

ESTTA Tracking number: **ESTTA589436**

Filing date: **02/26/2014**

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	Viber Media, Inc.
Granted to Date of previous extension	02/26/2014
Address	Duplex 8B, No. 3, 54th Street Marbella, Panama, PANAMA
Attorney information	Sidney D. Bluming Meister Seelig & Fein LLP 140 East 45th Street, 19th Floor New York, NY 10017 UNITED STATES sdb@msf-law.com,jak@msf-law.com,sms@msf-law.com Phone:212-655-3500

### Applicant Information

Application No	85949412	Publication date	10/29/2013
Opposition Filing Date	02/26/2014	Opposition Period Ends	02/26/2014
Applicant	Informatica Corporation 2100 Seaport Boulevard Redwood City, CA 94063 GERMANY		

### Goods/Services Affected by Opposition


Class 009. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Computer software for data integration and data quality, application development, database management, access to internal computer networks, and access to a global computer information network; computer software for the design of network-based automated decision support
Class 016. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Training manuals and printed reports in the field of computer software, computer systems and computer programming
Class 041. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Educational services, namely, training in the field of computer software, computer systems and computer programming
Class 042. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Research, development, design, upgrading and maintenance of computer software; computer programming services; computer project management services; computer programming consultancy services; cloud computing for use in data integration and data quality, and consulting related thereto; providing a website that features information on computer software, computer systems, computer programming and cloud computing;

providing a website featuring online publications in the field of computer software, computer systems and computer programming
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## Grounds for Opposition


Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

## Marks Cited by Opposer as Basis for Opposition


U.S. Registration No.	4126614	Application Date	01/27/2011
Registration Date	04/10/2012	Foreign Priority Date	NONE
Word Mark	VIBER		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 038. First use: First Use: 2010/11/09 First Use In Commerce: 2010/11/09 Internet and peer-to-peer computer services, namely, electronic transmission of audio, video and other data and documents among computers, electronic transmission of data and documents over computer terminals and instant messaging services; communications by means of or aided by computer, namely, transmission of voice, data, graphics, images, audio and video by means of telecommunications networks, wireless communication networks, and the Internet; transmission of audio, video, images, text and other data by means of a communications network; communication services, namely, providing electronic transmission of information and data; electronic, electric and digital transmission of voice, data, images, signals and messages; Telecommunications and information technology services, namely, transmission of voice, data, images, audio, video and information via telephone and global communication networks; wireless telecommunications services, namely, the wireless transmission of voice and data; telecommunications services, namely, providing voice over Internet protocol services; telecommunications services, namely, providing network access point for third party users; telecommunications services, namely, providing voice over Internet protocol services. providing network access point services for the exchange of Internet traffic among Internet traffic carriers; Telecommunication services, namely, transmission of voice, data, graphics, images, audio and video by means of telecommunications networks, wireless communication networks, and the Internet; telecommunications services, namely, electronic transmission of data, messages and information.; Computer aided transmission of messages and images; electronic messaging services, namely, sending, receiving and forwarding messages in the form of text, audio, images or video; provision and operation of electronic conferencing, discussion groups and chat rooms via the Internet; Internet and video-conference services; conference services, namely,		

	<p>conferences across a computer network; instant messaging services; streaming of audio-visual material on the Internet; providing on-line electronic bulletin boards and forums for transmission of messages among computer users; electronic transmission of messages and data; electronic messaging services, namely, simple message service (SMS) and multimedia message service (MMS) via telecommunications and computer networks; communication services, namely, computer transmission of information, messaging, VOIP, video calling and conferencing accessed by means of an access number; communications services through the use of subscriber identity module (SIM) cards, namely, computer transmission of information, VOIP, messaging, video calling and conferencing; personal communications services; telecommunication services, namely, transmission of data and information via pagers; electronic mail services; providing multiple user interactive access to a global communications network; transmission and broadcast of audio and video programming of all types via telephone, television, and global communications networks; video and audio teleconferencing via the Internet, Asynchronous Transfer Mode services, Integrated Service Digital Network (ISDN) services, Internet Protocol (IP) communications services, namely, VOIP, IPTV services; communication services, namely, Virtual Private Network (VPN) services and private telephony services; switched voice, data, video and multimedia services, namely, computer transmission of information, VOIP, messaging, video calling and conferencing; providing facsimile transmission services; voice mail services; telecommunications services, namely, providing toll free telephone services and call routing services; messaging center services in the nature of telephone voice messaging services; video, audio and data telephone conference services; electronic messaging services; Telecommunication services, namely, cellular telephone services; providing multiple-user access to a communications network; On-line forums for transmission of messages among computer users concerning software development; online chat rooms and electronic bulletin boards for registered users for transmission of messages concerning collegiate life, general interest, classifieds, virtual community, social networking, photo sharing, and transmission of photographic images; provision of on-line forums for the transmission of photographic images; provision of on-line forums for transmission of messages on topics of general interest; Providing access to computer, electronic and online databases; providing online forums for transmission of messages on topics of general interest; providing online communications links which transfer web site users to other local and global web pages; providing internet access to web sites for others hosted on computer servers accessible via a global computer network; providing internet access to third party web sites by enabling users to log in through a universal username and password via a global computer network and other communication networks; providing online chat rooms and electronic bulletin boards for transmission of messages among users in the field of general interest; audio, text and video broadcasting services over the Internet or other communications networks featuring the uploaded, posted and tagged audio, text and video content of others; audio, text and video broadcasting services over the Internet or other communications networks, namely, electronically transmitting audio clips, text and video clips of others; Providing access to computer databases in the fields of social networking</p>
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U.S. Registration No.	4324133	Application Date	08/30/2012
Registration Date	04/23/2013	Foreign Priority Date	NONE
Word Mark	VIBER		

