

ESTTA Tracking number: **ESTTA235168**

Filing date: **09/08/2008**

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

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Anthony Justman Sony Computer Entertainment America Inc.
Granted to Date of previous extension	09/10/2008
Address	919 E. Hillsdale Blvd. Foster City, CA 94404 UNITED STATES
Party who filed Extension of time to oppose	Sony Computer Entertainment America Inc.
Relationship to party who filed Extension of time to oppose	An error was made in inserting the name used to file the previous extension of time to oppose. Mr. Justman is an attorney employed by Opposer Sony Computer Entertainment America Inc. and his name should have been inserted in the name section of the original extension of time to oppose.

Correspondence information	Anthony Justman Director Legal and Business Affairs Sony Computer Entertainment America Inc. 919 E. Hillsdale Blvd. Foster City, CA 94404 UNITED STATES suzanne_williams@playstation.sony.com Phone:650/655-7313
----------------------------	--

Applicant Information

Application No	77353219	Publication date	05/13/2008
Opposition Filing Date	09/08/2008	Opposition Period Ends	09/10/2008
Applicant	Ernesto Ramirez 6838 Thistle Hill Way Austin, TX 78754 UNITED STATES		

Goods/Services Affected by Opposition

Class 041. All goods and services in the class are opposed, namely: Providing a website on a global computer network in the field of computer and video games featuring articles, reviews, forums, character game creations, news, and general information of interest relating to computer and video games; online gaming services in the nature of interactive computer games
--

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
Other	Applicant did not have a bona fide intention to use the mark at issue in connection with its services at the time Applicant filed its trademark application.

Mark Cited by Opposer as Basis for Opposition

U.S. Application No.	77493482	Application Date	06/06/2008
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	PLAY CREATE SHARE		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 009. First use: COMPUTER GAME SOFTWARE AND VIDEO GAME SOFTWARE; ENTERTAINMENT SOFTWARE, NAMELY, DOWNLOADABLE RING TONES, GRAPHICS AND DIGITAL MUSIC FILES FOR USE ON OR WITH MOBILE AND CELLULAR PHONES, BOTH HANDHELD AND FREE STANDING, AND OTHER WIRELESS DEVICES; ELECTRONIC GAME SOFTWARE FOR WIRELESS DEVICES; BACKPACKS AND BAGS; EYEWEAR</p> <p>Class 016. First use: STRATEGY GUIDES FOR USE WITH VIDEO GAMES; BOOKS RELATING TO VIDEO GAMES; POSTERS AND JOURNALS</p> <p>Class 025. First use: CLOTHING, NAMELY, T-SHIRTS, JACKETS, SWEATSHIRTS, HATS</p> <p>Class 028. First use: TOYS, NAMELY, ACTION FIGURES</p> <p>Class 041. First use: OPERATING A REAL-TIME GAME FOR OTHERS OVER GLOBAL AND LOCAL AREA COMPUTER NETWORKS</p>		

Attachments	77493482#TMSN.jpeg (1 page)(bytes) PLAY, CREATE, SHARE 20001.pdf (29 pages)(814584 bytes)
-------------	---

Certificate of Service

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

Signature	/anthony justman/
Name	Anthony Justman
Date	09/08/2008

SONY COMPUTER ENTERTAINMENT AMERICA INC., a Delaware corporation with its principal place of business at 919 E. Hillsdale Blvd., Foster City, CA 94404 ("Opposer"), believes that it will be damaged by the registration of the alleged mark PLAY CREATE SHARE shown in the Intent-to-Use Application bearing Serial No. 77/353,219 ("Application"). Opposer opposes the Application on the grounds set forth herein.

1. The owner of the Application is Ernesto Ramirez ("Applicant"). Applicant filed the Application on December 16, 2007 for the alleged mark "PLAY CREATE SHARE" in International Class 41 for "providing a website on a global computer network in the field of computer and video games featuring articles, reviews, forums, character game creations, news, and general information of interest relating to computer and video games; online gaming services in the nature of interactive computer games". A true and correct copy of the Application is attached hereto as Exhibit "A".

2. On June 8, 2008, Opposer filed an application to register PLAY CREATE SHARE with the U.S. Trademark Office, Serial No. 77/493,482, for "computer game software and video game software" in International Class 9, "strategy guides for use with video games" in International Class 16; "clothing" in International Class 25 and "operating a real-time game for others over global and local area computer networks" in International Class 41. A copy of Opposer's application is attached hereto as Exhibit "B".

