

ESTTA Tracking number: **ESTTA611489**

Filing date: **06/23/2014**

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

Proceeding	91212821
Party	Plaintiff King.com Limited, and Midasplayer.com Limited
Correspondence Address	Scott W. Johnston Merchant & Gould P.C. P.O. Box 2910 Minneapolis, MN 55402-0910 UNITED STATES sjohnston@merchantgould.com, slindemeier@merchantgould.com
Submission	Motion to Amend Pleading/Amended Pleading
Filer's Name	Scott W. Johnston
Filer's e-mail	sjohnston@merchantgould.com, slindemeier@merchantgould.com
Signature	/SWJ/
Date	06/23/2014
Attachments	2014 06 23 Opposers Motion to Amend Notice of Opposition 91212821.PDF(786737 bytes)

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

Midasplayer.com Limited)	
and)	Opposition No. 91212821
King.com Limited,)	Mark: CANDY PANG! and Design
)	
Opposers,)	Serial No.: 85/756,676
)	
v.)	Filing Date: October 17, 2012
)	
Link Tomorrow Co. Ltd.,)	Publication Date: April 9, 2013
)	
Applicant.)	
)	

OPPOSERS' MEMORANDUM IN SUPPORT OF
MOTION TO AMEND NOTICE OF OPPOSITION

Pursuant to Trademark Rule 37 C.F.R. §§ 2.107 and Fed. R. Civ. P. 15(a), Midasplayer.com Limited and King.com Limited (collectively “King” or “Opposer”) move for leave to amend their Notice of Opposition to add a claim of priority over Link Tomorrow Co. Ltd. (“Link Tomorrow” or “Applicant”) based on a recently acquired common law trademark and to remove reliance on a now withdrawn trademark application.

I. PROCEDURAL AND FACTUAL BACKGROUND

On October 4, 2013, King filed its Notice of Opposition, alleging that Link Tomorrow’s CANDY PANG! mark in Classes 9 and 41 was likely to cause confusion with King’s CANDY CRUSH, CANDY, CANDY CRUSH SAGA figurative, and CANDY CRUSH figurative marks. (Dkt. No. 1.) Link Tomorrow denied these allegations in its Answer. (Dkt. No. 13.)

After the Notice of Opposition was filed, King became aware that AIM Productions N.V. had used the mark CANDY CRUSHER since at least as early as 2004 in connection with game software, including use as a mobile application game available for download in the United

States. These common law rights also pre-date Link Tomorrow's earliest asserted use date by years.

As of today, King owns all rights and associated goodwill to the CANDY CRUSHER name and mark. In an agreement dated January 10, 2014, AIM Productions N.V. assigned to King its right, title and interest in the sign "CANDY CRUSHER," together with the goodwill associated with that sign. In addition, in an agreement dated February 10, 2014, King licensed AIM Productions N.V. to continue using the CANDY CRUSHER mark. On February 21, 2014, King filed a trademark application for CANDY CRUSHER in Class 9, claiming priority back to the 2004 first use date. *See* Exhibit A, TSDR record for CANDY CRUSHER mark.

In addition, one of the applications relied on in King's original Notice of Opposition, CANDY CRUSH, Serial No. 85/840713, has since registered as Registration No. 4,535,715. *See* Exhibit B, TSDR record for CANDY CRUSH mark.

Moreover, on February 24, 2014, King abandoned its CANDY mark, U.S. Application Serial No. 85/842584. *See* Exhibit C, TSDR record for CANDY abandonment. This abandonment also occurred after the Notice of Opposition was filed. Given these recent events, King seeks to amend its Notice of Opposition to assert prior common law rights to CANDY CRUSHER, add reliance on recently issued Registration No. 4,535,715 for CANDY CRUSH, and to remove the reliance on the abandoned CANDY mark.

This proceeding has been suspended while the parties see if they could resolve the matter. The parties reached an impasse in their settlement discussions and allowed the case to resume. The most recent suspension ended April 7, 2014. This motion was filed within a reasonable amount of time after resumption of proceedings.

II. LEGAL ANALYSIS

a. King Meets the Liberal Standard Applied by the Board in Granting Motions to Amend.