Design Mark	
Description of Mark	<p>The mark consists of an image of a stylized phone receiver with three curved lines appearing between the ear and mouth piece of the receiver and the word "Viber" which are contained within a speech balloon.</p>
Goods/Services	<p>Class 038. First use: First Use: 2012/05/08 First Use In Commerce: 2012/05/08</p> <p>Internet and peer-to-peer computer services, namely, electronic transmission of audio, video and other data and documents among computers, electronic transmission of data and documents over computer terminals and instant messaging services; communications by means of or aided by computer, namely, transmission of voice, data, graphics, images, audio and video by means of telecommunications networks, wireless communication networks, and the Internet; transmission of audio, video, images, text and other data by means of a communications network; communication services, namely, providing electronic transmission of information and data; electronic, electric and digital transmission of voice, data, images, signals and messages;</p> <p>Telecommunications and information technology services, namely, transmission of voice, data, images, audio, video and information via telephone and global communication networks; wireless telecommunications services, namely, the wireless transmission of voice and data; telecommunications services, namely, providing voice over Internet protocol services; telecommunications services, namely, providing network access point for third party users; telecommunications services, namely, providing voice over Internet protocol services. providing network access point services for the exchange of Internet traffic among Internet traffic carriers; Telecommunication services, namely, transmission of voice, data, graphics, images, audio and video by means of telecommunications networks, wireless communication networks, and the Internet;</p> <p>telecommunications services, namely, electronic transmission of data, messages and information.; Computer aided transmission of messages and images; electronic messaging services, namely, sending, receiving and forwarding messages in the form of text, audio, images or video; provision and operation of electronic conferencing, discussion groups and chat rooms via the Internet; Internet and video-conference services; conference services, namely, conferences across a computer network; instant messaging services; streaming of audio-visual material on the Internet; providing on-line electronic bulletin boards and forums for transmission of messages among computer users; electronic transmission of messages and data; electronic messaging services, namely, simple message service (SMS) and multimedia message service (MMS) via telecommunications and computer networks; communication services, namely, computer transmission of information, messaging, VOIP, video calling and conferencing accessed by means of an access number; communications services through the use of subscriber identity module (SIM) cards, namely, computer transmission of information, VOIP, messaging, video calling and conferencing; personal communications services; telecommunication services, namely, transmission of data and information via pagers; electronic mail services; providing multiple user interactive access to a global communications network; transmission and broadcast of audio and video programming of all types via telephone, television, and global</p>

	<p>communications networks. video and audio teleconferencing via the Internet, Asynchronous Transfer Mode services, Integrated Service Digital Network (ISDN) services, Internet Protocol (IP) communications services, namely, VOIP, IPTV services; communication services, namely, Virtual Private Network (VPN) services and private telephonerline services; switched voice, data, video and multimedia services, namely, computer transmission of information, VOIP, messaging, video calling and conferencing; providing facsimile transmission services; voice mail services; telecommunications services, namely, providing toll free telephone services and call routing services; messaging center services in the nature of telephone voice messaging services; video, audio and data telephone conference services; electronic messaging services; Telecommunication services, namely, cellular telephone services; providing multiple-user access to a communications network; On-line forums for transmission of messages among computer users concerning software development; online chat rooms and electronic bulletin boards for registered users for transmission of messages concerning collegiate life, general interest, classifieds, virtual community, social networking, photo sharing, and transmission of photographic images; provision of on-line forums for the transmission of photographic images; provision of on-line forums for transmission of messages on topics of general interest; Providing access to computer, electronic and online databases; providing online forums for transmission of messages on topics of general interest; providing online communications links which transfer web site users to other local and global web pages; providing internet access to web sites for others hosted on computer servers accessible via a global computer network. providing internet access to third party web sites by enabling users to log in through a universal username and password via a global computer network and other communication networks; providing online chat rooms and electronic bulletin boards for transmission of messages among users in the field of general interest; audio, text and video broadcasting services over the Internet or other communications networks featuring the uploaded, posted and tagged audio, text and video content of others; audio, text and video broadcasting services over the Internet or other communications networks, namely, electronically transmitting audio clips, text and video clips of others; Providing access to computer databases in the fields of social networking</p>
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U.S. Registration No.	4345885	Application Date	08/30/2012
Registration Date	06/04/2013	Foreign Priority Date	NONE
Word Mark	VIBER CONNECT. FREELY.		
Design Mark			
Description of Mark	<p>The mark consists of an image of a stylized phone receiver with three curved lines appearing between the ear and mouth piece of the receiver and the word "Viber" which are contained within a speech balloon. Below the speech balloon and offset to the right are the words "Connect. Freely."</p>		