3. Registration is improper for two reasons: (1) Opposer's trademark use precedes that of Applicant for the mark in question; and (2) Applicant did not have a bona fide intention to use PLAY CREATE SHARE in connection with services to be offered by him at the time Applicant filed his trademark application.

FACTS ESTABLISHING OPPOSER'S PRIOR USE OF PLAY CREATE SHARE

4. Opposer and its affiliates have for many years marketed and sold in the United States a wide range of video game and video game hardware products under the world-famous

PLAYSTATION[®], PLAYSTATION[®] 2, PSP and PLAYSTATION[®] 3 marks. These products include, but are not limited to, the PLAYSTATION and PS ONE video game consoles and the PLAYSTATION 2, PSP and PLAYSTATION 3 computer entertainment systems. Opposer and its close affiliates are also one of the largest publishers of video game titles in the world.

5. Opposer intends to publish a new video game entitled *Little Big Planet* for play exclusively on its PlayStation platforms, namely the PLAYSTATION3 system. *Little Big Planet* will be published and distributed world wide by Opposer and its affiliates, and the title is currently slated for release in Fall 2008. Opposer and its affiliates will invest millions of dollars in developing, advertising and distributing *Little Big Planet*. Video game titles like *Little Big Planet* are the video game industry's equivalent of Hollywood's "blockbusters," referred to in the industry as "AAA" titles due to the investment of time and money in creating the game and, hopefully, the sales of the game. "AAA" titles often take years to develop, and video game publishers commonly promote and market such titles far in advance of their release so as to create demand for such titles games upon publication.

6. On or about March 7, 2007, Opposer unveiled publicly for the first time the *Little Big Planet* game at the Game Developers Conference in San Francisco, California. The Game Developers Conference is a well-attended and prominent trade event in the video game industry, and all important media outlets that cover the video game industry attend and report on the event. Opposer's unveiling of *Little Big Planet* demonstrated videos of the game's footage and made use the official tagline PLAY CREATE SHARE, as well as the game's main character, a burlap sack creature with child-like expressions and demeanor named SACKBOY. Opposer made press releases in connection with the Game Developers Conference event containing information about *Little Big Planet* and the game's tagline PLAY CREATE SHARE. Several media outlets picked up Opposer's press releases and made reports to a significant

number of potential consumers about *Little Big Planet*, including in those reports the PLAY CREATE SHARE mark.

7. Contemporaneous with the Game Developers Conference, Opposer's game developer, Media Molecule, began on behalf of Opposer and its affiliates a world-wide promotion of *Little Big Planet* and its tagline PLAY CREATE SHARE on the Media Molecule website, found at the URL www.mediamolecule.com. The portion of the website dedicated to *Little Big Planet* touts the features and functionality of the game and provides creative promotional assets for download by consumers, such as a computer wallpaper containing a stylized PLAY CREATE SHARE logo and pictures of SACKBOY. Recognizing the association of the stylized PLAY CREATE SHARE wallpaper with the *Little Big Planet* title, a significant number of consumers have downloaded the wallpaper.

8. On or about July 11, 2007, Opposer released a video demonstrating *Little Big Planet* and the associated PLAY CREATE SHARE tagline to the press at the video game industry's annual convention, E3. E3 is typically an even larger trade event than the Game Developers Conference and receives world-wide coverage by the media, including mainstream media outlets. The *Little Big Planet* video making use of the PLAY CREATE SHARE mark was disseminated throughout the world the same day via the internet. Websites, blogs and media outlets featured the video prominently, and a significant number of potential *Little Big Planet* consumers viewed the video.

9. Since early 2007, Opposer has spent hundreds of thousands of dollars in pre-sale advertising and marketing activities to promote *Little Big Planet*, including use of the PLAY CREATE SHARE tagline in the United States. These pre-sale activities include the creation of artwork, advertising and promotional materials, sell sheets and a web site, issuing press releases and promoting *Little Big Planet* at trade shows and consumer events, which include

the use of the PLAY CREATE SHARE mark, all intended to generate sales through building goodwill around the franchise.

