICITY AGENTS, PUBLICATION OF PUBLICITY TEXTS, DEVELOPING PROMOTIONAL CAMPAIGNS FOR BUSINESS, PREPARING PROMOTIONAL MATERIALS FOR OTHERS, PROPAGATION OF PUBLICITY ADVERTISEMENTS; COMMERCIAL INFORMATION AGENCIES; ASSISTANCE IN THE MANAGEMENT OF COMMERCIAL OR INDUSTRIAL COMPANIES; BUSINESS MANAGEMENT AND CONSULTATION

IN THE FIELDS OF NEGOTIATIONS, INVESTMENTS, ORGANIZATION, MANAGEMENT SUPERVISION AND PLANNING, FINANCES; BUSINESS EVALUATIONS IN THE FIELDS OF ECONOMICAL AND FINANCIAL TRANSACTIONS; COST ASSESSMENTS; TAX ASSESSMENTS; ACCOUNTING BUSINESS MANAGEMENT AND CONSULTATION, MARKET RESEARCH, TELEMARKETING AND PROVIDING FOREIGN TRADE INFORMATION; PERSONNEL MANAGEMENT AND CONSULTATION, CONSULTING OF STAFF PROBLEMS, HIRING OF STAFF; EMPLOYMENT VERIFICATION; TAX CONSULTATION, ASSESSMENT, AND PREPARATION; BUSINESS APPRAISALS; MARKET RESEARCH AND ANALYSIS; BUSINESS INVESTIGATIONS, NAMELY, INVESTIGATION OF TRADES; ECONOMIC FORECASTING AND ANALYSIS; ACCOUNT AUDITING; RETAIL STORE SERVICES, MAIL ORDER SERVICES, COMPUTERIZED ON-LINE RETAIL STORE AND MAIL ORDER SERVICES, ALL IN THE FIELD OF GENERAL CONSUMER MERCHANDISE RELATED TO CONSUMER AND COMMERCIAL BANKING, FINANCE, FINANCIAL PLANNING, FINANCIAL PORTFOLIO MANAGEMENT, INVESTING, MORTGAGE, CONSUMER AND COMMERCIAL LENDING, REAL ESTATE, AND INSURANCE; REAL ESTATE ADVERTISING SERVICES; REAL ESTATE AUCTION SERVICES; ARRANGING AND CONDUCTING BUSINESS CONFERENCES, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FOR: SERVICES OF BANK INSTITUTES; BANKING; FINANCIAL SERVICES, NAMELY, PROVIDING ON-LINE STORED VALUE ACCOUNTS IN AN ELECTRONIC ENVIRONMENT, MONEY LENDING, INVESTMENT FUND TRANSFER AND TRANSACTION SERVICES, ASSISTING OTHERS WITH THE COMPLETION OF FINANCIAL TRANSACTIONS FOR STOCKS, BONDS, SECURITIES AND EQUITIES, ISSUANCE AND MANAGEMENT OF

CERTIFICATES BACKED BY LOAN PORTFOLIOS WHICH ARE SUBSEQUENTLY MANAGED TO INSURE THE INTEGRITY OF THE CERTIFICATES, AND SAVINGS PROGRAMS FOR YOUTHS; ADMINISTRATION OF SAVINGS ACCOUNTS; ON-LINE BANKING SERVICES; CREDIT CARD SERVICES; DEBIT CARD SERVICES; AUTOMATED TELLER MACHINE SERVICES; SAFETY DEPOSIT BOX SERVICES; SAVINGS ACCOUNT SERVICES; CHECK VERIFICATION AND CLEARING SERVICES; MONEY EXCHANGING SERVICES; TRAVELER'S CHECK ISSUING SERVICES; SECURITY SERVICES, NAMELY, GUARANTEEING LOANS; COMMERCIAL, MORTGAGE, AND CONSUMER LENDING SERVICES; EQUIPMENT FINANCING SERVICES; ELECTRONIC FUNDS TRANSFER SERVICES, NAMELY, ELECTRONIC PROCESSING AND TRANSMISSION OF BILL PAYMENT DATA; INSURANCE ADMINISTRATION IN THE FIELDS OF PROPERTY AND CASUALTY, LIFE, HEALTH, CREDIT, AND DISABILITY; INSURANCE SERVICES, NAMELY, AGENCIES IN THE FIELDS OF PROPERTY AND CASUALTY, LIFE, HEALTH, CREDIT, AND DISABILITY; PROVIDING INSURANCE ADMINISTRATION AND INSURANCE CONSULTATION SERVICES IN THE FIELDS OF PROPERTY AND CASUALTY, LIFE, HEALTH, CREDIT, AND DISABILITY; UNDERWRITING AND BROKERAGE OF PROPERTY AND CASUALTY, LIFE, HEALTH, CREDIT, AND DISABILITY; INSURANCE UNDERWRITING, FEATURING, INSURANCE POLICIES AND ANNUITIES CONTRACTS; BUSINESS PROCUREMENT SERVICES IN THE NATURE OF FINANCE, REAL ESTATE, ASSET PURCHASES; FINANCING SERVICES; MUTUAL FUND DISTRIBUTION AND TRANSFER AGENT SERVICES, PROVIDING FINANCIAL ANALYSIS, CONSULTATION, PLANNING AND MANAGEMENT, COMMERCIAL AND CONSUMER LENDING, AND TRUST, ESTATE, AND FIDUCIARY MANAGEMENT, PLANNING, MONETARY EXCHANGE SERVICES; FINANCIAL SERVICES, NAMELY, FINANCIAL MANAGEMENT, FINANCIAL ANALYSIS AND CONSULTATION, AND CONSULTING FINANCIAL INFORMATION IN THE NATURE OF RATES OF EXCHANGE INVESTMENT SERVICES, NAMELY, INVESTMENT ADVISOR SERVICES, PROVIDING INVESTMENT ANALYSIS, CONSULTATION, PLANNING, MANAGEMENT, ADVISORY, BROKERAGE, BANKING; RESEARCH SERVICES WITH RESPECT TO STOCKS, MUTUAL FUNDS, SECURITIES, BONDS, COMMODITIES, REAL ESTATE, AND OTHER INSTRUMENTS OF INVESTMENTS; INVESTMENT BANKING SERVICES; INVESTMENT BROKERAGE, CONSULTATION, AND MANAGEMENT; SECURITIES AND MUTUAL FUND INVESTMENT, BROKERAGE, CONSULTATION, AND TRADING SERVICES; FINANCIAL PORTFOLIO MANAGEMENT; FINANCIAL PLANNING; REAL ESTATE BROKERAGE IN THE NATURE OF FINANCIAL VALUATION, LEASING, ACQUISITION, APPRAISAL, AGENCIES, ESCROW SERVICES, INVEST-

MENT, LISTING, MANAGEMENT, PROCUREMENT, AND TRUSTEE SERVICES; CHECK VERIFICATION; CREDIT CARD VERIFICATION; FINANCIAL SPONSORSHIP OF SPORTING EVENTS, IN CLASS 36 (U.S. CLS. 100, 101 AND 102).

FOR: SERVICES OF TELECOMMUNICATIONS AND TELEMATICS, NAMELY, PROVIDING LOCAL AND LONG DISTANCE TELEPHONE SERVICES, TRANSMISSION OF MESSAGES AND IMAGES COMPUTER-ASSISTED, INFORMATION OF TELECOMMUNICATIONS, DELIVERY OF MESSAGES BY ELECTRONIC TRANSMISSION, ELECTRONIC MAIL SERVICES; BROADCASTING PROGRAMS VIA A GLOBAL COMPUTER NETWORK; ELECTRONIC DELIVERY OF IMAGES AND PHOTOGRAPHS VIA A GLOBAL COMPUTER NETWORK; ONLINE DOCUMENT DELIVERY VIA A GLOBAL COMPUTER NETWORK; AND PROVIDING HIGH SPEED ACCESS TO AREA NETWORKS AND A GLOBAL COMPUTER INFORMATION NETWORK, IN CLASS 38 (U.S. CLS. 100, 101 AND 104).

FOR: ARRANGING AND CONDUCTING EDUCATIONAL CONFERENCES; EDUCATIONAL SERVICES, NAMELY, CLASSES, SEMINARS, CONFERENCES, CONVENTIONS, DISCUSSIONS, WORKSHOPS AND SPEECHES IN THE FIELDS OF LAW, ECONOMICS, ECONOMICAL MATTERS, INFORMATIC MATTERS, STOCK EXCHANGE, CONSUMER AND COMMERCIAL BANKING, FINANCE, FINANCIAL PLANNING, FINANCIAL PORTFOLIO MANAGEMENT, INVESTING, MORTGAGE, CONSUMER AND COMMERCIAL LENDING, REAL ESTATE, AND INSURANCE, AND THE DISTRIBUTION OF COURSE MATERIALS IN CONNECTION THEREWITH; TRAINING SERVICES IN THE FIELDS OF CONSUMER AND COMMERCIAL BANKING, FINANCE, FINANCIAL PLANNING, FINANCIAL PORTFOLIO MANAGEMENT, INVESTING, MORTGAGE, CONSUMER AND COMMERCIAL LENDING, REAL ESTATE, AND INSURANCE; ENTERTAINMENT IN THE NATURE OF PRODUCTION OF OPERAS, TELEVISION SHOWS, PLAYS, AND SPORTING EVENTS; ORGANIZATION OF EXHIBITIONS OF CULTURAL OR EDUCATIONAL MATTERS, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

PRIORITY CLAIMED UNDER SEC. 44(D) ON ERPN CMNTY TM OFC APPLICATION NO. 2715027, FILED 5-21-2002, REG. NO. 2715027, DATED 10-14-2003, EXPIRES 5-21-2012.

THE FOREIGN WORDING IN THE MARK TRANSLATES INTO ENGLISH AS GROUP AGRICULTURAL.

SER. NO. 78-135,911, FILED 6-14-2002.

CHARLES JOYNER, EXAMINING ATTORNEY

**OPPOSER EXHIBIT 6**

Int. Cls.: 9, 16, 35, 36 and 38

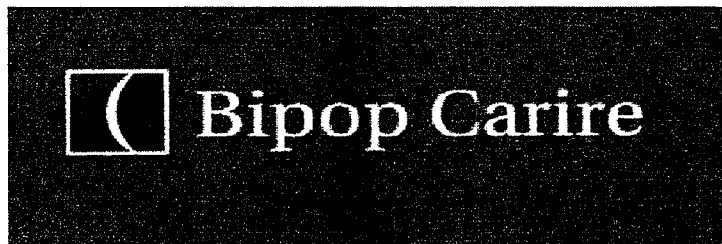
Prior U.S. Cls.: 2, 5, 21, 22, 23, 26, 29, 36, 37, 38, 50,  
100, 101, 102 and 104

**United States Patent and Trademark Office**

**Reg. No. 3,286,500**

Registered Aug. 28, 2007

**TRADEMARK  
SERVICE MARK  
PRINCIPAL REGISTER**



CAPITALIA S.P.A. (ITALY JOINT STOCK COMPANY)  
VIA MARCO MINGHETTI, 17  
I-00187 ROME, ITALY

FOR: ADVERTISING, NAMELY COOPERATIVE ADVERTISING AND MARKETING; BUSINESS MANAGEMENT; BUSINESS ADMINISTRATION; ADMINISTRATION OF BUSINESS PAYROLL FOR OTHERS, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FOR: APPARATUS, NAMELY DIGITAL VIDEO RECORDERS, AUDIO CASSETTE RECORDERS, DIGITAL TAPE RECORDERS FOR RECORDING, TRANSMISSION OR REPRODUCTION OF SOUND OR IMAGES; BLANK MAGNETIC DATA CARRIERS; BLANK COMPUTER DISCS FOR RECORDING SOUND OR IMAGES; BLANK AUDIO DISCS FOR RECORDING; AUTOMATIC VENDING MACHINES AND ACCESSORIES THEREFOR IN THE NATURE OF A COIN-OPERATED DEVICE FOR OPERATING THE VENDING MACHINE; CASH REGISTERS, CALCULATING MACHINES, DATA PROCESSORS AND COMPUTERS; SPECTACLES AND RELATED ACCESSORIES, NAMELY SPECTACLE CASES, SPECTACLE FRAMES, SPECTACLE HOLDERS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FOR: INSURANCE SERVICES, NAMELY UNDERWRITING AND CONSULTATION IN THE FIELDS OF HEALTH INSURANCE, BURGLAR INSURANCE, SECURITIES INSURANCE, ACCIDENT INSURANCE, LIFE INSURANCE AND PENSION INSURANCE; FINANCIAL AFFAIRS, NAMELY INTERNATIONAL FINANCING SERVICES, FINANCE INVESTMENT BROKERAGE, FINANCIAL CONSULTATION, FINANCIAL MANAGEMENT, FINANCIAL PLANNING; GUARANTEE SERVICES; COMMERCIAL FINANCING SERVICES; MONETARY EXCHANGE; MONEY ORDER SERVICES; REAL ESTATE, NAMELY REAL ESTATE BROKERAGES; BROKERAGE HOUSES IN THE FIELD OF STOCKS, COMMODITIES AND FUTURES, IN CLASS 36 (U.S. CLS. 100, 101 AND 102).

FOR: PAPER, CARDBOARD AND GOODS MADE FROM THESE MATERIALS, NAMELY PAPER BAGS, PAPER BANNERS, CARDBOARD; PRINTED MATTER, NAMELY MAGAZINES AND BROCHURES IN THE FIELD OF BANKING SERVICES; BOOKBINDING MATERIAL, NAMELY BOOKBINDINGS; PHOTOGRAPHS; STATIONERY; ADHESIVES FOR STATIONERY OR HOUSEHOLD PURPOSES; ARTISTS' MATERIALS, NAMELY PASTELS AND PENCILS; PAINT BRUSHES; TYPEWRITERS AND OFFICE REQUISITES, NAMELY ENVELOPES; PRINTED INSTRUCTIONAL, EDUCATIONAL AND TEACHING MATERIALS IN THE FIELD OF BANKING SERVICES; PLASTIC MATERIALS FOR PACKAGING, NAMELY PLASTIC BAGS; PRINTING TYPE; PRINTING BLOCKS, IN CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND 50).

FOR: TELECOMMUNICATION SERVICES, NAMELY LOCAL AND LONG DISTANCE TRANSMISSION OF VOICE, DATA, GRAPHICS BY MEANS OF TELEPHONE, TELEGRAPHIC, CABLE AND SATELLITE TRANSMISSIONS; TELECOMMUNICATION CONSULTATION, IN CLASS 38 (U.S. CLS. 100, 101 AND 104).

PRIORITY DATE OF 3-30-2005 IS CLAIMED.

OWNER OF INTERNATIONAL REGISTRATION  
0863008 DATED 5-19-2005, EXPIRES 5-19-2015.

THE COLOR(S) RED, WHITE AND COBALT BLUE IS/ARE CLAIMED AS A FEATURE OF THE MARK.

THE COLOR COBALT BLUE APPEARS IN THE RECTANGULAR BACKGROUND OF THE MARK. THE COLOR WHITE APPEARS IN THE WORDS "BIPOP CARIRE" IN THE CENTER OF THE MARK, WITH THE INITIAL LETTERS "B" AND "C" IN CAPITAL LETTERS AND THE REMAINING LETTERS IN LOWERCASE. THE COLOR RED APPEARS

IN THE SQUARE ON THE LEFT OF SAID WORDS. THE COLOR WHITE APPEARS IN THE FRAME AROUND THE RED SQUARE AND IN A CURVILINEAR CLEFT INSIDE THE RED SQUARE, THE CONCAVITY OF WHICH IS TURNED ON THE RIGHT SIDE.

SER. NO. 79-015,614, FILED 5-19-2005.

MAUREEN DALL, EXAMINING ATTORNEY

**OPPOSER EXHIBIT 7**

Int. Cls.: 35, 36, 37, 39, 40, 41 and 42

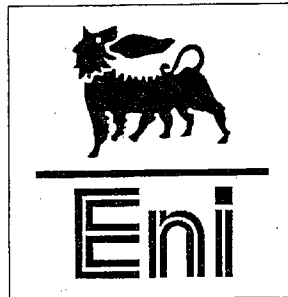
Prior U.S. Cls.: 100, 101, 102, 103, 105, 106 and 107

United States Patent and Trademark Office

Reg. No. 2,880,622

Registered Sep. 7, 2004

**SERVICE MARK  
PRINCIPAL REGISTER**



ENI S.P.A. (ITALY CORPORATION)  
PIAZZALE ENRICO MATTEI NO. 1  
ROME, ITALY

FOR: ACCOUNTING; ADVERTISING AGENCIES; RENTAL OF ADVERTISING SPACE; BUSINESS AUDITING; BOOKKEEPING; BUSINESS MANAGEMENT ASSISTANCE; BUSINESS MANAGEMENT CONSULTANCY; COMMERCIAL OR INDUSTRIAL MANAGEMENT ASSISTANCE; COST PRICE ANALYSIS; DIRECT MAIL ADVERTISING; DISSEMINATION OF ADVERTISING MATTER; ECONOMIC FORECASTING; EFFICIENCY EXPERTS; IMPORT-EXPORT AGENCIES; MARKETING RESEARCH; PREPARING AND PLACING OUTDOOR ADVERTISING FOR OTHERS; PAYROLL PREPARATION; PERSONNEL MANAGEMENT CONSULTANCY; PERSONNEL RECRUITMENT; PUBLIC RELATIONS; CREATING AND DEVELOPING RADIO ADVERTISING FOR OTHERS; SALES PROMOTION FOR OTHERS BY PREPARING AND PLACING ADVERTISEMENTS IN AN ELECTRONIC MAGAZINE ACCESSED THROUGH A GLOBAL COMPUTER NETWORK OR THROUGH THE DISTRIBUTION OF PRINTED MATERIAL AND PROMOTIONAL CONTESTS; TAX PREPARATION; AND PROVIDING TELEVISION ADVERTISING FOR OTHERS, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FOR: ACCIDENT INSURANCE UNDERWRITING; BANKING; BROKERAGE IN THE FIELD OF ART, INSURANCE, STOCKS, COMMODITIES; CAPITAL INVESTMENT CONSULTATION; CREDIT BUREAU; CUSTOMS BROKERAGE; FACTORING; FIDUCIARY REPRESENTATIVES; FINANCIAL

CONSULTANCY; FINANCIAL MANAGEMENT; FINANCING SERVICES, NAMELY, FINANCIAL GUARANTEE AND SURETY OR GUARANTEE ASSURANCE AND UNDERWRITING; FIRE INSURANCE UNDERWRITING; FISCAL ASSESSMENTS; FUND INVESTMENTS; GUARANTEES; HEALTH INSURANCE UNDERWRITING; INSURANCE BROKERAGE; INSURANCE CONSULTANCY; INSURANCE INFORMATION; INSURANCE UNDERWRITING FOR ALL TYPES OF INSURANCE; LIFE INSURANCE UNDERWRITING; MARINE INSURANCE UNDERWRITING; MORTGAGE BANKING; MUTUAL FUND BROKERAGE, MUTUAL FUND DISTRIBUTION, OR MUTUAL FUND INVESTMENT; REAL ESTATE AGENCIES; REAL ESTATE BROKERS; RENTING OF APARTMENTS; SAVINGS BANKS; SECURITIES BROKERAGE; AND STOCK EXCHANGE QUOTATIONS, IN CLASS 36 (U.S. CLS. 100, 101 AND 102).

FOR: WAREHOUSE CONSTRUCTION AND REPAIR; AIRPLANE MAINTENANCE AND REPAIR; BUILDING CONSTRUCTION SUPERVISION; CAR MAINTENANCE; CAR WASH; DEMOLITION OF BUILDINGS; VEHICLE LUBRICATION; MACHINERY INSTALLATION, MAINTENANCE AND REPAIR; MINING EXTRACTION; MOTOR VEHICLE MAINTENANCE AND REPAIR; ROAD PAVING; PIPELINE CONSTRUCTION AND MAINTENANCE; SHIPBUILDING; VEHICLE CLEANING; VEHICLE GREASING LUBRICATION; VEHICLE POLISHING; VEHICLE REPAIR; VEHICLE SERVICE STATIONS; VEHICLE WASH; AND REPAIR OF TIRES, IN CLASS 37 (U.S. CLS. 100, 103 AND 106).

FOR: BOAT STORAGE; BOAT TRANSPORT; DELIVERY OF GOODS BY TRUCK, AIR, RAIL, OR BOAT; FREIGHT BROKERAGE, FREIGHT FORWARDING, FREIGHT SHIP TRANSPORT, FREIGHT TRANSPORTATION BY TRUCK, TRAIN, OR AIR; MARINE TRANSPORT; RAILWAY TRANSPORT; RIVER TRANSPORT BY BOAT; STORAGE OF PETROL PRODUCTS; TRANSPORT BROKERAGE; TRANSMISSION OF OIL OR GAS THROUGH PIPELINES; UNLOADING CARGO; AND WAREHOUSING, IN CLASS 39 (U.S. CLS. 100 AND 105).

FOR: VULCANIZATION AND REPAIR OF TIRES; LAMINATING OF METAL PLATES OR PLASTIC SHEETS; METAL TREATING; CUSTOM PROCESSING OF OIL; AND RECYCLING OF WASTE AND TRASH; INCINERATION OF WASTE AND TRASH; AND OIL PROSPECTING, IN CLASS 40 (U.S. CLS. 100, 103 AND 106).

FOR: ARRANGING AND CONDUCTING OF CONFERENCES IN THE FIELD OF PETROL GOODS AND SERVICES; ARRANGING AND CONDUCTING OF CONGRESSES IN THE FIELD OF PETROL GOODS AND SERVICES; ARRANGING AND CONDUCTING SEMINARS IN THE FIELD OF PETROL GOODS AND SERVICES; ARRANGING AND CONDUCTING SYMPOSIUMS IN THE FIELD OF IN THE FIELD OF PETROL GOODS AND SERVICES; CORRESPONDENCE COURSES IN THE FIELD OF PETROL GOODS AND SERVICES; PROVIDING EDUCATIONAL INFORMATION; EDUCATION SERVICES IN THE NATURE OF COURSES AT THE UNIVERSITY LEVEL OR EDUCATION SERVICES, NAMELY, ON-ON-ONE MENTORING IN THE FIELD OF PETROL GOODS AND SERVICES; TEACHING IN THE FIELD OF PETROL GOODS AND SERVICES, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FOR: TEMPORARY ACCOMMODATION RESERVATIONS FOR OTHERS; ANALYSIS FOR OIL-

FIELD EXPLOITATION; BACTERIOLOGICAL RESEARCH; BACTERIOLOGY; CHEMICAL ANALYSIS; PETROL RESEARCH; CHEMIST SERVICES; CHEMISTRY CONSULTATION; LABORATORY RESEARCH IN THE FIELD OF CHEMISTRY IN THE FIELD OF PETROL GOODS AND SERVICES; CHEMISTRY SERVICES; ENGINEERING; ENGINEERING DRAWING; UNDERWATER EXPLORATION; GEOLOGICAL PROSPECTING; GEOLOGICAL RESEARCH; GEOLOGICAL SURVEYS; HEALTHCARE; HOTELS; LAND SURVEYING; MATERIAL TESTING; MECHANICAL RESEARCH; MEDICAL SERVICES; MEDICAL CLINICS; ANALYSIS OF OIL-FIELD EXPLOITATION; OIL-FIELD SURVEYS; OIL-WELL TESTING; PHYSICS RESEARCH; GEOLOGICAL PROSPECTING; GEOLOGICAL RESEARCH; RESEARCH AND DEVELOPMENT FOR OTHERS; RESTAURANTS; SNACK-BARS; SURVEYING; GEOLOGICAL SURVEYS; LAND SURVEYS; OIL-FIELD SURVEYS; IN THE PETROL FIELD; MATERIAL TESTING; AND UNDERWATER EXPLORATION AND OIL PROSPECTING, IN CLASS 42 (U.S. CLS. 100 AND 101).

PRIORITY CLAIMED UNDER SEC. 44(D) ON ITALY APPLICATION NO. 005511, FILED 9-15-2000, REG. NO. 830990, DATED 1-12-2001, EXPIRES 9-15-2010.

THE MARK CONSISTS OF A BLACK SIX LEGGED DOG AND BLACK HOLLOW LETTERS "ENT" WITHIN A SQUARE; THE BACKGROUND OF THE SQUARE IS IN THE COLOR YELLOW; THE HORIZONTAL LINE BETWEEN THE DOG AND "ENT" IS IN RED AND THE FLAME COMING FROM THE DOG'S MOUTH IS IN RED.

SER. NO. 76-224,694, FILED 3-15-2001.

ROBERT COGGINS, EXAMINING ATTORNEY



## **OPPOSER EXHIBIT 8**

Int. Cls.: 35 and 36

Prior U.S. Cls.: 100, 101, and 102

United States Patent and Trademark Office

Reg. No. 3,314,410

Registered Oct. 16, 2007

**SERVICE MARK  
PRINCIPAL REGISTER**

FIDELITY TOTAL HR ADVANTAGE

FMR CORP. (DELAWARE CORPORATION)  
82 DEVONSHIRE STREET  
BOSTON, MA 02109

FOR: BUSINESS MANAGEMENT SERVICES IN  
THE FIELD OF HUMAN RESOURCES; BUSINESS  
CONSULTATION AND ANALYSIS SERVICES IN  
THE FIELD OF HUMAN RESOURCES, IN CLASS 35  
(U.S. CLS. 100, 101 AND 102).

FIRST USE 3-0-2007; IN COMMERCE 3-0-2007.

FOR: FINANCIAL SERVICES, NAMELY, INVEST-  
MENT MANAGEMENT SERVICES; SECURITIES  
BROKERAGE SERVICES; RETIREMENT FUND IN-  
VESTMENT SERVICES; PROVIDING FINANCIAL  
INFORMATION IN THE FIELD OF RETIREMENT  
PLANNING AND IN THE FIELD OF EMPLOYEE  
BENEFITS; ADMINISTRATION OF RETIREMENT  
PLANS; ADMINISTRATION OF EMPLOYEE BENE-  
FIT PLANS; ADMINISTRATION OF EMPLOYEE

HEALTH AND WELFARE PLANS; ADMINISTRA-  
TION OF HEALTH SAVINGS PLANS, IN CLASS 36  
(U.S. CLS. 100, 101 AND 102).

FIRST USE 3-0-2007; IN COMMERCE 3-0-2007.

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

OWNER OF U.S. REG. NOS. 1,543,851, 3,002,881,  
AND OTHERS.

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

SN 78-824,455, FILED 2-27-2006.

CHERYL CLAYTON, EXAMINING ATTORNEY

**OPPOSER EXHIBIT 9**

Int. Cls.: 35 and 36

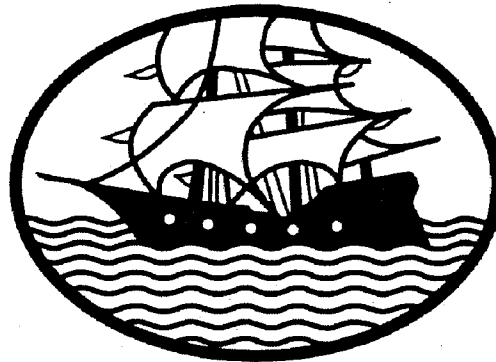
Prior U.S. Cls.: 100, 101 and 102

United States Patent and Trademark Office

Reg. No. 3,312,937

Registered Oct. 16, 2007

SERVICE MARK  
PRINCIPAL REGISTER



MEINL BANK AKTIENGESELLSCHAFT (AUSTRIA PUBLIC LIMITED COMPANY)  
BAUERNMARKT 2  
A-1010 WIEN  
AUSTRIA

FOR: PAYROLL PREPARATION; COST PRICE ANALYSIS; COMMERCIAL INFORMATION AGENCIES; BUSINESS MANAGEMENT AND ORGANIZATION CONSULTANCY; BOOKKEEPING; AUDITING AND MANAGEMENT OF COMPUTERIZED FILES; COMPILATION AND SYSTEMIZATION OF INFORMATION IN DATABASES; BUSINESS APPRAISALS; EFFICIENCY EXPERTS; MARKETING RESEARCH; MARKETING STUDIES; ADVERTISING SERVICES; ECONOMIC FORECASTING, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FOR: FINANCIAL AFFAIRS NAMELY, FINANCIAL PLANNING, FINANCIAL RESEARCH; MONETARY AFFAIRS NAMELY, MONETARY EXCHANGE; BANKING; FINANCIAL CLEARING HOUSES; HOME BANKING; FINANCIAL INFORMATION, FINANCIAL INFORMATION PROCESSING, FINANCIAL INFORMATION IN THE NATURE OF RATES OF EXCHANGE; FINANCIAL CONSULTANCY; FINANCIAL EVALUATION FOR INSURANCE, BANKING AND REAL ESTATE PURPOSES; MUTUAL FUND SERVICES NAMELY, ESTABLISHING MUTUAL FUNDS FOR OTHERS, MUTUAL FUND INVESTMENT; CAPITAL INVESTMENTS NAMELY, CAPITAL INVESTMENT CONSULTATION, EQUITY CAPITAL INVESTMENT; ELECTRONIC FUNDS TRANSFER; FINANCIAL

MANAGEMENT, TRUSTEESHIP NAMELY, REAL ESTATE TRUSTEE SERVICES, TRUSTEESHIP REPRESENTATIVES; REAL ESTATE AFFAIRS, IN PARTICULAR REAL ESTATE APPRAISAL; RENTAL OF OFFICE SPACE; LEASING OF REAL ESTATE; REAL ESTATE AGENCIES; REAL ESTATE MANAGEMENT; RENT COLLECTION AGENCIES., IN CLASS 36 (U.S. CLS. 100, 101 AND 102).

PRIORITY DATE OF 7-17-2006 IS CLAIMED.

OWNER OF INTERNATIONAL REGISTRATION  
0908032 DATED 9-25-2006, EXPIRES 9-25-2016.

THE COLOR(S) BLUE AND WHITE IS/ARE CLAIMED AS A FEATURE OF THE MARK.

THE MARK CONSISTS OF THE COLOR BLUE IN THE BODY AND MASTS OF THE SHIP AND OUTLINES OF THE SAILS, IN THE WAVY HORIZONTAL LINES REPRESENTING WAVES AND THE SURROUNDING OVAL DESIGN; THE COLOR WHITE APPEARS ON THE SAILS OF THE SHIP, IN THE PORTHOLES, IN BETWEEN THE HORIZONTAL BLUE LINES REPRESENTING WAVES AND IN THE BACKGROUND OF THE DRAWING.

SER. NO. 79-032,695, FILED 9-25-2006.

RICHARD WHITE, EXAMINING ATTORNEY

**OPPOSER EXHIBIT 10**

Int. Cls.: 9, 16, 35, 36 and 38

Prior U.S. Cls.: 2, 5, 21, 22, 23, 26, 29, 36, 37, 38, 50,  
100, 101, 102 and 104

Reg. No. 3,034,227

Registered Dec. 27, 2005

**United States Patent and Trademark Office**

**TRADEMARK  
SERVICE MARK  
PRINCIPAL REGISTER**

**SG-CIB**

SOCIETE GENERALE (FRANCE CORPORATION)  
29, BOULEVARD HAUSSMANN  
PARIS, FRANCE 75009

FOR: BLANK, MAGNETIC DATA CARRIERS; BLANK COMPUTER DISCS; AUTOMATIC VENDING MACHINES; CASH REGISTERS; CALCULATING MACHINES; DATA PROCESSING EQUIPMENT; COMPUTERS; COMPUTER SOFTWARE COMPRISING COMPUTER PROGRAMS FOR DATABASE MANAGEMENT IN THE FIELD OF BANKING AFFAIRS AND FINANCIAL AFFAIRS, INTENDED TO BE USED IN AND ON THE INTERNET AND THE GLOBAL COMPUTER NETWORK; MAGNETICALLY ENCODED CREDIT CARDS; ENCODED ELECTRONIC CHIP CARDS FOR IDENTIFYING PARTICULAR USERS OF COMPUTERS AND MOBILE TELEPHONES, MAGNETICALLY ENCODED BANK CARDS FOR CREDIT AND MAKING PAYMENTS; PREPAID TELEPHONE CALLING CARDS, MAGNETICALLY ENCODED, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FOR: CARDBOARD, PRINTED MATTER, NAMELY, BOOKS, CHECK BOOKS, MAGAZINES AND BROCHURES PROVIDING INFORMATION IN THE INSURANCE, BANKING AND FINANCIAL FIELDS; PHOTOGRAPHS, STATIONERY, ADHESIVES AND ADHESIVE MATERIALS FOR STATIONERY OR HOUSEHOLD PURPOSES; PAINT BRUSHES, PRINTED INSTRUCTIONAL, EDUCATIONAL AND TEACHING MATERIALS IN THE FIELD OF BANKING AND FINANCIAL AFFAIRS; PRINTING TYPES; PRINTING BLOCKS; AND NON-MAGNETICALLY ENCODED BANK CARDS FOR CREDIT AND MAKING PAYMENT, IN CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND 50).