Goods/Services	<p>Class 038. First use: First Use: 2012/05/08 First Use In Commerce: 2012/05/08</p> <p>Internet and peer-to-peer computer services, namely, electronic transmission of audio, video and other data and documents among computers, electronic transmission of data and documents over computer terminals and instant messaging services; communications by means of or aided by computer, namely, transmission of voice, data, graphics, images, audio and video by means of telecommunications networks, wireless communication networks, and the Internet; transmission of audio, video, images, text and other data by means of a communications network; communication services, namely, providing electronic transmission of information and data; electronic, electric and digital transmission of voice, data, images, signals and messages;</p> <p>Telecommunications and information technology services, namely, transmission of voice, data, images, audio, video and information via telephone and global communication networks; wireless telecommunications services, namely, the wireless transmission of voice and data; telecommunications services, namely, providing voice over Internet protocol services; telecommunications services, namely, providing network access point for third party users; telecommunications services, namely, providing voice over Internet protocol services. providing network access point services for the exchange of Internet traffic among Internet traffic carriers; Telecommunication services, namely, transmission of voice, data, graphics, images, audio and video by means of telecommunications networks, wireless communication networks, and the Internet;</p> <p>telecommunications services, namely, electronic transmission of data, messages and information.; Computer aided transmission of messages and images; electronic messaging services, namely, sending, receiving and forwarding messages in the form of text, audio, images or video; provision and operation of electronic conferencing, discussion groups and chat rooms via the Internet; Internet and video-conference services; conference services, namely, conferences across a computer network; instant messaging services; streaming of audio-visual material on the Internet; providing on-line electronic bulletin boards and forums for transmission of messages among computer users; electronic transmission of messages and data; electronic messaging services, namely, simple message service (SMS) and multimedia message service (MMS) via telecommunications and computer networks; communication services, namely, computer transmission of information, messaging, VOIP, video calling and conferencing accessed by means of an access number; communications services through the use of subscriber identity module (SIM) cards, namely, computer transmission of information, VOIP, messaging, video calling and conferencing; personal communications services; telecommunication services, namely, transmission of data and information via pagers; electronic mail services; providing multiple user interactive access to a global communications network; transmission and broadcast of audio and video programming of all types via telephone, television, and global communications networks. video and audio teleconferencing via the Internet, Asynchronous Transfer Mode services, Integrated Service Digital Network (ISDN) services, Internet Protocol (IP) communications services, namely, VOIP, IPTV services; communication services, namely, Virtual Private Network (VPN) services and private telephony services; switched voice, data, video and multimedia services, namely, computer transmission of information, VOIP, messaging, video calling and conferencing; providing facsimile transmission services; voice mail services; telecommunications services, namely, providing toll free telephone services and call routing services; messaging center services in the nature of telephone voice messaging services; video, audio and data telephone conference services; electronic messaging services; Telecommunication services, namely, cellular telephone services; providing multiple-user access to a communications network; On-line forums for transmission of messages among computer users concerning software development; online chat rooms and electronic bulletin boards for registered users for transmission of messages concerning collegiate life, general interest,</p>
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	classifieds, virtual community, social networking, photo sharing, and transmission of photographic images; provision of on-line forums for the transmission of photographic images; provision of on-line forums for transmission of messages on topics of general interest; Providing access to computer, electronic and online databases; providing online forums for transmission of messages on topics of general interest; providing online communications links which transfer web site users to other local and global web pages; providing internet access to web sites for others hosted on computer servers accessible via a global computer network. providing internet access to third party web sites by enabling users to log in through a universal username and password via a global computer network and other communication networks; providing online chat rooms and electronic bulletin boards for transmission of messages among users in the field of general interest; audio, text and video broadcasting services over the Internet or other communications networks featuring the uploaded, posted and tagged audio, text and video content of others; audio, text and video broadcasting services over the Internet or other communications networks, namely, electronically transmitting audio clips, text and video clips of others; Providing access to computer databases in the fields of social networking
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U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	JOIN THE VIBE		
Goods/Services	Voice over Internet Protocol services, messaging services and other telecommunication services; mobile device applications and computer software		

