

ESTTA Tracking number: **ESTTA491062**

Filing date: **08/27/2012**

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

Proceeding	91190931
Party	Plaintiff Ipswitch, Inc.
Correspondence Address	JOHN L WELCH LANDO & ANASTASI LLP ONE MAIN STREET, ELEVENTH FLOOR CAMBRIDGE, MA 02142 UNITED STATES jlwtrademarks@lalaw.com
Submission	Plaintiff's Notice of Reliance
Filer's Name	John L. Welch
Filer's e-mail	jlwtrademarks@lalaw.com, jariano@omlaw.com
Signature	/johnlwelch/
Date	08/27/2012
Attachments	91190931 Opposers notice of reliance.pdf ( 7 pages )(250790 bytes )

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


_____	)	
Ipswitch, Inc.,	)	
	)	
Opposer,	)	
	)	
v.	)	Oppositions Nos.
	)	91190931
	)	91193565
	)	91195675
Nero AG,	)	
	)	
Applicant.	)	
_____	)	

OPPOSER'S FIRST NOTICE OF RELIANCE

PLEASE TAKE NOTICE that, pursuant to Rule 2.122(d)(1) of the Trademark Rules of Practice, Opposer Ipswitch, Inc. hereby makes of record and will rely upon the following documents, copies of which are attached hereto:

1. Current printout of the of information from the from the electronic database records of the USPTO showing the current status and title for U.S. Registration No. 2,836,489 for the mark MOVE IT and Design.

IPSWITCH, INC.

  
\_\_\_\_\_  
John L. Welch  
Lando & Anastasi, LLP  
Riverfront Office Park  
One Main Street, Eleventh Floor  
Cambridge, MA 02412  
617/395-7000

CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was served upon Applicant this 27<sup>th</sup> day of August, 2012, by mailing a copy thereof via first-class mail, postage pre-paid, to its counsel:

Jonathan Ariano, Esq.  
Osborn, Maledon P.A.  
2929 N. Central Ave., 21<sup>st</sup> Floor  
Phoenix, AZ 85012-2783



John L. Welch  
Lando & Anastasi, LLP  
One Main Street, 11<sup>th</sup> Floor  
Cambridge, MA 02142  
(617) 395-7000

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Serial Number: 78203141 [Assignment Information](#) [Trademark Document Retrieval](#)

Registration Number: 2836489

Mark



(words only): MOVE IT

Standard Character claim: No

Current Status: A Sections 8 and 15 combined declaration has been accepted and acknowledged.

Date of Status: 2009-10-08

Filing Date: 2003-01-14

Transformed into a National Application: No

Registration Date: 2004-04-27

Register: Principal

Law Office Assigned: LAW OFFICE 113

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at [TrademarkAssistanceCenter@uspto.gov](mailto:TrademarkAssistanceCenter@uspto.gov)

Current Location: M40 -TMO Law Office 113

Date In Location: 2009-10-08

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

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1. IPSWITCH, INC.

**Address:**

IPSWITCH, INC.  
10 MAGUIRE ROAD SUITE 220  
LEXINGTON, MA 02421  
United States

**Legal Entity Type:** Corporation**State or Country of Incorporation:** Massachusetts

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**GOODS AND/OR SERVICES**

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

Computer systems software for use in providing secure file transfer and file management within and between organizations across unencrypted networks

**Basis:** 1(a)**First Use Date:** 2001-11-01**First Use in Commerce Date:** 2001-11-01

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**ADDITIONAL INFORMATION**

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**Design Search Code(s):****24.15.25** - Other arrows

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**MADRID PROTOCOL INFORMATION**

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(NOT AVAILABLE)

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**PROSECUTION HISTORY**

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

2010-01-07 - TEAS Change Of Correspondence Received

2009-10-08 - Section 8 (6-year) accepted &amp; Section 15 acknowledged

2009-10-07 - Section 8 (6-year) and Section 15 Filed

2009-10-07 - TEAS Response To Office Action-Post Reg Received

2009-09-24 - Post Registration action mailed Section 8 &amp; 15

2009-09-21 - Case Assigned To Post Registration Paralegal

2009-05-15 - Assigned To Paralegal

2009-05-13 - TEAS Section 8 & 15 Received  
2008-10-15 - Automatic Update Of Assignment Of Ownership  
2004-04-27 - Registered - Principal Register  
2004-02-03 - Published for opposition  
2004-01-14 - Notice of publication  
2003-12-22 - Approved for Pub - Principal Register (Initial exam)  
2003-12-22 - EXAMINERS AMENDMENT E-MAILED  
2003-12-19 - Previous Allowance Count Withdrawn  
2003-10-28 - Approved for Pub - Principal Register (Initial exam)  
2003-10-17 - Email Received  
2003-10-16 - Communication received from applicant  
2003-10-17 - Email Received  
2003-07-09 - Non-final action e-mailed  
2003-07-07 - Assigned To Examiner

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**ATTORNEY/CORRESPONDENT INFORMATION**

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**Attorney of Record**

John L. Welch

**Correspondent**

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Lando & Anastasi, LLP

One Main Street

Cambridge MA 02142

Phone Number: 617-395-7000

Fax Number: 617-395-7070

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**United States Patent and Trademark Office**

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<b>Word Mark</b>	MOVE IT
<b>Goods and Services</b>	IC 009. US 021 023 026 036 038. G & S: Computer systems software for use in providing secure file transfer and file management within and between organizations across unencrypted networks. FIRST USE: 20011101. FIRST USE IN COMMERCE: 20011101
<b>Mark Drawing Code</b>	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
<b>Design Search Code</b>	24.15.25 - Other arrows
<b>Serial Number</b>	78203141
<b>Filing Date</b>	January 14, 2003
<b>Current Basis</b>	1A
<b>Original Filing Basis</b>	1A
<b>Published for Opposition</b>	February 3, 2004
<b>Registration Number</b>	2836489
<b>Registration Date</b>	April 27, 2004
<b>Owner</b>	(REGISTRANT) Standard Networks, Inc. CORPORATION WISCONSIN 344 S. Yellowstone Dr. Madison WISCONSIN 53705  (LAST LISTED OWNER) IPSWITCH, INC. CORPORATION MASSACHUSETTS 10 MAGUIRE ROAD SUITE 220 LEXINGTON MASSACHUSETTS 02421
<b>Assignment Recorded</b>	ASSIGNMENT RECORDED

**Attorney of Record** John L. Welch  
**Type of Mark** TRADEMARK  
**Register** PRINCIPAL  
**Affidavit Text** SECT 15. SECT 8 (6-YR).  
**Live/Dead Indicator** LIVE

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