FOR: ADVERTISING AGENCIES, NAMELY, PROMOTING THE SERVICES OF BANKS AND FINANCIAL ESTABLISHMENTS THROUGH THE

DISTRIBUTION OF PRINTED AND AUDIO PROMOTIONAL MATERIALS AND BY RENDERING SALES PROMOTION ADVICE; BUSINESS CONSULTATION PROVIDED ON-LINE OR OFF-LINE FROM DATA PROCESSING SYSTEMS, FROM COMPUTER DATABASES OR COMPUTER TELEMATICAL NETWORKS INCLUDING THE INTERNET AND THE WORLD-WIDE WEB NETWORK; BUSINESS AFFAIRS MANAGEMENT; ADMINISTRATION OF BUSINESS PAYROLL FOR OTHERS; OFFICE SECRETARIAL AND CLERICAL SERVICES; DISTRIBUTION OF ADVERTISING MATERIALS, NAMELY, LEAFLETS AND SAMPLES; ARRANGING THE NEWSPAPER SUBSCRIPTIONS FOR OTHERS; BUSINESS INFORMATION MANAGEMENT IN THE BANKING OR FINANCIAL FIELDS; ACCOUNTANCY AND ACCOUNTING SERVICES; REPRODUCTION OF DOCUMENTS; EMPLOYMENT AGENCIES; COMPUTERIZED DATABASE MANAGEMENT; ORGANIZING EXHIBITIONS FOR COMMERCIAL OR ADVERTISING IN RELATION WITH THE FINANCIAL OR BANKING FIELDS, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FOR: PROVIDING INFORMATION IN THE FIELD OF FINANCIAL AND BANKING AFFAIRS; ACCIDENT INSURANCE UNDERWRITING SERVICES AND REAL ESTATE BROKERAGE SERVICES, BOTH PROVIDED ON-LINE AND OFF-LINE FROM DATA PROCESSING SYSTEMS, FROM COMPUTER DATABASES OR COMPUTER TELEMATICAL NETWORKS INCLUDING THE INTERNET AND THE WORLD-WIDE WEB NETWORK; FINANCIAL PLANNING; MORTGAGE FINANCING AND MORTGAGE SERVICING; INVESTMENT ADVISORY AND FINANCIAL ADVISORY SERVICES; VENTURE CAPITAL INVESTMENTS; FACTORING SERVICES; SECURITIES INVESTMENT AND INVESTMENT CONSULTING SERVICES; ELECTRONIC FUNDS TRANSFER, ELECTRONIC BILL PAYMENT; BANKING SERVICES; MONETARY EXCHANGE SERVICES; SAVINGS BANK SERVICES;

ISSUING OF TRAVELLERS' CHEQUES AND LETTERS OF CREDIT; REAL ESTATE ASSESSMENTS; AND APARTMENT HOUSE MANAGEMENT, IN CLASS 36 (U.S. CLS. 100, 101 AND 102).

FOR: TELECOMMUNICATIONS SERVICES, NAMELY, PERSONAL COMMUNICATION SERVICES; ELECTRONIC TRANSMISSION OF DATA AND DOCUMENTS VIA COMPUTER TERMINALS; ELECTRONIC TRANSMISSION OF MESSAGES AND DATA; TELECOMMUNICATION SERVICES, NAMELY, LOCAL AND LONG DISTANCE TRANSMISSION OF VOICE, DATA, GRAPHICS BY MEANS OF TELEPHONE, TELEGRAPHIC, CABLE, AND SATELLITE TRANSMISSIONS; ELECTRONIC MAIL SERVICES; TELEMATIC SENDING OF INFORMATION BY ACCESS CODE, BY DATA PROCESSING SERVERS, BY COMPUTER DATABASE SERVERS, AND BY COMPUTER OR TELEMATIC NETWORK, INCLUDING THE INTERNET AND THE WORLD-

WIDE WEB NETWORKS; WORLDWIDE SWITCHED TEXT AND MESSAGE TRANSMISSION SERVICES ACCESSIBLE BY ACCESS CODE BY COMPUTER AND TELECOMMUNICATION NETWORKS INCLUDING THE INTERNET; REAL TIME COMMUNICATION SERVICES, NAMELY, ELECTRONIC TRANSMISSION OF DATA AND DOCUMENTS BETWEEN COMPUTER USERS VIA THE INTERNET AND THE WORLD-WIDE WEB NETWORKS, IN CLASS 38 (U.S. CLS. 100, 101 AND 104).

PRIORITY CLAIMED UNDER SEC. 44(D) ON FRANCE APPLICATION NO. 033223419, FILED 5-2-2003, REG. NO. 033223419, DATED 5-2-2003, EXPIRES 5-2-2013.

SER. NO. 78-311,420, FILED 10-9-2003.

TINA L. SNAPP, EXAMINING ATTORNEY

**OPPOSER EXHIBIT 11**



Int. Cls.: 35, 36, and 42

Prior U.S. Cls.: 100, 101, and 102

United States Patent and Trademark Office

Reg. No. 3,325,818

Registered Oct. 30, 2007

**SERVICE MARK  
PRINCIPAL REGISTER**



WINWHOLESALE INC. (DELAWARE CORPORATION)  
3110 KETTERING BOULEVARD  
DAYTON, OH 45439

FOR: PROVIDING SHARED BUSINESS SERVICES AND ADMINISTRATIVE SUPPORT TO MEMBERS OF THE WHOLESALING COMMUNITY, NAMELY, PROVIDING ADVISORY SERVICES AND CONSULTANCY WITH REGARD TO BUSINESS PLANNING, BUSINESS ANALYSIS, BUSINESS MANAGEMENT, AND BUSINESS ORGANIZATION; BUSINESS CONSULTING SERVICES RELATING TO PRODUCT DISTRIBUTION, OPERATIONS MANAGEMENT SERVICES, LOGISTICS, REVERSE LOGISTICS, SUPPLY CHAIN, AND PRODUCTION SYSTEMS AND DISTRIBUTION SOLUTIONS; BUSINESS MANAGEMENT SERVICES, NAMELY, MANAGING LOGISTICS, REVERSE LOGISTICS, SUPPLY CHAIN SERVICES, SUPPLY CHAIN VISIBILITY AND SYNCHRONIZATION, SUPPLY AND DEMAND FORECASTING AND PRODUCT DISTRIBUTION PROCESSES FOR OTHERS; PREPARING AND FILING BUSINESS TAX RETURNS; PAYROLL PREPARATION SERVICES; ADMINISTRATION OF BUSINESS PAYROLL FOR OTHERS; ACCOUNTING SERVICES; MARKETING SERVICES, NAMELY, BUSINESS MARKETING, MARKETING CONSULTING, CONDUCTING MARKETING STUDIES, DIRECT MARKETING, AND STATISTICAL EVALUATIONS OF MARKETING DATA; MANAGEMENT AND COMPILATION OF COMPUTERIZED DATABASES FOR OTHERS; PROVIDING ASSISTANCE IN INVENTORY CONTROL AND INVENTORY MANAGEMENT IN THE FIELD OF WHOLESALING OF INDUSTRIAL PRODUCTS, PLUMBING SUPPLIES, HEATING AND COOLING MATERIALS, ELECTRICAL EQUIPMENT, WATERWORKS SUPPLIES, PUMPS, FASTENERS, AND ELECTRONICS; RECORDS MANAGEMENT SERVICES, NAMELY, DOCU-

MENT INDEXING FOR OTHERS; SERVING AS A HUMAN RESOURCES DEPARTMENT FOR OTHERS; FACILITATING THE EXCHANGE OF NEEDED INFORMATION FOR FINANCIAL COMPENSATION VIA THE INTERNET; FINANCIAL STATEMENT PREPARATION AND ANALYSIS; COLLECTION, PREPARATION, COMPOSITION, STORAGE, PROCESSING, ACQUISITION AND PROVISION OF BUSINESS INFORMATION, DATA, STATISTICS AND INDICES; BUSINESS NETWORKING; PUBLIC RELATIONS; INFORMATION SERVICES RELATING TO BUSINESS MATTERS; COOPERATIVE BUYING SERVICES, NAMELY, THE ADMINISTRATION OF AN ALLIANCE OF WHOLESALERS AND SUPPLIERS WHEREIN THE COMBINED PURCHASING POWER OF THE GROUP GENERATES OR ENABLES DISCOUNTS; PROVIDING BUSINESS INFORMATION IN THE FIELD OF ELECTRONIC COMMERCE; ASSOCIATION SERVICES, NAMELY, PROMOTING THE INTERESTS OF WHOLESALERS; AND BUSINESS ACQUISITION AND MERGER CONSULTATION, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 0-0-2005; IN COMMERCE 0-0-2005.

FOR: PROVIDING SHARED FINANCIAL AND INSURANCE SERVICES TO MEMBERS OF THE WHOLESALING COMMUNITY, NAMELY, ASSISTING OTHERS IN OBTAINING LOANS; PROVIDING WORKING BANK LINE CAPITAL; BUSINESS PROPERTY AND CASUALTY INSURANCE CLAIMS PROCESSING AND REPORTING; CASH MANAGEMENT; TRANSFER AGENCY SERVICES RENDERED TO ISSUERS OF INVESTMENT SECURITIES; PAYROLL TAX DEBITING SERVICES; RISK MANAGEMENT; ACCOUNTS PAYABLE DEBITING SERVICES; AND ACCOUNTS PAYABLE MANAGEMENT SERVICES, NAMELY, MAINTAINING CHECK REGISTERS AND PREPARING PAY-

DUE REPORTS, IN CLASS 36 (U.S. CLS. 100, 101 AND 102).

FIRST USE 0-0-2005; IN COMMERCE 0-0-2005.

FOR: PROVIDING SHARED TECHNICAL SERVICES TO MEMBERS OF THE WHOLESALING COMMUNITY, NAMELY, COMPUTER SOFTWARE DEVELOPMENT, DESIGN, AND CUSTOMIZATION FOR OTHERS; CONSULTING SERVICES IN THE FIELD OF DESIGN, SELECTION, IMPLEMENTATION AND USE OF COMPUTER HARDWARE AND SOFTWARE SYSTEMS FOR OTHERS; DESIGN AND DEVELOPMENT OF NETWORKS; SUPPORT SERVICES, NAMELY, TROUBLESHOOTING OF COMPUTER HARDWARE AND SOFTWARE PROBLEMS; PROVIDING TEMPORARY USE OF NON-DOWNLOADABLE COMPUTER SOFTWARE FOR ANALYZING SALES, MANAGING INVENTORY, AND TRACKING GROSS MARGIN PRODUCTIVITY OVER COMPUTER NETWORKS, INTRANETS AND THE INTERNET; WEB SITE DE-

SIGN, DEVELOPMENT, AND HOSTING SERVICES; PROVIDING INFORMATION VIA THE INTERNET IN THE FIELD OF COMPUTER TECHNOLOGY; CONSULTING SERVICES IN THE FIELD OF OFFICE AND WORKPLACE AUTOMATION; REVIEWING STANDARDS AND PRACTICES TO ASSURE COMPLIANCE WITH SALES AND USE TAX LAWS, BUSINESS LICENSE REQUIREMENTS, AND RELATED REPORTING REQUIREMENTS; PROVIDING INFORMATION RELATING TO LEGAL AFFAIRS; PROVIDING INFORMATION IN THE FIELD OF COMPUTER TECHNOLOGY; AND PROVIDING LEGAL ADVICE ON SMALL BUSINESS LAW, INCORPORATION, MERGERS, AND OFFICERS, IN CLASS 42 (U.S. CLS. 100 AND 101).

FIRST USE 0-0-2005; IN COMMERCE 0-0-2005.

SN 78-508,236, FILED 10-29-2004.

JOHN DWYER, EXAMINING ATTORNEY

**OPPOSER EXHIBIT 12**

Int. Cls.: 35, 36, 37, 38, 39 and 42

Prior U.S. Cls.: 100, 101, 102, 103, 104, 105  
and 106

Reg. No. 2,648,012

United States Patent and Trademark Office

Registered Nov. 12, 2002

Corrected

OG Date Oct. 26, 2004

SERVICE MARK  
PRINCIPAL REGISTER



JARDINE MATHESON (BERMUDA) LIM-  
ITED (BERMUDA LIMITED COM-  
PANY),  
JARDINE HOUSE 33-35 REID STREET  
HAMILTON, BERMUDA

FOR: RETAIL SERVICES, NAMELY,  
RETAIL DEPARTMENT STORE SER-  
VICES AND RETAIL DEPARTMENT  
STORE SERVICES AVAILABLE ONLINE;  
BUSINESS MANAGEMENT; BUSINESS  
ADMINISTRATION SERVICES, NAMELY,  
OPERATING BUSINESS FOR OTHERS,  
NAMELY, RESTAURANTS, GIFT SHOPS,  
CONSUMER OUTLETS; OFFICE FUNC-  
TIONS, NAMELY, BOOKKEEPING SER-  
VICES, DATA PROCESSING SERVICES,  
OPERATION OF COSTUMER SERVICES  
CENTERS FOR OTHERS, ACCOUNTING  
SERVICES, PAYROLL PREPARATION;  
HUMAN RESOURCES SERVICES; SHOP-  
PERS GUIDE INFORMATION SERVICES;  
PROMOTING THE GOODS AND SER-  
VICES OF OTHERS BY MEANS OF  
OPERATING AN ON-LINE SHOPPING  
MALL WITH LINKS TO THE RETAIL  
WEB SITES OF OTHERS; MANAGEMENT  
ASSISTANCE IN THE FIELD OF COM-

PUTER NETWORKS; BUSINESS SER-  
VICES, NAMELY, FACILITIES  
MANAGEMENT OF TECHNICAL OP-  
ERATIONS, NAMELY, COMPUTER NET-  
WORKS; PROVIDING INFORMATION  
ABOUT THE GOODS AND SERVICES  
OF OTHERS VIA THE GLOBAL COMPU-  
TER NETWORK, IN CLASS 35 (U.S. CLS.  
100, 101 AND 102).

FIRST USE 3-1-2000; IN COMMERCE  
3-1-2000.

FOR: INSURANCE SERVICES,  
NAMELY, INSURANCE BROKERAGE,  
INSURANCE CONSULTATION, INSUR-  
ANCE ADMINISTRATION, INSURANCE  
UNDERWRITING IN THE FIELD OF  
LIFE, HEALTH, ACCIDENT, FIRE; FI-  
NANCIAL SERVICES, NAMELY, FINAN-  
CIAL PLANNING, FINANCIAL  
MANAGEMENT, FINANCING SERVICES,  
[NAMELY, FINANCIAL PLANNING, FI-  
NANCIAL MANAGEMENT, FINANCING  
SERVICES], SECURITIES BROKERAGE  
SERVICES; MONETARY AFFAIRS,  
NAMELY, MONETARY EXCHANGE  
SERVICES, BANKING SERVICES, CRED-  
IT CARD SERVICES; AND REAL ES-

*In testimony whereof I have hereunto set my hand  
and caused the seal of The Patent and Trademark  
Office to be affixed on Oct. 26, 2004.*

DIRECTOR OF THE U.S. PATENT AND TRADEMARK OFFICE

TATE SERVICES, NAMELY, REAL ESTATE BROKERAGE, REAL ESTATE APPRAISAL AND MANAGEMENT SERVICES; LEASING OF REAL PROPERTY, IN CLASS 36 (U.S. CLS. 100, 101 AND 102).

FIRST USE 3-1-2000; IN COMMERCE 3-1-2000.

FOR: RESIDENTIAL AND COMMERCIAL BUILDING CONSTRUCTION AND REPAIR; HIGHWAYS, ROADS, DRAINAGE AND INFRASTRUCTURE CONSTRUCTION AND REPAIR; INSTALLATION OF ELECTRICAL SYSTEMS, ELECTRICAL APPLIANCES, ELECTRICAL AND MECHANICAL PLANTS, INDUSTRIAL MACHINES AND AIR CONDITIONERS, ELEVATORS AND ESCALATORS, OFFICE AUTOMATION EQUIPMENT AND IT SYSTEMS, SECURITY EQUIPMENT AND SYSTEMS, COMPUTERS; INSTALLATION, MAINTENANCE AND REPAIR OF COMPUTER NETWORKS, IN CLASS 37 (U.S. CLS. 100, 103 AND 106).

FIRST USE 3-1-2000; IN COMMERCE 3-1-2000.

FOR: TELECOMMUNICATIONS SERVICES, NAMELY, TELEPHONE COMMUNICATION SERVICES, FACSIMILE COMMUNICATION, TELEGRAPH SERVICES, BROADCASTING PROGRAMS VIA A GLOBAL COMPUTER NETWORK, CELLULAR TELEPHONE SERVICES, PROVIDING MULTIPLE-USER ACCESS TO A GLOBAL COMPUTER INFORMATION NETWORK, PAGING SERVICES, WIRELESS DIGITAL MESSAGING SERVICES, PERSONAL COMMUNICATION SERVICES; TELECOMMUNICATION SERVICES, NAMELY, LOCAL AND LONG DISTANCE TRANSMISSION OF VOICE, DATA, GRAPHICS BY MEANS OF TELEPHONE, TELEGRAPHIC, CABLE, AND SATELLITE TRANSMISSIONS; TELECOMMUNICATION NETWORK DESIGN SERVICES; COMPUTER AND TELECOMMUNICATION INTEGRATION SERVICES; DESIGN OF INFORMATION TECHNOLOGY CABLING NETWORK AND FIBER OPTIC BACKBONE IN BUILDINGS; SATELLITE COMMUNICATIONS SERVICES VIA COMPUTER NETWORKS; PROVIDING MULTIPLE-USER ACCESS TO A GLOBAL COMPUTER INFORMATION NETWORK; ELECTRONIC, ELECTRIC, AND DIGITAL TRANSMISSION OF VOICE, DATA, IMAGES, SIGNALS, AND MESSAGES; ELECTRONIC TRANSMISSION

OF DATA AND DOCUMENTS VIA COMPUTER TERMINALS; ELECTRONIC DATA INTERCHANGE SERVICES; ELECTRONIC MAIL; HIRE, RENTAL AND LEASING OF TELECOMMUNICATION AND BROADCASTING APPARATUS, INSTALLATIONS AND INSTRUMENTS; ADVISORY, INFORMATION AND CONSULTANT SERVICES RELATING TO TELECOMMUNICATIONS AND COMMUNICATIONS; TELEVISION AND RADIO BROADCASTING; TELEVISION AND RADIO BROADCASTING ADVISORY SERVICES; PROVIDING MULTIPLE USER DIAL-UP AND DEDICATED ACCESS TO THE INTERNET, IN CLASS 38 (U.S. CLS. 100, 101 AND 104).

FIRST USE 3-1-2000; IN COMMERCE 3-1-2000.

FOR: TRANSPORT OF PASSENGERS AND/OR GOODS BY LAND, AIR AND SEA; GENERAL STORAGE SERVICES; PACKAGING ARTICLES FOR TRANSPORTATION; TRAVEL AGENCY SERVICES, NAMELY, \* MAKING RESERVATIONS AND BOOKINGS FOR TRANSPORTATION \* AND TOURS; STORAGE OF ELECTRONIC MEDIA, NAMELY, FILES, DOCUMENTS, MESSAGES, DATA, IMAGES, TEXT AND AUDIO DATA, IN CLASS 39 (U.S. CLS. 100 AND 105).

FIRST USE 3-1-2000; IN COMMERCE 3-1-2000.

FOR: COMPUTER PROGRAMMING FOR OTHERS; COMPUTER CONSULTANCY; CONSULTATION IN THE FIELD OF COMPUTER NETWORKS; COMPUTER HARDWARE DESIGN AND DEVELOPMENT, COMPUTER SOFTWARE DESIGN, MAINTENANCE AND DEVELOPMENT; UPDATING OF COMPUTER SOFTWARE AND HARDWARE; COMPUTER SYSTEMS ANALYSIS; DATABASE LEASING; LEASING ACCESS TIME TO AN OPERATION OF DATA BASES; LEASING OF COMPUTER FACILITIES; COMPUTER SERVICES, NAMELY, DESIGNING AND IMPLEMENTING FIREWALL SECURITY DEVICES AND SOFTWARE FOR COMPUTER NETWORKS FOR OTHERS; COMPUTER NETWORK SERVICES, NAMELY, COMPUTER NETWORK DESIGN FOR OTHERS, INTEGRATION OF COMPUTER SYSTEMS AND NETWORKS; COMPUTER DIAGNOSTIC SERVICES; COMPUTER DISASTER RECOVERY PLANNING; COMPUTER TIME-SHARING; DATA RECOVERY SERVICES; DE-

*In testimony whereof I have hereunto set my hand  
and caused the seal of The Patent and Trademark  
Office to be affixed on Oct. 26, 2004.*

DIRECTOR OF THE U.S. PATENT AND TRADEMARK OFFICE

VELOPMENT, DESIGN, PREPARATION, HOSTING, CONSULTANCY AND ADVISORY SERVICES IN RELATION TO WEB SITES, TO HYPER TEXT META LANGUAGE (HTML) PAGES AND TO ELECTRONIC PUBLISHING; LEASING SERVICES IN THE FIELDS OF COMPUTER \* SOFTWARE, COMPUTER PERIPHERALS, \*SYSTEMS AND COMPUTER NETWORKS; HELP DESK SERVICES; OPERATION OF DATA CENTERS; SECURITY CONSULTANCY AND MANAGEMENT; DATA ENCRYPTION; FIREWALL MANAGEMENT, DATA BACK-UP AND STORAGE; COMPUTER DISASTER RECOVERY PLANNING AND DATA RECOVERY SERVICES; ENGINEERING SERVICES; COMPUTER SOURCE CODE ESCROW SERVICES; CUSTOM DESIGN AND ENGINEERING OF TELEPHONY SYSTEMS, CABLE TELEVISION SYSTEMS AND FIBER OPTICS SYSTEMS FOR BUILDINGS; PROVISION OF INFORMATION RELATING TO ARCHITECTURE, FOOD AND DRINKS, HOTELS, HOTELS AND HOLIDAY CAMPS, RESTAURANTS, MEDICAL CARE, HYGIENIC AND BEAUTY CARE, VETERINARY AND AGRICULTURAL SERVICES, LAW, LEGAL SERVICES, SCIENTIFIC AND INDUSTRIAL RESEARCH, POLITICS, METEOROLOGICAL INFORMATION; INFORMATION TECHNOLOGY,

COMPUTER SOFTWARE AND HARDWARE, COMPUTER PROGRAMMING, ARTS, FASHIONS, GRAPHIC DESIGN, INDUSTRIAL DESIGN, INTERIOR DESIGN, PACKAGING DESIGN, FLOWER ARRANGING, GARDENING, NEWS REPORTS SERVICES, PRINTING\* SERVICES AND TRANSLATION SERVICES\*, OFF-SETTING AND GRAPHIC ART DESIGN SERVICES; SECURITY GUARD SERVICES AND SECURITY CONSULTANCY SERVICES; MONITORING SECURITY SYSTEMS; RESTAURANT AND CATERING SERVICES; CAFES, CANTEEN SERVICES, SNACK AND SANDWICH BARS, SELF-SERVICE AND FAST FOOD RESTAURANTS, DELICATESSENS, COFFEE BARS AND CAFES; TEA ROOM CAFE SERVICES; NEWS AGENCIES, NAMELY, GATHERING AND DISSEMINATION OF NEWS; PERSONAL SHOPPING FOR OTHERS; SOFTWARE RESEARCH, NAMELY, COMPUTER SOFTWARE DEVELOPMENT; COMPUTER PROJECT MANAGEMENT SERVICES AND MAKING RESERVATIONS AND BOOKINGS FOR [TRANSPORTATION,] ACCOMMODATIONS, IN CLASS 42 (U.S. CLS. 100 AND 101).

FIRST USE 3-1-2000; IN COMMERCE 3-1-2000.

SER. NO. 76-059,339, FILED 5-30-2000.

*In testimony whereof I have hereunto set my hand  
and caused the seal of The Patent and Trademark  
Office to be affixed on Oct. 26, 2004.*

DIRECTOR OF THE U.S. PATENT AND TRADEMARK OFFICE

**OPPOSER EXHIBIT 13**

Int. Cls.: 35, 36, 37, 39 and 42

Prior U.S. Cls.: 100, 101, 102, 103, 105 and 106

Reg. No. 2,718,571

United States Patent and Trademark Office

Registered May 27, 2003

**SERVICE MARK  
PRINCIPAL REGISTER**

**ING DIRECT**

ING GROEP N.V. (NETHERLANDS PUBLIC LIMITED LIABILITY COMPANY)  
STRAWINSKYLAAN 2631  
1077 ZZ AMSTERDAM, NETHERLANDS

FOR: ADVERTISING AGENCIES, NAMELY, PROMOTING THE SERVICES OF BANKING, FINANCE, INSURANCE AND REAL ESTATE THROUGH THE DISTRIBUTION OF PRINTED AND AUDIO PROMOTIONAL MATERIALS AND BY RENDERING SALES PROMOTION ADVICE; SECRETARIAL AND CLERICAL SERVICES; ADMINISTRATION OF BUSINESS PAYROLL FOR OTHERS; PROVIDING BUSINESS INFORMATION IN THE FIELD OF BANKING, FINANCE, INSURANCE AND REAL ESTATE; BUSINESS MANAGEMENT CONSULTING SERVICES; BUSINESS CONSULTING SERVICES IN THE FIELD OF BUSINESS MERGERS AND ACQUISITIONS; CONSULTING IN THE FIELD OF EMPLOYEE AND LABOR RELATIONS; ECONOMIC PROGNOSIS; BUSINESS RESEARCH AND ANALYSIS SERVICES, NAMELY CONDUCTING MARKET RESEARCH, ANALYSIS AND FORECASTING FOR OTHERS; DATABASE MANAGEMENT SERVICES; COMMERCIAL INFORMATION AGENCIES; BOOKKEEPING; BUSINESS RELOCATION SERVICES; AUCTION SERVICES; COMMERCIAL INFORMATION IN THE FIELD OF BANKING, FINANCING AND REAL ESTATE; PUBLICITY AGENTS; PUBLICATION OF PUBLICITY TEXTS; TAX ASSESSMENT, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FOR: CHECK VERIFICATION; CREDIT CARD VERIFICATION; VERIFICATION OF BANK ACCOUNTS; ELECTRONIC CREDIT CARD TRANSACTIONS; ELECTRONIC CASH TRANSACTIONS; CREDIT CARD TRANSACTION PROCESSING SERVICES; CREDIT CARD SERVICES; INSURANCE AGENCIES; INSURANCE ADMINISTRATION; INSURANCE BROKERAGE; INSURANCE CLAIMS ADMINISTRATION; INSURANCE CLAIMS PROCESSING; INSURANCE CONSULTATION; BILL PAYMENT SERVICES; INVESTMENT CONSULTA-

TION; INVESTMENT MANAGEMENT; SAFE DEPOSIT BOX SERVICES; SURETY SERVICES; FEDERAL GUARANTEE AND SURETY; FINANCIAL CLEARINGHOUSES; FINANCIAL PLANNING AND PORTFOLIO MANAGEMENT; FINANCIAL VALUATION OF PERSONAL PROPERTY AND REAL ESTATE; FACTORING AGENCIES; TRUST SERVICES, NAMELY INVESTMENT AND TRUST COMPANY SERVICES; ADMINISTRATION OF TRUSTS; FINANCIAL SPONSORSHIP OF SPORTING, CULTURAL AND EDUCATIONAL EVENTS; ELECTRONIC DEBIT TRANSACTIONS; LEASE-PURCHASE FINANCING; MORTGAGE LENDING; CAPITAL INVESTMENT CONSULTATION; LOAN FINANCING; LIFE INSURANCE UNDERWRITING; LIFE INSURANCE AGENCY; LEASING OF APARTMENTS; ADMINISTRATION OF EMPLOYEE PENSION PLANS; FINANCIAL ANALYSIS AND CONSULTATION; INVESTMENT BROKERAGE; STOCK BROKERAGE; CLAIMS ADJUSTMENT IN THE FIELD OF INSURANCE; ELECTRONIC PROCESSING OF INSURANCE CLAIMS AND PAYMENT DATA; FINANCIAL SERVICES IN THE NATURE OF INVESTMENT SECURITY; MUTUAL FUND DISTRIBUTION; REINSURANCE UNDERWRITING; MONETARY EXCHANGE SERVICES; REAL ESTATE BROKERAGE; REAL ESTATE MANAGEMENT AND LEASING OF REAL ESTATE; BANKING SERVICES; ADMINISTRATION OF TRUSTS, ESTATES AND PENSION FUNDS FOR OTHERS; TAX PLANNING SERVICES; MORTGAGE BROKERAGE SERVICES; APPRAISAL SERVICES, NAMELY APPRAISING THE VALUE OF BUSINESSES FOR OTHERS; CONSULTING IN THE FIELD OF EMPLOYEE BENEFITS, IN CLASS 36 (U.S. CLS. 100, 101 AND 102).

FOR: REAL ESTATE DEVELOPMENT SERVICES, IN CLASS 37 (U.S. CLS. 100, 103 AND 106).

FOR: LEASING OF AUTOMOBILES, IN CLASS 39 (U.S. CLS. 100 AND 105).



FOR: MEDIATION OF EMPLOYEE BENEFITS  
DISPUTES; MEDIATION SERVICES, NAMELY,  
MEDIATING DISPUTES FOR OTHERS IN THE  
FIELD OF LABOR AND EMPLOYMENT RELA-  
TIONS AND EMPLOYEE BENEFITS; DATABASE  
DEVELOPMENT SERVICES; INSURANCE CLAIMS  
INVESTIGATION SERVICES; LEGAL SERVICES,  
NAMELY DRAFTING TENANCY AGREEMENTS  
FOR OTHERS, IN CLASS 42 (U.S. CLS. 100 AND 101).

OWNER OF BENELUX REG. NO. 679753, DATED  
9-1-2000, EXPIRES 9-1-2010.

OWNER OF U.S. REG. NO. 2,407,797.

SER. NO. 76-262,145, FILED 5-24-2001.