Attachments	85227957#TMSN.jpeg( bytes ) 85717789#TMSN.jpeg( bytes ) 85717791#TMSN.jpeg( bytes ) Notice of Opposition 022614.pdf(1566767 bytes )
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## Certificate of Service

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

Signature	/Susan M. Schlesinger/
Name	Susan M. Schlesinger
Date	02/26/2014

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

In the Matter of Application Serial No. 85/949,412  
Published in the *Official Gazette* on October 29, 2013

-----X	:	
Viber Media, Inc.	:	
Opposer,	:	
	:	
v.	:	Opposition No.:
	:	
	:	
Informatica Corporation	:	
Applicant.	:	
-----X	:	

**NOTICE OF OPPOSITION**

Viber Media, Inc. (“Opposer”) believes that it will be damaged by registration of the mark shown in trademark application serial number 85/949,412 and hereby opposes same. The grounds for the opposition are as follows:

**COUNT I**

1. Opposer is a corporation organized and existing under the laws of the Republic of Panama, having an address at Duplex 8B, No. 3, 54<sup>th</sup> Street, Marbella, Panama, Republic of Panama.<sup>1</sup>

2. Opposer is a well-known provider of Voice over Internet Protocol (VoIP), messaging and other telecommunications related services, as well as mobile device applications and computer software related to such services in the United States and on an international basis.

3. Opposer is the owner of the following valid and subsisting trademarks and U.S. federal trademark registrations (collectively, the “VIBER Trademarks”), in addition to multiple applications and registrations internationally:

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<sup>1</sup>This is Opposer’s current address effective as of December 2013.

(a) The VIBER trademark and U.S. federal trademark registration number 4,126,614;

(b) The VIBER and Design trademark and U.S. federal trademark registration number 4,324,133; and

(c) The VIBER CONNECT. FREELY. and Design trademark and U.S. federal trademark registration number 4,345,885.

4. Each of the VIBER Trademarks is registered for:

“Internet and peer-to-peer computer services, namely, electronic transmission of audio, video and other data and documents among computers, electronic transmission of data and documents over computer terminals and instant messaging services; communications by means of or aided by computer, namely, transmission of voice, data, graphics, images, audio and video by means of telecommunications networks, wireless communication networks, and the Internet; transmission of audio, video, images, text and other data by means of a communications network; communication services, namely, providing electronic transmission of information and data; electronic, electric and digital transmission of voice, data, images, signals and messages; telecommunications and information technology services, namely, transmission of voice, data, images, audio, video and information via telephone and global communication networks; wireless telecommunications services, namely, the wireless transmission of voice and data; telecommunications services, namely, providing voice over Internet protocol services; telecommunications services, namely, providing network access point for third party users; telecommunications services, namely, providing voice over Internet protocol services. providing network access point services for the exchange of Internet traffic among Internet traffic carriers; telecommunication services, namely, transmission of voice, data, graphics, images, audio and video by means of telecommunications networks, wireless communication networks, and the Internet; telecommunications services, namely, electronic transmission of data, messages and information; computer aided transmission of messages and images; electronic messaging services, namely, sending, receiving and forwarding messages in the form of text, audio, images or video; provision and operation of electronic conferencing, discussion groups and chat rooms via the Internet; Internet and video-conference services; conference services, namely, conferences across a computer network; instant messaging services; streaming of audio-visual material on the Internet; providing on-line electronic bulletin boards and forums for transmission of messages among computer users; electronic transmission of messages and data; electronic messaging services, namely, simple message service (SMS) and multimedia message service (MMS) via telecommunications and computer networks; communication services, namely, computer transmission