10. Opposer has made and continues to make extensive open and public use in commerce of the PLAY CREATE SHARE mark through pre-sales activities. As a result of these activities, the PLAY CREATE SHARE mark has become known to a substantial portion of the relevant purchasing public as representing goods and services associated with Opposer and the *Little Big Planet* franchise, and PLAY CREATE SHARE has acquired significant goodwill.

11. Opposer's and Applicant's PLAY CREATE SHARE marks are identical. The alleged services for which Applicant states he intends to use his alleged mark are confusingly similar to Opposer's services. In view of the similarity of the respective marks and the related nature of the services of the respective parties, Opposer alleges that Applicant's mark so resembles Opposer's mark as to be likely to cause confusion or to cause mistake or to deceive.

12. Applicant's intended use of Opposer's PLAY CREATE SHARE mark can only mislead or will likely mislead others to believe mistakenly that services offered in connection with Applicant's mark originate from or are in some way associated with, sponsored or endorsed by, or related to Opposer and its goods and services. Applicant's mark should be denied registration pursuant to Section 2(d) of the Lanham Act, 15 U.S.C. §1052(d).

APPLICANT DID NOT FILE THE APPLICATION FOR PLAY CREATE SHARE WITH A GOOD-FAITH INTENT TO USE THE MARK

13. Subsequent to the filing of the Application, Applicant filed two additional Intent-to-Use trademark applications incorporating the word SACKBOY. These Applications have Serial Numbers 77/513,861 and 77/441,100, and true and correct copies of the SACKBOY applications are attached hereto as Exhibits "C" and "D" respectively. "Sackboy" is the name of the main character in Opposer's video game *Little Big Planet*, and Opposer therefore will oppose the SACKBOY applications based on Opposer's applications for the same mark.

14. Opposer is informed and believes and on that basis alleges that Applicant's sole reason for filing the Application for PLAY CREATE SHARE and the above named applications for SACKBOY is to interfere with Opposer's business. All of Applicant's Intent-to-Use trademark applications are preemptive and not based on a bona fide intent to use the marks in commerce. The fact that Applicant has applied for the PLAY CREATE SHARE and SACKBOY marks -- both undisputedly associated with *Little Big Planet* -- before Opposer's release of the title is no mere coincidence. Rather, Applicant's filing of the applications for marks related only by their connection to Opposer's *Little Big Planet* video game title demonstrates his bad faith intent to interfere with Opposer's business and related trademarks. Applicant's Intent-to-Use trademark application for PLAY CREATE SHARE is fraudulent and should be denied.

COUNT ONE: OPPOSER'S TRADEMARK USE PRECEDES THAT OF APPLICANT

15. Opposer's pre-sales activities relating to *Little Big Planet* and PLAY CREATE SHARE constitute analogous-use priority under Section 2(d) of the Lanham Act, 15 U.S.C.S. § 1052(d). Opposer is therefore the senior user of the trademark PLAY CREATE SHARE. Through Opposer's extensive and continuous pre-sales activities concerning the impending launch *Little Big Planet* and use of the PLAY CREATE SHARE tagline, the relevant purchasing public has come to associate PLAY CREATE SHARE with the goods and services of Opposer. Because Opposer's use precedes the filing date of Applicant's Intent-to-Use Application, the U.S. Patent and Trademark Office should deny the Application.

COUNT TWO: APPLICANT DID NOT HAVE A BONA FIDE INTENTION TO USE PLAY CREATE SHARE IN CONNECTION WITH HIS SERVICES AT THE TIME APPLICANT FILED HIS TRADEMARK APPLICATION.

16. Alternatively, the U.S. Patent and Trademark Office should deny the Application because Applicant did not have a bona fide intention at the time he filed the Application to use PLAY CREATE SHARE in connection with any services to be offered by him.

17. The trademarks PLAY CREATE SHARE and SACKBOY are trademarks of Opposer, and associated with Opposer's video game *Little Big Planet*. Applicant's "coincidental" pre-emptive ITU trademark filings for both of these marks demonstrates that Applicant had no legitimate use for these marks other than to interfere with Opposer's launch of its video game Little Big Planet. Applicant's trademark application should be denied on the basis of fraud.