AISHA CLARKE, EXAMINING ATTORNEY

**OPPOSER EXHIBIT 14**

Int. Cls.: 9, 16, 35, 36, 41 and 42

Prior U.S. Cls.: 2, 5, 21, 22, 23, 26, 29, 36, 37, 38, 50,  
100, 101, 102 and 107

Reg. No. 2,785,269

Registered Nov. 25, 2003

**United States Patent and Trademark Office**

**TRADEMARK  
SERVICE MARK  
PRINCIPAL REGISTER**

**LANDWELL**

LANDWELL GENOSSENSCHAFT (SWITZER-  
LAND CO-OPERATIVE)  
C/O SUTER & PARTNERS  
RECHTSANWALTE, STAMPFENBACHSTRASSE 52.  
CH 8006 ZURICH, SWITZERLAND

FOR: COMPUTER SOFTWARE, NAMELY COM-  
PUTER SOFTWARE FOR USE IN DATABASE MAN-  
AGEMENT AND CASE RECORD MANAGEMENT;  
PRE-RECORDED AUDIO AND VIDEO TAPES,  
NAMELY PRE-RECORDED AUDIO AND VIDEO  
TAPES FEATURING INFORMATION AND EDU-  
CATIONAL PROGRAMS IN ALL THE FIELDS OF  
LAW, BUSINESS, BUSINESS MANAGEMENT, BUSI-  
NESS MANAGEMENT CONSULTATION, INFOR-  
MATION TECHNOLOGY, COMPUTERS,  
MANAGEMENT, TRAINING, FINANCIAL PLAN-  
NING AND INVESTMENT STRATEGIES; COM-  
PACT DISCS, NAMELY COMPACT DISCS  
FEATURING INFORMATION AND EDUCATION-  
AL PROGRAMS IN ALL THE FIELDS OF LAW,  
BUSINESS, INFORMATION TECHNOLOGY, COM-  
PUTERS, MANAGEMENT, TRAINING, FINAN-  
CIAL PLANNING AND INVESTMENT  
STRATEGIES; VIDEO DISCS, NAMELY VIDEO  
DISCS FEATURING INFORMATION AND EDU-  
CATIONAL PROGRAMS IN ALL THE FIELDS OF  
LAW, BUSINESS, BUSINESS MANAGEMENT, BUSI-  
NESS MANAGEMENT CONSULTATION, INFOR-  
MATION TECHNOLOGY, COMPUTERS,  
MANAGEMENT, TRAINING, FINANCIAL PLAN-  
NING AND INVESTMENT STRATEGIES; DISKS,  
NAMELY BLANK DISCS FOR COMPUTERS AND  
FLOPPY DISCS FOR COMPUTERS; MAGNETIC  
DATA MEDIA, NAMELY BLANK MAGNETIC  
DATA MEDIA AND MAGNETIC DATA MEDIA  
CONTAINING INFORMATION RELATING TO ALL  
THE FIELDS OF LAW, BUSINESS, BUSINESS MAN-  
AGEMENT, BUSINESS MANAGEMENT CONSULT-  
TATION, INFORMATION TECHNOLOGY,  
COMPUTERS, MANAGEMENT, TRAINING, FI-

NANCIAL PLANNING AND INVESTMENT STRA-  
TEGIES; ELECTRONIC NOTICE BOARDS;  
ELECTRONIC PUBLICATIONS IN THE NATURE  
OF BOOKS, BOOKLETS, JOURNALS, MAGAZINES  
AND NEWSLETTERS RELATING TO ALL FIELDS  
OF LAW AND THE FIELDS OF BUSINESS, INFOR-  
MATION TECHNOLOGY, COMPUTERS, MANAGE-  
MENT, TRAINING, FINANCIAL PLANNING AND  
INVESTMENT STRATEGIES; AND DOWNLOAD-  
ABLE ELECTRONIC PUBLICATIONS NAMELY  
BOOKS, BOOKLETS, JOURNALS, MAGAZINES  
AND NEWSLETTERS RELATING TO ALL FIELDS  
OF LAW, BUSINESS, INFORMATION TECHNOLO-  
GY, COMPUTERS, MANAGEMENT, TRAINING,  
FINANCIAL PLANNING AND INVESTMENT  
STRATEGIES, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36  
AND 38).

FOR: PRINTED MATTER, NAMELY, BOOKS,  
BOOKLETS, NEWSLETTERS, REPORTS, BRO-  
CHURES, EDUCATIONAL BOOKS, PRINTED LES-  
SONS AND LECTURES, FORMS AND DIAGRAMS,  
RELATING TO ALL FIELDS OF LAW AND THE  
FIELDS OF BUSINESS, INFORMATION TECHNOLO-  
GY, COMPUTERS, MANAGEMENT, TRAINING,  
FINANCIAL PLANNING AND INVESTMENT  
STRATEGIES; LOOSE-LEAF BINDERS; AND COM-  
PUTER PROGRAM DOCUMENTATION, NAMELY,  
COMPUTER PROGRAM GUIDES AND MANUALS,  
IN CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND 50).

FOR: BUSINESS MANAGEMENT; BUSINESS  
AND PERSONNEL MANAGEMENT CONSULTAN-  
CY; BUSINESS REPRESENTATIVE SERVICES,  
NAMELY INDEPENDENT REPRESENTATIVE SER-  
VICES IN ALL THE FIELDS OF LAW AND THE  
FIELDS OF BUSINESS, BUSINESS MANAGEMENT,  
BUSINESS MANAGEMENT CONSULTATION, IN-  
FORMATION TECHNOLOGY, COMPUTERS, MAN-  
AGEMENT, TRAINING, FINANCIAL PLANNING  
AND INVESTMENT STRATEGIES; MARKET ANA-

LYSIS; MARKET RESEARCH; BUSINESS DISPOSAL, ACQUISITIONS, MERGERS, PRIVATIZATIONS, FLOTATIONS, INITIAL PUBLIC OFFERINGS AND JOINT VENTURES CONSULTATION; BUSINESS CONSULTATION; BUSINESS EVALUATION AND APPRAISAL; BUSINESS MANAGEMENT CONSULTATION AND BUSINESS ORGANIZATION CONSULTATION IN ALL THE FIELDS OF LAW, BUSINESS, INFORMATION TECHNOLOGY, COMPUTERS, MANAGEMENT, TRAINING, FINANCIAL PLANNING AND INVESTMENT STRATEGIES; BUSINESS CONSULTATION, NAMELY, BUSINESS STRATEGIC ADVICE AND PLANNING; PROVISION OF INFORMATION FOR FOREIGN TRADE; PROFESSIONAL BUSINESS CONSULTATIONS; TAX CONSULTANCY, ASSESSMENT AND ADVICE; INCOME TAX ADVICE; PREPARATION OF BUSINESS REPORTS; LEGAL REFERRAL SERVICES; COMPANY FORMATION AND ADMINISTRATION SERVICES, NAMELY, PROVIDING INFORMATION AND ASSISTANCE TO OTHERS INCORPORATING AND REGISTERING BUSINESS ENTITIES; AND CONSULTANCY, INFORMATION AND ADVISORY SERVICES RELATING TO ALL OF THE AFORESAID, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FOR: FINANCIAL ANALYSIS AND CONSULTATION; REAL ESTATE APPRAISAL, REAL ESTATE BROKERAGE, APPRAISAL OF INSURANCE CLAIMS FOR REAL ESTATE, REAL ESTATE INVESTMENT; REAL ESTATE CONVEYANCING SERVICES; FINANCIAL AND ESTATE PLANNING SERVICES, NAMELY, ACTING AS AN EXECUTOR OR TRUSTEE; ESTATE MANAGEMENT, NAMELY, ADMINISTRATION OF INHERITANCES; FISCAL ASSESSMENT AND EVALUATION; INSURANCE CONSULTATION; FINANCIAL MANAGEMENT AND FINANCIAL PORTFOLIO MANAGEMENT; LAND ACQUISITION SERVICES, NAMELY, REAL ESTATE BROKERAGE SERVICES; ARRANGING OF LEASES OF REAL ESTATE; FINANCIAL ANALYSIS AND CONSULTATION REGARDING PENSION FUNDS; ADMINISTERING OF EMPLOYEE PENSION PLANS; RISK MANAGEMENT SERVICES AND ADVICE RELATING TO FINANCIAL ASSET MANAGEMENT; FINANCIAL INVESTMENT, NAMELY FINANCIAL INVESTMENT IN THE FIELD OF REAL ESTATE, SHARES, STOCKS, BONDS AND SECURITIES; INVESTMENT BANKING ADVICE; BUSINESS LIQUIDATION SERVICES; RISK MANAGEMENT CONSULTATION; ADMINISTRATION OF EMPLOYEE BENEFIT PLANS AND EMPLOYEE PENSION PLANS; AND CONSULTANCY, INFORMATION AND ADVISORY SERVICES RELATING TO ALL OF THE AFORESAID, IN CLASS 36 (U.S. CLS. 100, 101 AND 102).

FOR: EDUCATIONAL SERVICES, NAMELY, PROVIDING EDUCATIONAL INFORMATION AND ARRANGING AND CONDUCTING INTERNAL AND EXTERNAL SEMINARS, CONFERENCES AND WORKSHOPS IN ALL THE FIELDS OF LAW, BUSINESS, INFORMATION TECHNOLOGY, COMPUTERS, MANAGEMENT, TRAINING, FINANCIAL PLANNING AND INVESTMENT STRATEGIES; TRAINING IN RELATION TO THE

PROVISION OF LEGAL SERVICES; AND EDUCATIONAL SERVICES, NAMELY, PROVIDING EDUCATIONAL INFORMATION AND ARRANGING AND CONDUCTING INTERNAL AND EXTERNAL SEMINARS, CONFERENCES AND WORKSHOPS IN ALL FIELDS OF LAW AND THE FIELDS OF BUSINESS, INFORMATION TECHNOLOGY, COMPUTERS, MANAGEMENT, TRAINING, FINANCIAL PLANNING AND INVESTMENT STRATEGIES, ALL VIA A GLOBAL COMPUTER NETWORK, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FOR: LEGAL SERVICES; LEGAL ADVICE; LEGAL ADVICE RELATING TO TRUST ADMINISTRATION; LEGAL INFORMATION RESEARCH SERVICES; LEGAL INVESTIGATION SERVICES; LEGAL SERVICES AND LEGAL ADVICE RELATING TO BUSINESS, DOMESTIC AND COMMERCIAL CONVEYANCING; LEGAL SERVICES AND LEGAL ADVICE RELATING TO COMMERCIAL, CORPORATE AND BUSINESS TRANSACTIONS; LEGAL SERVICES AND LEGAL ADVICE RELATING TO SHARE, BUSINESS AND ASSET DISPOSALS AND ACQUISITIONS, PRIVATIZATIONS, FLOTATIONS, INITIAL PUBLIC OFFERINGS, MERGERS, JOINT VENTURES, INSOLVENCY, ELECTRONIC BUSINESS, INTELLECTUAL PROPERTY RIGHTS, LIQUIDATION, PROBATE, REAL ESTATE, RECEIVERSHIP, STATUTORY POWERS, FUND MANAGEMENT, MANAGEMENT OF INDUSTRIAL PROPERTY, PROTECTION OF INDUSTRIAL PROPERTY, PURCHASE OF BUSINESS PREMISES; LEGAL SERVICES AND LEGAL ADVICE RELATING TO THE REGISTRATION, SALE, PURCHASE AND LICENSING OF INDUSTRIAL PROPERTY; LEGAL SERVICES AND LEGAL ADVICE RELATING TO ELECTRONIC, DIGITAL AND OTHER TECHNOLOGY; LEGAL SERVICES AND LEGAL ADVICE RELATING TO THE SALE, PURCHASE AND LICENSING OF INTELLECTUAL PROPERTY; LEGAL SERVICES AND LEGAL ADVICE RELATING TO THE SALE, PURCHASE AND LEASING OF PROPERTY AND REAL PROPERTY; LEGAL SERVICES AND LEGAL ADVICE RELATING TO WILLS, BANKING, FINANCIAL SERVICES, PROJECT FINANCE, CORPORATE AND COMMERCIAL LAW, EMPLOYMENT AND HUMAN RESOURCES, ENERGY AND UTILITIES, COMPETITION AND ANTI-TRUST LAW, FINANCE, IMMIGRATION, PENSIONS, PRIVATE EQUITY, PUBLIC COMPANY LAW, PUBLIC LAW AND INFORMATION TECHNOLOGY; LITIGATION SERVICES; DISPUTE RESOLUTION SERVICES; ARBITRATION SERVICES; MEDIATION SERVICES; ATTORNEY SERVICES; TECHNICAL AND LEGAL RESEARCH; LEGAL SERVICES REGARDING CONVEYANCING OF PROPERTY; TITLE SEARCHING; INTELLECTUAL PROPERTY SEARCH AND REGISTRATION SERVICES, NAMELY, PROVIDING TRADEMARK AND PATENT SEARCH AND REGISTRATION SERVICES AND PREPARATION OF REPORTS IN CONNECTION THEREWITH; AND CONSULTANCY, INFORMATION AND ADVISORY SERVICES RELATING TO ALL OF THE AFORESAID, IN CLASS 42 (U.S. CLS. 100 AND 101).

OWNER OF UNITED KINGDOM REG. NO. 2209821, DATED 3-16-2001, EXPIRES 9-24-2009.

SER. NO. 76-007,917, FILED 3-23-2000.

MELVIN AXILBUND, EXAMINING ATTORNEY

**OPPOSER EXHIBIT 15**

Int. Cls.: 16, 35, 36, 38, 41 and 42

Prior U.S. Cls.: 2, 5, 22, 23, 29, 37, 38, 50, 100, 101,  
102, 104 and 107

Reg. No. 3,072,763

United States Patent and Trademark Office

Registered Mar. 28, 2006

**TRADEMARK  
SERVICE MARK  
PRINCIPAL REGISTER**



**BAKER TILLY**

ARRANDCO INVESTMENTS LIMITED (UNITED  
KINGDOM COMPANY)  
2 BLOOMSBURY STREET  
LONDON, UNITED KINGDOM WC1B 3ST

FOR: PRINTED MATTER, NAMELY PAMPHLETS, NEWSLETTERS, DIRECTORIES AND REPORTS AND PUBLICATIONS NAMELY, BOOKS, MAGAZINES AND MANUALS IN THE FIELD OF FINANCIAL MATTERS, INVESTMENT, BUSINESS, INSURANCE, AUDITING, TAXATION, CORPORATE RECOVERY AND ACCOUNTANCY MATTERS, ACCOUNTING, PENSIONS, INSOLVENCY, REAL ESTATE, PROPERTY, ASSETS, FUNDS, TRUSTS, MORTGAGES, LEGAL MATTERS, LITIGATION, EXPERT WITNESSES, INFORMATION TECHNOLOGY, COMPUTER SOFTWARE DESIGN AND PROGRAMMING, COMPANY FORMATION, ADMINISTRATION AND RECEIVERSHIP, IN CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND 50).

FOR: CHARTERED ACCOUNTANCY BUSINESS SERVICES; BUSINESS MANAGEMENT CONSULTANCY; BUSINESS AND CORPORATE INSOLVENCY AUDITING, ACCOUNTANCY, ACCOUNTING; PREPARATION OF ACCOUNTS, NAMELY, ACCOUNTS RECEIVABLE SERVICES AND ADMINISTRATION, BILLING AND RECONCILIATION OF ACCOUNTS ON BEHALF OF OTHERS; BUSINESS ACCOUNTS MANAGEMENT; BUSINESS ADVICE RELATING TO ACCOUNTANCY; PREPARATION AND MAINTENANCE OF COMPUTERIZED ACCOUNTING; MANAGEMENT ACCOUNTING; PREPARATION OF STATEMENTS OF ACCOUNTS, NAMELY, ACCOUNTS RECEIVABLE SERVICES, BILLING SERVICES, FINANCIAL STATEMENT PREPARATION FOR BUSINESSES; PROVISION OF INFORMATION RELATING TO ACCOUNTS; PRO-

VISION OF REPORTS RELATING TO ACCOUNTING INFORMATION; SCHOOL FEE ACCOUNTING SERVICES AND SCHOOL FEE COSTS ACCOUNTING SERVICES; COMPILATION AND PROVISION OF COMMERCIAL AND BUSINESS INFORMATION AND ADVICE; TAX ADVICE AND ASSESSMENTS; PREPARATION OF TAX ASSESSMENTS; TAXATION ADVICE, PLANNING AND CONSULTANCY; BOOKKEEPING, BUSINESS AND CORPORATE INSOLVENCY SERVICES, NAMELY CONSULTANCY SERVICES RELATING TO BUSINESS AND CORPORATE INSOLVENCY; BUSINESS MANAGEMENT ADVISORY SERVICES; RESEARCH AND INFORMATION SERVICES RELATING TO ACCOUNTANCY; PROFESSIONAL ADVICE RELATING TO AUDIT, ACCOUNTANCY, VALUE ADDED TAX, PERSONAL AND CORPORATE TAXATION AND CORPORATE FINANCE AND CORPORATE RECOVERY; MANAGEMENT CONSULTANCY RELATING TO BUSINESS; PREPARATION OF REPORTS RELATING TO ALL THE AFORESAID SERVICES; SECRETARIAL SERVICES; PROVISION OF INITIAL COMPANY SECRETARIAL SERVICES ON COMPANY FORMATION; PAYROLL ADVISORY SERVICES; COMPANY SECRETARIAL SERVICES; PAYROLL PROCESSING SERVICES; PERSONNEL RECRUITMENT SERVICES; RECRUITMENT AND HUMAN RESOURCES SERVICES FOR OTHERS; STRATEGIC BUSINESS CONSULTANCY, PROVISION OF NOMINEE COMPANY DIRECTORS, PROVISION OF NON-EXECUTIVE COMPANY DIRECTORS; INHERITANCE TAX ADVICE; PREPARATION OF REPORTS RELATING TO COMMERCIAL BUSINESS, ACCOUNTING, ACCOUNTANCY, AUDITING AND TAXATION; TAXATION ADVICE AND PLANNING; FORENSIC ACCOUNTING SERVICES; PREPARATION OF REPORTS FOR OTHERS RE-

LATING TO TAXATION FOR INDIVIDUALS, BUSINESSES, AND CORPORATIONS; PREPARATION OF BUSINESS REPORTS FOR OTHERS RELATING TO CORPORATE RECOVERY, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FOR: PROVIDING INDEPENDENT FINANCIAL ADVICE; FINANCIAL PLANNING, MANAGEMENT, CONSULTANCY AND ADMINISTRATION; FINANCIAL BROKERAGE, NAMELY, COMMODITIES, MUTUAL FUNDS, SECURITIES AND STOCK BROKERAGE; INSURANCE BROKERING; COMMERCIAL BROKERING, NAMELY, BUSINESS BROKERAGE; BUSINESS AND PERSONAL INSURANCE BROKERING SERVICES; FINANCIAL ANALYSIS; INVESTMENT ADVICE AND PLANNING; PENSIONS ADVICE AND PLANNING; ACTUARIAL SERVICES; INSURANCE CONSULTANCY; INSURANCE BROKERAGE; PROVISION OF INSURANCE AND FINANCIAL INFORMATION; MANAGEMENT CONSULTANCY RELATING TO INSURANCE; FINANCIAL SERVICES RELATING TO BUSINESS INSOLVENCY AND PERSONAL INSOLVENCY, NAMELY FINANCIAL CONSULTANCY SERVICES RELATING TO BUSINESS AND PERSONAL INSOLVENCY; MANAGEMENT OF PROPERTY; REAL ESTATE MANAGEMENT; FINANCIAL RISK MANAGEMENT; ASSET MANAGEMENT, NAMELY, FINANCIAL INVESTMENT ASSET MANAGEMENT; MUTUAL FUND ESTABLISHMENT; INVESTMENT MANAGEMENT AND INVESTMENT STRATEGIES CONSULTATION; INVESTMENT ADVICE; FUND INVESTMENT; FUND MANAGEMENT; CONSULTATION AND MANAGEMENT RELATING TO INVESTMENT TRUSTS AND UNIT TRUSTS; FINANCING OF LOANS; LENDING ON MORTGAGES; CONSULTATION SERVICES RELATING TO RESIDENTIAL AND COMMERCIAL MORTGAGES; PROVISION OF ADVICE RELATING TO PENSIONS, INVESTMENTS, INSURANCE, LIFE INSURANCE, SCHOOL FEES SCHEMES AND MORTGAGES; COMPILATION AND PROVISION OF FINANCIAL INFORMATION AND ANALYSIS FOR BUSINESS PURPOSES BY TELEPHONE, COMPUTER ELECTRONIC MAIL, ELECTRONIC MEANS AND BY MEANS OF PRINTED MATTER AND PERIODICAL PUBLICATIONS; PROVISION OF REAL ESTATE AND FINANCIAL TRUSTEE SERVICES AND REAL ESTATE AND

FINANCIAL EXECUTORSHIPS SERVICES; INFORMATION AND ADVISORY SERVICES, ALL RELATING TO THE AFORESAID SERVICES; PROVIDING DATABASES FEATURING FINANCIAL INFORMATION; PREPARATION OF REPORTS FOR OTHERS RELATING TO FINANCIAL MATTERS, PENSIONS, INSURANCE, INSOLVENCY, REAL ESTATE, PROPERTY, ASSETS, FUNDS, TRUSTS, INVESTMENTS AND MORTGAGES; PROVIDING DATABASES FEATURING FINANCIAL INFORMATION, IN CLASS 36 (U.S. CLS. 100, 101 AND 102).

FOR: TRANSMISSION OF DATA BY ELECTRONIC MEANS, ALL RELATING TO FINANCIAL, INVESTMENT, INSURANCE, AUDITING, TAXATION, CORPORATE RECOVERY AND ACCOUNTANCY MATTERS, IN CLASS 38 (U.S. CLS. 100, 101 AND 104).

FOR: TRAINING SERVICES, NAMELY, PROVIDING COURSES AND TRAINING RELATING TO FINANCIAL, INVESTMENT, INSURANCE, AUDITING, TAXATION, CORPORATE RECOVERY AND ACCOUNTANCY MATTERS; BUSINESS TRAINING CONSULTANCY SERVICES, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FOR: LEGAL SERVICES; COMPUTER SOFTWARE DESIGN AND PROGRAMMING SERVICES; PREPARATION OF REPORTS RELATING TO LEGAL MATTERS, LITIGATION, EXPERT WITNESSES, INFORMATION TECHNOLOGY, COMPUTER SOFTWARE DESIGN AND PROGRAMMING, COMPANY FORMATION, ADMINISTRATION AND RECEIVERSHIP; LEGAL SERVICES NAMELY, COMPANY FORMATION SERVICES; LITIGATION ADVICE; LITIGATION SUPPORT SERVICES; EXPERT WITNESS SERVICES; CONSULTANCY SERVICES RELATING TO COMPUTER INFORMATION TECHNOLOGY; LEGAL SERVICES RELATING TO ADMINISTRATION AND RECEIVERSHIP, IN CLASS 42 (U.S. CLS. 100 AND 101).

OWNER OF UNITED KINGDOM REG. NO. 2262442, DATED 10-5-2001, EXPIRES 2-23-2011.

SER. NO. 78-362,562, FILED 2-4-2004.

MARY CRAWFORD, EXAMINING ATTORNEY



**OPPOSER EXHIBIT 16**

Int. Cls.: 9, 16, 35, 36 and 41

Prior U.S. Cls.: 2, 5, 21, 22, 23, 26, 29, 36, 37, 38, 50,  
100, 101, 102 and 107

Reg. No. 3,092,354

United States Patent and Trademark Office

Registered May 16, 2006

TRADEMARK  
SERVICE MARK  
PRINCIPAL REGISTER

FIDELITY  
INVESTMENTS

FMR CORP. (DELAWARE CORPORATION)  
82 DEVONSHIRE STREET  
BOSTON, MA 02109

FOR: COMPUTER SOFTWARE FOR USE BY FINANCIAL SERVICE PROVIDERS TO PREPARE DOCUMENTS RELATING TO THE DISSEMINATION OF INFORMATION WITHIN AN ORGANIZATION; COMPUTER SOFTWARE FOR USE BY FINANCIAL SERVICE PROVIDERS TO CONDUCT SURVEYS AND TO ASSEMBLE AND MANAGE INFORMATION RELATING TO RETIREMENT PLANS; COMPUTER SOFTWARE FOR MANAGING THE DISTRIBUTION OF INFORMATION ABOUT RETIREMENT PLANS TO EMPLOYEES; COMPUTER SOFTWARE FOR PRODUCING PRINTED INFORMATIONAL MATERIALS AND RECORDS IN THE FIELD OF RETIREMENT PLANS; COMPUTER SOFTWARE FOR USE BY BUSINESSES TO MANAGE EMPLOYEE COMPENSATION PLANNING; COMPUTER SOFTWARE FOR MANAGING INVESTMENT PORTFOLIOS; COMPUTER SOFTWARE FOR MAINTAINING, MANAGING AND REPORTING FINANCIAL INFORMATION; COMPUTER SOFTWARE FOR USE BY FINANCIAL SERVICE PROVIDERS TO OBTAIN INVESTMENT TRANSACTION AND ACCOUNT INFORMATION; COMPUTER SOFTWARE USED BY FINANCIAL SERVICE PROVIDERS FOR CONTACT MANAGEMENT; COMPUTER SOFTWARE FOR INITIATING, PROCESSING AND TRACKING FINANCIAL TRANSACTIONS; COMPUTER SOFTWARE FOR USE BY INVESTMENT FUND ADMINISTRATORS TO ENTER SECURITIES TRADING ORDERS, TO RECEIVE CONFIRMATION OF SUCH ORDERS, AND TO OBTAIN PRICE INFORMATION, BAL-

ANCE INFORMATION AND OTHER DATA ABOUT FUNDS AND ACCOUNTS; COMPUTER SOFTWARE FOR MANAGING THE BUSINESS PRACTICES OF FINANCIAL SERVICE PROVIDERS TO COMPLY WITH GOVERNMENTAL REGULATIONS; COMPUTER SOFTWARE FOR USE IN OBTAINING ACCESS TO, AND ENHANCING THE USER'S EXPERIENCE OF, AN INTERNET WEB SITE WHICH PROVIDES NEWS, INFORMATION AND ONLINE FINANCIAL SERVICES; COMPUTER SOFTWARE FOR USE BY RETIREMENT PLAN SPONSORS TO TRANSMIT AND RECEIVE ACCOUNT INFORMATION AND OTHER INFORMATION BY MEANS OF AN ONLINE CONNECTION; COMPUTER SOFTWARE FOR USE BY FINANCIAL INVESTMENT ADVISORS IN PORTFOLIO ALLOCATION, SECTOR ANALYSIS, PORTFOLIO MODELING AND PORTFOLIO REBALANCING, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 12-10-1991; IN COMMERCE 12-10-1991.

FOR: MAGAZINES, NEWSLETTERS, BOOKLETS AND BROCHURES IN THE FIELD OF INVESTMENTS AND FINANCIAL SERVICES, IN CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND 50).

FIRST USE 3-0-1984; IN COMMERCE 3-0-1984.

FOR: PAYROLL PREPARATION AND PROCESSING; PROVIDING REPORTS OF PAYROLL RELATED TAX INFORMATION TO GOVERNMENTAL AGENCIES AND TO EMPLOYERS; BUSINESS MANAGEMENT SERVICES IN THE FIELD OF HUMAN RESOURCES; ACCOUNTING AND BOOK-

KEEPING SERVICES; BUSINESS SERVICES IN THE FIELD OF HUMAN RESOURCES AND PAYROLL MANAGEMENT, NAMELY, MAINTAINING, UPDATING AND REPORTING INFORMATION ABOUT EMPLOYEE WORK SCHEDULES, PAYMENT SCHEDULES, SALARIES, CONTACT INFORMATION AND OTHER INFORMATION PERTAINING TO HUMAN RESOURCES AND PAYROLL MANAGEMENT, ALL BY MEANS OF AN INTERNET WEB SITE ON TO WHICH EMPLOYERS AND/OR EMPLOYEES HAVE ACCESS FOR THE PURPOSE OF OBTAINING OR PROVIDING UPDATED INFORMATION; PROVIDING BUSINESS INFORMATION TO FINANCIAL SERVICE PROVIDERS BY MEANS OF AN INTERNET WEB SITE, IN THE FIELD OF BUSINESS MARKETING; REFERRAL SERVICES IN THE FIELD OF INVESTMENT ADVICE AND FINANCIAL PLANNING; PERSONNEL PLACEMENT AND RECRUITING SERVICES; BUSINESS CONSULTING SERVICES IN THE FIELD OF EMPLOYEE COMPENSATION; CONSULTING SERVICES IN THE FIELD OF MARKETING FINANCIAL SERVICES; MARKET RESEARCH SERVICES RENDERED TO FINANCIAL SERVICE PROVIDERS; MARKETING SERVICES RENDERED TO MEMBERS OF THE FINANCIAL SERVICES INDUSTRY, NAMELY, CREATING AND DESIGNING PROMOTIONAL MATERIALS FOR USE BY FINANCIAL SERVICE PROVIDERS AND ASSISTING FINANCIAL SERVICE PROVIDERS TO DEVELOP THEIR OWN MARKETING PLANS, AND TO IMPLEMENT THEIR OWN DIRECT MAIL CAMPAIGNS, ADVERTISING CAMPAIGNS AND PUBLIC RELATIONS CAMPAIGNS; PROVIDING FACILITIES FOR BUSINESS MEETINGS; PROMOTING PUBLIC AWARENESS OF THE NEED FOR INVESTMENT PLANNING, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 4-22-1996; IN COMMERCE 4-22-1996.

FOR: MUTUAL FUND INVESTMENT SERVICES; RETIREMENT FUND INVESTMENT SERVICES; INVESTMENT MANAGEMENT SERVICES; FINANCIAL PLANNING; SECURITIES BROKERAGE SERVICES; MONEY MANAGEMENT; FINANCIAL ANALYSIS; INVESTMENT MANAGEMENT IN THE FIELD OF PRIVATE PLACEMENT OF SECURITIES; INVESTMENT MANAGEMENT IN THE FIELD OF INITIAL PUBLIC OFFERINGS; PROVIDING FINANCIAL INFORMATION BY ELECTRONIC MEANS; PROVIDING PERSONALIZED INVESTMENT INFORMATION, INVESTMENT ACCOUNT MANAGEMENT AND SECURITIES BROKERAGE SERVICES, ALL BY MEANS OF WIRELESS COMMUNICATION DEVICES AND BY MEANS OF THE INTERNET; RESEARCH IN THE FIELD OF INVESTMENTS AND FINANCE; PROVIDING RETIREMENT PLAN SPONSORS WITH FINANCIAL NEWS AND INFORMATION, INFORMATION ABOUT RETIREMENT PLANNING, INVESTMENT ACCOUNT INFORMATION, AND INFORMATION ABOUT MUTUAL FUND PERFORMANCE; DONOR ADVISED INVESTMENT OF FUNDS FOR CHARITABLE PURPOSES; CHARITABLE FUND RAISING SERVICES; AUTOMATED SECURITIES TRADE EXECUTION SERVICES; RE-

TIREMENT FUND INVESTMENT SERVICES; PROVIDING FINANCIAL INFORMATION IN THE FIELD OF RETIREMENT PLANNING; RETIREMENT PLAN ADMINISTRATION SERVICES; FINANCIAL ADMINISTRATION AND INVESTMENT MANAGEMENT SERVICES RENDERED TO NON-PROFIT ORGANIZATIONS; FINANCIAL SERVICES RENDERED PRIMARILY TO STATES, MUNICIPALITIES AND TAX EXEMPT ORGANIZATIONS, NAMELY, PROVIDING FINANCIAL NEWS AND INFORMATION AND INVESTMENT ACCOUNT INFORMATION BY MEANS OF THE INTERNET; LIFE INSURANCE AND ANNUITY UNDERWRITING SERVICES; CONSULTING SERVICES IN THE FIELD OF INSURANCE; RISK MANAGEMENT SERVICES; INSURANCE BROKERAGE SERVICES; ADMINISTRATION OF STOCK OPTION PLANS, EMPLOYER STOCK PURCHASE PLANS AND DIRECTED SHARE PROGRAMS FOR OTHERS; PROVIDING FINANCIAL INFORMATION ABOUT EMPLOYEE STOCK OPTION PLANS TO PARTICIPANTS AND POTENTIAL PARTICIPANTS IN SUCH PLANS; SECURITIES BROKERAGE SERVICES PROVIDED TO HOLDERS OF STOCK OPTIONS; ADMINISTRATION OF EMPLOYEE BENEFIT PLANS, DEFINED BENEFIT PLANS, DEFINED CONTRIBUTION PLANS AND EMPLOYEE PENSION PLANS; CONSULTING SERVICES RENDERED TO EMPLOYERS WITH RESPECT TO THE DESIGN AND ADMINISTRATION OF EMPLOYEE BENEFIT PLANS; FINANCIAL AND ACTUARIAL CONSULTING SERVICES; FINANCIAL INFORMATION PROCESSING IN THE FIELD OF MORTGAGES; LOAN FINANCING; MARGIN LOAN SERVICES RENDERED TO MORTGAGE BORROWERS TO ENABLE THEM TO AVOID MAKING DOWN PAYMENTS ON REAL ESTATE; PROVIDING INFORMATION IN THE FIELD OF MORTGAGES BY MEANS OF THE INTERNET; FINANCIAL SERVICES, NAMELY, AGENCY SERVICES IN THE FIELD OF SECURITIES; FINANCIAL MARKET INFORMATION SERVICES, NAMELY, COMPILING AND PROVIDING INFORMATION REGARDING SECURITIES; ELECTRONIC BILL PAYMENT; FINANCIAL ADMINISTRATION OF CREDIT CARD ACCOUNTS; FUND TRANSFER SERVICES; FINANCIAL ADVISORY SERVICES IN THE FIELD OF LEVERAGED BUYOUTS; LEVERAGED BUYOUT STRUCTURING AND FINANCING; MANAGEMENT OF INVESTMENT FUNDS IN THE FIELD OF LEVERAGED BUYOUTS; FINANCIAL SERVICES, NAMELY, COMPILING, ORGANIZING, MANAGING AND REPORTING USER SPECIFIC FINANCIAL INFORMATION BY MEANS OF THE INTERNET, IN THE FIELD OF INVESTMENT ACCOUNTS, BANK ACCOUNTS, CREDIT CARD ACCOUNTS, FREQUENT FLYER AWARD ACCOUNTS AND OTHER PERSONAL FINANCIAL DATA; DISSEMINATION OF FINANCIAL INFORMATION RELATING TO THE TRANSITION FROM WORK TO RETIREMENT OR FROM ONE JOB TO ANOTHER; PROVIDING PERSONALIZED INVESTMENT INFORMATION BY ELECTRONIC MAIL; PROVIDING ONLINE INFORMATION ABOUT SECURITIES PRICES; AUTOMATED MUTUAL FUND CLEARINGHOUSE SERVICES AND MUTUAL FUND CUSTODY SERVICES; MUTUAL FUND FINANCIAL

INFORMATION PROVIDED BY ELECTRONIC MEANS FOR SUBSEQUENT INCLUSION IN PRINTED OR ONLINE FINANCIAL PUBLICATIONS; LOAN FINANCING; REAL ESTATE MANAGEMENT SERVICES; REAL ESTATE INVESTMENT SERVICES; REAL ESTATE BROKERAGE SERVICES; LEASING OF REAL PROPERTY; PROVIDING AN ONLINE DATABASE FEATURING FINANCIAL INFORMATION OF GENERAL INTEREST TO INVESTORS, IN CLASS 36 (U.S. CLS. 100, 101 AND 102).