of information, messaging, VOIP, video calling and conferencing accessed by means of an access number; communications services through the use of subscriber identity module (SIM) cards, namely, computer transmission of information, VOIP, messaging, video calling and conferencing; personal communications services; telecommunication services, namely, transmission of data and information via pagers; electronic mail services; providing multiple user interactive access to a global communications network; transmission and broadcast of audio and video programming of all types via telephone, television, and global communications networks; video and audio teleconferencing via the Internet, Asynchronous Transfer Mode services, Integrated Service Digital Network (ISDN) services, Internet Protocol (IP) communications services, namely, VOIP, IPTV services; communication services, namely, Virtual Private Network (VPN) services and private telephone line services; switched voice, data, video and multimedia services, namely, computer transmission of information, VOIP, messaging, video calling and conferencing; providing facsimile transmission services; voice mail services; telecommunications services, namely, providing toll free telephone services and call routing services; messaging center services in the nature of telephone voice messaging services; video, audio and data telephone conference services; electronic messaging services; Telecommunication services, namely, cellular telephone services; providing multiple-user access to a communications network; On-line forums for transmission of messages among computer users concerning software development; online chat rooms and electronic bulletin boards for registered users for transmission of messages concerning collegiate life, general interest, classifieds, virtual community, social networking, photo sharing, and transmission of photographic images; provision of on-line forums for the transmission of photographic images; provision of on-line forums for transmission of messages on topics of general interest; Providing access to computer, electronic and online databases; providing online forums for transmission of messages on topics of general interest; providing online communications links which transfer web site users to other local and global web pages; providing internet access to web sites for others hosted on computer servers accessible via a global computer network. providing internet access to third party web sites by enabling users to log in through a universal username and password via a global computer network and other communication networks; providing online chat rooms and electronic bulletin boards for transmission of messages among users in the field of general interest; audio, text and video broadcasting services over the Internet or other communications networks featuring the uploaded, posted and tagged audio, text and video content of others; audio, text and video broadcasting services over the Internet or other communications networks, namely, electronically transmitting audio clips, text and video clips of others; Providing access to computer databases in the fields of social networking” in Class 38.

Current printouts of information from the TSDR database of the USPTO showing the current status and title of the VIBER Trademarks and copies of the registration certificates for the VIBER Trademarks are attached hereto as Exhibit A.

5. Opposer has been using the VIBER trademark in connection with the above-noted goods and services since at least as early as November 9, 2010. Opposer has been using the VIBER and Design and VIBER CONNECT. FREELY. and Design trademarks in connection with the above-noted goods and services since at least as early as May 8, 2012.

6. Opposer's VIBER Trademarks are used prominently on the Internet to promote and advertise its services, as well as in connection with its mobile device applications and computer software.

7. Opposer has gained extensive goodwill in the United States and throughout the world in connection with the VIBER Trademarks, which have become indicators of source for Opposer and its telecommunications related services and mobile device applications and computer software goods.

8. Opposer's VIBER Trademarks are famous both in the United States and internationally.

9. Opposer has adopted an aggressive policy for maintaining the integrity, goodwill and fame associated with its VIBER Trademarks by keeping potential third parties from usage of marks that trade on or try to pass off as their own the VIBER Trademarks or other confusingly similar marks.

10. Upon information and belief, Informatica Corporation ("Applicant") filed an intent-to-use trademark application on June 3, 2013 which was assigned serial number 85/949,412 for the VIBE and Design trademark for the following goods and services:

Computer software for data integration and data quality, application development, database management, access to internal computer networks, and access to a global computer information network; computer software for the design of network-based automated decision support in Class 9;

Training manuals and printed reports in the field of computer software, computer systems and computer programming in Class 16;

Educational services, namely, training in the field of computer software, computer systems and computer programming in Class 41; and

Research, development, design, upgrading and maintenance of computer software; computer programming services; computer project management services; computer programming consultancy services; cloud computing for use in data integration and data quality, and consulting related thereto; providing a website that features information on computer software, computer systems, computer programming and cloud computing; providing a website featuring online publications in the field of computer software, computer systems and computer programming in Class 42 (“Applicant’s Mark”).<sup>2</sup>

11. Opposer’s use in interstate commerce of its VIBER Trademarks predates the filing date of Applicant’s Mark.

12. Upon information and belief, Opposer’s use of its VIBER Trademarks began prior to any rights Applicant may claim in the VIBE and Design trademark. Accordingly, Opposer has prior and superior rights as compared to Applicant.

13. Opposer also uses the JOIN THE VIBE trademark in connection with its VIBER services, mobile device applications and computer software and the advertising and promotion of such goods and services. Use of the JOIN THE VIBE trademark by Opposer began long prior to Applicant’s filing date of Applicant’s Mark.

14. Applicant’s Mark is confusingly similar in sound, appearance and commercial impression to Opposer’s prior registered VIBER Trademarks. Applicant’s Mark consists of almost the entirety of Opposer’s VIBER trademark and the VIBER portion of Opposer’s VIBER

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<sup>2</sup> Applicant also filed an application which was assigned serial number 85/949,368, for the VIBE word mark for the same goods and services, which Opposer also intends to oppose.

and Design and VIBER CONNECT. FREELY. and Design trademarks, merely dropping the ending “R” from the word VIBER. Applicant’s Mark also contains a simple design element which does not serve in any way to distinguish Applicant’s Mark. Further, Opposer has already established a practice of using design elements in connection with its VIBER trademark as shown in Exhibit A. In addition, Opposer uses JOIN THE VIBE as a trademark in connection with its VIBER goods and services. Accordingly, it is likely that the public will view Applicant’s VIBE and Design trademark as an extension of Opposer’s VIBER Trademarks and JOIN THE VIBE trademark and the goods and services offered in connection therewith.