Trademark Rule 2.107(a) explains that pleadings in an opposition proceeding may be amended in the same manner and to the same extent as in a civil action in district court. Thus, Fed. R. Civ. P. 15(a) governs motions to amend. Under Fed. R. Civ. P. 15(a) a court (and this Board) should “freely give leave when justice so requires.” In determining whether to grant leave to amend, the Board examines whether amendment would cause undue prejudice or would violate settled law; if the amendment would cause undue prejudice or would violate settled law, leave to amend will be denied. *Hurley Int’l LLC v. Volta*, 82 U.S.P.Q. 2d 1339 (TTAB 2007). King satisfies the requirements set forth in Fed. R. Civ. P. 15(a) and the Trademark Rules and leave to amend should be granted.

i. Recent Events have Necessitated the Filing of King’s Motion for Leave to Amend and Link Tomorrow Would not be Prejudiced.

Here, King has “promptly” sought leave to amend after the grounds therefor were learned. King did not have proper grounds to assert the CANDY CRUSHER priority claim and to remove the CANDY priority claim at the time the Notice of Opposition was filed on October 4, 2013. Since these grounds came into existence, King has acted swiftly. It brought this motion seeking leave to amend approximately four months after the CANDY CRUSHER mark was filed and the CANDY mark was abandoned, and two and a half months after proceedings were resumed. *Turbo Sportswear Inc. v. Marmot Mountain Ltd.*, 77 USPQ2d 1152 (TTAB 2005) (allowing amendment when relevant information was not previously available to applicant). King’s motion is, thus, timely.

King’s motion is also proper because the amendment does not violate settled law and Link Tomorrow will not suffer prejudice. King’s proposed amended priority information

accurately reflects the current status of King's priority application such that allowing the amendment would not be an act in futility and would not violate settled law. *Zanella Ltd. v. Nordstrom Inc.*, 90 USPQ2d 1758 (TTAB 2008) (granting motion to amend); *Hurley Int'l LLC*, 82 U.S.P.Q. 2d 1339 (TTAB 2007) (granting leave to file motion to amend notice of opposition). Nor will Link Tomorrow be prejudiced. A factor in assessing prejudice is the timing of the motion to amend. *Media Online Inc. v. El Clasificado, Inc.*, 88 USPQ2d 1285 (TTAB 2008) (denying motion to amend when new claims were based on facts known at the time of the filing of the initial pleading). Here, the motion was filed shortly after learning the relevant information. In its Answer and Affirmative Defenses, Link Tomorrow itself identified King's abandonment of the CANDY mark. See DKT. 13, ¶5. Moreover, discovery has not yet closed, and Link Tomorrow will, therefore, have the opportunity to gather more information regarding these prior rights. *Zanella Ltd. v. Nordstrom Inc.*, 90 USPQ2d 1758, 1759 (TTAB 2008) (finding no prejudice where there was still 3.5 months of discovery left); *Marshall Field & Co. v. Mrs. Fields Cookies*, 11 USPQ2d 1355 (TTAB 1989) (in a cancellation proceeding, allowing leave to amend and assert a counterclaim that was pled promptly after obtaining the requisite information and that was pled prior to the close of discovery). King's amendment is sufficiently pled and was brought promptly, as such leave to amend should be freely given.

III. CONCLUSION

This Board freely grants leave to amend a pleading when justice so requires. Here, justice so requires. The assignment of rights in CANDY CRUSHER—giving King priority—did not occur until recently. The CANDY CRUSH mark did not register until recently. Moreover, the CANDY mark was recently abandoned. King could not have properly asserted this priority information at the time it filed its Notice of Opposition, and could not have moved to amend its

pleading while the matter was suspended. Instead, it brought this motion seeking leave to amend promptly after proceedings were resumed, relying on its recently obtained rights in CANDY CRUSHER and CANDY CRUSH, and its abandonment of the CANDY mark. As the amendment was brought promptly and discovery is still open, Link Tomorrow will not be prejudiced by allowing this amendment. For the foregoing reasons, Opposer respectfully requests that the Board grant Opposers' motion to amend their Notice of Opposition.

MIDASPLAYER.COM LIMITED and
KING.COM LIMITED

By their Attorneys,



Date: June 23, 2014

Scott W. Johnston
MERCHANT & GOULD P.C.
80 South Eighth Street, Suite 3200
Minneapolis, MN 55402-2215
(612) 332-5300

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing OPPOSERS' MEMORANDUM IN SUPPORT OF MOTION TO AMEND NOTICE OF OPPOSITION was served upon Applicant by email and First Class Mail, postage prepaid, this 23rd day of June, 2014:

Bruce M. McKee
Christine Lebrón-Dykeman
Alexandria Christian
McKEE, VOORHEES, & SEASE, P.L.C.
801 Grand Avenue, Suite 3200
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mvslit@ipmvs.com