WHEREFORE, Opposer prays that Application No. 77/353,219 for the alleged mark PLAY CREATE SHARE be denied and refused registration. Please recognize as attorneys for Opposer, Riley R. Russell, General Counsel & Senior Vice President, and Anthony J. Justman, Director, Legal & Business Affairs, of Sony Computer Entertainment America Inc., 919 E. Hillsdale Blvd., Foster City, CA 94404. Both are members of the Bar of the State of California.

Exhibit A



United States Patent and Trademark Office

[Home](#) | [Site Index](#) | [Search](#) | [FAQ](#) | [Glossary](#) | [Guides](#) | [Contacts](#) | [eBusiness](#) | [eBiz alerts](#) | [News](#) | [Help](#)

Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Wed Sep 3 04:14:51 EDT 2008

[TESS HOME](#)
[NEW USER](#)
[STRUCTURED](#)
[FREE FORM](#)
[Browse Dict](#)
[SEARCH OG](#)
[BOTTOM](#)
[HELP](#)
[PREV LIST](#)
[CURR LIST](#)

[RELAT LIST](#)
[FIRST DOC](#)
[PREV DOC](#)
[NEXT DOC](#)
[LAST DOC](#)

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

List At: OR to record: **Record 2 out of 2**

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

Play Create Share

Word Mark	PLAY CREATE SHARE
Goods and Services	IC 041. US 100 101 107. G & S: Providing a website on a global computer network in the field of computer and video games featuring articles, reviews, forums, character game creations, news, and general information of interest relating to computer and video games; online gaming services in the nature of interactive computer games
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	77353219
Filing Date	December 16, 2007
Current Filing Basis	1B
Original Filing Basis	1B
Published for Opposition	May 13, 2008
Owner	(APPLICANT) Ernesto Ramirez INDIVIDUAL UNITED STATES 6838 Thistle Hill Way Austin TEXAS 78754
Type of Mark	SERVICE MARK
Register	PRINCIPAL
Live/Dead	

Indicator LIVE

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [BROWSE Dict](#) [SEARCH OG](#) [TOP](#) [HELP](#) [PREV LIST](#) [CURR LIST](#)
[NEXT LIST](#) [FIRST DOC](#) [PREV DOC](#) [NEXT DOC](#) [LAST DOC](#)

[|.HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)

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

This page was generated by the TARR system on 2008-09-03 19:42:16 ET

Serial Number: 77353219 [Assignment Information](#) [Trademark Document Retrieval](#)

Registration Number: (NOT AVAILABLE)

Mark

Play Create Share

(words only): PLAY CREATE SHARE

Standard Character claim: Yes

Current Status: A request for an extension of time to file an opposition has been filed at the Trademark Trial and Appeal Board.

Date of Status: 2008-06-09

Filing Date: 2007-12-16

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 116

Attorney Assigned:
SHANAHAN WILLIAM PATRICK

Current Location: 650 -Publication And Issue Section

Date In Location: 2008-04-04

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

1. Ernesto Ramirez

Address:
Ernesto Ramirez

6838 Thistle Hill Way
Austin, TX 78754
United States

Legal Entity Type: Individual

Country of Citizenship: United States

Phone Number: 512-278-1963

GOODS AND/OR SERVICES

International Class: 041

Class Status: Active

Providing a website on a global computer network in the field of computer and video games featuring articles, reviews, forums, character game creations, news, and general information of interest relating to computer and video games; online gaming services in the nature of interactive computer games

Basis: 1(b)

First Use Date: (DATE NOT AVAILABLE)

First Use in Commerce Date: (DATE NOT AVAILABLE)

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2008-06-09 - Extension Of Time To Oppose Received

2008-05-13 - Published for opposition

2008-04-23 - Notice of publication

2008-04-04 - Law Office Publication Review Completed

2008-04-04 - Assigned To LIE

2008-03-24 - Approved for Pub - Principal Register (Initial exam)

2008-03-23 - Assigned To Examiner

2007-12-19 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Correspondent

ERNESTO RAMIREZ

6838 THISTLE HILL WAY

AUSTIN, TX 78754-5800

Phone Number: 512-278-1963

Exhibit B



United States Patent and Trademark Office

[Home](#) | [Site Index](#) | [Search](#) | [FAQ](#) | [Glossary](#) | [Guides](#) | [Contacts](#) | [eBusiness](#) | [eBiz alerts](#) | [News](#) | [Help](#)

Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Tue Sep 2 04:13:16 EDT 2008

[TESS HOME](#)
[NEW USER](#)
[STRUCTURED](#)
[FREE FORM](#)
[BROWSER DICT](#)
[SEARCH OG](#)
[BOTTOM](#)
[HELP](#)
[PREV LIST](#)
[CURR LIST](#)

[NEXT LIST](#)
[FIRST DOC](#)
[PREV DOC](#)
[NEXT DOC](#)
[LAST DOC](#)

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

List At: OR to record: **Record 5 out of 16**

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

PLAY CREATE SHARE

Word Mark **PLAY CREATE SHARE**

Goods and Services IC 009. US 021 023 026 036 038. G & S: COMPUTER GAME SOFTWARE AND VIDEO GAME SOFTWARE; ENTERTAINMENT SOFTWARE, NAMELY, DOWNLOADABLE RING TONES, GRAPHICS AND DIGITAL MUSIC FILES FOR USE ON OR WITH MOBILE AND CELLULAR PHONES, BOTH HANDHELD AND FREE STANDING, AND OTHER WIRELESS DEVICES; ELECTRONIC GAME SOFTWARE FOR WIRELESS DEVICES; BACKPACKS AND BAGS; EYEWEAR

IC 016. US 002 005 022 023 029 037 038 050. G & S: STRATEGY GUIDES FOR USE WITH VIDEO GAMES; BOOKS RELATING TO VIDEO GAMES; POSTERS AND JOURNALS

IC 025. US 022 039. G & S: CLOTHING, NAMELY, T-SHIRTS, JACKETS, SWEATSHIRTS, HATS

IC 028. US 022 023 038 050. G & S: TOYS, NAMELY, ACTION FIGURES

IC 041. US 100 101 107. G & S: OPERATING A REAL-TIME GAME FOR OTHERS OVER GLOBAL AND LOCAL AREA COMPUTER NETWORKS

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 77493482

Filing Date June 6, 2008

Current Filing Basis 1B

Original Filing Basis 1B

Owner (APPLICANT) Sony Computer Entertainment America Inc. CORPORATION DELAWARE 919 E. Hillsdale Blvd. Foster City CALIFORNIA 94404

Type of Mark TRADEMARK. SERVICE MARK

Register PRINCIPAL

Live/Dead Indicator LIVE

TESS HOME	NEW USER	STRUCTURED	FREE FORM	BROWSE DICT	SEARCH OG	TOP	HELP	PREV LIST	CURR LIST
NEXT LIST	FIRST DOC	PREV DOC	NEXT DOC	LAST DOC					

[|.HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)

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

This page was generated by the TARR system on 2008-09-02 15:08:31 ET

Serial Number: 77493482 [Assignment Information](#) [Trademark Document Retrieval](#)

Registration Number: (NOT AVAILABLE)

Mark

PLAY CREATE SHARE

(words only): PLAY CREATE SHARE

Standard Character claim: Yes

Current Status: A non-final action has been mailed. This is a letter from the examining attorney requesting additional information and/or making an initial refusal. However, no final determination as to the registrability of the mark has been made.

Date of Status: 2008-08-05

Filing Date: 2008-06-06

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 112

Attorney Assigned:
BORSUK ESTHER A

Current Location: M3X -TMO Law Office 112 - Examining Attorney Assigned

Date In Location: 2008-08-04

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

1. Sony Computer Entertainment America Inc.

Address:

Sony Computer Entertainment America Inc.
919 E. Hillsdale Blvd.
Foster City, CA 94404
United States
Legal Entity Type: Corporation
State or Country of Incorporation: Delaware
Phone Number: 650/655-7313
Fax Number: 650/655-5901

GOODS AND/OR SERVICES

International Class: 009**Class Status:** Active

COMPUTER GAME SOFTWARE AND VIDEO GAME SOFTWARE; ENTERTAINMENT SOFTWARE, NAMELY, DOWNLOADABLE RING TONES, GRAPHICS AND DIGITAL MUSIC FILES FOR USE ON OR WITH MOBILE AND CELLULAR PHONES, BOTH HANDHELD AND FREE STANDING, AND OTHER WIRELESS DEVICES; ELECTRONIC GAME SOFTWARE FOR WIRELESS DEVICES; BACKPACKS AND BAGS; EYEWEAR