15. Applicant’s proposed goods and services are closely related to the goods and services provided by Opposer in connection with Opposer’s VIBER Trademarks and/or represent a natural zone of expansion for Opposer. Applicant’s proposed goods would travel and/or would be promoted through the same channels of trade for sale to, and use by, the same class of persons who use Opposer’s goods and services. Therefore, consumers are likely to believe that Applicant’s VIBE and Design goods and services are associated with Opposer and/or Opposer’s VIBER Trademarks, JOIN THE VIBE trademark and/or Opposer’s goods and services provided in connection with Opposer’s VIBER Trademarks and JOIN THE VIBE trademark.

16. Applicant’s proposed use of VIBE and Design as a trademark is likely to cause confusion, mistake or deception as to the source of origin of Applicant’s goods in that the public is likely to believe that Applicant’s goods are provided by, sponsored by, approved by, licensed by, affiliated with or in some other way connected to Opposer and/or Opposer’s VIBER brand.

## COUNT II

17. Opposer repeats and realleges the allegations set forth in paragraphs 1 through 16 as though fully set forth herein.

18. The VIBER Trademarks are distinctive and famous and had become famous prior to the filing date of Applicant's Mark.

19. Use of the Applicant's Mark by Applicant will cause dilution of the distinctive quality of the famous VIBER Trademarks.

20. Opposer will be damaged by the registration sought by Applicant because such registration would support and assist Applicant in the use of Applicant's Mark and thereby dilute the distinctive and famous VIBER Trademarks, as consumers will associate Applicant's Mark with Opposer.

WHEREFORE, Opposer respectfully requests that this Opposition be sustained and that Applicant's application to register VIBE and Design as a mark be denied in all respects.

Dated: February 26, 2014

Respectfully submitted,

MEISTER SEELIG & FEIN LLP

/Sidney D. Bluming/  
Jeffrey A. Kimmel  
Sidney D. Bluming  
Susan M. Schlesinger

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sdb@msf-law.com  
sms@msf-law.com  
*Attorneys for Opposer*

**CERTIFICATE OF SERVICE AND FILING**

The undersigned hereby certifies that a copy of the foregoing Notice of Opposition was served on the Applicant on the date indicated below by depositing the same with the U.S. Postal Service, First Class Mail, postage pre-paid, to Applicant's attorney and correspondent of record as follows:

Nigamnarayan Acharya, Esq.  
Seyfarth Shaw LLP  
1075 Peachtree Street NE, Suite 2500  
Atlanta, GA 30309-3958

and further certifies that the aforementioned Notice of Opposition was filed with the Trademark Trial and Appeal Board on the date indicated below online through the ESTTA system of the United States Patent and Trademark Office.