Scott W. Johnston

EXHIBIT A

Generated on: This page was generated by TSDR on 2014-06-23 11:41:49 EDT

Mark: CANDY CRUSHER

CANDY CRUSHER

US Serial Number: 86200666

Application Filing Date: Feb. 21, 2014

Register: Principal

Mark Type: Trademark

Status: An Office action suspending further action on the application has been sent (issued) to the applicant. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

Status Date: May 20, 2014

Mark Information

Mark Literal Elements: CANDY CRUSHER

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [.] indicate deleted goods/services;
- Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Computer games software; Downloadable electronic game software for use on mobile phones, tablets and other electronic mobile devices

International Class(es): 009 - Primary Class

U.S Class(es): 021, 023, 026, 036, 038

Class Status: ACTIVE

Basis: 1(a)

First Use: 2004

Use in Commerce: 2004

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Amended Use: No

Filed ITU: No

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: King.com Limited

Owner Address: Aragon House 4th Floor, Dragonara Road
St. Julian's STJ3140
MALTA

Legal Entity Type: CORPORATION

State or Country Where Organized: MALTA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Dana P. Jozefczyk

Docket Number: 17054.0107US

Attorney Primary Email Address: dockmpls@merchantgould.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: DANA P. JOZEFczyk
MERCHANT & GOULD P.C.
PO BOX 2910
MINNEAPOLIS, MINNESOTA 55402-0910
UNITED STATES

Phone: 303.357.1645

Fax: 303.357.1671

Correspondent e-mail: dockmpls@merchantgould.com

Correspondent e-mail Yes
Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
May 20, 2014	NOTIFICATION OF LETTER OF SUSPENSION E-MAILED	6332
May 20, 2014	LETTER OF SUSPENSION E-MAILED	6332
May 20, 2014	SUSPENSION LETTER WRITTEN	74825
May 19, 2014	ASSIGNED TO EXAMINER	74825
Mar. 06, 2014	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Feb. 25, 2014	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information

TM Attorney: GILBERT, REBECCA L

Law Office Assigned: LAW OFFICE 103

File Location

Current Location: TMEG LAW OFFICE 103 - EXAMINING
ATTORNEY ASSIGNED

Date in Location: May 20, 2014

EXHIBIT B

Generated on: This page was generated by TSDR on 2014-06-23 12:17:20 EDT

Mark: CANDY CRUSH

CANDY CRUSH

US Serial Number: 85840713

Application Filing Date: Feb. 05, 2013

US Registration Number: 4535715

Registration Date: May 27, 2014

Register: Principal

Mark Type: Trademark, Service Mark

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: May 27, 2014

Publication Date: Mar. 11, 2014

Mark Information

Mark Literal Elements: CANDY CRUSH

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Color(s) Claimed: Color is not claimed as a feature of the mark.

Foreign Information

Priority Claimed: Yes

Foreign Application Number: 011106713

Foreign Application Filing Date: Aug. 08, 2012

Foreign Registration Number: 011106713

Foreign Registration Date: Jul. 05, 2013

Foreign Application/Registration Country: EUROPEAN (EU) OFFICE FOR HARMONIZATION IN THE INTERNAL MARKET (OHIM)

Foreign Expiration Date: Aug. 08, 2022

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks "*" identify additional (new) wording in the goods/services.

