

ESTTA Tracking number: **ESTTA433843**

Filing date: **10/04/2011**

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

Proceeding	91195582
Party	Defendant Apple Inc.
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Submission	Other Motions/Papers
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Signature	/Joseph Petersen/
Date	10/04/2011
Attachments	2011-10-4- Microsoft v Apple - 91195582 - Notice of Civil Action (final for filing Oct 4 2011).pdf (4 pages)(13279 bytes)

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

-----X	:	Opposition No. 91195582
MICROSOFT CORPORATION,	:	
Opposer,	:	
	:	
v.	:	NOTICE OF CIVIL ACTION
	:	
APPLE INC.,	:	
Applicant.	:	
-----X	:	

In its September 27, 2011 Order (denying Opposer’s Motion for Summary Judgment), the Board indicated that Applicant should notify the Board “if applicant is involved in a civil action in which a district court will make findings as to applicant’s trademark rights in APP STORE....” Dkt. No. 30, p. 9.

Apple is involved in a district court action that is likely to result in such findings: *Apple Inc. v. Amazon.com, Inc., et al.*, No. CV 11-01327 (PJH) (N.D. Cal.) (the “Civil Action”). Apple’s claims in the Civil Action concern the defendants’ use of the mark AMAZON APPSTORE and variations thereof. In multiple ways, defendants have contested Apple’s trademark rights in the APP STORE mark. The Civil Action is currently in discovery and trial is set for October 2012.

Dated: October 4, 2011

Respectfully submitted,

/s/Joseph Petersen
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Attorneys for Applicant Apple Inc.

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

In the Matter of Application Serial No. 77/525,433
For the mark: APP STORE
Filed: July 17, 2008
Published: January 5, 2010

-----X
MICROSOFT CORPORATION, : Opposition No. 91195582
Opposer, :
 :
v. :
 :
APPLE INC., :
Applicant. :
-----X

CERTIFICATE OF TRANSMITTAL

This is to certify that a true copy of the foregoing Notice of Civil Action is being filed electronically with the T.T.A.B. via ESTTA on this day, October 4, 2011.

/s/Allison Scott Roach
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Attorneys for Applicant Apple Inc.

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MICROSOFT CORPORATION,	:	Opposition No. 91195582
Opposer,	:	
	:	
v.	:	
	:	
APPLE INC.,	:	
Applicant.	:	
-----X		

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing Notice of Civil Action is being served on Opposer by depositing said copy with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to:

William O. Ferron, Jr.
Seed IP Law Group PLLC
701 5th Avenue, Suite 5400
Seattle, WA 98104

This the 4th day of October, 2011.

/s/Allison Scott Roach
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