Dated: February 26, 2014

\_\_\_\_\_  
/Susan M. Schlesinger/  
Susan M. Schlesinger

# **EXHIBIT A**

# United States of America

United States Patent and Trademark Office

# VIBER

**Reg. No. 4,126,614**

**Registered Apr. 10, 2012**

**Int. Cl.: 38**

**SERVICE MARK**

**PRINCIPAL REGISTER**

VIBER MEDIA, INC. (PANAMA CORPORATION)  
40 KIMONOS ST.  
LIMASSOL, CYPRUS 3095

FOR: INTERNET AND PEER-TO-PEER COMPUTER SERVICES, NAMELY, ELECTRONIC TRANSMISSION OF AUDIO, VIDEO AND OTHER DATA AND DOCUMENTS AMONG COMPUTERS, ELECTRONIC TRANSMISSION OF DATA AND DOCUMENTS OVER COMPUTER TERMINALS AND INSTANT MESSAGING SERVICES; COMMUNICATIONS BY MEANS OF OR AIDED BY COMPUTER, NAMELY, TRANSMISSION OF VOICE, DATA, GRAPHICS, IMAGES, AUDIO AND VIDEO BY MEANS OF TELECOMMUNICATIONS NETWORKS, WIRELESS COMMUNICATION NETWORKS, AND THE INTERNET; TRANSMISSION OF AUDIO, VIDEO, IMAGES, TEXT AND OTHER DATA BY MEANS OF A COMMUNICATIONS NETWORK; COMMUNICATION SERVICES, NAMELY, PROVIDING ELECTRONIC TRANSMISSION OF INFORMATION AND DATA; ELECTRONIC, ELECTRIC AND DIGITAL TRANSMISSION OF VOICE, DATA, IMAGES, SIGNALS AND MESSAGES; TELECOMMUNICATIONS AND INFORMATION TECHNOLOGY SERVICES, NAMELY, TRANSMISSION OF VOICE, DATA, IMAGES, AUDIO, VIDEO AND INFORMATION VIA TELEPHONE AND GLOBAL COMMUNICATION NETWORKS; WIRELESS TELECOMMUNICATIONS SERVICES, NAMELY, THE WIRELESS TRANSMISSION OF VOICE AND DATA; TELECOMMUNICATIONS SERVICES, NAMELY, PROVIDING VOICE OVER INTERNET PROTOCOL SERVICES; TELECOMMUNICATIONS SERVICES, NAMELY, PROVIDING NETWORK ACCESS POINT FOR THIRD PARTY USERS; TELECOMMUNICATIONS SERVICES, NAMELY, PROVIDING VOICE OVER INTERNET PROTOCOL SERVICES. PROVIDING NETWORK ACCESS POINT SERVICES FOR THE EXCHANGE OF INTERNET TRAFFIC AMONG INTERNET TRAFFIC CARRIERS; TELECOMMUNICATION SERVICES, NAMELY, TRANSMISSION OF VOICE, DATA, GRAPHICS, IMAGES, AUDIO AND VIDEO BY MEANS OF TELECOMMUNICATIONS NETWORKS, WIRELESS COMMUNICATION NETWORKS, AND THE INTERNET; TELECOMMUNICATIONS SERVICES, NAMELY, ELECTRONIC TRANSMISSION OF DATA, MESSAGES AND INFORMATION.; COMPUTER AIDED TRANSMISSION OF MESSAGES AND IMAGES; ELECTRONIC MESSAGING SERVICES, NAMELY, SENDING, RECEIVING AND FORWARDING MESSAGES IN THE FORM OF TEXT, AUDIO, IMAGES OR VIDEO; PROVISION AND OPERATION OF ELECTRONIC CONFERENCING, DISCUSSION GROUPS AND CHAT ROOMS VIA THE INTERNET; INTERNET AND VIDEO-CONFERENCE SERVICES; CONFERENCE SERVICES, NAMELY, CONFERENCES ACROSS A COMPUTER NETWORK; INSTANT MESSAGING SERVICES; STREAMING OF AUDIO-VISUAL MATERIAL ON THE INTERNET; PROVIDING ON-LINE ELECTRONIC BULLETIN BOARDS AND FORUMS FOR TRANSMISSION OF