For: Apparatus for recording, transmission or reproduction of sound or images; Blank magnetic data carriers and recording discs; Blank magnetic disks, pre-recorded magnetic disks featuring computer games; Compact discs, DVDs and video recordings featuring computer games; Calculating machines, Data processing equipment, namely, couplers, Computers; Computer game software for video and computer games; Video disks and video tapes with recorded animated cartoons; Audiovisual teaching apparatus, namely, slide or photograph projection apparatus; Camcorders; Cameras; Cassette players; Compact disc players; Compact discs featuring video and computer games; Computer game programs; Computer keyboards; Computer memory hardware; Computer operating programs, recorded; Computer peripheral devices; Computer programmes, recorded for video games; Computer programs for video games; Computer software, recorded for video games; Downloadable image files containing photographic images and artwork, text, and games; Downloadable music files; Downloadable ring tones for mobile phones; DVD players; Downloadable electronic publications in the nature of websites, e-books, online magazines, online newspapers, electronic journals, blogs, podcasts and mobile applications in the field of computer and video games; Exposed photographic film; Headphones; Printed holograms; Juke boxes, musical; Laptop computers; Microphones; Baby monitors; Battery performance monitors; Computer monitors; Mouse pads; Notebook computers; Blank optical discs; Optical discs featuring computer and video games; Personal stereos; Portable media players; Portable telephones; Record players; Sound recording apparatus; Sound reproduction apparatus; Sound transmitting apparatus; Spectacle cases; Spectacle frames; Sunglasses; Tape-recorders; Teaching apparatus, namely, electronic teaching equipment in the nature of computers, multimedia projectors, and computer whiteboards; Telephone apparatus; Television apparatus for projection purposes; Blank USB flash drives; Blank video cassettes; Prerecorded video cassettes featuring computer games; Video game cartridges; Video recorders; Cases for telephones, computers, and other electronic mobile devices, namely, mobile computers, notebook computers, laptops, portable media players, MP3 players, personal digital assistants, global positioning system (GPS) apparatus, paging apparatus, mobile phones, cell phones, smartphones, portable telephones, radio pagers, pocket calculators, and electronic diaries; Computer games software; Computer game entertainment software; Downloadable electronic game software for use on mobile phones, tablets and other electronic mobile devices; Video game software; Interactive multimedia computer game programs; Games software for use on mobile phones, tablets and other electronic mobile devices; Downloadable computer software for mobile phones, tablets and other electronic mobile devices in the field of social media; Downloadable software in the nature of a mobile application for use in the field of social media; Apps featuring computer games, namely, computer game software

International Class(es): 009 - Primary Class

U.S Class(es): 021, 023, 026, 036, 038

Class Status: ACTIVE

Basis: 44(e)

For: Clothing, namely, aprons, bandanas, bath robes, bathing caps, bathing suits, bathing trunks, beachwear, beach shoes, belts, bibs not of paper, boots, caps, headwear, coats, dresses, dressing gowns, ear muffs, football boots, gloves, hats, headbands, jackets, jumpers, pullovers, masquerade costumes, money belts, neckties, overalls, overcoats, pajamas, pants, paper hats for use as clothing, sandals, sarongs, shirts, shoes, short-sleeve shirts, shower caps, ski boots, ski gloves, skirts, sleep masks, slippers, slips, socks, soles for footwear, stockings, suits, sun visors, sweaters, sweatshirts, swimsuits, tee-shirts, tights, trousers, under garments, underpants, underwear, uniforms, vests, waistcoats, wristbands; Footwear

International Class(es): 025 - Primary Class

U.S Class(es): 022, 039

Class Status: ACTIVE

Basis: 44(e)

For: Educational services, namely, conducting classes, seminars, workshops in the field of computers, computer games; Training in the field of computers, computer games; Entertainment, namely, providing on-line computer games; Entertainment in the nature of computer games, namely, providing temporary use of non-downloadable computer games; Entertainment, namely, providing non-downloadable computer games online; Entertainment services, namely, providing temporary use of non-downloadable interactive games; Entertainment services, namely, providing temporary use of non-downloadable electronic games; Entertainment services, namely, providing a website featuring games and puzzles; Entertainment services, namely, providing online video games; Sporting and cultural activities, namely, in the field of computer games; Amusement parks; Arranging and conducting of workshops for educational purposes in the fields of computers, graphic arts, and video games; Providing casino and gambling facilities; Providing information relating to educational services; Educational examination; Electronic desktop publishing; Entertainment services, namely, live, televised and movie appearances by a professional entertainer; Film production, other than advertising films; Gambling services; Providing on-line computer games via a computer network; Games equipment rental; Operating lotteries; Organization of sport and electronic games competitions; Party planning; Production of music; Entertainment, namely, production of television shows; Providing amusement arcade services; Hosting social entertainment events, namely, karaoke parties for others; Non-downloadable electronic publications in the nature of websites, e-books, online magazines, online newspapers, electronic journals, blogs, podcasts and mobile applications in the field of computer and video games; Publication of books; Publication of electronic books and journals on-line; Providing recreation facilities; Scriptwriting services; Writing of texts; Electronic games services provided by means of a global computer network; Entertainment services, namely, providing online electronic games for use on mobile phones, tablets and other electronic mobile devices; providing enhancements within online computer and electronic games; Entertainment services, namely, providing temporary use of non-downloadable single and multi-player electronic interactive games via the internet, electronic communication networks or via a global computer network; Multimedia publishing of software, specifically of computer game software, electronic games and video game software

International Class(es): 041 - Primary Class

U.S Class(es): 100, 101, 107

Class Status: ACTIVE

Basis: 44(e)