FIRST USE 2-22-1984; IN COMMERCE 2-22-1984.

FOR: EDUCATIONAL SERVICES, NAMELY, CONDUCTING CLASSES, WORKSHOPS, SEMINARS AND CONFERENCES IN THE FIELD OF INVESTMENTS AND IN THE FIELD OF MARKETING FINANCIAL SERVICES; AND DISTRIBUTING COURSE MATERIALS IN CONNECTION THEREWITH; ONLINE WORKSHOPS IN THE FIELD OF INVESTMENTS AND FINANCIAL PLANNING; ONLINE NEWSLETTERS IN THE FIELD OF INVESTMENTS, FINANCE AND RELATED SUBJECTS; PROVIDING INFORMATION IN THE FIELD OF FINANCIAL EDUCATION TO FINANCIAL SERVICE PROVIDERS BY MEANS OF AN INTERNET WEB SITE; DEVELOPMENT AND DISSEMINATION

OF EDUCATIONAL AUDIOTAPES AND OTHER EDUCATIONAL MATERIALS FOR OTHERS IN THE FIELD OF FINANCIAL SERVICES AND INVESTMENTS; ENTERTAINMENT AND EDUCATIONAL SERVICES IN THE NATURE OF PERIODIC RADIO AND TELEVISION PROGRAMS CONCERNING FINANCIAL TOPICS; PROVIDING AN ONLINE DATABASE FEATURING GENERAL AND LOCAL NEWS, AND SPORTS NEWS, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 7-0-1992; IN COMMERCE 7-0-1992.

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

OWNER OF U.S. REG. NOS. 1,481,037, 1,481,040 AND OTHERS.

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

SER. NO. 78-485,327, FILED 9-17-2004.

ELLEN PERKINS, EXAMINING ATTORNEY

**OPPOSER EXHIBIT 17**

Int. Cls.: 9, 16, 35, 36 and 38

Prior U.S. Cls.: 2, 5, 21, 22, 23, 26, 29, 36, 37, 38, 50,  
100, 101, 102 and 104

Reg. No. 3,291,094

United States Patent and Trademark Office

Registered Sep. 11, 2007

**TRADEMARK  
SERVICE MARK  
PRINCIPAL REGISTER**



CAPITALIA S.P.A. (ITALY JOINT STOCK COM-  
PANY)

VIA M. MINGHETTI 17

I-00187 ROME

ITALY

FOR: APPARATUS, NAMELY DIGITAL VIDEO RECORDERS, AUDIO CASSETTE RECORDERS, DIGITAL TAPE RECORDERS FOR RECORDING, TRANSMISSION OR REPRODUCTION OF SOUND OR IMAGES; BLANK MAGNETIC DATA CARRIERS; BLANK COMPUTER DISCS, BLANK AUDIO DISCS FOR RECORDING; AUTOMATIC VENDING MACHINES AND ACCESSORIES THEREFOR IN THE NATURE OF A COIN-OPERATED DEVICE FOR OPERATING THE VENDING MACHINE; CASH REGISTERS, CALCULATING MACHINES, NAMELY CALCULATORS, DATA PROCESSORS AND COMPUTERS; SPECTACLES AND RELATED ACCESSORIES NAMELY SPECTACLE CASES, SPECTACLE FRAMES, SPECTACLE HOLDERS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FOR: PAPER, CARDBOARD AND GOODS MADE FROM THESE MATERIALS, NAMELY PAPER BAGS, PAPER BANNERS, CARDBOARD; PRINTED MATTER NAMELY MAGAZINES AND BROCHURES IN THE FIELD OF BANKING SERVICES; BOOKBINDING MATERIAL, NAMELY BOOK BINDINGS; PHOTOGRAPHS; STATIONERY; ADHESIVES FOR STATIONERY OR HOUSEHOLD PURPOSES; ARTISTS' MATERIALS, NAMELY PASTELS AND PENCILS; PAINT BRUSHES; TYPEWRITERS AND OFFICE REQUISITES, NAMELY ENVELOPES; PRINTED INSTRUCTIONAL, EDUCATIONAL AND TEACHING MATERIALS IN THE FIELD OF BANKING SERVICES; PLASTIC MATERIALS FOR PACKAGING, NAMELY PLASTIC BAGS; PRINTING TYPE; PRINTING BLOCKS, IN CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND 50).

FOR: ADVERTISING, NAMELY COOPERATIVE ADVERTISING AND MARKETING; BUSINESS MANAGEMENT; BUSINESS ADMINISTRATION; ADMINISTRATION OF BUSINESS PAYROLL FOR OTHERS, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FOR: INSURANCE SERVICES, NAMELY UNDERWRITING AND CONSULTATION IN THE FIELDS OF HEALTH INSURANCE, BURGLAR INSURANCE, SECURITIES INSURANCE, ACCIDENT INSURANCE, LIFE INSURANCE AND PENSION INSURANCE; FINANCIAL AFFAIRS, NAMELY INTERNATIONAL FINANCING SERVICES, FINANCE INVESTMENT BROKERAGE, FINANCIAL CONSULTATION, FINANCIAL MANAGEMENT, FINANCIAL PLANNING; GUARANTEE SERVICES, NAMELY GUARANTEE ASSURANCE UNDERWRITING; COMMERCIAL FINANCING SERVICES; MONETARY EXCHANGE; MONEY ORDER SERVICES; REAL ESTATE, NAMELY REAL ESTATE BROKERAGES; BROKERAGE HOUSES IN THE FIELD OF STOCKS, COMMODITIES AND FUTURES, IN CLASS 36 (U.S. CLS. 100, 101 AND 102).

FOR: TELECOMMUNICATION SERVICES, NAMELY LOCAL AND LONG DISTANCE TRANSMISSION OF VOICE, DATA, GRAPHICS BY MEANS OF TELEPHONE, TELEGRAPHIC, CABLE AND SATELLITE TRANSMISSIONS; TELECOMMUNICATION CONSULTATION, IN CLASS 38 (U.S. CLS. 100, 101 AND 104).

PRIORITY DATE OF 3-30-2005 IS CLAIMED.

OWNER OF INTERNATIONAL REGISTRATION  
0863051 DATED 5-12-2005, EXPIRES 5-12-2015.

THE COLOR(S) RED, WHITE, BLUE IS/ARE  
CLAIMED AS A FEATURE OF THE MARK.

PARTS IN RED COLOR—THE BACKGROUND OF THE SQUARE; PARTS IN WHITE COLOR: THE LETTERS OF FINECO, THE FRAME OF THE SQUARE AND THE CLEFT THEREIN; PARTS IN BLUE COLOR—THE BACKGROUND OF THE RECTANGULAR LABEL.

THE TRADEMARK CONSISTS OF A BLUE RECTANGULAR LABEL, IN WHICH THE WORD FINE-

CO IS INSCRIBED IN WHITE LETTERS; ON THE LEFT OF SAID WORD THERE IS A RED SQUARE WITH A WHITE FRAME AND A WHITE CURVILINEAR CLEFT INSIDE, THE CONCAVITY OF WHICH IS TURNED TO THE RIGHT SIDE.

SER. NO. 79-015,632, FILED 5-12-2005.

MARK RADEMACHER, EXAMINING ATTORNEY

**OPPOSER EXHIBIT 18**



Int. Cls.: 35, 36, and 38

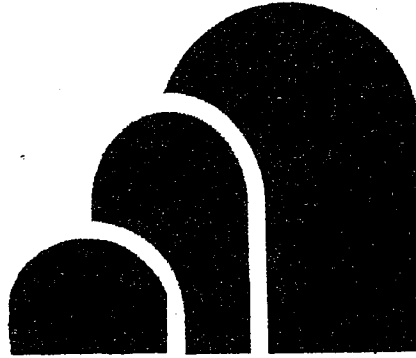
Prior U.S. Cls.: 100, 101, 102, and 104

United States Patent and Trademark Office

Reg. No. 3,004,905

Registered Oct. 4, 2005

**SERVICE MARK  
PRINCIPAL REGISTER**



BANCA MONTE DEI PASCHI DI SIENA S.P.A.  
(ITALY CORPORATION)  
PIAZZA SALIMBENI 3  
SIENA, ITALY 53100

FOR: ADVERTISING AGENCY SERVICES; PROVIDING TELEVISION ADVERTISING FOR OTHERS, BUSINESS MANAGEMENT; PROFESSIONAL BUSINESS CONSULTANCY; BUSINESS INFORMATION IN THE REAL ESTATE, INSURANCE AND FINANCIAL INDUSTRY; BUSINESS INQUIRIES IN THE REAL ESTATE, INSURANCE AND FINANCIAL INDUSTRY; ADMINISTRATION OF BUSINESS PAYROLL FOR OTHERS; OUTSOURCING IN THE FIELD OF FINANCE, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 10-31-2003; IN COMMERCE 10-31-2003.

FOR: INSURANCE BROKERAGE; FINANCIAL ANALYSIS AND CONSULTING SERVICES, CREDIT AGENCY SERVICES AND CREDIT CARD SERVICES; STOCK BROKERAGE SERVICES; SAVINGS AND LOAN ASSOCIATION SERVICES AND BANKING SERVICES; REAL ESTATE BROKERAGE AND

REAL ESTATE APPRAISAL SERVICES, IN CLASS 36 (U.S. CLS. 100, 101 AND 102).

FIRST USE 10-31-2003; IN COMMERCE 10-31-2003.

FOR: PROVIDING TELECOMMUNICATIONS CONNECTIONS TO A GLOBAL COMPUTER NETWORK, IN CLASS 38 (U.S. CLS. 100, 101 AND 104).

FIRST USE 10-31-2003; IN COMMERCE 10-31-2003.

PRIORITY CLAIMED UNDER SEC. 44(D) ON ITALY APPLICATION NO. MI2002C01248, FILED 12-24-2002, REG. NO. 882866, EXPIRES 2-6-2013.

THE MARK CONSISTS OF THREE INTERFITTING HUMPS WITH THE SMALLEST HUMP IN LIGHT GRAY, THE INTERMEDIATE HUMP IN DARK GRAY AND THE LARGEST HUMP IN BLACK, SEPARATED BY ARCuate WHITE BANDS.

SN 78-204,551, FILED 1-17-2003.

DORITT L. CARROLL, EXAMINING ATTORNEY

**OPPOSER EXHIBIT 19**

Int. Cls.: 9, 14, 16, 35, 36 and 42

Prior U.S. Cls.: 2, 5, 21, 22, 23, 26, 27, 28, 29, 36, 37,  
38, 50, 100, 101 and 102

Reg. No. 2,728,502

United States Patent and Trademark Office

Registered June 24, 2003

TRADEMARK  
SERVICE MARK  
PRINCIPAL REGISTER



MOSCOW INTERBANK CURRENCY EX-  
CHANGE (RUSSIAN FEDERATIO JOINT  
STOCK COMPANY)

NEGLINNAYA STREET, 12

MOSCOW, RUSSIAN FEDERATIO 103016

FOR: ENCODED MAGNETIC CARDS; MAGNE-  
TICALLY ENCODED IDENTITY CARDS, IN CLASS  
9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FOR: AGATES; DIAMONDS; PRECIOUS ME-  
TALS, UNWROUGHT OR SEMI-WROUGHT; JEW-  
ELRY AND COSTUME JEWELRY, NAMELY,  
AMULETS, BRACELETS, CHARMS, BROOCHES,  
CUFF LINKS, TIE PINS, TIE CLIPS, PEARLS, OR-  
NAMENTAL PINS, NECKLACES, MEDALLIONS,  
RINGS, EARRINGS, NECKLACES, CHAINS, AND  
ORNAMENTS; DISHES OF PRECIOUS METAL;  
GOBLET OF PRECIOUS METAL; BUSTS OF PRE-  
CIOUS METAL; VASES OF PRECIOUS METAL;  
EPERGNE OF PRECIOUS METAL; JET, UN-  
WROUGHT OR SEMI-WROUGHT; PRECIOUS  
STONES; BADGES OF PRECIOUS METAL; GOLD,  
UNWROUGHT OR BEATEN; GOLD AND SILVER-  
WARE, OTHER THAN CUTLERY, FORKS AND  
SPOONS; OBJECTS OF IMITATION GOLD; IRI-  
DIUM; SEMI-PRECIOUS STONES; COFFEE SER-  
VICES OF PRECIOUS METAL; BOXES OF PRECIOUS  
METAL; PURSES OF PRECIOUS METAL; LAN-  
KARDS OF PRECIOUS METAL; MEDALS;  
WATCHES; COINS; WRISTWATCHES; OLIVINE  
GEMS; OSMIUM; PALLADIUM; ORNAMENTS OF  
JET; CIGARETTE CASES OF PRECIOUS METAL;

ASHTRAYS OF PRECIOUS METAL FOR SMOKERS;  
CIGARETTE HOLDERS OF PRECIOUS METAL;  
PLATINUM (METAL); TRAYS OF PRECIOUS ME-  
TAL, FOR HOUSEHOLD PURPOSES; CABARETS  
(TRAYS) OF PRECIOUS METAL; SILVER PLATED  
PLATES AND DISHES; SEMI-PRECIOUS STONES;  
CANDELABRA AND CANDLESTICKS OF PRE-  
CIOUS METAL; CIGAR BOXES OF PRECIOUS  
METAL; CIGARETTE CASES OF PRECIOUS ME-  
TAL; DISHES OF PRECIOUS METAL; POWDER  
COMPACTS OF PRECIOUS METAL; RHODIUM;  
RUTHENIUM; CANDLE RINGS OF PRECIOUS  
METAL; SALAD BOWLS OF PRECIOUS METAL;  
SUGAR BOWLS OF PRECIOUS METAL; SILVER,  
UNWROUGHT OR BEATEN; INGOTS OF PRE-  
CIOUS METAL; ALLOYS OF PRECIOUS METAL;  
STATUES OF PRECIOUS METAL; FIGURINES AND  
STATUETTES OF PRECIOUS METAL; WORKS OF  
ART OF PRECIOUS METAL; SNUFF BOXES OF  
PRECIOUS METALS; FLASKS OF PRECIOUS ME-  
TAL; WATCH CASES; JEWEL CASES OF PRECIOUS  
METAL; WATCH CHAINS; TEAPOTS OF PRECIOUS  
METAL; TEA SERVICES OF PRECIOUS METAL;  
CLOCKS; TANKARDS OF PRECIOUS METAL;  
CUPS OF PRECIOUS METAL; CIGAR CASES OF  
PRECIOUS METAL; JEWEL CASES OF PRECIOUS  
METAL; PRECIOUS STONES, NAMELY, SPINEL, IN  
CLASS 14 (U.S. CLS. 2, 27, 28 AND 50).

FOR: CONICAL PAPER BAGS; PRINTED MAT-  
TER, NAMELY, PAMPHLETS, BOOKLETS, MAGA-  
ZINES, BOOKS; NEWSPAPERS IN THE FINANCIAL  
AND STOCK FIELDS; CALENDARS; POSTERS;

LEAR-OFF CALENDARS; ENVELOPES AND POUCHES OF PAPER OR PLASTICS, FOR PACKAGING; FOUNTAIN PENS, IN CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND 50).

FOR: COMPUTERIZED DATABASE MANAGEMENT; COST PRICE ANALYSIS; RENTAL OF ADVERTISING SPACE; AUCTIONEERING; UPDATING OF ADVERTISING MATERIALS FOR OTHERS; ORGANIZING EXHIBITIONS FOR PURPOSES OF DEVELOPMENT OF THE EXCHANGE-RELATED CURRENCY MARKETS; PRODUCT DEMONSTRATION; BUSINESS RESEARCH; BUSINESS APPRAISALS; EFFICIENCY EXPERTS; DOCUMENT REPRODUCTION; ACCOUNTING SERVICES; TRANSCRIPTION SERVICES; OPINION POLLING; MARKETING RESEARCH; IMPORT-EXPORT AGENCIES; COMMERCIAL INFORMATION AGENCIES; PROVIDING BUSINESS INFORMATION; PROVIDING STATISTICAL INFORMATION; COMMERCIAL AND INDUSTRIAL MANAGEMENT CONSULTATION; MANAGEMENT ADVISORY SERVICES FOR BUSINESS; COMPILATION OF INFORMATION INTO COMPUTER DATABASES FOR OTHERS; PERSONNEL MANAGEMENT CONSULTANCY; TAX PREPARATION; TYPING; PUBLIC RELATIONS; DISSEMINATION OF ADVERTISING MATTER; ACCOUNTS RECEIVABLE SERVICES; PAYROLL PREPARATION; ECONOMIC FORECASTING; ADVERTISING AGENCY SERVICES; DISSEMINATION OF ADVERTISEMENTS FOR OTHERS VIA RADIO; PUBLICITY COLUMNS PREPARATION; TELEVISION ADVERTISING AGENCIES; SECRETARIAL SERVICES; PHOTO COPYING; PERSONNEL RECRUITMENT; EMPLOYMENT AGENCIES; SYSTEMATIZATION OF INFORMATION INTO COMPUTER DATABASES; BUSINESS MANAGEMENT OF PERFORMING ARTISTS; DISTRIBUTION OF SAMPLES; PUBLICATION OF PUBLICITY TEXTS; AUDITING; DIRECT MAIL ADVERTISING; SHORTHAND; PROVIDING AN ONLINE COMPUTER DATABASE IN THE FIELD OF BUSINESS INFORMATION, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FOR: ISSUING TRAVELERS' CHECKS; FINANCIAL ANALYSIS; LEASING REAL ESTATE; HOUSING AGENTS; RENT COLLECTION; SAVINGS BANKS; BANKING; STOCK EXCHANGE PRICE QUOTATIONS; CAPITAL INVESTMENT CONSULTATION; ISSUANCE OF TOKENS OF VALUE; MORTGAGE BANKING; LEASE-PURCHASE FINANCING; CREDIT CARD SERVICES; DEBT RECOVERY AND COLLECTION AGENCIES; PROVIDING FINANCIAL INFORMATION; FINANCIAL CLEARING HOUSES; FINANCIAL CONSULTING; BAIL BONDING; COLLECTION AGENCIES; REAL ESTATE AGENCIES; REAL ESTATE APPRAISAL; REAL ESTATE MANAGEMENT; MONETARY EXCHANGE; DEBIT CARD SERVICES; RENTAL OF OFFICE SPACE; FISCAL ASSESSMENT AND EVALUATION; ELECTRONIC FUNDS TRANSFER; CHARITABLE FUND RAISING; SAFETY DEPOSIT BOX SERVICES; FINANCIAL SPONSORSHIP IN THE FIELDS OF ARTS, CULTURE AND PUBLIC HEALTH PROTECTION; LOAN FINANCING; INSTALLMENT LOANS; APARTMENT HOUSE MANAGEMENT; FACTORING AGENCIES; FINANCING SERVICES; BANKING; FINANCIAL MANAGEMENT; DEPOSIT OF VALUABLES; SECURITIES BROKERAGE; CHECK VERIFICATION; HEALTH INSURANCE UNDERWRITING; INSURANCE BROKERAGE; PROVIDING INSURANCE INFORMATION; LIFE INSURANCE UNDERWRITING; INSURANCE CONSULTATION; AND MUTUAL FUND BROKERAGE; PROVIDING AN ONLINE COMPUTER DATABASE IN THE FIELD OF FINANCIAL INFORMATION, IN CLASS 36 (U.S. CLS. 100, 101 AND 102).

FOR: PROVIDING AN ONLINE COMPUTER DATABASE IN THE FIELD OF COMPUTER TECHNOLOGY; CONSULTANCY IN THE FIELD OF COMPUTER HARDWARE; COMPUTER SOFTWARE DESIGN FOR OTHERS; COMPUTER PROGRAMMING FOR OTHERS; PROFESSIONAL CONSULTANCY IN THE FIELD OF COMPUTERS; UPDATING COMPUTER SOFTWARE; COMPUTER SYSTEMS ANALYSIS; LEASING ACCESS TIME TO A COMPUTER FOR THE MANIPULATION OF DATA, IN CLASS 42 (U.S. CLS. 100 AND 101).

PRIORITY CLAIMED UNDER SEC. 44(D) ON RUSSIAN FEDERATION APPLICATION NO. 99707239, FILED 6-10-1999, REG. NO. 181599, DATED 6-10-1999, EXPIRES 6-10-2009.

SER. NO. 75-869,546, FILED 12-10-1999.

KEVON CHISOLM, EXAMINING ATTORNEY

**OPPOSER EXHIBIT 20**

Int. Cls.: 9, 35 and 36

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

United States Patent and Trademark Office

Reg. No. 2,900,984

Registered Nov. 9, 2004

TRADEMARK  
SERVICE MARK  
PRINCIPAL REGISTER

pay|global

TIMEMASTER SYSTEMS LIMITED (NEW ZEAL-  
AND LIMITED)  
3D FLOOR, 8 NELSON STREET  
RICCARTON  
CHRISTCHURCH, NEW ZEALAND

FOR: (BASED ON FOREIGN REG NO 613684)  
COMPUTER SOFTWARE FOR HUMAN RE-  
SOURCE APPLICATIONS, NAMELY, PAYROLL,  
TIME AND ATTENDANCE, ROSTERING AND LA-  
BOR SCHEDULING AND ALLOCATION PROCES-  
SING; COMPUTER HARDWARE; COMPUTER  
PERIPHERALS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36  
AND 38).

FOR: (BASED ON FOREIGN REG NO 613685)  
BUSINESS CONSULTING SERVICES IN THE FIELD  
OF PAYROLL PREPARATION AND THE CUSTO-  
MIZED DELIVERY OF PRODUCTS; COMPUTER-  
IZED DATABASE MANAGEMENT, IN CLASS 35  
(U.S. CLS. 100, 101 AND 102).

FOR: (BASED ON FOREIGN REG NO 613686)  
BANKING, MONEY EXCHANGING, ELECTRONIC  
FUNDS TRANSFER, AND FINANCIAL MANAGE-  
MENT AND FINANCIAL CLEARING HOUSES, IN  
CLASS 36 (U.S. CLS. 100, 101 AND 102).

OWNER OF NEW ZEALAND REG. NO. 613686,  
DATED 5-3-2000, EXPIRES 5-3-2007.

OWNER OF NEW ZEALAND REG. NO. 613685,  
DATED 5-3-2000, EXPIRES 5-3-2007.

OWNER OF NEW ZEALAND REG. NO. 613684,  
DATED 5-3-2000, EXPIRES 5-3-2007.

SER. NO. 76-040,387, FILED 5-4-2000.

KATHLEEN M. VANSTON, EXAMINING ATTOR-  
NEY

**OPPOSER EXHIBIT 21**

Int. Cls.: 9, 16, 35 and 36

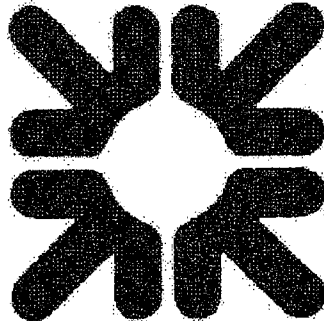
Prior U.S. Cls.: 2, 5, 21, 22, 23, 26, 29, 36, 37, 38, 50,  
100, 101 and 102

Reg. No. 3,191,023

United States Patent and Trademark Office

Registered Jan. 2, 2007

TRADEMARK  
SERVICE MARK  
PRINCIPAL REGISTER



THE ROYAL BANK OF SCOTLAND GROUP PLC  
(UNITED KINGDOM COMPANY)  
36 ST. ANDREW SQUARE  
EDINBURGH, SCOTLAND, UNITED KINGDOM  
EH2 2YB

FOR: MAGNETICALLY ENCODED CHARGE  
CARDS, CASH CARDS, BANK CARDS, CHECK  
CARDS, CREDIT CARDS, DEBIT CARDS, IN CLASS  
9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FOR: PRINTED MATTER, NAMELY, NEWSLET-  
TERS, NEWSPAPERS, MAGAZINES, PAMPHLETS,  
LEAFLETS AND PERIODICALS IN THE FIELD OF  
FINANCIAL SERVICES; CHECK BOOKS, IN CLASS  
16 (U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND 50).

FOR: ACCOUNTING SERVICES; BOOKKEEPING  
SERVICES; COMPANY REGISTRATION SERVICES,  
NAMELY, REGISTERING BUSINESSES WITH THE  
GOVERNMENT; SHARE REGISTRATION SER-  
VICES, NAMELY, REGISTERING THE OWNERSHIP  
OF STOCKS AND BONDS; PAYROLL PREPARA-  
TION; BUSINESS APPRAISALS, INQUIRIES, INVES-  
TIGATIONS, RESEARCH AND BUSINESS  
MANAGEMENT CONSULTING AND ADVICE, IN  
CLASS 35 (U.S. CLS. 100, 101 AND 102).

FOR: BANKING SERVICES; INSURANCE SER-  
VICES, NAMELY, INSURANCE BROKERAGE AND  
AGENCY SERVICES IN THE FIELD OF CREDIT

INSURANCE, LIFE INSURANCE, HOME INSUR-  
ANCE AND MEDICAL INSURANCE; FINANCING  
OF LOANS; PROVIDING LOANS SECURED BY  
COMMERCIAL PAPER; FINANCIAL INVESTMENT  
SERVICES IN THE FIELDS OF INVESTMENT SE-  
CURITIES AND CERTIFICATES OF DEPOSIT; CA-  
PITAL INVESTMENT SERVICES; FINANCIAL  
MANAGEMENT SERVICES; PROVIDING BRO-  
KERS AND AGENTS TO BUY AND SELL BONDS  
AND SECURITIES FOR OTHERS; BROKERAGE  
AND AGENCY SERVICES IN THE FIELD OF  
BONDS AND SECURITIES; FINANCIAL CONSUL-  
TATION SERVICES; SAFE DEPOSIT SERVICES;  
FINANCIAL GUARANTEES AND SURETY SER-  
VICES; PROVIDING FINANCIAL ANALYSIS AND  
REPORTS IN THE FIELD OF FINANCIAL INFOR-  
MATION; FINANCIAL INFORMATION PROCES-  
SING; FINANCIAL INFORMATION PROVIDED  
VIA ELECTRONIC MEANS; FINANCIAL RE-  
SEARCH SERVICES; FINANCING SERVICES AND  
SECURING FUNDS FOR OTHERS; ADVICE AND  
INQUIRIES REGARDING CREDIT; ISSUING LET-  
TERS OF CREDIT; PROVIDING CREDIT AGENCY  
SERVICES FOR BUSINESSES AND INDIVIDUALS,  
IN CLASS 36 (U.S. CLS. 100, 101 AND 102).

OWNER OF ERPNTY TM OFC REG. NO.  
97329, DATED 3-20-1998, RENEWED AS REG. NO.  
97329, DATED 4-2-2006, EXPIRES 4-2-2016.

OWNER OF U.S. REG. NO. 1,001,888.



THE MARK CONSISTS OF A STYLIZED REPRESENTATION OF A DAISYWHEEL.

SER. NO. 78-499,924, FILED 10-14-2004.

JOHN LINCOSKI, EXAMINING ATTORNEY

**OPPOSER EXHIBIT 22**

Int. Cls.: 35, 36 and 41

Prior U.S. Cls.: 100, 101, 102 and 107

Reg. No. 3,239,983

United States Patent and Trademark Office

Registered May 8, 2007

SERVICE MARK  
PRINCIPAL REGISTER

# UNPUZZLED

WILLIAM HOWARTH JARVIE (UNITED KING-  
DOM INDIVIDUAL)  
5 LOCH DRIVE, HELENSBURGH  
ARGYLL & BUTE, SCOTLAND G84 8PY  
UNITED KINGDOM

FOR: ACCOUNTING, DRAWING UP STATEMENTS OF ACCOUNTS, ADVERTISING, ADVERTISING AGENCIES, UPDATING OF ADVERTISING MATERIAL, DISSEMINATION OF ADVERTISING MATTER, RENTAL OF ADVERTISING SPACE, COST PRICE ANALYSIS, BUSINESS APPRAISALS, BUSINESS MANAGEMENT ASSISTANCE, AUDITING, BOOK-KEEPING, PROFESSIONAL BUSINESS CONSULTANCY, BUSINESS INFORMATION, BUSINESS INQUIRIES, BUSINESS INVESTIGATIONS, BUSINESS MANAGEMENT AND BUSINESS MANAGEMENT ORGANIZATION CONSULTANCY, BUSINESS MANAGEMENT CONSULTANCY, BUSINESS MANAGEMENT OF HOTELS, BUSINESS MANAGEMENT OF PERFORMING ARTISTS, BUSINESS ORGANIZATION CONSULTANCY, BUSINESS RESEARCH, RELOCATION SERVICES FOR BUSINESSES, COMMERCIAL INFORMATION AGENCIES, COMMERCIAL OR INDUSTRIAL MANAGEMENT ASSISTANCE, COMPILATION OF INFORMATION INTO COMPUTER DATABASES, SYSTEMIZATION OF INFORMATION INTO COMPUTER DATABASES, BUSINESS RESEARCH SERVICES IN THE NATURE OF FINANCIAL DATA SEARCH IN COMPUTER FILES FOR OTHERS, DEMONSTRATION OF GOODS FOR PROMOTIONAL PURPOSES, DIRECT MAIL ADVERTISING, DOCUMENT REPRODUCTION, ECONOMIC FORECASTING, EFFICIENCY EXPERTS, EMPLOYMENT AGENCIES, ORGANISATION OF EXHIBITIONS FOR COMMERCIAL OR ADVERTISING PURPOSES IN THE FIELD OF ACCOUNTING, COMPUTERISED FILE MANAGEMENT, MARKETING RESEARCH, MARKETING STUDIES, ON-LINE ADVERTISING ON A COMPUTER NETWORK, PAYROLL PREPARATION, PERSONNEL MANAGEMENT CONSULTANCY, WORD PROCESSING, PROCUREMENT SERVICES FOR OTHERS NAMELY PURCHASING GOODS AND SERVICES FOR OTHER BUSINESSES, PUBLICITY, PUBLICITY AGENCIES, CREATING AND DISTRIBUTING RADIO ADVERTISING, PRODUCTION OF RADIO

COMMERCIALS, RENTAL OF ADVERTISING TIME ON COMMUNICATIONS MEDIA, SALES PROMOTION FOR OTHERS, PROVIDING STATISTICAL INFORMATION, TAX PREPARATION, TELEVISION ADVERTISING, PRODUCTION OF TELEVISION COMMERCIALS, TYPING, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FOR: FINANCIAL ANALYSIS, BANKING, HOME BANKING, CAPITAL INVESTMENTS, CHARITABLE FUND RAISING, CHECK VERIFICATION, COLLECTION OF DEBTS, FINANCIAL CONSULTANCY, INSURANCE CONSULTANCY, CREDIT CARD SERVICES, DEBIT CARD SERVICES, REAL ESTATE MANAGEMENT, FINANCIAL EVALUATION FOR INSURANCE BANKING REAL ESTATE, FACTORING, PROVIDING FINANCIAL INFORMATION, FINANCIAL MANAGEMENT, FINANCING SERVICES, FUND INVESTMENTS, ELECTRONIC FUNDS TRANSFER, FINANCIAL GUARANTEES, HIRE-PURCHASE FINANCING, PROVIDING INSURANCE INFORMATION, INSURANCE UNDERWRITING, LEASE-PURCHASE FINANCING, LENDING AGAINST SECURITY, MUTUAL FUNDS INVESTMENT, SAVINGS BANKS, IN CLASS 36 (U.S. CLS. 100, 101 AND 102).