Basis: 1(b)**First Use Date:** (DATE NOT AVAILABLE)**First Use in Commerce Date:** (DATE NOT AVAILABLE)**International Class:** 016**Class Status:** Active

STRATEGY GUIDES FOR USE WITH VIDEO GAMES; BOOKS RELATING TO VIDEO GAMES; POSTERS AND JOURNALS

Basis: 1(b)**First Use Date:** (DATE NOT AVAILABLE)**First Use in Commerce Date:** (DATE NOT AVAILABLE)**International Class:** 025**Class Status:** Active

CLOTHING, NAMELY, T-SHIRTS, JACKETS, SWEATSHIRTS, HATS

Basis: 1(b)**First Use Date:** (DATE NOT AVAILABLE)**First Use in Commerce Date:** (DATE NOT AVAILABLE)**International Class:** 028**Class Status:** Active

TOYS, NAMELY, ACTION FIGURES

Basis: 1(b)**First Use Date:** (DATE NOT AVAILABLE)**First Use in Commerce Date:** (DATE NOT AVAILABLE)**International Class:** 041**Class Status:** Active

OPERATING A REAL-TIME GAME FOR OTHERS OVER GLOBAL AND LOCAL AREA COMPUTER NETWORKS

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

First Use in Commerce Date: (DATE NOT AVAILABLE)

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2008-08-05 - Non-final action mailed

2008-08-04 - Non-Final Action Written

2008-08-04 - Assigned To Examiner

2008-06-11 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Correspondent

SUZANNE A. WILLIAMS
SONY COMPUTER ENTERTAINMENT AMERICA INC.
919 E HILLSDALE BLVD
FOSTER CITY, CA 94404-2112
Phone Number: 650/655-7313
Fax Number: 650/655-5901

Exhibit C



United States Patent and Trademark Office

[Home](#) | [Site Index](#) | [Search](#) | [FAQ](#) | [Glossary](#) | [Guides](#) | [Contacts](#) | [eBusiness](#) | [eBiz alerts](#) | [News](#) | [Help](#)

Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Fri Sep 5 04:12:39 EDT 2008

[TESS HOME](#)
[NEW USER](#)
[STRUCTURED](#)
[FREE FORM](#)
[BROWSE DICT](#)
[SEARCH OG](#)
[BOTTOM](#)
[HELP](#)
[PREV LIST](#)
[CURR LIST](#)
[NEXT LIST](#)
[FIRST DOC](#)
[PREV DOC](#)
[NEXT DOC](#)
[LAST DOC](#)

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

List At: OR to record: **Record 2 out of 3**

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

Sackboy

Word Mark	SACKBOY
Goods and Services	IC 028. US 022 023 038 050. G & S: Plush toys
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	77441100
Filing Date	April 6, 2008
Current Filing Basis	1B
Original Filing Basis	1B
Published for Opposition	August 19, 2008
Owner	(APPLICANT) Ernesto Ramirez INDIVIDUAL UNITED STATES 6838 Thistle Hill Way Austin TEXAS 78754
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

[TESS HOME](#)
[NEW USER](#)
[STRUCTURED](#)
[FREE FORM](#)
[BROWSE DICT](#)
[SEARCH OG](#)
[TOP](#)
[HELP](#)
[PREV LIST](#)
[CURR LIST](#)
[NEXT LIST](#)
[FIRST DOC](#)
[PREV DOC](#)
[NEXT DOC](#)
[LAST DOC](#)

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

This page was generated by the TARR system on 2008-09-02 15:07:49 ET

Serial Number: 77441100 [Assignment Information](#) [Trademark Document Retrieval](#)

Registration Number: (NOT AVAILABLE)

Mark

Sackboy

(words only): SACKBOY

Standard Character claim: Yes

Current Status: Application has been published for opposition.