Basis Information (Case Level)

Filed Use: No	Currently Use: No	Amended Use: No
Filed ITU: Yes	Currently ITU: No	Amended ITU: No
Filed 44D: Yes	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: Yes	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: Midasplayer.com Limited
Owner Address: Central St Giles 10th Floor
1 St Giles High Street
London WC2H 8AG
UNITED KINGDOM
Legal Entity Type: LIMITED LIABILITY COMPANY
State or Country Where Organized: UNITED KINGDOM

Attorney/Correspondence Information

Attorney of Record
Attorney Name: Andrew S. Ehard
Attorney Primary Email Address: dockmpls@merchantgould.com
Docket Number: 17054.24US01
Attorney Email Authorized: Yes

Correspondent
Correspondent Name/Address: ANDREW S. EHARD
MERCHANT & GOULD P.C.
PO BOX 2910
MINNEAPOLIS, MINNESOTA 55402-0910
UNITED STATES
Phone: 612.332.5300
Fax: 612.332.9081
Correspondent e-mail Authorized: Yes

Correspondent e-mail: dockmpls@merchantgould.com

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
May 27, 2014	REGISTERED-PRINCIPAL REGISTER	
Mar. 11, 2014	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Mar. 11, 2014	PUBLISHED FOR OPPOSITION	
Feb. 19, 2014	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Feb. 06, 2014	LAW OFFICE PUBLICATION REVIEW COMPLETED	66213
Feb. 04, 2014	APPROVED FOR PUB - PRINCIPAL REGISTER	
Feb. 04, 2014	EXAMINER'S AMENDMENT ENTERED	88888
Feb. 04, 2014	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Feb. 04, 2014	EXAMINERS AMENDMENT E-MAILED	6328
Feb. 04, 2014	EXAMINERS AMENDMENT -WRITTEN	78325
Dec. 19, 2013	TEAS/EMAIL CORRESPONDENCE ENTERED	66213
Dec. 19, 2013	CORRESPONDENCE RECEIVED IN LAW OFFICE	66213
Dec. 12, 2013	ASSIGNED TO LIE	66213
Dec. 11, 2013	TEAS REQUEST FOR RECONSIDERATION RECEIVED	
Nov. 15, 2013	NOTIFICATION OF FINAL REFUSAL EMAILED	
Nov. 15, 2013	FINAL REFUSAL E-MAILED	
Nov. 15, 2013	FINAL REFUSAL WRITTEN	78325
Nov. 06, 2013	TEAS/EMAIL CORRESPONDENCE ENTERED	67287
Nov. 06, 2013	CORRESPONDENCE RECEIVED IN LAW OFFICE	67287
Oct. 30, 2013	ASSIGNED TO LIE	67287
Oct. 25, 2013	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Oct. 10, 2013	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Oct. 10, 2013	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
May 01, 2013	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
May 01, 2013	NON-FINAL ACTION E-MAILED	6325
May 01, 2013	NON-FINAL ACTION WRITTEN	78325
Apr. 30, 2013	ASSIGNED TO EXAMINER	78325
Feb. 08, 2013	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Feb. 08, 2013	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: May 27, 2014

Proceedings

Summary

Number of Proceedings: 1

Type of Proceeding: Opposition

Proceeding Number: 91212821

Filing Date: Oct 04, 2013

Status: Pending

Status Date: Oct 04, 2013

Interlocutory Attorney: BENJAMIN U OKEKE

Defendant

Name: Link Tomorrow Co. Ltd.

Correspondent Address: BRUCE W. MCKEE
MCKEE, VOORHEES & SEASE, P.L.C.
801 GRAND AVE STE 3200
DES MOINES IA , 50309
UNITED STATES

Correspondent e-mail: mvsliit@ipmvs.com , patatty@ipmvs.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
CANDY PANG!	Opposition Pending	<u>85756676</u>	

Plaintiff(s)
Name: King.com Limited, and Midasplayer.com Limited

Correspondent Address: Scott W. Johnston
Merchant & Gould P.C.
P.O. Box 2910
Minneapolis MN , 55402-0910
UNITED STATES

Correspondent e-mail: sjohnston@merchantgould.com , slindemeier@merchantgould.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
CANDY CRUSH	Registered	<u>85840713</u>	<u>4535715</u>
CANDY	Abandoned - After Publication	<u>85842584</u>	
CANDY CRUSH SAGA	Suspension Letter - Mailed	<u>85966584</u>	
CANDY CRUSH	Suspension Letter - Mailed	<u>85966585</u>	