FOR: ARRANGING AND CONDUCTING OF COLLOQUIUMS, CONFERENCES, CONGRESSES, SEMINARS, SYMPOSIUMS, AND TRAINING WORKSHOPS IN THE FIELD OF ACCOUNTING; BOOKING OF SEATS FOR SHOWS; CORRESPONDENCE COURSES IN ACCOUNTING; DIGITAL IMAGING SERVICES; PROVIDING INFORMATION ABOUT EDUCATIONAL COURSES; EDUCATIONAL SERVICES NAMELY, PROVIDING COURSES IN THE FIELD OF ACCOUNTING; VOCATIONAL GUIDANCE IN THE NATURE OF EDUCATION OR TRAINING ADVICE IN THE FIELD OF ACCOUNTING; INSTRUCTION SERVICES IN THE FIELD OF ACCOUNTING; PRACTICAL TRAINING AND DEMONSTRATION IN THE FIELD OF ACCOUNTING; PRODUCTION OF RADIO AND TELEVISION SHOWS; PROVIDING ON-LINE, NON-DOWNLOADABLE PUBLICATIONS IN THE NATURE OF TEXT PAGES IN THE FIELD OF ACCOUNTING; PUBLICATION OF BOOKS;

PUBLICATION OF ELECTRONIC BOOKS AND JOURNALS ON-LINE; TEACHING ACCOUNTING; PRODUCTION OF RADIO AND TELEVISION PROGRAMS; PUBLICATION OF TEXTS OTHER THAN PUBLICITY TEXTS; TRANSLATION, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

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

OWNER OF INTERNATIONAL REGISTRATION  
0867501 DATED 12-2-2004, EXPIRES 12-2-2014.

SER. NO. 79-017,305, FILED 12-2-2004.

KIMBERLY FRYE, EXAMINING ATTORNEY

**OPPOSER EXHIBIT 23**

Int. Cls.: 35 and 36

Prior U.S. Cls.: 100, 101 and 102

United States Patent and Trademark Office

Reg. No. 2,710,428

Registered Apr. 29, 2003

**SERVICE MARK  
PRINCIPAL REGISTER**

**INLEAGUE**

INLEAGUE, INC. (DELAWARE CORPORATION)  
888 VILLA STREET  
SUITE 500  
MOUNTAIN VIEW, CA 94041

FOR: BUSINESS SERVICES, NAMELY, ON-LINE PAYROLL PREPARATION; BUSINESS MANAGEMENT AND BUSINESS CONSULTATION IN THE FIELD OF HUMAN RESOURCES; COMPUTERIZED DATABASE MANAGEMENT AND BUSINESS MANAGEMENT OF DATA IN THE FIELD OF EMPLOYEE PENSION AND BENEFIT PLANS, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 9-0-1999; IN COMMERCE 9-0-1999.

FOR: ADMINISTRATION OF EMPLOYEE PENSION PLANS; ADMINISTRATION IN THE FIELD OF INSURANCE RELATING TO EMPLOYEE BENEFIT PLANS; ADMINISTRATION OF PATIENT REIMBURSEMENT PROGRAMS; ADMINISTRATION

OF PRE-PAID HEALTH CARE PLANS; ADMINISTRATION OF PRE-PAID PROVIDER PLANS IN THE FIELD OF HEALTH, MEDICAL, DENTAL AND EMPLOYEE BENEFIT PLANS; MAINTAINING PERSONAL EMPLOYEE PENSION AND BENEFIT RECORDS AND FILES; PROVIDING EMPLOYEE PENSION AND BENEFIT PLAN INFORMATION; INSURANCE BROKERAGE SERVICES IN THE FIELD OF HEALTH, MEDICAL, DENTAL, LIFE AND WORKMAN'S COMPENSATION INSURANCE; BANKING SERVICES; FINANCIAL MANAGEMENT AND FINANCIAL CONSULTATION IN THE FIELD OF HUMAN RESOURCES, IN CLASS 36 (U.S. CLS. 100, 101 AND 102).

FIRST USE 9-0-1999; IN COMMERCE 9-0-1999.

SER. NO. 76-079,917, FILED 6-28-2000.

ALICIA COLLINS, EXAMINING ATTORNEY

**OPPOSER EXHIBIT 24**

Int. Cls.: 35 and 36

Prior U.S. Cls.: 100, 101 and 102

United States Patent and Trademark Office

Reg. No. 3,256,580

Registered June 26, 2007

SERVICE MARK  
PRINCIPAL REGISTER



MEINL BANK AKTIENGESELLSCHAFT (AUSTRIA CORPORATION)  
BAUERNMARKT 2  
A-1010 WIEN  
VIENNA, AUSTRIA

FOR: PAYROLL PREPARATION; COST PRICE ANALYSIS; COMMERCIAL INFORMATION AGENCIES; BUSINESS MANAGEMENT AND ORGANIZATION CONSULTANCY; BOOK-KEEPING; ACCOUNT AND BUSINESS AUDITING; COMPUTERIZED FILE MANAGEMENT; SYSTEMIZATION OF INFORMATION INTO COMPUTER DATABASES; COMPILATION OF INFORMATION INTO COMPUTER DATABASES; BUSINESS APPRAISALS; EFFICIENCY EXPERTS; MARKETING RESEARCH; MARKETING STUDIES; ADVERTISING; ECONOMIC FORECASTING, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FOR: FINANCIAL RESEARCH; MONETARY EXCHANGE; BANKING; FINANCIAL CLEARING HOUSES; HOME BANKING; FINANCIAL INFORMATION IN THE NATURE OF RATES OF EXCHANGE; FINANCIAL CONSULTANCY, FINANCIAL SPONSORSHIP OF CULTURE EVENTS; FINANCIAL EVALUATION FOR INSURANCE, BANKING, AND REAL ESTATE PURPOSES; MUTUAL FUNDS, NAMELY, MUTUAL FUND INVESTMENT MANAGEMENT SERVICES; MUTUAL FUND DISTRIBUTION SERVICES; MUTUAL FUND ADMINISTRATION SERVICES; FINANCIAL SPONSORSHIP OF MUTUAL FUNDS; BROKERAGE IN THE FIELD OF INVESTMENTS AND MUTUAL FUNDS; MUTUAL FUND BROKERAGE SERVICES;

CAPITAL INVESTMENTS, NAMELY, EQUITY CAPITAL INVESTMENT; MANAGEMENT OF A CAPITAL INVESTMENT FUND; CAPITAL INVESTMENT MANAGEMENT; CAPITAL INVESTMENT CONSULTATION; ELECTRONIC FUNDS TRANSFER; FINANCIAL MANAGEMENT; TRUSTESHIP REPRESENTATIVES; REAL ESTATE AFFAIRS, IN PARTICULAR REAL ESTATE APPRAISAL, RENTAL OF OFFICE SPACE, LEASING OF REAL ESTATE, REAL ESTATE AGENCIES, REAL ESTATE MANAGEMENT, RENT COLLECTION, IN CLASS 36 (U.S. CLS. 100, 101 AND 102).

PRIORITY DATE OF 4-14-2005 IS CLAIMED.

OWNER OF INTERNATIONAL REGISTRATION  
0869102 DATED 9-22-2005, EXPIRES 9-22-2015.

THE COLOR(S) BLUE AND WHITE IS/ARE CLAIMED AS A FEATURE OF THE MARK.

THE COLOR WHITE APPEARS IN THE WORDING "MEINLSUCCESS" AND THE SILHOUETTE OF A TURKISH BOY WEARING A HAT WITH A TASSEL AND IN THE OVAL BORDER. THE COLOR BLUE APPEARS IN THE BACKGROUND.

SER. NO. 79-017,999, FILED 9-22-2005.

ALLISON SCHRODY, EXAMINING ATTORNEY



**OPPOSER EXHIBIT 25**

Int. Cls.: 35, 36 and 39

Prior U.S. Cls.: 100, 101, 102 and 105

United States Patent and Trademark Office

Reg. No. 3,219,222

Registered Mar. 20, 2007

SERVICE MARK  
PRINCIPAL REGISTER



CAPITEC BANK LIMITED (SOUTH AFRICA CORPORATION)  
10 QUANTUM STREET  
TECHNO PARK, STELLENBOSCH, SOUTH AFRICA

FOR: BUSINESS MANAGEMENT SERVICES, NAMELY, CONSULTATION IN THE FIELD OF OPERATION OF A BUSINESS, BUSINESS ADMINISTRATION, AND ACCOUNTING; BUSINESS MANAGEMENT PLANNING AND SUPERVISION; BUSINESS ORGANIZATION CONSULTANCY; COMMERCIAL AND INDUSTRIAL MANAGEMENT ASSISTANCE; PERSONNEL MANAGEMENT; PUBLIC RELATIONS; ADMINISTRATION OF BUSINESS PAYROLL FOR OTHERS; COMPUTERIZED DATABASE MANAGEMENT SERVICES; PROVIDING STATISTICAL INFORMATION, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FOR: FINANCIAL BANKING SERVICES, NAMELY, DEPOSIT TAKING, CREDIT AND DEBIT BANK CARD SERVICES, AND LOAN FINANCING;

MONETARY EXCHANGE SERVICES AND INSURANCE UNDERWRITING IN THE FIELD OF LIFE, CREDIT LIFE AND TANGIBLE ASSETS, IN CLASS 36 (U.S. CLS. 100, 101 AND 102).

FOR: ELECTRONIC STORAGE OF FILES AND DOCUMENTS, IN CLASS 39 (U.S. CLS. 100 AND 105).

PRIORITY CLAIMED UNDER SEC. 44(D) ON SOUTH AFRICA APPLICATION NO. 2001/11503, FILED 7-5-2001, REG. NO. 2001/11503/1, DATED 7-5-2001, EXPIRES 7-5-2011.

PRIORITY CLAIMED UNDER SEC. 44(D) ON SOUTH AFRICA APPLICATION NO. 2001/11502, FILED 7-5-2001.

SER. NO. 76-289,887, FILED 7-25-2001.

TONI HICKEY, EXAMINING ATTORNEY

**OPPOSER EXHIBIT 26**

Int. Cls.: 9, 16, 35, 36 and 41

Prior U.S. Cls.: 2, 5, 21, 22, 23, 26, 29, 36, 37, 38, 50,  
100, 101, 102 and 107

Reg. No. 3,092,355

United States Patent and Trademark Office

Registered May 16, 2006

TRADEMARK  
SERVICE MARK  
PRINCIPAL REGISTER



FMR CORP. (DELAWARE CORPORATION)  
82 DEVONSHIRE STREET  
BOSTON, MA 02109

FOR: COMPUTER SOFTWARE FOR USE BY FINANCIAL SERVICE PROVIDERS TO PREPARE DOCUMENTS RELATING TO THE DISSEMINATION OF INFORMATION WITHIN AN ORGANIZATION; COMPUTER SOFTWARE FOR USE BY FINANCIAL SERVICE PROVIDERS TO CONDUCT SURVEYS AND TO ASSEMBLE AND MANAGE INFORMATION RELATING TO RETIREMENT PLANS; COMPUTER SOFTWARE FOR MANAGING THE DISTRIBUTION OF INFORMATION ABOUT RETIREMENT PLANS TO EMPLOYEES; COMPUTER SOFTWARE FOR PRODUCING PRINTED INFORMATIONAL MATERIALS AND RECORDS IN THE FIELD OF RETIREMENT PLANS; COMPUTER SOFTWARE FOR USE BY BUSINESSES TO MANAGE EMPLOYEE COMPENSATION PLANNING; COMPUTER SOFTWARE FOR MANAGING INVESTMENT PORTFOLIOS; COMPUTER SOFTWARE FOR MAINTAINING, MANAGING AND REPORTING FINANCIAL INFORMATION; COMPUTER SOFTWARE FOR USE BY FINANCIAL SERVICE PROVIDERS TO OBTAIN INVESTMENT TRANSACTION AND ACCOUNT INFORMATION; COMPUTER SOFTWARE USED BY FINANCIAL SERVICE PROVIDERS FOR CONTACT MANAGEMENT; COMPUTER SOFTWARE FOR INITIATING, PROCESSING AND TRACKING FINANCIAL TRANSACTIONS; COMPUTER SOFTWARE FOR USE BY INVESTMENT FUND ADMINISTRATORS TO ENTER SECURITIES TRADING ORDERS, TO RECEIVE CONFIRMATION OF SUCH ORDERS, AND TO OBTAIN PRICE INFORMATION, BALANCE INFORMATION AND OTHER DATA ABOUT FUNDS AND ACCOUNTS; COMPUTER SOFTWARE FOR MANAGING THE BUSINESS PRACTICES OF FINANCIAL SERVICE PROVIDERS TO COMPLY WITH GOVERNMENTAL REGULA-

TIONS; COMPUTER SOFTWARE FOR USE IN OBTAINING ACCESS TO, AND ENHANCING THE USER'S EXPERIENCE OF, AN INTERNET WEB SITE WHICH PROVIDES NEWS, INFORMATION AND ONLINE FINANCIAL SERVICES; COMPUTER SOFTWARE FOR USE BY RETIREMENT PLAN SPONSORS TO TRANSMIT AND RECEIVE ACCOUNT INFORMATION AND OTHER INFORMATION BY MEANS OF AN ONLINE CONNECTION; COMPUTER SOFTWARE FOR USE BY FINANCIAL INVESTMENT ADVISORS IN PORTFOLIO ALLOCATION, SECTOR ANALYSIS, PORTFOLIO MODELING AND PORTFOLIO REBALANCING, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 4-0-2004; IN COMMERCE 4-0-2004.

FOR: MAGAZINES, NEWSLETTERS, BOOKLETS AND BROCHURES IN THE FIELD OF INVESTMENTS AND FINANCIAL SERVICES, IN CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND 50).

FIRST USE 11-0-2003; IN COMMERCE 11-0-2003.

FOR: PAYROLL PREPARATION AND PROCESSING; PROVIDING REPORTS OF PAYROLL RELATED TAX INFORMATION TO GOVERNMENTAL AGENCIES AND TO EMPLOYERS; BUSINESS MANAGEMENT SERVICES IN THE FIELD OF HUMAN RESOURCES; ACCOUNTING AND BOOK-KEEPING SERVICES; BUSINESS SERVICES IN THE FIELD OF HUMAN RESOURCES AND PAYROLL MANAGEMENT, NAMELY, MAINTAINING, UPDATING AND REPORTING INFORMATION ABOUT EMPLOYEE WORK SCHEDULES, PAYMENT SCHEDULES, SALARIES, CONTACT INFORMATION AND OTHER INFORMATION PERTAINING TO HUMAN RESOURCES AND PAYROLL MANAGEMENT, ALL BY MEANS OF AN INTERNET WEB SITE ON TO WHICH EMPLOYERS AND/OR EMPLOYEES HAVE ACCESS FOR THE

PURPOSE OF OBTAINING OR PROVIDING UPDATED INFORMATION; PROVIDING BUSINESS INFORMATION TO FINANCIAL SERVICE PROVIDERS BY MEANS OF AN INTERNET WEB SITE, IN THE FIELD OF BUSINESS MARKETING; REFERRAL SERVICES IN THE FIELD OF INVESTMENT ADVICE AND FINANCIAL PLANNING; PERSONNEL PLACEMENT AND RECRUITING SERVICES; BUSINESS CONSULTING SERVICES IN THE FIELD OF EMPLOYEE COMPENSATION; CONSULTING SERVICES IN THE FIELD OF MARKETING FINANCIAL SERVICES; MARKET RESEARCH SERVICES RENDERED TO FINANCIAL SERVICE PROVIDERS; MARKETING SERVICES RENDERED TO MEMBERS OF THE FINANCIAL SERVICES INDUSTRY, NAMELY, CREATING AND DESIGNING PROMOTIONAL MATERIALS FOR USE BY FINANCIAL SERVICE PROVIDERS AND ASSISTING FINANCIAL SERVICE PROVIDERS TO DEVELOP THEIR OWN MARKETING PLANS, AND TO IMPLEMENT THEIR OWN DIRECT MAIL CAMPAIGNS, ADVERTISING CAMPAIGNS AND PUBLIC RELATIONS CAMPAIGNS; PROVIDING FACILITIES FOR BUSINESS MEETINGS; PROMOTING PUBLIC AWARENESS OF THE NEED FOR INVESTMENT PLANNING, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 1-0-2004; IN COMMERCE 1-0-2004.

FOR: MUTUAL FUND INVESTMENT SERVICES; RETIREMENT FUND INVESTMENT SERVICES; INVESTMENT MANAGEMENT SERVICES; FINANCIAL PLANNING; SECURITIES BROKERAGE SERVICES; MONEY MANAGEMENT; FINANCIAL ANALYSIS; INVESTMENT MANAGEMENT IN THE FIELD OF PRIVATE PLACEMENT OF SECURITIES; INVESTMENT MANAGEMENT IN THE FIELD OF INITIAL PUBLIC OFFERINGS; PROVIDING FINANCIAL INFORMATION BY ELECTRONIC MEANS; PROVIDING PERSONALIZED INVESTMENT INFORMATION, INVESTMENT ACCOUNT MANAGEMENT AND SECURITIES BROKERAGE SERVICES, ALL BY MEANS OF WIRELESS COMMUNICATION DEVICES AND BY MEANS OF THE INTERNET; RESEARCH IN THE FIELD OF INVESTMENTS AND FINANCE; PROVIDING RETIREMENT PLAN SPONSORS WITH FINANCIAL NEWS AND INFORMATION, INFORMATION ABOUT RETIREMENT PLANNING, INVESTMENT ACCOUNT INFORMATION, AND INFORMATION ABOUT MUTUAL FUND PERFORMANCE; DONOR ADVISED INVESTMENT OF FUNDS FOR CHARITABLE PURPOSES; CHARITABLE FUND RAISING SERVICES; AUTOMATED SECURITIES TRADE EXECUTION SERVICES; RETIREMENT FUND INVESTMENT SERVICES; PROVIDING FINANCIAL INFORMATION IN THE FIELD OF RETIREMENT PLANNING; RETIREMENT PLAN ADMINISTRATION SERVICES; FINANCIAL ADMINISTRATION AND INVESTMENT MANAGEMENT SERVICES RENDERED TO NON-PROFIT ORGANIZATIONS; FINANCIAL SERVICES RENDERED PRIMARILY TO STATES, MUNICIPALITIES AND TAX EXEMPT ORGANIZATIONS, NAMELY, PROVIDING FINANCIAL NEWS AND INFORMATION AND INVESTMENT ACCOUNT

INFORMATION BY MEANS OF THE INTERNET; LIFE INSURANCE AND ANNUITY UNDERWRITING SERVICES; CONSULTING SERVICES IN THE FIELD OF INSURANCE; RISK MANAGEMENT SERVICES; INSURANCE BROKERAGE SERVICES; ADMINISTRATION OF STOCK OPTION PLANS, EMPLOYER STOCK PURCHASE PLANS AND DIRECTED SHARE PROGRAMS FOR OTHERS; PROVIDING FINANCIAL INFORMATION ABOUT EMPLOYEE STOCK OPTION PLANS TO PARTICIPANTS AND POTENTIAL PARTICIPANTS IN SUCH PLANS; SECURITIES BROKERAGE SERVICES PROVIDED TO HOLDERS OF STOCK OPTIONS; ADMINISTRATION OF EMPLOYEE BENEFIT PLANS, DEFINED BENEFIT PLANS, DEFINED CONTRIBUTION PLANS AND EMPLOYEE PENSION PLANS; CONSULTING SERVICES RENDERED TO EMPLOYERS WITH RESPECT TO THE DESIGN AND ADMINISTRATION OF EMPLOYEE BENEFIT PLANS; FINANCIAL AND ACTUARIAL CONSULTING SERVICES; FINANCIAL INFORMATION PROCESSING IN THE FIELD OF MORTGAGES; LOAN FINANCING; MARGIN LOAN SERVICES RENDERED TO MORTGAGE BORROWERS TO ENABLE THEM TO AVOID MAKING DOWN PAYMENTS ON REAL ESTATE; PROVIDING INFORMATION IN THE FIELD OF MORTGAGES BY MEANS OF THE INTERNET; FINANCIAL SERVICES, NAMELY, AGENCY SERVICES IN THE FIELD OF SECURITIES; FINANCIAL MARKET INFORMATION SERVICES, NAMELY, COMPILING AND PROVIDING INFORMATION REGARDING SECURITIES; ELECTRONIC BILL PAYMENT; FINANCIAL ADMINISTRATION OF CREDIT CARD ACCOUNTS; FUND TRANSFER SERVICES; FINANCIAL ADVISORY SERVICES IN THE FIELD OF LEVERAGED BUYOUTS; LEVERAGED BUYOUT STRUCTURING AND FINANCING; MANAGEMENT OF INVESTMENT FUNDS IN THE FIELD OF LEVERAGED BUYOUTS; FINANCIAL SERVICES, NAMELY, COMPILING, ORGANIZING, MANAGING AND REPORTING USER SPECIFIC FINANCIAL INFORMATION BY MEANS OF THE INTERNET, IN THE FIELD OF INVESTMENT ACCOUNTS, BANK ACCOUNTS, CREDIT CARD ACCOUNTS, FREQUENT FLYER AWARD ACCOUNTS AND OTHER PERSONAL FINANCIAL DATA; DISSEMINATION OF FINANCIAL INFORMATION RELATING TO THE TRANSITION FROM WORK TO RETIREMENT OR FROM ONE JOB TO ANOTHER; PROVIDING PERSONALIZED INVESTMENT INFORMATION BY ELECTRONIC MAIL; PROVIDING ONLINE INFORMATION ABOUT SECURITIES PRICES; AUTOMATED MUTUAL FUND CLEARINGHOUSE SERVICES AND MUTUAL FUND CUSTODY SERVICES; MUTUAL FUND FINANCIAL INFORMATION PROVIDED BY ELECTRONIC MEANS FOR SUBSEQUENT INCLUSION IN PRINTED OR ONLINE FINANCIAL PUBLICATIONS; LOAN FINANCING; REAL ESTATE MANAGEMENT SERVICES; REAL ESTATE INVESTMENT SERVICES; REAL ESTATE BROKERAGE SERVICES; LEASING OF REAL PROPERTY; PROVIDING AN ONLINE DATABASE FEATURING FINANCIAL INFORMATION OF GENERAL INTEREST TO INVESTORS, IN CLASS 36 (U.S. CLS. 100, 101 AND 102).

FIRST USE 9-0-2003; IN COMMERCE 9-0-2003.

FOR: EDUCATIONAL SERVICES, NAMELY, CONDUCTING CLASSES, WORKSHOPS, SEMINARS AND CONFERENCES IN THE FIELD OF INVESTMENTS AND IN THE FIELD OF MARKETING FINANCIAL SERVICES; AND DISTRIBUTING COURSE MATERIALS IN CONNECTION THEREWITH; ONLINE WORKSHOPS IN THE FIELD OF INVESTMENTS AND FINANCIAL PLANNING; ONLINE NEWSLETTERS IN THE FIELD OF INVESTMENTS, FINANCE AND RELATED SUBJECTS; PROVIDING INFORMATION IN THE FIELD OF FINANCIAL EDUCATION TO FINANCIAL SERVICE PROVIDERS BY MEANS OF AN INTERNET WEB SITE; DEVELOPMENT AND DISSEMINATION OF EDUCATIONAL AUDIOTAPES AND OTHER EDUCATIONAL MATERIALS FOR OTHERS IN THE FIELD OF FINANCIAL SERVICES AND INVESTMENTS; ENTERTAINMENT AND EDUCATIONAL SERVICES IN THE NATURE OF PERIODIC RADIO AND TELEVISION PROGRAMS

CONCERNING FINANCIAL TOPICS; PROVIDING AN ONLINE DATABASE FEATURING GENERAL AND LOCAL NEWS, AND SPORTS NEWS, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 1-0-2004; IN COMMERCE 1-0-2004.

OWNER OF U.S. REG. NOS. 1,481,037, 1,481,040 AND OTHERS.

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

THE MARK CONSISTS OF THE WORDS FIDELITY INVESTMENTS TO THE RIGHT OF A CIRCLE CONTAINING THE DESIGN OF A PYRAMID FROM WHICH BEAMS OF LIGHT RADIATE.

SER. NO. 78-485,332, FILED 9-17-2004.

ELLEN PERKINS, EXAMINING ATTORNEY

**OPPOSER EXHIBIT 27**

Int. Cls.: 35, 36 and 42

Prior U.S. Cls.: 100, 101 and 102

**United States Patent and Trademark Office**

Reg. No. 2,606,575

Registered Aug. 13, 2002

**SERVICE MARK  
PRINCIPAL REGISTER**

**FINETRICS**

FINETRICS, INC. (DELAWARE CORPORATION)  
4224 NAPERVILLE ROAD  
LISLE, IL 60532

FOR: BUSINESS MANAGEMENT, PLANNING AND CONSULTATION; PREPARING BUSINESS REPORTS; BUSINESS ACQUISITION AND MERGER CONSULTATION; TAX PREPARATION AND CONSULTATION; PAYROLL PREPARATION; BILLING; ACCOUNTING; ACCOUNT AUDITING; PERSONNEL PLACEMENT AND RECRUITMENT; LEASING AND RENTAL OF OFFICE BUILDING MACHINERY AND OFFICE BUILDING EQUIPMENT; PROCUREMENT, NAMELY, PURCHASING OFFICE BUILDING MACHINERY AND OFFICE BUILDING EQUIPMENT FOR OTHERS; PROVIDING INFORMATION VIA AN ON-LINE COMPUTER DATABASE IN THE FIELD OF BUSINESS; AND LICENSING OF COMPUTER SOFTWARE, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 2-24-2000; IN COMMERCE 2-24-2000.

FOR: FINANCIAL MANAGEMENT, PLANNING, ANALYSIS, RESEARCH, FORECASTING, REPORTING AND CONSULTATION FOR BUSINESSES; FISCAL ASSESSMENT AND EVALUATION FOR BUSINESSES; RISK MANAGEMENT; INSURANCE CONSULTATION AND BROKERAGE; BANKING; CHECKING AND SAVINGS ACCOUNT SERVICES; COMMERCIAL LENDING; CHECK PROCESSING AND VERIFICATION; FINANCING SERVICES AND LOAN FINANCING SERVICES; CREDIT CARD SERVICES; CREDIT RECOVERY AND COLLEC-

TION; ELECTRONIC BILL PAYMENTS AND PRESENTMENT, NAMELY PROCESSING AND TRANSMISSION OF BILL PAYMENT DATA; ELECTRONIC FUNDS TRANSFER; PAYROLL TAX DEBITING SERVICES; CASH MANAGEMENT; ADMINISTRATION OF EMPLOYEE BENEFIT PLANS; AND PROVIDING INFORMATION VIA AN ON-LINE COMPUTER DATABASE IN THE FIELDS OF FINANCING SERVICES AND BANKING, IN CLASS 36 (U.S. CLS. 100, 101 AND 102).

FIRST USE 2-24-2000; IN COMMERCE 2-24-2000.

FOR: COMPUTER SERVICES, NAMELY PROVIDING SEARCH ENGINES FOR OBTAINING DATA IN THE FIELDS OF FINANCE, ACCOUNTING, BANKING AND BUSINESS MANAGEMENT ON A GLOBAL COMPUTER NETWORK; REVIEWING STANDARDS AND PRACTICES TO ASSURE COMPLIANCE WITH TAX LAWS AND REGULATIONS; LEASING AND RENTAL OF COMPUTER HARDWARE AND SOFTWARE; LICENSING OF INTELLECTUAL PROPERTY; AND COUNSELING, NAMELY, OFFERING ADVICE OR CONSULTATION IN THE FIELDS OF COMPUTER HARDWARE AND SOFTWARE, IN CLASS 42 (U.S. CLS. 100 AND 101).

FIRST USE 2-24-2000; IN COMMERCE 2-24-2000.

SER. NO. 76-052,459, FILED 5-19-2000.