Date of Status: 2008-08-19

Filing Date: 2008-04-06

The Information will be/was published in the Official Gazette on 2008-08-19

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 102

Attorney Assigned:
BUTLER ANDREA P

Current Location: 650 -Publication And Issue Section

Date In Location: 2008-07-17

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

1. Ernesto Ramirez

Address:

Ernesto Ramirez
6838 Thistle Hill Way
Austin, TX 78754
United States
Legal Entity Type: Individual
Country of Citizenship: United States
Phone Number: 512-278-1963
Fax Number: 512-278-1963

GOODS AND/OR SERVICES

International Class: 028
Class Status: Active
Plush toys
Basis: 1(b)
First Use Date: (DATE NOT AVAILABLE)
First Use in Commerce Date: (DATE NOT AVAILABLE)

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2008-08-19 - Published for opposition
2008-07-30 - Notice of publication
2008-07-17 - Law Office Publication Review Completed
2008-07-17 - Assigned To LIE
2008-07-17 - Approved for Pub - Principal Register (Initial exam)
2008-07-17 - Assigned To Examiner
2008-04-10 - Notice Of Pseudo Mark Mailed
2008-04-09 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Correspondent

ERNESTO RAMIREZ

6838 THISTLE HILL WAY

AUSTIN, TX 78754-5800

Phone Number: 512-278-1963

Fax Number: 512-278-1963

Exhibit D



United States Patent and Trademark Office

[Home](#) | [Site Index](#) | [Search](#) | [FAQ](#) | [Glossary](#) | [Guides](#) | [Contacts](#) | [eBusiness](#) | [eBiz alerts](#) | [News](#) | [Help](#)

Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Fri Sep 5 04:12:39 EDT 2008

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [Browse Dict](#) [SEARCH OG](#) [BOTTOM](#) [HELP](#)

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

Record 1 out of 1

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

Sackboy Toys

Word Mark SACKBOY TOYS

Goods and Services IC 035. US 100 101 102. G & S: Retail store services and retail store services via a global computer network all featuring stuffed and plush toys and accessories

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 77441110

Filing Date April 6, 2008

Current Filing Basis 1B

Original Filing Basis 1B

Published for Opposition September 2, 2008

Owner (APPLICANT) Ramirez, Ernesto INDIVIDUAL UNITED STATES 6838 Thistle Hill Way Austin TEXAS 78754

Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "TOYS" APART FROM THE MARK AS SHOWN

Type of Mark SERVICE MARK

Register PRINCIPAL

Live/Dead Indicator LIVE

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [Browse Dict](#) [SEARCH OG](#) [TOP](#) [HELP](#)

[| HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)

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

This page was generated by the TARR system on 2008-09-05 13:24:58 ET

Serial Number: 77441110 [Assignment Information](#) [Trademark Document Retrieval](#)

Registration Number: (NOT AVAILABLE)

Mark

Sackboy Toys

(words only): SACKBOY TOYS

Standard Character claim: Yes

Current Status: Application has been published for opposition.

Date of Status: 2008-09-02

Filing Date: 2008-04-06

The Information will be/was published in the Official Gazette on 2008-09-02

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 102

Attorney Assigned:
BUTLER ANDREA P

Current Location: 650 -Publication And Issue Section

Date In Location: 2008-07-29

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

1. Ramirez, Ernesto

Address:

Ramirez, Ernesto
6838 Thistle Hill Way
Austin, TX 78754
United States
Legal Entity Type: Individual
Country of Citizenship: United States
Phone Number: 512-278-1963
Fax Number: 512-278-1963

GOODS AND/OR SERVICES

International Class: 035
Class Status: Active
Retail store services and retail store services via a global computer network all featuring stuffed and plush toys and accessories
Basis: 1(b)
First Use Date: (DATE NOT AVAILABLE)
First Use in Commerce Date: (DATE NOT AVAILABLE)

ADDITIONAL INFORMATION

Disclaimer: "TOYS"

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

- 2008-09-02 - Published for opposition
- 2008-08-13 - Notice of publication
- 2008-07-29 - Law Office Publication Review Completed
- 2008-07-21 - Assigned To LIE
- 2008-07-21 - Approved for Pub - Principal Register (Initial exam)
- 2008-07-18 - Teas/Email Correspondence Entered
- 2008-07-18 - Communication received from applicant
- 2008-07-18 - TEAS Response to Office Action Received

2008-07-17 - Notification Of Non-Final Action E-Mailed

2008-07-17 - Non-final action e-mailed

2008-07-17 - Non-Final Action Written

2008-07-17 - Assigned To Examiner

2008-04-10 - Notice Of Pseudo Mark Mailed

2008-04-09 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Correspondent

ERNESTO RAMIREZ

6838 THISTLE HILL WAY

AUSTIN, TX 78754

Phone Number: 512-278-1963

Fax Number: 512-278-1963