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Oct 04, 2013	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Oct 04, 2013	Nov 13, 2013
3	PENDING, INSTITUTED	Oct 04, 2013	
4	STIP FOR EXT	Nov 11, 2013	
5	EXTENSION OF TIME GRANTED	Nov 11, 2013	
6	CHANGE OF CORRESP ADDRESS	Nov 13, 2013	
7	STIP FOR EXT	Dec 10, 2013	
8	EXTENSION OF TIME GRANTED	Dec 10, 2013	
9	STIP TO SUSP PEND SETTLE NEGOTIATIONS	Jan 10, 2014	
10	SUSPENDED	Jan 10, 2014	
11	P MOT TO SUSP W/ CONSENT PEND SETTLE NEGOTIATIONS	Feb 06, 2014	
12	SUSPENDED	Feb 06, 2014	
13	ANSWER	Apr 14, 2014	
14	MOT TO AMEND ANS OR COUNTERCLAIM/AMENDED ANS OR COUNTERCLAIM	Apr 14, 2014	
15	D CERTIFICATE OF SERVICE	Apr 14, 2014	

EXHIBIT C

Generated on: This page was generated by TSDR on 2014-06-23 11:42:17 EDT

Mark: CANDY

CANDY

US Serial Number: 85842584

Application Filing Date: Feb. 06, 2013

Register: Principal

Mark Type: Trademark, Service Mark

Status: Abandoned after publication because applicant filed an express abandonment. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

Status Date: Feb. 26, 2014

Publication Date: Feb. 25, 2014

Date Abandoned: Feb. 24, 2014

Mark Information

Mark Literal Elements: CANDY

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Color(s) Claimed: Color is not claimed as a feature of the mark.

Foreign Information

Priority Claimed: Yes

Foreign Application Number: 011538147

Foreign Application Filing Date: Feb. 01, 2013

Foreign Registration Number: 011538147

Foreign Registration Date: Jun. 25, 2013

Foreign Application/Registration Country: EUROPEAN (EU) OFFICE FOR HARMONIZATION IN THE INTERNAL MARKET (OHIM)

Foreign Expiration Date: Feb. 01, 2023

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (...) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks "*" identify additional (new) wording in the goods/services.

For: Apparatus for recording, transmission or reproduction of sound or images; Blank magnetic data carriers and recording discs; Blank magnetic disks, pre-recorded magnetic disks featuring computer games; Compact discs, DVDs and video recordings featuring computer games; Calculating machines, Data processing equipment, namely, couplers, Computers; Computer game software for video and computer games; Video disks and video tapes with recorded animated cartoons; Audiovisual teaching apparatus, namely, slide or photograph projection apparatus; Camcorders; Cameras; Cassette players; Compact disc players; Compact discs featuring video and computer games; Computer game programs; Computer keyboards; Computer memory hardware; Computer operating programs, recorded; Computer peripheral devices; Computer programmes, recorded for video games; Computer programs for video games; Computer software, recorded for video games; Downloadable image files containing photographic images and artwork, text, and games; Downloadable music files; Downloadable ring tones for mobile phones; DVD players; Downloadable electronic publications in the nature of e-books, online magazines, online newspapers, electronic journals, blogs, podcasts and mobile game applications in the field of computer and video games; Exposed photographic film; Headphones; Juke boxes, musical; Laptop computers; Microphones; Baby monitors; Battery performance monitors; Computer monitors; Mouse pads; Notebook computers; Blank optical discs; Optical discs featuring computer and video games; Personal stereos; Portable media players; Portable telephones; Record players; Sound recording apparatus; Sound reproduction apparatus; Sound transmitting apparatus; Spectacle cases; Spectacle frames; Sunglasses; Tape-recorders; Teaching apparatus, namely, electronic teaching equipment in the nature of computers, multimedia projectors, computer whiteboards; Telephone apparatus; Television apparatus for projection purposes; Blank USB flash drives; Blank video cassettes; Prerecorded video cassettes featuring computer games; Video game cartridges; Video recorders; Cases for mobile phones, tablets and other electronic mobile devices, excluding video game devices; Computer games software; Computer game entertainment software; Downloadable electronic game software for use on mobile phones, tablets and other electronic mobile devices; Video game software; Interactive multimedia computer game programs; Games software for use on mobile phones, tablets and other electronic mobile devices; Downloadable computer software for mobile phones, tablets and other electronic mobile devices in the field of social media; Downloadable software in the nature of a mobile application for use in the field of social media; Apps featuring computer games, namely, computer game software