CHRISTOPHER ADKINS, EXAMINING ATTORNEY



**OPPOSER EXHIBIT 28**

Int. Cls.: 9, 16, 35, 36 and 42

Prior U.S. Cls.: 2, 5, 21, 22, 23, 26, 29, 36, 37, 38, 50,  
100, 101 and 102

Reg. No. 3,285,490

United States Patent and Trademark Office

Registered Aug. 28, 2007

**TRADEMARK  
SERVICE MARK  
PRINCIPAL REGISTER**

**BANK OF SCOTLAND  
CORPORATE LOOK AT  
THINGS DIFFERENTLY**

THE GOVERNOR AND COMPANY OF THE  
BANK OF SCOTLAND (UNITED KINGDOM  
COMPANY)  
THE MOUND  
P.O. BOX 5  
EDINBURGH, UNITED KINGDOM EH1 1YZ

FOR: COMPUTERS; COMPUTER HARDWARE; COMPUTER SOFTWARE, COMPUTER PROGRAMMES, DOWNLOADABLE COMPUTER PROGRAMS, DOWNLOADABLE COMPUTER SOFTWARE, INTERACTIVE AND MULTI-MEDIA SOFTWARE, CD-ROMS FEATURING COMPUTER SOFTWARE OR COMPUTER PROGRAMMES, COMPACT DISCS FEATURING COMPUTER SOFTWARE OR COMPUTER PROGRAMMES, COMPUTER SOFTWARE IN MACHINE READABLE FORM, DOWNLOADABLE COMPUTER SOFTWARE IN ELECTRONIC FORM SUPPLIED ON LINE FROM DATABASES OR FROM SERVICES PROVIDED ON THE INTERNET, ALL OF THE ABOVE FOR ACCOUNTING, ONLINE BANKING, ONLINE SECURITY, TELEPHONE BANKING, BRANCH BANKING, DATABASE MANIPULATION, INSURANCE, PAYMENT PROCESSING, PENSIONS AND PAYROLL PROCESSING, FOR USE IN THE FIELD OF BANKING AND FINANCE; DOWNLOADABLE ELECTRONIC PUBLICATIONS IN THE NATURE OF BOOKS, MAGAZINES, LEAFLETS, STATEMENTS, ADVERTISEMENTS, AUDIO RECORDINGS AND VIDEO MAGAZINES ALL OF THE ABOVE FEATURING BUSINESS, ACCOUNTING, MORTGAGE, FINANCIAL AND PENSION INFORMATION FOR USE IN THE FIELD OF BANKING AND FINANCE; AUDIO-VISUAL EQUIPMENT, NAMELY, PROJECTORS, PROJECTION SCREENS, VISUAL DISPLAY UNITS AND AUDIO SPEAKERS; ACCOUNTING MACHINES, CALCULATING MACHINES, MAGNETIC IDENTITY CARDS, VISUAL DISPLAY UNITS, PROJECTORS, PROJECTIONS SCREENS, PROTECTION

DEVICES FOR ONLINE SECURITY, NAMELY, SMART CARDS, FIREWALLS, SOFTWARE FOR INTRUSION DETECTION, ACCESS CONTROL, USER AUTHENTICATION AND COMPUTER SOFTWARE FOR CRYPTOGRAPHY; TELECOMMUNICATIONS APPARATUS, NAMELY, MODEMS, TELECOMMUNICATION CABLES, ROUTERS, TRANSMITTERS, RECEIVERS, AND SWITCHES TO ENABLE CONNECTION TO DATABASES AND THE INTERNET, AND SOUND REPRODUCTION APPARATUS, ALL FOR USE IN THE FIELD OF BANKING AND FINANCE; DATA PROCESSORS; APPARATUS AND INSTRUMENTS FOR THE RECORDING, STORING, PROTECTION, DISPLAY, TRANSMISSION AND REPRODUCTION OF DATA, INFORMATION, SOUNDS AND/OR IMAGES; APPARATUS AND INSTRUMENTS FOR THE PROTECTION, RECORDING, STORING, DISPLAY, TRANSMISSION AND REPRODUCTION OF DATA AND INFORMATION, INCLUDING, PROTECTION DEVICES, NAMELY, SMART CARDS, FIREWALLS, INTRUSION DETECTION SOFTWARE, ACCESS CONTROL SOFTWARE, USER AUTHENTICATION SOFTWARE AND COMPUTER SOFTWARE FOR CRYPTOGRAPHY FOR DATABASE SECURITY, MAGNETIC TAPE UNITS FOR DATABASES, MAGNETIC IDENTITY CARDS, VISUAL DISPLAY UNITS, AUDIO SPEAKERS, AND TELECOMMUNICATIONS APPARATUS, NAMELY, MODEMS, TELECOMMUNICATION CABLES, ROUTERS, TRANSMITTERS, RECEIVERS, AND SWITCHES TO ENABLE CONNECTION TO DATABASES AND THE INTERNET, ALL FOR USE IN THE FIELD OF BANKING AND FINANCE; COMPUTER SOFTWARE AND TELECOMMUNICATIONS APPARATUS, NAMELY, MODEMS, TELECOMMUNICATION CABLES, ROUTERS, TRANSMITTERS, RECEIVERS, AND SWITCHES TO ENABLE CONNECTION TO DATABASES AND THE INTERNET; COMPUTER SOFTWARE TO EN-

ABLE SEARCHING OF DATA; COMPUTER SOFTWARE FOR USE IN NETWORK COMMUNICATIONS; COMPUTER SOFTWARE FOR FACILITATING ELECTRONIC COMMUNICATIONS, FOR ACCESS TO INFORMATION SERVICES, E-MAIL SERVICES AND DATABASES; COMPUTER OPERATING PROGRAMMES AND COMPUTER OPERATING SYSTEMS; MAGNETICALLY ENCODED BANK CARDS, CREDIT CARDS, CHEQUE CARDS AND CASH CARDS; CARDS BEARING MAGNETIC DATA MEDIA FOR IDENTIFICATION PURPOSES; MAGNETICALLY ENCODED DEBIT CARDS; SMART CARDS FOR USE IN PROTECTION AND ACCESS OF SENSITIVE DATA IN THE FIELD OF BANKING AND FINANCE; PARTS AND FITTINGS FOR ALL THE AFORESAID GOODS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FOR: NON-MAGNETICALLY ENCODED BANK CARDS, CREDIT CARDS, CHEQUE CARDS, CASH CARDS AND DEBIT CARDS, IN CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND 50).

FOR: COMPUTER DATABASE MANAGEMENT; BUSINESS REPORTING AND DATA PROCESSING SERVICES; ELECTRONIC COMMERCE NETWORK SERVICES, NAMELY, BOOK-KEEPING, COMPILATION OF INFORMATION INTO COMPUTER DATABASES, DATA SEARCH IN COMPUTER FILES, DOCUMENT REPRODUCTION, ECONOMIC FORECASTING, COMPUTERIZED FILE MANAGEMENT, BUSINESS INFORMATION, BUSINESS INQUIRIES, BUSINESS RESEARCH, PROCUREMENT SERVICES FOR OTHERS, SYSTEMATIZATION OF INFORMATION INTO COMPUTER DATABASES; COMPUTERISED BUSINESS INFORMATION STORAGE AND RETRIEVAL; DATA VERIFICATION AND FILE MANAGEMENT FOR BUSINESS AND FINANCIAL INFORMATION; COMPUTERISED ACCOUNTING; BUSINESS INFORMATION SERVICES; ADVERTISING AND PROMOTIONAL SERVICES, NAMELY, EMAIL AND ON-LINE ADVERTISING VIA WEBSITES; ALL PROVIDED ONLINE FROM A COMPUTER DATABASE OR THE INTERNET; COMPILATION OF ADVERTISEMENTS FOR USE ON THE INTERNET; BUSINESS CONSULTANCY; INFORMATION AND ADVISORY SERVICES IN THE FIELDS OF BUSINESS, COMPUTER DATABASE MANAGEMENT, DATA PROCESSING, ELECTRONIC COMMERCE, ACCOUNTING AND ADVERTISING, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FOR: COMPUTERISED FINANCIAL INFORMATION SERVICES; ELECTRONIC BANKING SERVI-

CES; ELECTRONIC BROKERAGE SERVICES IN THE FIELD OF BANKING AND FINANCE; CASH MANAGEMENT SERVICES; FINANCIAL SERVICES, NAMELY, CAPITAL INVESTMENT, DEBIT CARD SERVICES, FINANCIAL CONSULTANCY, FINANCIAL MANAGEMENT, FUND INVESTMENT, FUNDS TRANSFER, ELECTRONIC FUNDS TRANSFER, ISSUING OF TRAVELERS CHEQUES, RETIREMENT PAYMENT SERVICES, SAVINGS BANKS, SECURITIES BROKERAGE; BANKING SERVICES; TELEPHONE BANKING SERVICES; MORTGAGE SERVICES, NAMELY, MORTGAGE BROKERAGE, MORTGAGE CONSULTANCY, MORTGAGE INFORMATION, MORTGAGE UNDERWRITING; CREDIT SERVICES, NAMELY, EXCHANGING MONEY, FINANCING SERVICES, LOANS; CREDIT CARD SERVICES; FINANCIAL ADVICE AND INFORMATION PROVIDED ONLINE FROM FACILITIES PROVIDED ON THE INTERNET (INCLUDING WEB SITES); INTERNET BANKING SERVICES; FINANCIAL ADVICE AND INFORMATION SERVICES PROVIDED BY ELECTRONIC MEANS; INFORMATION AND ADVISORY SERVICES IN THE FIELD OF BANKING AND FINANCE, IN CLASS 36 (U.S. CLS. 100, 101 AND 102).

FOR: PROVIDING TEMPORARY USE OF ON-LINE, NON-DOWNLOADABLE SOFTWARE SUPPLIED BY ELECTRICAL OR ELECTRONIC MEANS FOR ACCOUNTING, ONLINE BANKING, ONLINE SECURITY, TELEPHONE BANKING, BRANCH BANKING, DATABASE MANIPULATION, INSURANCE, PAYMENT PROCESSING, PENSIONS AND PAYROLL PROCESSING, ALL FOR USE IN THE FIELD OF BANKING AND FINANCE, IN CLASS 42 (U.S. CLS. 100 AND 101).

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

PRIORITY CLAIMED UNDER SEC. 44(D) ON UNITED KINGDOM APPLICATION NO. GB2363793, FILED 5-20-2004, REG. NO. 2363793, DATED 5-20-2004, EXPIRES 5-20-2014.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "BANK OF SCOTLAND CORPORATE", APART FROM THE MARK AS SHOWN.

SER. NO. 78-498,561, FILED 10-12-2004.

KIMBERLY FRYE, EXAMINING ATTORNEY

**OPPOSER EXHIBIT 29**

Int. Cls.: 35 and 36

Prior U.S. Cls.: 100, 101 and 102

United States Patent and Trademark Office

Reg. No. 3,148,222

Registered Sep. 26, 2006

SERVICE MARK  
PRINCIPAL REGISTER

NETBENEFITS

FMR CORP. (DELAWARE CORPORATION)  
82 DEVONSHIRE STREET  
BOSTON, MA 02109

FOR: BUSINESS INFORMATION SERVICES IN THE FIELD OF HUMAN RESOURCES, NAMELY, MAINTAINING, UPDATING AND REPORTING BUSINESS INFORMATION ABOUT EMPLOYEE PAYMENT SCHEDULES, SALARIES, BENEFITS, CONTACT INFORMATION AND OTHER INFORMATION PERTAINING TO HUMAN RESOURCES, ALL BY MEANS OF AN INTERNET WEB SITE TO WHICH EMPLOYERS AND EMPLOYEES HAVE ACCESS FOR THE PURPOSE OF OBTAINING AND PROVIDING UPDATED INFORMATION, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 4-0-1996; IN COMMERCE 4-0-1996.

FOR: PROVIDING INFORMATION ABOUT INVESTMENTS, MUTUAL FUNDS, SECURITIES AND FINANCIAL ACCOUNTS BY MEANS OF AN IN-

TERNET WEB SITE; PROVIDING FINANCIAL INFORMATION IN THE FIELD OF RETIREMENT PLANNING; MUTUAL FUND INVESTMENT SERVICES; RETIREMENT FUND INVESTMENT SERVICES; EMPLOYEE BENEFIT AND RETIREMENT PLAN ADMINISTRATION SERVICES; INVESTMENT MANAGEMENT SERVICES; SECURITIES BROKERAGE SERVICES, IN CLASS 36 (U.S. CLS. 100, 101 AND 102).

FIRST USE 4-0-1996; IN COMMERCE 4-0-1996.

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

OWNER OF U.S. REG. NO. 2,645,668.

SER. NO. 78-700,975, FILED 8-26-2005.

ELISSA GARBER KON, EXAMINING ATTORNEY

**OPPOSER EXHIBIT 30**

Int. Cls.: 35 and 36

Prior U.S. Cls.: 100, 101 and 102

United States Patent and Trademark Office

Reg. No. 2,656,261

Registered Dec. 3, 2002

**SERVICE MARK  
PRINCIPAL REGISTER**

**PLYMOUTH SAVINGS BANK**

PLYMOUTH SAVINGS BANK (MASSACHU-  
SETTS CORPORATION)  
151 CAMPANELLI DRIVE  
MIDDLEBOROUGH, MA 02346

FOR: ADMINISTRATION OF BUSINESS PAY-  
ROLL FOR OTHERS; PAYROLL PREPARATION;  
AND WAGE PAYROLL PREPARATION, IN CLASS  
35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 10-31-2001; IN COMMERCE 10-31-2001.

FOR: FINANCIAL SERVICES, NAMELY, MONEY  
LENDING, BANKING, INVESTMENT BROKER-  
AGE, MORTGAGE BROKERAGE, MUTUAL FUND  
BROKERAGE, FINANCIAL MANAGEMENT, FI-  
NANCIAL PLANNING, INVESTMENT FUND  
TRANSACTION SERVICES, ACCOUNTS RECEIVA-  
BLE SERVICES, ACCOUNTS PAYABLE DEBITING  
SERVICES, FINANCIAL RESEARCH, FINANCIAL  
FORECASTING, FINANCIAL INVESTMENT IN  
THE FIELD OF SECURITIES, STOCKS, BONDS,

AND OTHER FINANCIAL INSTRUMENTS, ES-  
TATE TRUST MANAGEMENT, TRUST SERVICES,  
NAMELY, INVESTMENT AND TRUST COMPANY  
SERVICES, FINANCIAL ESTATE PLANNING, TAX  
PAYMENT PROCESSING SERVICES, PAYROLL  
TAX DEBITING SERVICES, ADMINISTRATION  
OF EMPLOYEE BENEFITS PLANS, FINANCIAL  
EXCHANGE, AND CURRENCY EXCHANGE, IN  
CLASS 36 (U.S. CLS. 100, 101 AND 102).

FIRST USE 3-12-1847; IN COMMERCE 3-12-1847.

OWNER OF U.S. REG. NO. 1,032,520.

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

SER. NO. 76-333,639, FILED 11-1-2001.

BARBARA A. GOLD, EXAMINING ATTORNEY

**OPPOSER EXHIBIT 31**



Int. Cls.: 35 and 36

Prior U.S. Cls.: 100, 101 and 102

United States Patent and Trademark Office

Reg. No. 2,869,227

Registered Aug. 3, 2004

**SERVICE MARK  
PRINCIPAL REGISTER**

**RED, BLACK AND RISING**

SOCIETE GENERALE (FRANCE CORPORATION)  
29 BOULEVARD HAUSSMAN  
PARIS, FRANCE 75009

FOR: BUSINESS MANAGEMENT ASSISTANCE; BUSINESS MANAGEMENT AND ORGANIZATION CONSULTANCY; INDUSTRIAL AND COMMERCIAL MANAGEMENT ASSISTANCE; PROFESSIONAL BUSINESS CONSULTANCY; EFFICIENCY EXPERTS; BUSINESS INFORMATION AND INQUIRIES; BUSINESS INVESTIGATIONS; BUSINESS APPRAISALS; COMMERCIAL INFORMATION AGENCIES; IMPORT-EXPORT AGENCIES; LOCATION OF FREIGHT CARS BY COMPUTER; PREPARING AND PLACING OUTDOOR ADVERTISING FOR OTHERS; ARRANGING OF NEWSPAPER SUBSCRIPTIONS FOR PUBLICATIONS FOR OTHERS; PROFESSIONAL MANAGEMENT OF ARTISTIC AFFAIRS; ADVERTISING AGENCIES; DIRECT MAIL ADVERTISING; RENTAL OF ADVERTISING SPACES; LEASING OF ADVERTISING TIME ON ANY MEANS OF COMMUNICATION; MODELING FOR ADVERTISING AND SALES PROMOTION; RENTAL OF ADVERTISING MATERIAL, NAMELY, RENTAL OF SIGNS FOR ADVERTISING PURPOSES; LEASING OF PHOTOCOPIERS; LEASING OF VENDING MACHINES; RENTAL OF OFFICE MACHINES AND APPARATUS; COST PRICE ANALYSIS; DISSEMINATION OF ADVERTISEMENTS FOR OTHERS; UPDATING OF ADVERTISING MATERIAL FOR OTHERS; MARKET RESEARCH; MARKET STUDIES; PUBLIC OPINION POLLING; DOCUMENT REPRODUCTION; EVALUATION OF STANDING TIMBER; EVALUATION OF WOOL; EMPLOYMENT AGENCIES; TRANSCRIPTION OF COMMUNICATIONS, NAMELY, MESSAGE TRANSCRIPTION; ACCOUNTING, TAX PREPARATION, AND BOOKKEEPING SERVICES; PERSONNEL CONSULTANCY; PAYROLL PREPARATION; PERSONNEL RECRUITMENT; TYPING; SHOP-WINDOW DRESSING; DEMONSTRATION OF GOODS; AUCTIONEERING; BUSINESS RELOCATION; ORGANIZATION OF

EXHIBITIONS FOR COMMERCIAL AND ADVERTISING PURPOSES; COLLECTION AND SYSTEMATIC ORDERING OF DATA IN A CENTRAL FILE; MANAGEMENT OF COMPUTER FILES; TAX ESTIMATES AND ASSESSMENTS, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 9-30-2002; IN COMMERCE 9-30-2002.

FOR: INSURANCE SUBROGATION SERVICES; INSURANCE CONSULTANCY; INSURANCE BROKERAGE; INSURANCE INFORMATION; BANKING AFFAIRS; REAL ESTATE TRUSTEE SERVICES; FINANCIAL AFFAIRS, NAMELY, FINANCIAL EXCHANGE; ISSUE OF TOKENS OF VALUE; BUSINESS FINANCE PROCUREMENT SERVICES; FINANCIAL ANALYSIS; STOCK EXCHANGE QUOTATION; SECURITIES BROKERAGE; ESTABLISHING MUTUAL FUNDS FOR OTHERS; CAPITAL INVESTMENTS AND MUTUAL FUNDS CONSULTATION; ELECTRONIC FUNDS TRANSFER; FINANCIAL MANAGEMENT; CREDIT BUREAUS; DEBIT COLLECTION AGENCIES; HIRE-PURCHASING FINANCING; FINANCIAL SERVICES, NAMELY, LENDING AGAINST SECURITIES SERVICES AND PROVIDING INSTALLMENT LOANS; SURETY SERVICES; CREDIT CARD SERVICES; DEBIT CARD SERVICES; CHECK VERIFICATION; ISSUING OF TRAVELERS' CHECKS; FACTORING AGENCIES; DIRECT BANKING SERVICES; REAL-ESTATE MANAGEMENT; FINANCIAL REAL ESTATE VALUATION SERVICES; REAL-ESTATE BROKERAGE; LEASING OF REAL-ESTATE; REAL-ESTATE AGENCIES; RENTING OF APARTMENTS; LEASE SECURITIZATION; APPRAISAL OF ANTIQUE AND OBJECTS OF ART; VALUATION OF JEWELRY; VALUATION OF COINS; VALUATION OF STAMPS; DEBT RECOVERY AND COLLECTION AGENCIES; CUSTOMS BROKERAGE; SAFE DEPOSIT BOX SERVICES FOR DEPOSITS OF VALUABLES; SAFE DEPOSIT BOX SERVICES; LEASING OF FARMS; ADMINISTRATION OF EMPLOYEE PENSION PLANS; AND

SAVINGS BANK SERVICES, IN CLASS 36 (U.S. CLS.  
100, 101 AND 102).

15-2002, REG. NO. 023174480, DATED 7-15-2002, EX-  
PIRES 7-15-2012.

FIRST USE 9-30-2002; IN COMMERCE 9-30-2002.

SER. NO. 78-199,852, FILED 1-3-2003.

PRIORITY CLAIMED UNDER SEC. 44(D) ON  
FRANCE APPLICATION NO. 023174480, FILED 7-

FLORENTINA BLANDU, EXAMINING ATTORNEY

**OPPOSER EXHIBIT 32**

Int. Cls.: 35 and 36

Prior U.S. Cls.: 100, 101 and 102

United States Patent and Trademark Office

Reg. No. 3,298,213

Registered Sep. 25, 2007

SERVICE MARK  
PRINCIPAL REGISTER

# URALSIB

OPEN JOINT STOCK COMPANY; "BANK URALSIB" (RUSSIAN FED. OPEN JOINT STOCK COMPANY)

D. 8, UL. EFREMOVA  
RU-119048 G. MOSKVA  
RUSSIAN FED.

FOR: ADVERTISING; BUSINESS MANAGEMENT; BUSINESS ADMINISTRATION; IMPORT-EXPORT AGENCIES; COMMERCIAL INFORMATION AGENCIES; ADVERTISING AGENCIES; COST PRICE ANALYSIS; AUDITING, NAMELY, ACCOUNT AUDITING, BUSINESS AUDITING, INSURANCE CLAIMS AUDITING SERVICES; EMPLOYMENT AGENCIES; COMPUTERIZED FILE MANAGEMENT; ACCOUNTING SERVICES; EFFICIENCY EXPERTS; DEMONSTRATION OF GOODS; OPINION POLLING, NAMELY, MARKET OPINION POLLING STUDIES AND PUBLIC OPINION POLLING; CONDUCTING MARKETING STUDIES; BUSINESS INFORMATION; PROVIDING STATISTICAL INFORMATION; BUSINESS RESEARCH; MARKETING RESEARCH; PERSONNEL RECRUITMENT; BUSINESS MANAGEMENT AND ORGANIZATION CONSULTANCY; PERSONNEL MANAGEMENT CONSULTANCY; BUSINESS ORGANIZATION CONSULTANCY; BUSINESS MANAGEMENT CONSULTANCY; PROFESSIONAL BUSINESS CONSULTANCY; BUSINESS MANAGEMENT OF PERFORMING ARTISTS; NEWS CLIPPING SERVICES; UPDATING OF ADVERTISING MATERIAL; ORGANIZATION OF EXHIBITIONS FOR COMMERCIAL OR ADVERTISING PURPOSES, NAMELY, FOR ADVERTISING OF BANK SERVICES; ORGANIZATION OF TRADE FAIRS FOR COMMERCIAL OR ADVERTISING PURPOSES IN THE FIELD OF BANK SERVICES; BUSINESS APPRAISALS; PAYROLL PREPARATION; BUSINESS MANAGEMENT ASSISTANCE; COMMERCIAL OR INDUSTRIAL MANAGEMENT ASSISTANCE; ECONOMIC FORECASTING; AUCTIONEERING; SALES PROMOTION FOR OTHERS; RENTAL OF ADVERTISING TIME ON COMMUNICATION MEDIA; PUBLICITY MATERIAL RENTAL; PUBLICATION OF PUBLICITY TEXTS; DISTRIBUTION OF SAM-

PLS; COMPILATION OF INFORMATION INTO COMPUTER DATABASES; BUSINESS INQUIRIES; SYSTEMIZATION OF INFORMATION INTO COMPUTER DATABASES; TAX PREPARATION; DRAWING UP OF STATEMENTS OF ACCOUNTS; PUBLIC RELATIONS., IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FOR: INSURANCE SERVICES, NAMELY, INSURANCE CARRIER SERVICES, INSURANCE SUBROGATION; FINANCIAL AFFAIRS, NAMELY, CREDIT AND FINANCIAL CONSULTATION, FINANCIAL FORECASTING, FINANCIAL PLANNING; MONETARY AFFAIRS, NAMELY, ACQUISITION AND TRANSFER OF MONETARY CLAIMS, MONEY ORDER SERVICES; REAL ESTATE AFFAIRS, NAMELY, REAL ESTATE ESCROW SERVICES, REAL ESTATE LISTING, REAL ESTATE INVESTMENT; CREDIT BUREAUS; DEBT COLLECTION AGENCIES; REAL ESTATE AGENCIES; CUSTOMS BROKERAGE; FINANCIAL ANALYSIS; LEASING OF FARMS; LEASE-PURCHASE FINANCING; SAVINGS BANK SERVICES; ACCOMMODATION CREDIT BUREAU FOR APARTMENTS; RENT COLLECTION AGENCIES; ISSUING OF TRAVELERS' CHEQUES; ISSUANCE OF CREDIT CARDS; ISSUANCE OF TOKENS OF VALUE; CAPITAL INVESTMENTS, NAMELY, EQUITY CAPITAL INVESTMENT; PROVIDING INFORMATION IN INSURANCE MATTERS; FINANCIAL INFORMATION, NAMELY, FINANCIAL INFORMATION PROVIDED BY ELECTRONIC MEANS; FINANCIAL CLEARING HOUSES; INSURANCE CONSULTANCY; FINANCIAL CONSULTANCY; STOCK EXCHANGE PRICE QUOTATIONS; BUSINESS LIQUIDATION SERVICES; BROKERAGE, NAMELY, BUSINESS BROKERAGE; FINANCIAL MANAGEMENT; MONETARY EXCHANGE; DEBIT CARD SERVICES; CREDIT CARD SERVICES; HOME BANKING; FACTORING AGENCIES; ORGANIZATION OF COLLECTIONS, NAMELY, RENT COLLECTION AGENCIES, COLLECTION OF DEBTS; ANTIQUE APPRAISAL; JEWELRY APPRAISAL; STAMP APPRAISAL; REAL ESTATE APPRAISAL; NUMISMATIC APPRAISAL;

ART APPRAISAL; FINANCIAL EVALUATION FOR INSURANCE, BANKING, AND REAL ESTATE PURPOSES; ELECTRONIC FUNDS TRANSFER; GUARANTEES, NAMELY, FINANCIAL GUARANTEE AND SURETY, GUARANTEE ASSURANCE UNDERWRITING; STOCKS AND BONDS BROKERAGE; REAL ESTATE BROKERAGE; INSURANCE BROKERAGE; LOAN FINANCING; LENDING AGAINST SECURITY; CHECK VERIFICATION; CHARITABLE FUND RAISING; LEASING OF REAL ESTATE; RENTAL OF OFFICE SPACE; RENTING OF APARTMENTS; MORTGAGE BANKING; INSTALLMENT LOANS; INSURANCE UNDERWRITING FOR ALL TYPES OF INSURANCE; APARTMENT HOUSE MANAGEMENT; REAL ESTATE MANAGEMENT; ACTUARIAL SERVICES; BANKING; RETIREMENT PAYMENT SERVICES; FIDUCIARY REPRESENTATIVES, FIDUCIARY TAX PAYMENT PROCESSING SERVICES; MUTUAL FUND SERVICES, NAMELY, ESTABLISHING MUTUAL FUNDS FOR OTHERS, MUTUAL FUND

BROKERAGE, MUTUAL FUND DISTRIBUTION, MUTUAL FUND INVESTMENT; FINANCING SERVICES; SAFE DEPOSIT BOX SERVICES FOR DEPOSITS OF VALUABLES; FISCAL ASSESSMENTS, IN CLASS 36 (U.S. CLS. 100, 101 AND 102).

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

PRIORITY DATE OF 6-24-2005 IS CLAIMED.

OWNER OF INTERNATIONAL REGISTRATION 0881732 DATED 12-23-2005, EXPIRES 12-23-2015.

SER. NO. 79-022,629, FILED 12-23-2005.

JAY BESCH, EXAMINING ATTORNEY

**OPPOSER EXHIBIT 33**

Int. Cls.: 35 and 36

Prior U.S. Cls.: 100, 101 and 102

United States Patent and Trademark Office

Reg. No. 3,253,879

Registered June 19, 2007

SERVICE MARK  
PRINCIPAL REGISTER



MEINL BANK AKTIENGESELLSCHAFT (AUSTRIA CORPORATION)  
BAUERNMARKT 2  
A-1010 WIEN  
VIENNA, AUSTRIA

FOR: PAYROLL PREPARATION; COST PRICE ANALYSIS; COMMERCIAL INFORMATION AGENCIES; BUSINESS MANAGEMENT AND ORGANIZATION CONSULTANCY; BOOK-KEEPING; ACCOUNT AND BUSINESS AUDITING; COMPUTERIZED FILE MANAGEMENT; SYSTEMIZATION OF INFORMATION INTO COMPUTER DATABASES; COMPILATION OF INFORMATION INTO COMPUTER DATABASES; BUSINESS APPRAISALS; EFFICIENCY EXPERTS; MARKETING RESEARCH; MARKETING STUDIES; ADVERTISING; ECONOMIC FORECASTING, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FOR: FINANCIAL RESEARCH; MONETARY EXCHANGE; BANKING, FINANCIAL CLEARING HOUSES; HOME BANKING; FINANCIAL INFORMATION IN THE NATURE OF RATES OF EXCHANGE; FINANCIAL CONSULTANCY, FINANCIAL SPONSORSHIP OF CULTURE EVENTS; FINANCIAL EVALUATION FOR INSURANCE, BANKING, AND REAL ESTATE PURPOSES; MUTUAL FUNDS, NAMELY, MUTUAL FUND INVESTMENT MANAGEMENT SERVICES; MUTUAL FUND DISTRIBUTION SERVICES; MUTUAL FUND ADMINISTRATION SERVICES; FINANCIAL SPONSORSHIP OF MUTUAL FUNDS; BROKERAGE IN THE FIELD OF INVESTMENTS AND MUTUAL FUNDS; MUTUAL FUND BROKERAGE SERVICES;

CAPITAL INVESTMENTS, NAMELY, EQUITY CAPITAL INVESTMENT; MANAGEMENT OF A CAPITAL INVESTMENT FUND; CAPITAL INVESTMENT MANAGEMENT; CAPITAL INVESTMENT CONSULTATION; ELECTRONIC FUNDS TRANSFER; FINANCIAL MANAGEMENT; TRUSTEESHIP REPRESENTATIVES; REAL ESTATE AFFAIRS, IN PARTICULAR REAL ESTATE APPRAISAL, RENTAL OF OFFICE SPACE, LEASING OF REAL ESTATE, REAL ESTATE AGENCIES, REAL ESTATE MANAGEMENT, RENT COLLECTION, IN CLASS 36 (U.S. CLS. 100, 101 AND 102).

PRIORITY DATE OF 4-14-2005 IS CLAIMED.

OWNER OF INTERNATIONAL REGISTRATION  
0869100 DATED 9-22-2005, EXPIRES 9-22-2015.

THE COLOR(S) BLUE AND WHITE IS/ARE CLAIMED AS A FEATURE OF THE MARK.

THE MARK CONSIST OF THE COLOR BLUE APPEARS IN THE SQUARE BACKGROUND, AND THE COLOR WHITE APPEARS IN THE SILHOUETTE OF A TURKISH BOY WEARING A HAT WITH A TASSEL AND IN THE OVAL BORDER.

SER. NO. 79-017,998, FILED 9-22-2005.

ALLISON SCHRODY, EXAMINING ATTORNEY

**OPPOSER EXHIBIT 34**



Int. Cls.: 35, 36, 38 and 42

Prior U.S. Cls.: 100, 101, 102 and 104

United States Patent and Trademark Office

Reg. No. 3,318,058

Registered Oct. 23, 2007

SERVICE MARK  
PRINCIPAL REGISTER

NEWTEK

NEWTEK BUSINESS SERVICES, INC. (NEW  
YORK CORPORATION)  
1440 BROADWAY  
17TH FLOOR  
NEW YORK, NY 10018

FOR: FINANCIAL ANALYSIS FOR BUSINESS; ACCOUNTING SERVICES; ONLINE ACCOUNTING SERVICES; COMPUTERIZED ACCOUNTING SERVICES; ACCOUNTING SERVICES FOR ELECTRONIC FUNDS SERVICES; ADMINISTRATION OF BUSINESS PAYROLL FOR OTHERS; PAYROLL PREPARATION; FINANCIAL STATEMENT PREPARATION AND ANALYSIS FOR BUSINESS; INTEGRATED TRACKING AND MANAGEMENT OF COMMERCIAL TRANSACTIONS ON A GLOBAL COMPUTER NETWORK; COMPUTER SERVICES, NAMELY, NOTIFICATION SERVICES TO BUSINESSES IN THE NATURE OF PROVIDING INFORMATION REGARDING BUSINESS FILING REQUIREMENTS AND FILING DATES VIA THE INTERNET AND EMAIL; INCOME TAX CONSULTATION AND PREPARATION SERVICES; BUSINESS ACQUISITION AND MERGER CONSULTATION; BUSINESS APPRAISALS; BUSINESS AUDITING; BUSINESS CONSULTATION; BUSINESS DEVELOPMENT SERVICES, NAMELY, PROVIDING START-UP SUPPORT FOR BUSINESSES OF OTHERS; BUSINESS INVOICING SERVICES; CONDUCTING BUSINESS AND MARKET RESEARCH SURVEYS; BUSINESS MANAGEMENT PLANNING; BUSINESS MANAGEMENT INFORMATION ON A WIDE VARIETY OF TOPICS TO BUSINESS PROFESSIONALS; BUSINESS MARKETING; BUSINESS MARKETING CONSULTING SERVICES; BUSINESS ORGANIZATIONAL CONSULTATION; BUSINESS PLANNING; BUSINESS RESEARCH AND SURVEYS; BUSINESS SUCCESSION PLANNING; BUSINESS SUPERVISION; PREPARING BUSINESS REPORTS; PROVIDING STATISTICAL INFORMATION FOR BUSINESSES; BUSINESS MANAGEMENT CONSULTATION AND MANAGEMENT CONSULTATION SERVICES; CONSULTING SERVICES IN THE FIELD OF BUSI-

NESS MANAGEMENT, MANAGEMENT, AND HUMAN RESOURCES, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 10-3-2000; IN COMMERCE 10-3-2000.