International Class(es): 009 - Primary Class

U.S Class(es): 021, 023, 026, 036, 038

Class Status: ABANDONED

Basis: 44(e)

For: Clothing, namely, aprons, bandanas, bath robes, bathing caps, bathing suits, bathing trunks, beachwear, beach shoes, belts, bibs not

of paper, boots, caps, headwear, coats, dresses, dressing gowns, ear muffs, football boots, gloves, hats, headbands, jackets, jumpers, pullovers, masquerade costumes, money belts, neckties, overalls, overcoats, pajamas, pants, paper hats for use as clothing, sandals, sarongs, shirts, shoes, short-sleeve shirts, shower caps, ski boots, ski gloves, skirts, sleep masks, slippers, slips, socks, soles for footwear, stockings, suits, sun visors, sweaters, sweatshirts, swimsuits, tee-shirts, tights, trousers, under garments, underpants, underwear, uniforms, vests, waistcoats, wristbands; Footwear

International Class(es): 025 - Primary Class

U.S Class(es): 022, 039

Class Status: ABANDONED

Basis: 44(e)

For: Educational services, namely, conducting classes, seminars, workshops in the field of computers, computer games; Training in the field of computers, computer games; Entertainment, namely, providing on-line computer games; Entertainment in the nature of computer games, namely, providing temporary use of non-downloadable computer games; Entertainment, namely, providing non-downloadable computer games online; Entertainment services, namely, providing temporary use of non-downloadable interactive games; Entertainment services, namely, providing temporary use of non-downloadable electronic games; Entertainment services, namely, providing a website featuring games and puzzles; Entertainment services, namely, providing online video games; Sporting and cultural activities, namely, in the field of computer games; Amusement parks; Arranging and conducting of workshops for educational purposes in fields of computers, graphic arts and video games; Providing casino and gambling facilities; Providing information relating to educational services; Educational examination; Electronic desktop publishing; Entertainment services, namely, live, televised and movie appearances by a professional entertainer; Film production, other than advertising films; Gambling services; Providing on-line computer games via a computer network; Games equipment rental; Operating lotteries; Organization of sport and electronic games competitions; Party planning; Production of music; Entertainment, namely, production of television shows; Providing amusement arcade services; Hosting social entertainment events, namely, karaoke parties for others; Non-downloadable electronic publications in the nature of websites, e-books, online magazines, online newspapers, electronic journals, blogs, podcasts and mobile applications in the field of computer and video games; Publication of books; Publication of electronic books and journals on-line; Providing recreation facilities; Scriptwriting services; Writing of texts; Electronic games services provided by means of a global computer network; Entertainment services, namely, providing online electronic games for use on mobile phones, tablets and other electronic mobile devices; providing enhancements within online computer and electronic games; Entertainment services, namely, providing temporary use of non-downloadable single and multi-player electronic interactive games via the internet, electronic communication networks or via a global computer network; Multimedia publishing of software, specifically of computer game software, electronic games and video game software

International Class(es): 041 - Primary Class

U.S Class(es): 100, 101, 107

Class Status: ABANDONED

Basis: 44(e)

Basis Information (Case Level)

Filed Use: No	Currently Use: No	Amended Use: No
Filed ITU: Yes	Currently ITU: No	Amended ITU: No
Filed 44D: Yes	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: Yes	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: King.com Limited
Owner Address: Aragon House 4th Floor, Dragonara Road
St.Julian's STJ3140
MALTA
Legal Entity Type: CORPORATION
State or Country Where Organized: MALTA

Attorney/Correspondence Information

Attorney of Record
Attorney Name: Andrew S. Ehard
Attorney Primary Email Address: dockmpis@merchantgould.com
Docket Number: 17054.25US01
Attorney Email Authorized: Yes

Correspondent
Correspondent Name/Address: ANDREW S. EHARD
MERCHANT & GOULD P.C.
PO BOX 2910
MINNEAPOLIS, MINNESOTA 55402-0910
UNITED STATES
Phone: 612.332.5300
Fax: 612.332.9081
Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Feb. 26, 2014	ABANDONMENT NOTICE MAILED - AFTER PUBLICATION	
Feb. 26, 2014	ABANDONMENT - AFTER PUBLICATION	
Feb. 24, 2014	TEAS EXPRESS ABANDONMENT RECEIVED	
Feb. 25, 2014	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Feb. 25, 2014	PUBLISHED FOR OPPOSITION	
Feb. 05, 2014	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Jan. 22, 2014	LAW OFFICE PUBLICATION REVIEW COMPLETED	77976
Jan. 15, 2014	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jan. 14, 2014	EXAMINER'S AMENDMENT ENTERED	88888
Jan. 14, 2014	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Jan. 14, 2014	EXAMINERS AMENDMENT E-MAILED	6328
Jan. 14, 2014	EXAMINERS AMENDMENT -WRITTEN	67516
Dec. 30, 2013	TEAS/EMAIL CORRESPONDENCE ENTERED	77976
Dec. 30, 2013	CORRESPONDENCE RECEIVED IN LAW OFFICE	77976
Dec. 16, 2013	ASSIGNED TO LIE	77976
Dec. 11, 2013	TEAS REQUEST FOR RECONSIDERATION RECEIVED	
Nov. 19, 2013	NOTIFICATION OF FINAL REFUSAL EMAILED	
Nov. 19, 2013	FINAL REFUSAL E-MAILED	
Nov. 19, 2013	FINAL REFUSAL WRITTEN	67516
Nov. 06, 2013	TEAS/EMAIL CORRESPONDENCE ENTERED	67287
Nov. 06, 2013	CORRESPONDENCE RECEIVED IN LAW OFFICE	67287
Oct. 30, 2013	ASSIGNED TO LIE	67287
Oct. 25, 2013	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Oct. 24, 2013	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Oct. 24, 2013	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
May 22, 2013	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
May 22, 2013	NON-FINAL ACTION E-MAILED	6325
May 22, 2013	NON-FINAL ACTION WRITTEN	67516
May 20, 2013	ASSIGNED TO EXAMINER	67516
Feb. 12, 2013	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Feb. 09, 2013	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information
TM Attorney: BUSH, KAREN K
Law Office Assigned: LAW OFFICE 108
File Location
Current Location: GENERIC WEB UPDATE
Date in Location: Feb. 28, 2014

Proceedings

Summary

Number of Proceedings: 1

Type of Proceeding: Opposition

Proceeding Number: 91212821

Filing Date: Oct 04, 2013

Status: Pending

Status Date: Oct 04, 2013

Interlocutory Attorney: BENJAMIN U OKEKE

Defendant

Name: Link Tomorrow Co. Ltd.

Correspondent Address: BRUCE W. MCKEE
MCKEE, VOORHEES & SEASE, P.L.C.
801 GRAND AVE STE 3200

DES MOINES IA , 50309
UNITED STATES

Correspondent e-mail: mvsjit@ipmvs.com , patatty@ipmvs.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
CANDY PANG!	Opposition Pending Plaintiff(s)	<u>85756676</u>	

Name: King.com Limited, and Midasplayer.com Limited

Correspondent Address: Scott W. Johnston
Merchant & Gould P.C.
P.O. Box 2910
Minneapolis MN , 55402-0910
UNITED STATES

Correspondent e-mail: sjohnston@merchantgould.com , slindemeier@merchantgould.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
CANDY CRUSH	Registered	<u>85840713</u>	<u>4535715</u>
CANDY	Abandoned - After Publication	<u>85842584</u>	
CANDY CRUSH SAGA	Suspension Letter - Mailed	<u>85966584</u>	
CANDY CRUSH	Suspension Letter - Mailed	<u>85966585</u>	

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Oct 04, 2013	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Oct 04, 2013	Nov 13, 2013
3	PENDING, INSTITUTED	Oct 04, 2013	
4	STIP FOR EXT	Nov 11, 2013	
5	EXTENSION OF TIME GRANTED	Nov 11, 2013	
6	CHANGE OF CORRESP ADDRESS	Nov 13, 2013	
7	STIP FOR EXT	Dec 10, 2013	
8	EXTENSION OF TIME GRANTED	Dec 10, 2013	
9	STIP TO SUSP PEND SETTLE NEGOTIATIONS	Jan 10, 2014	
10	SUSPENDED	Jan 10, 2014	
11	P MOT TO SUSP W/ CONSENT PEND SETTLE NEGOTIATIONS	Feb 06, 2014	
12	SUSPENDED	Feb 06, 2014	
13	ANSWER	Apr 14, 2014	
14	MOT TO AMEND ANS OR COUNTERCLAIM/AMENDED ANS OR COUNTERCLAIM	Apr 14, 2014	
15	D CERTIFICATE OF SERVICE	Apr 14, 2014	