FOR: FINANCIAL ANALYSIS AND CONSULTATION SERVICES; FINANCIAL MANAGEMENT SERVICES; BUSINESS FINANCE PROCUREMENT SERVICES; LOAN FINANCING AND LOAN PROGRAMS; PROVIDING FINANCIAL AND BANK ACCOUNT INFORMATION BY TELEPHONE AND THE INTERNET; ON-LINE FINANCIAL AND BANKING SERVICES; BILL PAYMENT SERVICES; ELECTRONIC PAYMENT, NAMELY ELECTRONIC PROCESSING AND TRANSMISSION OF BILL PAYMENT DATA; FINANCIAL INFORMATION PROVIDED BY ELECTRONIC MEANS; TAX PAYMENT PROCESSING SERVICES; BUSINESS BROKERAGE, IN CLASS 36 (U.S. CLS. 100, 101 AND 102).

FIRST USE 10-3-2000; IN COMMERCE 10-3-2000.

FOR: PROVIDING HIGH SPEED ACCESS TO AREA NETWORKS AND A GLOBAL COMPUTER INFORMATION NETWORKS, IN CLASS 38 (U.S. CLS. 100, 101 AND 104).

FIRST USE 10-3-2000; IN COMMERCE 10-3-2000.

FOR: PROVIDING TEMPORARY USE OF ON-LINE NON-DOWNLOADABLE SOFTWARE FOR USE PROVIDING REFERRAL, FINANCIAL, SALES, PLANNING, FORECASTING, AND BUDGETING MODULES; PROVIDING TEMPORARY USE OF ON-LINE NON-DOWNLOADABLE SOFTWARE TO ALLOW CUSTOMERS TO ACCESS ACCOUNT INFORMATION, REVIEW REFERRAL INFORMATION, AND INITIATE CONTACT REQUESTS, IN CLASS 42 (U.S. CLS. 100 AND 101).

FIRST USE 10-3-2000; IN COMMERCE 10-3-2000.

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

SER. NO. 78-927,588, FILED 7-12-2006.

KAREN K. BUSH, EXAMINING ATTORNEY

**OPPOSER EXHIBIT 35**

Int. Cls.: 9, 16, 35, 36 and 41

Prior U.S. Cls.: 2, 5, 21, 22, 23, 26, 29, 36, 37, 38, 50,  
100, 101, 102 and 107

Reg. No. 3,092,353

Registered May 16, 2006

United States Patent and Trademark Office

TRADEMARK  
SERVICE MARK  
PRINCIPAL REGISTER

FIDELITY

FMR CORP. (DELAWARE CORPORATION)  
82 DEVONSHIRE STREET  
BOSTON, MA 02109

FOR: COMPUTER SOFTWARE FOR USE BY FINANCIAL SERVICE PROVIDERS TO PREPARE DOCUMENTS RELATING TO THE DISSEMINATION OF INFORMATION WITHIN AN ORGANIZATION; COMPUTER SOFTWARE FOR USE BY FINANCIAL SERVICE PROVIDERS TO CONDUCT SURVEYS AND TO ASSEMBLE AND MANAGE INFORMATION RELATING TO RETIREMENT PLANS; COMPUTER SOFTWARE FOR MANAGING THE DISTRIBUTION OF INFORMATION ABOUT RETIREMENT PLANS TO EMPLOYEES; COMPUTER SOFTWARE FOR PRODUCING PRINTED INFORMATIONAL MATERIALS AND RECORDS IN THE FIELD OF RETIREMENT PLANS; COMPUTER SOFTWARE FOR USE BY BUSINESSES TO MANAGE EMPLOYEE COMPENSATION PLANNING; COMPUTER SOFTWARE FOR MANAGING INVESTMENT PORTFOLIOS; COMPUTER SOFTWARE FOR MAINTAINING, MANAGING AND REPORTING FINANCIAL INFORMATION; COMPUTER SOFTWARE FOR USE BY FINANCIAL SERVICE PROVIDERS TO OBTAIN INVESTMENT TRANSACTION AND ACCOUNT INFORMATION; COMPUTER SOFTWARE USED BY FINANCIAL SERVICE PROVIDERS FOR CONTACT MANAGEMENT; COMPUTER SOFTWARE FOR INITIATING, PROCESSING AND TRACKING FINANCIAL TRANSACTIONS; COMPUTER SOFTWARE FOR USE BY INVESTMENT FUND ADMINISTRATORS TO ENTER SECURITIES TRADING ORDERS, TO RECEIVE CONFIRMATION OF SUCH ORDERS,

AND TO OBTAIN PRICE INFORMATION, BALANCE INFORMATION AND OTHER DATA ABOUT FUNDS AND ACCOUNTS; COMPUTER SOFTWARE FOR MANAGING THE BUSINESS PRACTICES OF FINANCIAL SERVICE PROVIDERS TO COMPLY WITH GOVERNMENTAL REGULATIONS; COMPUTER SOFTWARE FOR USE IN OBTAINING ACCESS TO, AND ENHANCING THE USER'S EXPERIENCE OF, AN INTERNET WEB SITE WHICH PROVIDES NEWS, INFORMATION AND ONLINE FINANCIAL SERVICES; COMPUTER SOFTWARE FOR USE BY RETIREMENT PLAN SPONSORS TO TRANSMIT AND RECEIVE ACCOUNT INFORMATION AND OTHER INFORMATION BY MEANS OF AN ONLINE CONNECTION; COMPUTER SOFTWARE FOR USE BY FINANCIAL INVESTMENT ADVISORS IN PORTFOLIO ALLOCATION, SECTOR ANALYSIS, PORTFOLIO MODELING AND PORTFOLIO REBALANCING, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 12-10-1991; IN COMMERCE 12-10-1991.

FOR: MAGAZINES, NEWSLETTERS, BOOKLETS AND BROCHURES IN THE FIELD OF INVESTMENTS AND FINANCIAL SERVICES, IN CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND 50).

FIRST USE 0-0-1930; IN COMMERCE 0-0-1930.

FOR: PAYROLL PREPARATION AND PROCESSING; PROVIDING REPORTS OF PAYROLL RELATED TAX INFORMATION TO GOVERNMENTAL AGENCIES AND TO EMPLOYERS; BUSINESS MANAGEMENT SERVICES IN THE FIELD OF HU-

MAN RESOURCES; ACCOUNTING AND BOOK-KEEPING SERVICES; BUSINESS SERVICES IN THE FIELD OF HUMAN RESOURCES AND PAY-ROLL MANAGEMENT, NAMELY, MAINTAINING, UPDATING AND REPORTING INFORMATION ABOUT EMPLOYEE WORK SCHEDULES, PAYMENT SCHEDULES, SALARIES, CONTACT INFORMATION AND OTHER INFORMATION PERTAINING TO HUMAN RESOURCES AND PAY-ROLL MANAGEMENT, ALL BY MEANS OF AN INTERNET WEB SITE ON TO WHICH EMPLOYERS AND/OR EMPLOYEES HAVE ACCESS FOR THE PURPOSE OF OBTAINING OR PROVIDING UPDATED INFORMATION; PROVIDING BUSINESS INFORMATION TO FINANCIAL SERVICE PROVIDERS BY MEANS OF AN INTERNET WEB SITE, IN THE FIELD OF BUSINESS MARKETING; REFERRAL SERVICES IN THE FIELD OF INVESTMENT ADVICE AND FINANCIAL PLANNING; PERSONNEL PLACEMENT AND RECRUITING SERVICES; BUSINESS CONSULTING SERVICES IN THE FIELD OF EMPLOYEE COMPENSATION; CONSULTING SERVICES IN THE FIELD OF MARKETING FINANCIAL SERVICES; MARKET RESEARCH SERVICES RENDERED TO FINANCIAL SERVICE PROVIDERS; MARKETING SERVICES RENDERED TO MEMBERS OF THE FINANCIAL SERVICES INDUSTRY, NAMELY, CREATING AND DESIGNING PROMOTIONAL MATERIALS FOR USE BY FINANCIAL SERVICE PROVIDERS AND ASSISTING FINANCIAL SERVICE PROVIDERS TO DEVELOP THEIR OWN MARKETING PLANS, AND TO IMPLEMENT THEIR OWN DIRECT MAIL CAMPAIGNS, ADVERTISING CAMPAIGNS AND PUBLIC RELATIONS CAMPAIGNS; PROVIDING FACILITIES FOR BUSINESS MEETINGS; PROMOTING PUBLIC AWARENESS OF THE NEED FOR INVESTMENT PLANNING, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 12-21-1987; IN COMMERCE 12-21-1987.

FOR: MUTUAL FUND INVESTMENT SERVICES; RETIREMENT FUND INVESTMENT SERVICES; INVESTMENT MANAGEMENT SERVICES; FINANCIAL PLANNING; SECURITIES BROKERAGE SERVICES; MONEY MANAGEMENT; FINANCIAL ANALYSIS; INVESTMENT MANAGEMENT IN THE FIELD OF PRIVATE PLACEMENT OF SECURITIES; INVESTMENT MANAGEMENT IN THE FIELD OF INITIAL PUBLIC OFFERINGS; PROVIDING FINANCIAL INFORMATION BY ELECTRONIC MEANS; PROVIDING PERSONALIZED INVESTMENT INFORMATION, INVESTMENT ACCOUNT MANAGEMENT AND SECURITIES BROKERAGE SERVICES, ALL BY MEANS OF WIRELESS COMMUNICATION DEVICES AND BY MEANS OF THE INTERNET; RESEARCH IN THE FIELD OF INVESTMENTS AND FINANCE; PROVIDING RETIREMENT PLAN SPONSORS WITH FINANCIAL NEWS AND INFORMATION, INFORMATION ABOUT RETIREMENT PLANNING, INVESTMENT ACCOUNT INFORMATION, AND INFORMATION ABOUT MUTUAL FUND PERFORMANCE; DONOR ADVISED INVESTMENT OF FUNDS FOR CHARITABLE PURPOSES; CHARITABLE FUND RAISING SERVICES; AUTOMATED

SECURITIES TRADE EXECUTION SERVICES; RETIREMENT FUND INVESTMENT SERVICES; PROVIDING FINANCIAL INFORMATION IN THE FIELD OF RETIREMENT PLANNING; RETIREMENT PLAN ADMINISTRATION SERVICES; FINANCIAL ADMINISTRATION AND INVESTMENT MANAGEMENT SERVICES RENDERED TO NON-PROFIT ORGANIZATIONS; FINANCIAL SERVICES RENDERED PRIMARILY TO STATES, MUNICIPALITIES AND TAX EXEMPT ORGANIZATIONS, NAMELY, PROVIDING FINANCIAL NEWS AND INFORMATION AND INVESTMENT ACCOUNT INFORMATION BY MEANS OF THE INTERNET; LIFE INSURANCE AND ANNUITY UNDERWRITING SERVICES; CONSULTING SERVICES IN THE FIELD OF INSURANCE; RISK MANAGEMENT SERVICES; INSURANCE BROKERAGE SERVICES; ADMINISTRATION OF STOCK OPTION PLANS, EMPLOYER STOCK PURCHASE PLANS AND DIRECTED SHARE PROGRAMS FOR OTHERS; PROVIDING FINANCIAL INFORMATION ABOUT EMPLOYEE STOCK OPTION PLANS TO PARTICIPANTS AND POTENTIAL PARTICIPANTS IN SUCH PLANS; SECURITIES BROKERAGE SERVICES PROVIDED TO HOLDERS OF STOCK OPTIONS; ADMINISTRATION OF EMPLOYEE BENEFIT PLANS, DEFINED BENEFIT PLANS, DEFINED CONTRIBUTION PLANS AND EMPLOYEE PENSION PLANS; CONSULTING SERVICES RENDERED TO EMPLOYERS WITH RESPECT TO THE DESIGN AND ADMINISTRATION OF EMPLOYEE BENEFIT PLANS; FINANCIAL AND ACTUARIAL CONSULTING SERVICES; FINANCIAL INFORMATION PROCESSING IN THE FIELD OF MORTGAGES; LOAN FINANCING; MARGIN LOAN SERVICES RENDERED TO MORTGAGE BORROWERS TO ENABLE THEM TO AVOID MAKING DOWN PAYMENTS ON REAL ESTATE; PROVIDING INFORMATION IN THE FIELD OF MORTGAGES BY MEANS OF THE INTERNET; FINANCIAL SERVICES, NAMELY, AGENCY SERVICES IN THE FIELD OF SECURITIES; FINANCIAL MARKET INFORMATION SERVICES, NAMELY, COMPILING AND PROVIDING INFORMATION REGARDING SECURITIES; ELECTRONIC BILL PAYMENT; FINANCIAL ADMINISTRATION OF CREDIT CARD ACCOUNTS; FUND TRANSFER SERVICES; FINANCIAL ADVISORY SERVICES IN THE FIELD OF LEVERAGED BUYOUTS; LEVERAGED BUYOUT STRUCTURING AND FINANCING; MANAGEMENT OF INVESTMENT FUNDS IN THE FIELD OF LEVERAGED BUYOUTS; FINANCIAL SERVICES, NAMELY, COMPILING, ORGANIZING, MANAGING AND REPORTING USER SPECIFIC FINANCIAL INFORMATION BY MEANS OF THE INTERNET, IN THE FIELD OF INVESTMENT ACCOUNTS, BANK ACCOUNTS, CREDIT CARD ACCOUNTS, FREQUENT FLYER AWARD ACCOUNTS AND OTHER PERSONAL FINANCIAL DATA; DISSEMINATION OF FINANCIAL INFORMATION RELATING TO THE TRANSITION FROM WORK TO RETIREMENT OR FROM ONE JOB TO ANOTHER; PROVIDING PERSONALIZED INVESTMENT INFORMATION BY ELECTRONIC MAIL; PROVIDING ONLINE INFORMATION ABOUT SECURITIES PRICES; AUTOMATED MUTUAL FUND CLEARINGHOUSE SERVICES AND MUTUAL FUND CUS-

TODY SERVICES; MUTUAL FUND FINANCIAL INFORMATION PROVIDED BY ELECTRONIC MEANS FOR SUBSEQUENT INCLUSION IN PRINTED OR ONLINE FINANCIAL PUBLICATIONS; LOAN FINANCING; REAL ESTATE MANAGEMENT SERVICES; REAL ESTATE INVESTMENT SERVICES; REAL ESTATE BROKERAGE SERVICES; LEASING OF REAL PROPERTY; PROVIDING AN ONLINE DATABASE FEATURING FINANCIAL INFORMATION OF GENERAL INTEREST TO INVESTORS, IN CLASS 36 (U.S. CLS. 100, 101 AND 102).

FIRST USE 0-0-1930; IN COMMERCE 0-0-1930.

FOR: EDUCATIONAL SERVICES, NAMELY, CONDUCTING CLASSES, WORKSHOPS, SEMINARS AND CONFERENCES IN THE FIELD OF INVESTMENTS AND IN THE FIELD OF MARKETING FINANCIAL SERVICES; AND DISTRIBUTING COURSE MATERIALS IN CONNECTION THEREWITH; ONLINE WORKSHOPS IN THE FIELD OF INVESTMENTS AND FINANCIAL PLANNING; ONLINE NEWSLETTERS IN THE FIELD OF INVESTMENTS, FINANCE AND RELATED SUBJECTS; PROVIDING INFORMATION IN THE FIELD OF FINANCIAL EDUCATION TO FINANCIAL SER-

VICE PROVIDERS BY MEANS OF AN INTERNET WEB SITE; DEVELOPMENT AND DISSEMINATION OF EDUCATIONAL AUDIOTAPES AND OTHER EDUCATIONAL MATERIALS FOR OTHERS IN THE FIELD OF FINANCIAL SERVICES AND INVESTMENTS; ENTERTAINMENT AND EDUCATIONAL SERVICES IN THE NATURE OF PERIODIC RADIO AND TELEVISION PROGRAMS CONCERNING FINANCIAL TOPICS; PROVIDING AN ONLINE DATABASE FEATURING GENERAL AND LOCAL NEWS, AND SPORTS NEWS, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 7-0-1992; IN COMMERCE 7-0-1992.

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

OWNER OF U.S. REG. NOS. 1,543,851, 1,849,905 AND OTHERS.

SER. NO. 78-485,304, FILED 9-17-2004.

ELLEN PERKINS, EXAMINING ATTORNEY

**OPPOSER EXHIBIT 36**

Int. Cls.: 35 and 36

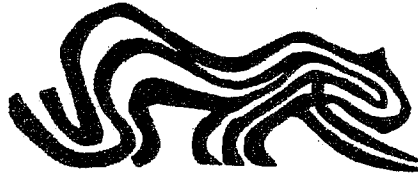
Prior U.S. Cls.: 100, 101 and 102

United States Patent and Trademark Office

Reg. No. 2,928,502

Registered Mar. 1, 2005

SERVICE MARK  
PRINCIPAL REGISTER



GARTMORE INVESTMENT MANAGEMENT  
PLC (ENGLAND CORPORATION)  
GARTMORE HOUSE  
8 FENCHURCH PLACE  
LONDON, EC3M 4PH, ENGLAND

FOR: ADVERTISING AGENCY SERVICES; BUSINESS MANAGEMENT, BUSINESS ADMINISTRATION, BUSINESS CONSULTANCY; BUSINESS INFORMATION RELATING TO INVESTMENT BUSINESS, STATISTICAL INFORMATION; ACCOUNTING, DRAWING UP OF STATEMENTS OF ACCOUNTS; BUSINESS APPRAISALS, BUSINESS AUDITING; BOOK KEEPING; COMMERCIAL OR INDUSTRIAL MANAGEMENT ASSISTANCE; ECONOMIC FORECASTING; PAYROLL PREPARATION; STATISTICAL BUSINESS INFORMATION; TAX PREPARATION, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FOR: FINANCIAL SERVICES, NAMELY PROVIDING INFORMATION, MANAGEMENT, ADVISORY AND CONSULTANCY SERVICES RELATING TO THE FOLLOWING- INVESTMENT SERVICES; INSURANCE BROKERAGE; FINANCIAL AND MONETARY AFFAIRS, NAMELY INVESTMENT MANAGEMENT, TRANSFER AGENT SERVICES,

BROKER-DEALER SERVICES, INVESTMENT ADVISOR SERVICES, HEDGE FUNDS, WRAP FEE FINANCIAL SERVICES, SEPARATE ACCOUNTS AND INVESTMENT OPTIONS WITH VARIABLE PRODUCTS, MANAGEMENT AND ADMINISTRATION OF MUTUAL FUNDS; PENSIONS; FUNDS; ADMINISTRATION OF ISAS AND PEPS; INVESTMENT TRUSTS; SAVING SERVICES; FINANCIAL MANAGEMENT SERVICES; PORTFOLIO MANAGEMENT; BANKING SERVICES; FUND, ASSET, UNIT TRUST AND INVESTMENT TRUST MANAGEMENT; FINANCIAL ADVISORY SERVICES; THE AFORESAID SERVICES ALSO PROVIDED ON-LINE FROM A COMPUTER DATABASE OR VIA THE INTERNET OR EXTRANET, IN CLASS 36 (U.S. CLS. 100, 101 AND 102).

PRIORITY CLAIMED UNDER SEC. 44(D) ON ERPNTY CMNTY TM OFC APPLICATION NO. 2959625, FILED 12-3-2002, REG. NO. 002959625, DATED 6-3-2004, EXPIRES 12-3-2012.

SER. NO. 76-478,455, FILED 12-20-2002.

BRIAN NEVILLE, EXAMINING ATTORNEY



**OPPOSER EXHIBIT 37**

Int. Cls.: 35 and 36

Prior U.S. Cls.: 100, 101, and 102

United States Patent and Trademark Office

Reg. No. 3,086,799

Registered Apr. 25, 2006

**SERVICE MARK  
SUPPLEMENTAL REGISTER**

**INVESTING IN THE ENTREPRENEURIAL ECONOMY**

ALLIED CAPITAL CORPORATION (MARYLAND CORPORATION)  
1919 PENNSYLVANIA AVENUE, NW  
WASHINGTON, DC 20006

FOR: BUSINESS MANAGEMENT AND CONSULTATION IN; THE FIELDS OF CORPORATE FINANCE, MERGER AND ACQUISITION, EXECUTIVE RECRUITMENT AND HUMAN RESOURCES, AND MARKETING STRATEGIC PLANNING, LONG-TERM ENTERPRISE DEVELOPMENT, PRIVATE EQUITY INVESTMENT, RE-CAPITALIZATION, AND ENHANCEMENT OF SHAREHOLDER VALUE, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 9-30-2004; IN COMMERCE 9-30-2004.

FOR: FINANCIAL SERVICES, NAMELY, COMMERCIAL LENDING SERVICES AND INVESTMENT ADVISORY SERVICES; INVESTMENT

SERVICES IN; THE FIELDS OF PRIVATE EQUITY INVESTMENT, RE-CAPITALIZATION OF PRIVATE AND PUBLICLY HELD BUSINESSES, AND COMMERCIAL MORTGAGE BACKED SECURITIES; PROVIDING FINANCING TO MIDDLE-MARKET COMPANIES; INVESTMENT FUND MANAGEMENT AND INVESTMENT OF FUNDS FOR OTHERS, IN CLASS 36 (U.S. CLS. 100, 101 AND 102).

FIRST USE 9-30-2004; IN COMMERCE 9-30-2004.

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

SER. NO. 76-624,695, FILED P.R. 12-17-2004; AM.  
S.R. 2-1-2006.

NORA BUCHANAN WILL, EXAMINING ATTORNEY

**OPPOSER EXHIBIT 38**

Int. Cls.: 3, 6, 7, 8, 9, 11, 12, 14, 15, 16, 18, 20, 21, 24, 25, 27, 28, 30, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44 and 45

Prior U.S. Cls.: 1, 2, 3, 4, 5, 6, 8, 9, 12, 13, 14, 17, 19, 20, 21, 22, 23, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 44, 45, 46, 47, 48, 49, 50, 51, 52, 100, 101, 102, 103, 104, 105, 106 and 107

Reg. No. 3,006,891

**United States Patent and Trademark Office**

Registered Oct. 18, 2005

**TRADEMARK  
SERVICE MARK  
PRINCIPAL REGISTER**

**UBS**

UBS AG (SWITZERLAND CORPORATION)  
BAHNHOFSTRASSE 45  
CH-8001 ZURICH, SWITZERLAND

FOR: SOAPS; PERFUMERY, ETHEREAL OILS  
NAMESLY BODY OIL, ESSENTIAL OILS FOR PER-  
SONAL USE; COSMETICS; BEAUTY CARE PRO-  
DUCTS, NAMESLY BODY AND FACE  
MOISTURIZING CREAMS, MASKS AND ANTI-  
AGING CREAMS; AND DENTIFRICES, IN CLASS  
3 (U.S. CLS. 1, 4, 6, 50, 51 AND 52).

FOR: COMMON METALS AND THEIR ALLOYS  
FOR FURTHER MANUFACTURING, IN CLASS 6  
(U.S. CLS. 2, 12, 13, 14, 23, 25 AND 50).

FOR: HOUSEHOLD OR KITCHEN APPLIANCES,  
NOT MADE OF OR COATED WITH PRECIOUS  
METALS NAMESLY ELECTRIC FOOD BLENDERS,  
ELECTRIC MIXERS, IN CLASS 7 (U.S. CLS. 13, 19, 21,  
23, 31, 34 AND 35).

FOR: HAND-OPERATED TOOLS AND IMPLE-  
MENTS, NAMESLY HAMMERS, WRENCHES,  
SCREWDRIVERS, CHOPPERS, SLICERS AND  
SHEARS; CUTLERY, NAMESLY FORKS, SPOONS  
AND KNIVES; SCISSORS, IN CLASS 8 (U.S. CLS. 23,  
28 AND 44).

FOR: ELECTRONIC EQUIPMENT AND INSTRU-  
MENTS, NAMESLY ELECTRONIC CURRENCY  
CONVERTERS AND AGENDAS, PAGERS AND  
DIGITAL PERSONAL ORGANIZERS; EQUIPMENT  
FOR THE RECORDING, STORING, PROCESSING,  
TRANSMISSION OR REPRODUCTION OF DATA,  
IN PARTICULAR OF SOUND, IMAGES OR TEXT,  
OF INFORMATION AND MESSAGES, NAMESLY  
COMPUTERS AND COMPUTER CABLES, DIGITAL

AUDIO TAPE PLAYERS AND RECORDERS, DIGI-  
TAL VIDEO RECORDERS AND PLAYERS, DIGI-  
TAL CAMERAS AND DIGITAL CELLULAR  
PHONES; MAGNETIC RECORDING DEVICES,  
NAMESLY MAGNETIC TAPE DRIVES; TELECOM-  
MUNICATIONS DEVICES AND INSTALLATIONS,  
NAMESLY TELEPHONES, TELEPHONE SWITCHES,  
TELEPHONE ANSWERING MACHINES AND  
CALLER IDENTIFICATION BOXES; PRE-RECOR-  
DED OPTICAL, MAGNETIC AND ELECTRONIC  
DATA CARRIERS NAMESLY COMPUTER DISCS,  
OPTICAL DISCS, AUDIO TAPES, VIDEO TAPES  
AND DVD'S IN THE FIELD OF BANKING, INSUR-  
ANCE AND FINANCIAL SERVICES; COMPUTER  
HARDWARE AND SOFTWARE IN THE FIELDS OF  
INVESTMENT BANKING, ON-LINE BANKING, IN-  
SURANCE AND FINANCIAL SERVICES, NAMESLY  
FOR ACCESSING FINANCIAL AND ACCOUNT  
INFORMATION, DATABASE MANAGEMENT,  
FOR TRANSACTING BANK AND INVESTMENT  
BUSINESS AND FOR THE TRADING OF SECURI-  
TIES, CURRENCIES, OPTIONS, FOREIGN EX-  
CHANGE, FUTURES, FUNDS AND  
COMMODITIES; DOWNLOADABLE ELECTRONIC  
PUBLICATIONS IN THE NATURE OF A MAGA-  
ZINE, NEWSLETTER AND REPORTS IN THE  
FIELDS OF BANKING, INSURANCE, INVEST-  
MENTS AND FINANCIAL SERVICES, IN CLASS 9  
(U.S. CLS. 21, 23, 26, 36 AND 38).

FOR: WALL, TABLE AND DESK ELECTRIC  
LIGHT FIXTURES AND LAMPS; OIL LAMPS;  
HOUSEHOLD OR KITCHEN APPLIANCES, NOT  
MADE OF OR COATED WITH PRECIOUS METALS,  
NAMESLY MICROWAVE OVENS FOR COOKING,  
ELECTRIC HAIR DRYERS AND ELECTRIC TOAST-  
ERS, IN CLASS 11 (U.S. CLS. 13, 21, 23, 31 AND 34).

FOR: VEHICLES, NAMELY CARS, TRUCKS, MOTORCYCLES, ALL TERRAIN VEHICLES, AND GOLF CARTS; APPARATUS FOR LOCOMOTION BY LAND, AIR, OR WATER, NAMELY TRUCKS, MOTORCYCLES, AIRPLANES, GLIDERS AND BOATS, IN CLASS 12 (U.S. CLS. 19, 21, 23, 31, 35 AND 44).

FOR: PRECIOUS METALS AND THEIR ALLOYS AND GOODS MANUFACTURED FROM OR COATED WITH PRECIOUS METALS, NAMELY GOLD, SILVER AND PLATINUM BARS, CANDLE STICKS, JEWELRY BOXES AND LETTER OPENERS; COINS, NAMELY MONETARY, NON-MONETARY AND COLLECTIBLE COINS; PRECIOUS METAL INGOTS; JEWELRY, PRECIOUS GEMSTONES; HOROLOGICAL AND CHRONOMETRICAL INSTRUMENTS, NAMELY CLOCKS, WATCHES, CHRONOMETERS; LIGHTERS OF PRECIOUS METAL; AND CIGARETTE CASES MADE OF PRECIOUS METAL, IN CLASS 14 (U.S. CLS. 2, 27, 28 AND 50).

FOR: MUSICAL INSTRUMENTS, IN CLASS 15 (U.S. CLS. 2, 21 AND 36).

FOR: PRINTED PRODUCTS, NAMELY BROCHURES, MAGAZINES, NEWSPAPERS, REPORTS, CATALOGUES, LISTS, MANUALS, PAMPHLETS, LEAFLETS AND FLYERS IN THE FIELD OF BANKING, FINANCE, INVESTMENT AND INSURANCE; INSTRUCTIONAL, EDUCATIONAL AND TEACHING MATERIALS WRITING PAPER, COMPUTER PAPER AND STATIONARY, NAMELY FOR BANKING, FINANCE, INVESTMENT AND INSURANCE USES; JOURNALS AND PUBLICATIONS, NAMELY FINANCIAL MAGAZINES AND ACCOUNTING BOOKS; ADVERTISING MATERIALS, NAMELY POSTERS AND PAPER BANNERS; PRINTED INSTRUCTIONAL AND TEACHING MATERIAL IN THE FIELD OF BANKING, FINANCE, INVESTMENT AND INSURANCE; PACKAGING MATERIAL, NAMELY PAPER BOXES AND BAGS; TABLE COVERS OF PAPER; DESK SETS, IN CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND 50).

FOR: LEATHER AND IMITATION LEATHER SOLD IN BULK, AND GOODS MADE FROM THESE MATERIALS, NAMELY PURSES, WALLETS, KEY CHAINS, ALL PURPOSE BAGS AND PERSONAL AGENDA COVERS; TRUNKS AND TRAVELING BAGS; UMBRELLAS, PARASOLS AND WALKING STICKS; AND TEXTILE SHOPPING BAGS, IN CLASS 18 (U.S. CLS. 1, 2, 3, 22 AND 41).

FOR: FURNITURE; MIRRORS AS FURNITURE; PICTURE FRAMES; GOODS MADE OF WOOD, CORK, REED, CANE, WICKER, WILLOW, HORN, BONE, IVORY, WHALEBONE, TORTOISE-SHELL, AMBER, MOTHER OF PEARL, MEERSCHAUM AND SUBSTITUTES FOR ALL THESE MATERIALS, OR OF PLASTIC, NAMELY FURNITURE, PICTURE FRAMES; ADVERTISING MATERIALS, NAMELY PLASTIC BANNERS, IN CLASS 20 (U.S. CLS. 2, 13, 22, 25, 32 AND 50).

FOR: HOUSEHOLD OR KITCHEN UTENSILS NOT MADE OR COATED WITH PRECIOUS METALS NAMELY GRATERS, SPATULAS, DRINKING FLASKS, BARWARE, NAMELY WINE BUCKET, CORKSCREWS, COCKTAIL SHAKERS, BOTTLE OPENERS, AND CONTAINERS FOR COMMERCIAL USE NOT MADE OF OR COATED WITH PRECIOUS METALS; CLEANING COMBS AND SPONGES; BRUSHES, EXCLUDING PAINTBRUSHES, NAMELY FOR SHOES AND CLEANING; CLEANING MATERIALS, NAMELY RAGS AND STEEL WOOL; AND GLASSWARE, PORCELAIN AND EARTHENWARE, NAMELY, EGGS, FIGURES AND BUSTS, IN CLASS 21 (U.S. CLS. 2, 13, 23, 29, 30, 33, 40 AND 50).

FOR: CLOTH TEXTILES FOR THE MANUFACTURE OF TEXTILE GOODS NAMELY TEXTILE PLACE MATS AND NAPKINS; BED COVERS, NAMELY BED SHEETS; TABLE MATS NOT OF PAPER; ADVERTISING MATERIALS, NAMELY CLOTH BANNERS, IN CLASS 24 (U.S. CLS. 42 AND 50).

FOR: CLOTHING, NAMELY, SHIRTS, PANTS AND JACKETS; FOOTWEAR; HEADWEAR; HEADGEAR, NAMELY HATS, CAPS AND EAR MUFFS, IN CLASS 25 (U.S. CLS. 22 AND 39).

FOR: CARPETS, RUGS, DOOR AND BATH MATS; CARPET, RUG, DOOR AND BATH MATTING, IN CLASS 27 (U.S. CLS. 19, 20, 37, 42 AND 50).

FOR: GAMES AND PLAYTHINGS, NAMELY, CARD GAMES, BOARD GAMES AND ACTION SKILL GAMES; GYMNASTIC AND SPORT ARTICLES, NAMELY, BALLS, BATS, BASKETBALL GOAL SETS, STREET HOCKEY GOAL SETS, ICE HOCKEY PUCKS, ICE HOCKEY STICKS AND SOCCER GOAL SETS; CHRISTMAS TREE DECORATIONS; PLAYING CARDS, IN CLASS 28 (U.S. CLS. 22, 23, 38 AND 50).

FOR: COFFEE, TEA, COCOA, SUGAR, RICE; BREAD; PASTRY AND CONFECTIONERY, NAMELY CAKES; PIES, COOKIES AND CANDIES; FLAVORED ICES; HONEY; AND SPICES, IN CLASS 30 (U.S. CL. 46).

FOR: BEERS; MINERAL AND CARBONATED WATERS AND OTHER NON-ALCOHOLIC DRINKS, NAMELY DRINKING WATER, SODA WATER AND CARBONATED SOFT DRINKS, LOW CALORIE SOFT DRINKS AND FLAVORED SOFT DRINKS; FRUIT DRINKS AND FRUIT JUICES, IN CLASS 32 (U.S. CLS. 45, 46 AND 48).

FOR: ALCOHOLIC DRINKS, EXCLUDING BEERS, NAMELY WINES, SCOTCH, VODKA, GIN, RUM, WHISKEYS AND SCHNAPPS, IN CLASS 33 (U.S. CLS. 47 AND 49).

FOR: TOBACCO; SMOKERS' ARTICLES, NAMELY PIPES, LIGHTERS OF NON PRECIOUS METALS; CIGARETTE CASES NOT OF PRECIOUS METALS, CIGAR CUTTERS, CIGAR TUBES AND ASH RE-

CEPTACLES; AND MATCHES , IN CLASS 34 (U.S. CLS. 2, 8, 9 AND 17).

FOR: ADVERTISING AGENCY SERVICES; PROCUREMENT, NAMELY PURCHASING ENERGY, SOURCES OF ENERGY AND ENERGY BY-PRODUCTS FOR OTHERS, AND CONSULTANCY SERVICES IN CONNECTION THEREWITH; PROCUREMENT OF LONG-TERM SUPPLY CONTRACTS FOR THIRD PARTIES IN CONNECTION WITH THE PROVISION OF ENERGY, SOURCES OF ENERGY, AND ENERGY BY-PRODUCTS FOR OTHERS; RENTAL OF ADVERTISING SPACE FOR THIRD PARTIES ON THE WORLD-WIDE COMPUTER NETWORKS OR IN CONVENTIONAL MEDIA; MARKET RESEARCH; BUSINESS MARKETING CONSULTING FOR OTHERS; TELEMARKETING; TELEPHONE ANSWERING SERVICES; PUBLIC RELATIONS; ORGANIZING JOB, TRADE AND TRADE INDUSTRIAL FAIRS; ORGANIZING AND CONDUCTING EXHIBITIONS IN THE FIELDS OF ENERGY, BUSINESS ADMINISTRATION, BANKING AND FINANCIAL MATTER; PREPARATION OF BUSINESS MANAGEMENT INFORMATION ON A WIDE VARIETY OF TOPICS FOR TRADE AND INDUSTRY; PRODUCTION OF ECONOMIC FORECASTS; FINANCIAL ANALYSIS, NAMELY, ASSESSMENTS OF COSTS AND EFFICIENCY IN BUSINESS MATTERS OF OTHERS; BUSINESS CONSULTANCY SERVICES IN THE FIELD OF THE MANAGEMENT OF PRICE RISKS; STAFF RECRUITMENT; OFFICE WORK, NAMELY SECRETARIAL AND CLERICAL SERVICES; ACCOUNTING, INTERNAL AND EXTERNAL BUSINESS AUDITING; BUSINESS MANAGEMENT FOR OTHERS; PROVISION OF BUSINESS MANAGEMENT INFORMATION VIA GLOBAL COMPUTER NETWORKS; CONSULTANCY SERVICES ON THE ORGANIZATION AND MANAGEMENT OF BUSINESSES; ADMINISTRATION OF BUSINESS PAYROLL AND EMPLOYEE BENEFIT PLANS FOR OTHERS; BUSINESS CONSULTANCY SERVICES ON THE CONDUCT OF COMMERCIAL TRANSACTIONS; PROCESSING OF STATISTICAL DATA; PROCESSING AND SYSTEMATIZING OF DATA IN COMPUTER DATABASES, NAMELY COMPUTER DATABASE MANAGEMENT; E-COMMERCE SERVICES, IN PARTICULAR PROVISION OF PRODUCT INFORMATION VIA WORLD-WIDE COMPUTER OR TELEMATIC NETWORKS FOR ADVERTISING AND SALES PURPOSES; INTERNET BASED RETAIL SERVICES FOR OTHERS, NAMELY COMPUTER HARDWARE AND SOFTWARE RETAIL STORES VIA WORLD-WIDE COMPUTER NETWORKS; ART AUCTIONS; PROMOTING THE ENERGY TRADING SERVICES OF OTHERS THROUGH ON-LINE ORDERING AND CATALOGING OF THOSE ENERGY TRADING SERVICES; PROCESSING AND SYSTEMATIZING OF DATA IN COMPUTER DATABASES IN THE FIELD OF TRADING IN OIL, GAS, ELECTRICITY AND OTHER ENERGY SOURCES; MANAGEMENT AND PROCESSING OF IMAGE, AUDIO AND TEXT FILES AND INFORMATION ABOUT ENERGY; BUSINESS INFORMATION MANAGEMENT ABOUT ENERGY; BUSINESS MARKETING SERVICE FOR OTHERS IN THE FIELD OF TRADING IN ENERGY AND

SOURCES OF ENERGY; PROMOTING THE GOODS OF OTHERS IN THE FIELD OF ENERGY AND SOURCES OF ENERGY AS WELL AS PETROCHEMICAL PRODUCTS THROUGH THE DISTRIBUTION OF PRINTED AND AUDIO MATERIALS AND PROVIDING HYPERTEXT LINKS TO THE WEB SITES OF OTHERS, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FOR: INSURANCE AFFAIRS, NAMELY INSURANCE BROKERAGE; INSURANCE CONSULTATION; INSURANCE UNDERWRITING FOR ALL TYPES OF INSURANCE; FINANCIAL AFFAIRS, NAMELY FINANCIAL MANAGEMENT AND FINANCIAL ANALYSIS AND CONSULTATION; BANKING; PROVISION OF FINANCIAL INFORMATION VIA COMPUTER SYSTEMS; ELECTRONIC BANKING SERVICES VIA A WORLD-WIDE COMPUTER NETWORK; INTERACTIVE ELECTRONIC PROVISION OF FINANCIAL SERVICES, NAMELY PROVIDING ON-LINE STORED VALUE ACCOUNTS IN AN ELECTRONIC ENVIRONMENT AND BANKING SERVICES VIA GLOBAL COMPUTER NETWORKS; STOCK EXCHANGE SERVICES INCLUDING TRADING IN SECURITIES, DERIVATIVES AND CURRENCIES; MONEY LENDING; BROKER AND CONSULTANCY SERVICES IN CONNECTION WITH INSURANCE, FINANCIAL, BANKING OR REAL ESTATE MATTERS AS WELL AS CURRENCY EXCHANGE AND TRADING MATTERS, AND AGENCY SERVICES IN THE FIELD OF INSURANCE OR REAL ESTATE MATTERS AS WELL AS CURRENCY EXCHANGE; FINANCIAL CONSULTANCY SERVICES IN THE FIELD OF PAYMENT SYSTEMS; MANAGEMENT OF PROVIDENT FUNDS; FINANCIAL TRANSACTIONS, NAMELY INVESTMENT FUND TRANSFER AND TRANSACTIONS AND ELECTRONIC FUND TRANSFER; CONSULTANCY SERVICES IN THE FIELD OF FINANCIAL PLANNING AND FINANCIAL MANAGEMENT; SERVICES IN THE FIELD OF INVESTMENT AND RISK MANAGEMENT; ASSET MANAGEMENT; REAL ESTATE SERVICES, NAMELY REAL ESTATE ACQUISITION SERVICES, REAL ESTATE APPRAISAL, REAL ESTATE EQUITY SHARING, NAMELY, MANAGING AND ARRANGING FOR CO-OWNERSHIP OF REAL ESTATE; REAL ESTATE ESCROW SERVICES, REAL ESTATE INVESTMENT AND REAL ESTATE MANAGEMENT; FINANCIAL SERVICES FOR TRUSTS, NAMELY ESTATE TRUST MANAGEMENT; TRUST SERVICES, NAMELY, INVESTMENT AND TRUST COMPANY SERVICES, ESTATE PLANNING AND TRUSTEESHIP REPRESENTATIVES; EVALUATION OF FINANCIAL INVESTMENTS; BROKERAGE SERVICES IN CONNECTION WITH TRADING IN ENERGY, SOURCES OF ENERGY AND ENERGY BY-PRODUCTS; FINANCIAL SPONSORSHIP IN THE FIELDS OF CULTURAL ARTS, SPORTS AND ECONOMIC, LAW, TAX AND POLITICAL RESEARCH; CONDUCTING ELECTRONIC BANKING SERVICES AND FINANCIAL SERVICES NAMELY, MONEY LENDING SERVICES VIA GLOBAL COMPUTER NETWORKS; AND CONSULTANCY SERVICES FOR ALL THE ABOVE-LISTED SERVICES, IN CLASS 36 (U.S. CLS. 100, 101 AND 102).

FOR: BUILDING CONSTRUCTION; REPAIR OF BUILDINGS AND ROOFS; INSTALLATION OF OFFICE DIVIDERS, COMPUTER WORKSTATIONS AND ELECTRICAL SYSTEMS, IN CLASS 37 (U.S. CLS. 100, 103 AND 106).

FOR: TELECOMMUNICATIONS, NAMELY LOCAL AND LONG DISTANCE TRANSMISSION OF VOICE, DATA AND GRAPHICS BY MEANS OF TELEPHONE, TELEGRAPHIC, CABLE, AND SATELLITE; TELEGRAM SERVICES; ELECTRONIC, ELECTRIC AND DIGITAL TRANSMISSION OF VOICE, DATA, IMAGES, SIGNALS, AND MESSAGES; ELECTRONIC TRANSMISSION, NAMELY ON-LINE TRANSMISSION OF FINANCIAL TRANSACTION DATA; TRANSMISSION OF BUSINESS INFORMATION VIA GLOBAL COMPUTER NETWORKS; TELETXT SERVICES; VIDEOTEXT AND ELECTRONIC MAIL SERVICES; PROVISION OF MULTIPLE USER ACCESS TO THE GLOBAL COMPUTER NETWORKS, NAMELY THE INTERNET, DATABASES AND WEBSITES; PROVISION OF TELECOMMUNICATIONS CONNECTIONS TO A GLOBAL COMPUTER NETWORK FOR THE RECEIPT OF ORDERS FOR GOODS AND SERVICES BY ELECTRONIC DATA TRANSMISSION; ELECTRONIC MAIL SERVICES IN CONNECTION WITH A DATABASE, NAMELY THE RECEIPT OF MESSAGES OF ANY NATURE FROM DATABASE USERS AND FORWARDING SUCH MESSAGES TO OTHER DATABASE USERS; PROVISION OF MULTIPLE USER ACCESS VIA HYPER CONNECTIONS TO GLOBAL COMPUTER NETWORKS TO ACCESS DATA AND INFORMATION; AND CONSULTANCY SERVICES FOR ALL THE ABOVE-LISTED SERVICES, IN CLASS 38 (U.S. CLS. 100, 101 AND 104).

FOR: STORAGE, TRANSPORT AND DISTRIBUTION OF ENERGY, OF SOURCES OF ENERGY AND OF ENERGY BY-PRODUCTS; DELIVERY SERVICES IN THE FIELD OF ENERGY, SOURCES OF ENERGY AND ENERGY BY-PRODUCTS BY AIRPLANES, TRUCKS, TRAINS AND ARMORED VANS, IN CLASS 39 (U.S. CLS. 100 AND 105).

FOR: TREATMENT OF MATERIALS, NAMELY METAL TREATMENT, APPLYING PROTECTIVE COATING TO WOOD AND METAL AND COTTON; TREATMENT, NAMELY, MOLD PREVENTION TREATMENT TO COTTON TEXTILES, FABRICS AND CLOTHING, IN CLASS 40 (U.S. CLS. 100, 103 AND 106).

FOR: EDUCATION, NAMELY CONDUCTING CLASSES, SEMINARS AND CONFERENCES IN THE FIELD OF BANKING, INSURANCE, INVESTMENTS, MANAGEMENT AND FINANCIAL SERVICES; PROVISION OF TRAINING IN THE FIELD OF BANKING, INSURANCE, INVESTMENTS, MANAGEMENT AND FINANCIAL SERVICES; ORGANIZATION AND CONDUCT OF SEMINARS AND

WORKSHOPS IN THE FIELD OF BANKING, INSURANCE, INVESTMENTS, MANAGEMENT AND FINANCIAL SERVICES; ORGANIZATION AND CONDUCT OF EXHIBITIONS FOR CULTURAL AND TRAINING PURPOSES; ENTERTAINMENT, NAMELY LIVE MUSIC PERFORMANCES, THEATRICAL PRODUCTIONS, LIVE COMEDIC PERFORMANCES, AND NOVELTY ACTS; ORGANIZING SPORTING AND CULTURAL ACTIVITIES, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FOR: REAL ESTATE CLOSING SERVICES; CONSULTANCY SERVICES ON ENERGY CONSERVATION AND DEVELOPMENT OF COMPREHENSIVE ENERGY CONSERVATION PLANS FOR HOUSEHOLDS, BUSINESS AND INDUSTRY; LEGAL SERVICES, IN PARTICULAR IN RELATION TO THE ESTABLISHMENT AND MANAGEMENT OF BUSINESSES; SCIENTIFIC AND INDUSTRIAL DESIGN PRODUCT RESEARCH; CREATION OF COMPUTER PROGRAMS FOR DATA PROCESSING FOR OTHERS; COMPUTER CONSULTANCY SERVICES; PROGRAMMING OF WEBSITES FOR OTHERS; DESIGN OF DATABASES AND WEBSITES FOR OTHERS; RENTAL OF STORAGE SPACE FOR THE USE OF WEBSITES, NAMELY HOSTING THE WEBSITES OF OTHERS; INTELLECTUAL PROPERTY CONSULTATION REGARDING MANAGEMENT AND EVALUATION OF INTELLECTUAL PROPERTY RIGHTS; PROVISION OF INFORMATION ON THE SUBJECT OF COMPUTER SYSTEM DESIGN, IN CLASS 42 (U.S. CLS. 100 AND 101).

FOR: SERVICES FOR PROVIDING FOOD AND DRINK, NAMELY VIA RESTAURANTS AND CATERING SERVICES; PROVIDING TEMPORARY HOUSING ACCOMMODATION, IN CLASS 43 (U.S. CLS. 100 AND 101).

FOR: HEALTH CARE SERVICES AND BEAUTY SALON CARE FOR HUMAN BEINGS, IN CLASS 44 (U.S. CLS. 100 AND 101).

FOR: SECURITY SERVICES FOR THE PROTECTION OF PROPERTY AND INDIVIDUALS, NAMELY MONITORING SECURITY SYSTEMS, MONITORING OF COMPUTER SYSTEMS FOR SECURITY PURPOSES, MONITORING OF BURGLAR, SECURITY AND FIRE ALARMS; SECURITY GUARD SERVICES, IN CLASS 45 (U.S. CLS. 100 AND 101).

PRIORITY CLAIMED UNDER SEC. 44(D) ON SWITZERLAND APPLICATION NO. 09630/2002, FILED 11-11-2002, REG. NO. 510104, DATED 5-7-2003, EXPIRES 11-11-2012.

SER. NO. 76-512,807, FILED 5-8-2003.

YSA DEJESUS, EXAMINING ATTORNEY

**OPPOSER EXHIBIT 39**



Int. Cls.: 35, 36, and 42

Prior U.S. Cls.: 100, 101, and 102

United States Patent and Trademark Office

Reg. No. 3,325,817

Registered Oct. 30, 2007

**SERVICE MARK  
PRINCIPAL REGISTER**

**WIN**

WINWHOLESALE INC. (DELAWARE CORPORATION)  
3110 KETTERING BOULEVARD  
DAYTON, OH 45439

FOR: PROVIDING SHARED BUSINESS SERVICES AND ADMINISTRATIVE SUPPORT TO MEMBERS OF THE WHOLESALING COMMUNITY, NAMELY, PROVIDING ADVISORY SERVICES AND CONSULTANCY WITH REGARD TO BUSINESS PLANNING, BUSINESS ANALYSIS, BUSINESS MANAGEMENT, AND BUSINESS ORGANIZATION; BUSINESS CONSULTING SERVICES RELATING TO PRODUCT DISTRIBUTION, OPERATIONS MANAGEMENT SERVICES, LOGISTICS, REVERSE LOGISTICS, SUPPLY CHAIN, AND PRODUCTION SYSTEMS AND DISTRIBUTION SOLUTIONS; BUSINESS MANAGEMENT SERVICES, NAMELY, MANAGING LOGISTICS, REVERSE LOGISTICS, SUPPLY CHAIN SERVICES, SUPPLY CHAIN VISIBILITY AND SYNCHRONIZATION, SUPPLY AND DEMAND FORECASTING AND PRODUCT DISTRIBUTION PROCESSES FOR OTHERS; PREPARING AND FILING BUSINESS TAX RETURNS; PAYROLL PREPARATION SERVICES; ADMINISTRATION OF BUSINESS PAYROLL FOR OTHERS; ACCOUNTING SERVICES; MARKETING SERVICES, NAMELY, BUSINESS MARKETING, MARKETING CONSULTING, CONDUCTING MARKETING STUDIES, DIRECT MARKETING, AND STATISTICAL EVALUATIONS OF MARKETING DATA; MANAGEMENT AND COMPILATION OF COMPUTERIZED DATABASES FOR OTHERS; PROVIDING ASSISTANCE IN INVENTORY CONTROL AND INVENTORY MANAGEMENT IN THE FIELD OF WHOLESALING OF INDUSTRIAL PRODUCTS, PLUMBING SUPPLIES, HEATING AND COOLING MATERIALS, ELECTRICAL EQUIP-

MENT, WATERWORKS SUPPLIES, PUMPS, FASTENERS, AND ELECTRONICS; RECORDS MANAGEMENT SERVICES, NAMELY, DOCUMENT INDEXING FOR OTHERS; SERVING AS A HUMAN RESOURCES DEPARTMENT FOR OTHERS; FACILITATING THE EXCHANGE OF NEEDED INFORMATION FOR FINANCIAL COMPENSATION VIA THE INTERNET; FINANCIAL STATEMENT PREPARATION AND ANALYSIS; COLLECTION, PREPARATION, COMPOSITION, STORAGE, PROCESSING, ACQUISITION AND PROVISION OF BUSINESS INFORMATION, DATA, STATISTICS AND INDICES; BUSINESS NETWORKING; PUBLIC RELATIONS; INFORMATION SERVICES RELATING TO BUSINESS MATTERS; COOPERATIVE BUYING SERVICES, NAMELY, THE ADMINISTRATION OF AN ALLIANCE OF WHOLESALERS AND SUPPLIERS WHEREIN THE COMBINED PURCHASING POWER OF THE GROUP GENERATES OR ENABLES DISCOUNTS; PROVIDING BUSINESS INFORMATION IN THE FIELD OF ELECTRONIC COMMERCE; ASSOCIATION SERVICES, NAMELY, PROMOTING THE INTERESTS OF WHOLESALERS; AND BUSINESS ACQUISITION AND MERGER CONSULTATION, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 0-0-2005; IN COMMERCE 0-0-2005.

FOR: PROVIDING SHARED FINANCIAL AND INSURANCE SERVICES TO MEMBERS OF THE WHOLESALING COMMUNITY, NAMELY, ASSISTING OTHERS IN OBTAINING LOANS; PROVIDING WORKING BANK LINE CAPITAL; BUSINESS PROPERTY AND CASUALTY INSURANCE CLAIMS PROCESSING AND REPORTING; CASH MANAGEMENT; TRANSFER AGENCY SERVICES

RENDERED TO ISSUERS OF INVESTMENT SECURITIES; PAYROLL TAX DEBITING SERVICES; RISK MANAGEMENT; ACCOUNTS PAYABLE DEBITING SERVICES; AND ACCOUNTS PAYABLE MANAGEMENT SERVICES, NAMELY, MAINTAINING CHECK REGISTERS AND PREPARING PAY-DUE REPORTS, IN CLASS 36 (U.S. CLS. 100, 101 AND 102).

FIRST USE 0-0-2005; IN COMMERCE 0-0-2005.

FOR: PROVIDING SHARED TECHNICAL SERVICES TO MEMBERS OF THE WHOLESALING COMMUNITY, NAMELY, COMPUTER SOFTWARE DEVELOPMENT, DESIGN, AND CUSTOMIZATION FOR OTHERS; CONSULTING SERVICES IN THE FIELD OF DESIGN, SELECTION, IMPLEMENTATION AND USE OF COMPUTER HARDWARE AND SOFTWARE SYSTEMS FOR OTHERS; DESIGN AND DEVELOPMENT OF NETWORKS; SUPPORT SERVICES, NAMELY, TROUBLESHOOTING OF COMPUTER HARDWARE AND SOFTWARE PROBLEMS; PROVIDING TEMPORARY USE OF NON-DOWNLOADABLE COMPUTER SOFTWARE FOR ANALYZING SALES, MANAGING INVENTORY, AND TRACKING GROSS MARGIN PRODUCTIVITY OVER COMPUTER NETWORKS,

INTRANETS AND THE INTERNET; WEB SITE DESIGN, DEVELOPMENT, AND HOSTING SERVICES; PROVIDING INFORMATION VIA THE INTERNET IN THE FIELD OF COMPUTER TECHNOLOGY; CONSULTING SERVICES IN THE FIELD OF OFFICE AND WORKPLACE AUTOMATION; REVIEWING STANDARDS AND PRACTICES TO ASSURE COMPLIANCE WITH SALES AND USE TAX LAWS, BUSINESS LICENSE REQUIREMENTS, AND RELATED REPORTING REQUIREMENTS; PROVIDING INFORMATION RELATING TO LEGAL AFFAIRS; PROVIDING INFORMATION IN THE FIELD OF COMPUTER TECHNOLOGY; AND PROVIDING LEGAL ADVICE ON SMALL BUSINESS LAW, INCORPORATION, MERGERS, AND OFFICERS, IN CLASS 42 (U.S. CLS. 100 AND 101).

FIRST USE 0-0-2005; IN COMMERCE 0-0-2005.

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

SN 78-508,229, FILED 10-29-2004.

JOHN DWYER, EXAMINING ATTORNEY

**OPPOSER EXHIBIT 40**

Int. Cls.: 35 and 36

Prior U.S. Cls.: 100, 101 and 102

Reg. No. 3,356,548

United States Patent and Trademark Office

Registered Dec. 18, 2007

SERVICE MARK  
PRINCIPAL REGISTER

# RIETUMU BANKA

RIETUMU BANKA, A/S (LATVIA JOINT STOCK  
PRIVATE COMPANY)  
BRIVIBAS IELA 54  
LV-1011 RIGA  
LATVIA

FOR: BUSINESS MANAGEMENT; BUSINESS ADMINISTRATION; PROVIDING OFFICE FUNCTIONS; BILL-POSTING; BUSINESS AUDITING; PROVIDING BUSINESS INFORMATION; EVALUATION OF STANDING TIMBER; EMPLOYMENT AGENCIES; BUSINESS MANAGEMENT OF PERFORMING ARTISTS; PERSONNEL RECRUITMENT; PROVIDING BUSINESS INFORMATION AND BUSINESS MANAGEMENT SERVICES TO PERFORMING ARTISTS; COMPUTERIZED FILE MANAGEMENT; COMPILATION OF INFORMATION INTO COMPUTER DATABASES; DOCUMENT REPRODUCTION; ECONOMIC FORECASTING; EFFICIENCY EXPERTS; PLANNING AND CONDUCTING OF TRADE FAIRS, EXHIBITIONS AND PRESENTATIONS FOR ECONOMIC OR ADVERTISING PURPOSES; ACCOUNTING SERVICES; ADVERTISING SERVICES VIA OUTDOOR AND VISUAL ADVERTISING; IMPORT-EXPORT AGENCIES; SYSTEMIZATION OF INFORMATION INTO COMPUTER DATABASES; BUSINESS INVESTIGATIONS; MARKET RESEARCH; MARKET RESEARCH STUDIES; AUCTIONEERING; BUSINESS APPRAISALS; COMMERCIAL INFORMATION AGENCIES; BUSINESS ORGANIZATION CONSULTANCY; BUSINESS MANAGEMENT CONSULTANCY; PERSONNEL MANAGEMENT CONSULTANCY; PAYROLL PREPARATION; TYPING; MODELING FOR ADVERTISING AND SALES PROMOTION; TAX PREPARATION; PUBLIC RELATIONS; BUSINESS MANAGEMENT ASSISTANCE; COMMERCIAL AND INDUSTRIAL MANAGEMENT ASSISTANCE; COST PRICE ANALYSIS; DEMONSTRATION OF GOODS; SALES PROMOTION SERVICES FOR OTHERS; NEWS CLIPPING SERVICES; PROFESSIONAL BUSINESS CONSULTANCY; FINANCIAL STATEMENT PREPARATION AND ANALYSIS FOR BUSINESS; ADVERTISING BY MAIL ORDER; PROVIDING TELEVISION ADVERTISING FOR OTHERS; ADVERTISING AGENCIES; UPDATING OF ADVERTISING MATERIAL; DISSEMINATION OF ADVERTISING MATTER; DIRECT

MAIL ADVERTISING; PUBLICITY MATERIAL RENTAL; PUBLICITY SERVICES; PUBLICITY AGENCIES; PUBLICATION OF PUBLICITY TEXTS; RENTAL OF ADVERTISING SPACE; PUBLIC OPINION POLLING; SECRETARIAL SERVICES; WORD-PROCESSING OF ADVERTISING TEXTS; TELEPHONE ANSWERING SERVICES FOR UNAVAILABLE SUBSCRIBERS; PRODUCTION OF TELEVISION COMMERCIALS; ON-LINE ADVERTISING ON A COMPUTER COMMUNICATION NETWORK; RELOCATION SERVICES FOR BUSINESSES; WORD-PROCESSING; BUSINESS MANAGEMENT OF HOTELS FOR OTHERS; BUSINESS INQUIRIES; MESSAGE TRANSCRIPTION, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FOR: INSURANCE CARRIER SERVICES; MONETARY EXCHANGE; ESTATE TRUST MANAGEMENT; LOANS FINANCING; INSTALLMENT LOANS; FINANCIAL SERVICES, NAMELY, MONEY LENDING AGAINST SECURITY; ACTUARIAL SERVICES; ANTIQUE APPRAISAL; FIRE INSURANCE UNDERWRITING; BANKING; RENTAL OF OFFICE SPACE; STOCK EXCHANGE PRICE QUOTATIONS; SECURITIES BROKERAGE; INSURANCE BROKERAGE; CHECK VERIFICATION; ISSUING OF TRAVELERS' CHECKS; JEWELRY APPRAISAL; DEBIT CARD SERVICES; LIFE INSURANCE UNDERWRITING; APARTMENT HOUSE MANAGEMENT; RENTING OF APARTMENTS; ELECTRONIC FUNDS TRANSFER; FACTORING AGENCIES; LEASING OF FARMS; FINANCIAL EVALUATION OF REAL ESTATE AND PERSONAL FINANCES FOR INSURANCE PURPOSES, FINANCIAL ANALYSIS; FINANCIAL INFORMATION PROVIDED BY ELECTRONIC MEANS; FINANCING SERVICES; FINANCIAL MANAGEMENT, NAMELY, EQUITY INVESTMENT MANAGEMENT; CAPITAL INVESTMENTS; FUND INVESTMENTS; BAIL-BONDING; SURETY SERVICES; MORTGAGE BANKING; PROVIDING INFORMATION IN INSURANCE MATTERS; MARINE INSURANCE UNDERWRITING; FINANCIAL CLEARING HOUSES; INSURANCE CONSULTANCY; FINANCIAL CONSULTANCY; SAVINGS BANK SERVICES; CREDIT CARD SERVICES; ISSUANCE OF CREDIT CARDS; CREDIT BUREAUS; CHARITABLE FUND RAISING; COLLECTION AGENCIES; BANK LOANS

SERVICES; ART APPRAISAL; NUMISMATIC APPRAISAL; CUSTOMS BROKERAGE; EXCHANGING MONEY; REAL ESTATE AGENCIES; LEASING OF REAL ESTATE; REAL ESTATE APPRAISAL; REAL ESTATE MANAGEMENT; ACCIDENT INSURANCE UNDERWRITING; FISCAL VALUATIONS; FISCAL ASSESSMENTS; RENT COLLECTION AGENCIES; DEBT COLLECTION AGENCIES; STAMP APPRAISAL; RETIREMENT PAYMENT SERVICES, NAMELY, BILL PAYMENT SERVICES FOR RETIRED INDIVIDUALS; BROKERAGE FOR HIRE-PURCHASE FINANCING; MUTUAL FUNDS BROKERAGE; SAFE DEPOSIT BOX SERVICES; FINANCIAL INVESTMENT BROKERAGE; REAL ESTATE BROKERS; BUSINESS LIQUIDATION SERVICES; HEALTH INSURANCE UNDERWRITING, IN CLASS 36 (U.S. CLS. 100, 101 AND 102).

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

PRIORITY DATE OF 4-19-2005 IS CLAIMED.

OWNER OF INTERNATIONAL REGISTRATION 0895147 DATED 10-17-2005, EXPIRES 10-17-2015.

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

THE ENGLISH TRANSLATION OF RIETUMU BANKA IS WEST BANK.

SER. NO. 79-027,603, FILED 10-17-2005.

CHRISTOPHER BUONGIORNO, EXAMINING ATTORNEY

## **CERTIFICATE OF ELECTRONIC TRANSMISSION**

I hereby certify that the foregoing UBS AG'S FIRST NOTICE OF RELIANCE and accompanying exhibits are being transmitted to the TTAB via the electronic system for Trademark Trial and Appeals on August 5, 2008.

A handwritten signature in black ink, reading "Kevin T. Kramer". The signature is fluid and cursive, with a long horizontal stroke at the end.

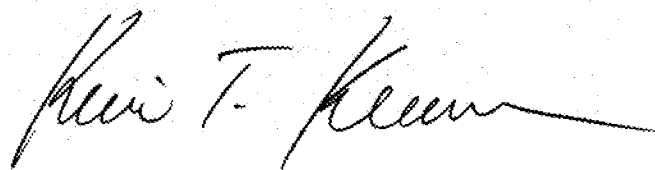
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Kevin T. Kramer

## **CERTIFICATE OF SERVICE**

I hereby certify that on August 5, 2008, one copy of the foregoing UBS AG's FIRST NOTICE OF RELIANCE and accompanying exhibits was served on counsel for applicant via first class mail, postage pre-paid, addressed as follows:

Mr. Michael M. Lafeber,  
Briggs and Morgan, P.A.,  
2200 IDS Center,  
80 South Eighth Street,  
Minneapolis, Minnesota 55402

A handwritten signature in black ink, reading "Kevin T. Kramer". The signature is fluid and cursive, with a long horizontal stroke at the end.

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Kevin T. Kramer