*David J. Kyppas*

Director of the United States Patent and Trademark Office

**Reg. No. 4,126,614** MESSAGES AMONG COMPUTER USERS; ELECTRONIC TRANSMISSION OF MESSAGES AND DATA; ELECTRONIC MESSAGING SERVICES, NAMELY, SIMPLE MESSAGE SERVICE (SMS) AND MULTIMEDIA MESSAGE SERVICE (MMS) VIA TELECOMMUNICATIONS AND COMPUTER NETWORKS; COMMUNICATION SERVICES, NAMELY, COMPUTER TRANSMISSION OF INFORMATION, MESSAGING, VOIP, VIDEO CALLING AND CONFERENCING ACCESSED BY MEANS OF AN ACCESS NUMBER; COMMUNICATIONS SERVICES THROUGH THE USE OF SUBSCRIBER IDENTITY MODULE (SIM) CARDS, NAMELY, COMPUTER TRANSMISSION OF INFORMATION, VOIP, MESSAGING, VIDEO CALLING AND CONFERENCING; PERSONAL COMMUNICATIONS SERVICES; TELECOMMUNICATION SERVICES, NAMELY, TRANSMISSION OF DATA AND INFORMATION VIA PAGERS; ELECTRONIC MAIL SERVICES; PROVIDING MULTIPLE USER INTERACTIVE ACCESS TO A GLOBAL COMMUNICATIONS NETWORK; TRANSMISSION AND BROADCAST OF AUDIO AND VIDEO PROGRAMMING OF ALL TYPES VIA TELEPHONE, TELEVISION, AND GLOBAL COMMUNICATIONS NETWORKS; VIDEO AND AUDIO TELECONFERENCING VIA THE INTERNET, ASYNCHRONOUS TRANSFER MODE SERVICES, INTEGRATED SERVICE DIGITAL NETWORK (ISDN) SERVICES, INTERNET PROTOCOL (IP) COMMUNICATIONS SERVICES, NAMELY, VOIP, IPTV SERVICES; COMMUNICATION SERVICES, NAMELY, VIRTUAL PRIVATE NETWORK (VPN) SERVICES AND PRIVATE TELEPHONE LINE SERVICES; SWITCHED VOICE, DATA, VIDEO AND MULTIMEDIA SERVICES, NAMELY, COMPUTER TRANSMISSION OF INFORMATION, VOIP, MESSAGING, VIDEO CALLING AND CONFERENCING; PROVIDING FACSIMILE TRANSMISSION SERVICES; VOICE MAIL SERVICES; TELECOMMUNICATIONS SERVICES, NAMELY, PROVIDING TOLL FREE TELEPHONE SERVICES AND CALL ROUTING SERVICES; MESSAGING CENTER SERVICES IN THE NATURE OF TELEPHONE VOICE MESSAGING SERVICES; VIDEO, AUDIO AND DATA TELEPHONE CONFERENCE SERVICES; ELECTRONIC MESSAGING SERVICES; TELECOMMUNICATION SERVICES, NAMELY, CELLULAR TELEPHONE SERVICES; PROVIDING MULTIPLE-USER ACCESS TO A COMMUNICATIONS NETWORK; ON-LINE FORUMS FOR TRANSMISSION OF MESSAGES AMONG COMPUTER USERS CONCERNING SOFTWARE DEVELOPMENT; ONLINE CHAT ROOMS AND ELECTRONIC BULLETIN BOARDS FOR REGISTERED USERS FOR TRANSMISSION OF MESSAGES CONCERNING COLLEGIATE LIFE, GENERAL INTEREST, CLASSIFIEDS, VIRTUAL COMMUNITY, SOCIAL NETWORKING, PHOTO SHARING, AND TRANSMISSION OF PHOTOGRAPHIC IMAGES; PROVISION OF ON-LINE FORUMS FOR TRANSMISSION OF MESSAGES ON TOPICS OF GENERAL INTEREST; PROVIDING ACCESS TO COMPUTER, ELECTRONIC AND ONLINE DATABASES; PROVIDING ONLINE FORUMS FOR TRANSMISSION OF MESSAGES ON TOPICS OF GENERAL INTEREST; PROVIDING ONLINE COMMUNICATIONS LINKS WHICH TRANSFER WEB SITE USERS TO OTHER LOCAL AND GLOBAL WEB PAGES; PROVIDING INTERNET ACCESS TO WEB SITES FOR OTHERS HOSTED ON COMPUTER SERVERS ACCESSIBLE VIA A GLOBAL COMPUTER NETWORK; PROVIDING INTERNET ACCESS TO THIRD PARTY WEB SITES BY ENABLING USERS TO LOG IN THROUGH A UNIVERSAL USERNAME AND PASSWORD VIA A GLOBAL COMPUTER NETWORK AND OTHER COMMUNICATION NETWORKS; PROVIDING ONLINE CHAT ROOMS AND ELECTRONIC BULLETIN BOARDS FOR TRANSMISSION OF MESSAGES AMONG USERS IN THE FIELD OF GENERAL INTEREST; AUDIO, TEXT AND VIDEO BROADCASTING SERVICES OVER THE INTERNET OR OTHER COMMUNICATIONS NETWORKS FEATURING THE UPLOADED, POSTED AND TAGGED AUDIO, TEXT AND VIDEO CONTENT OF OTHERS; AUDIO, TEXT AND VIDEO BROADCASTING SERVICES OVER THE INTERNET OR OTHER COMMUNICATIONS NETWORKS, NAMELY, ELECTRONICALLY TRANSMITTING AUDIO CLIPS, TEXT AND VIDEO CLIPS OF OTHERS; PROVIDING ACCESS TO COMPUTER DATABASES IN THE FIELDS OF SOCIAL NETWORKING, IN CLASS 38 (U.S. CLS. 100, 101 AND 104).

FIRST USE 11-9-2010; IN COMMERCE 11-9-2010.

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

**Reg. No. 4,126,614** SN 85-227,957, FILED 1-27-2011.

DAVID HOFFMAN, EXAMINING ATTORNEY

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL  
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE  
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

**Requirements in the First Ten Years\***

**What and When to File:**

***First Filing Deadline:*** You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. See 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

***Second Filing Deadline:*** You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.\* See 15 U.S.C. §1059.

**Requirements in Successive Ten-Year Periods\***

**What and When to File:**

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.\*

**Grace Period Filings\***

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or  
reminder of these filing requirements.**

**\*ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. See 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. See 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

**NOTE:** Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.

STATUS

DOCUMENTS

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Mark: VIBER

**VIBER**

US Serial Number: 85227957

Application Filing Date: Jan. 27, 2011

US Registration Number: 4126614

Registration Date: Apr. 10, 2012

Register: Principal

Mark Type: Service Mark

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

Status Date: Apr. 10, 2012

Publication Date: Nov. 01, 2011

Notice of Allowance Date: Dec. 27, 2011

## ▼ Mark Information

▼ Expand All

Mark Literal Elements: VIBER

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

## ▼ Related Properties Information

International Registration 1080874

Number:

International Application A0023072/1080874

(s) /Registration(s) Based on this

Property:

## ▼ 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
- Asterisks \*...\* identify additional (new) wording in the goods/services.

**For:** Internet and peer-to-peer computer services, namely, electronic transmission of audio, video and other data and documents among computers, electronic transmission of data and documents over computer terminals and instant messaging services; communications by means of or aided by computer, namely, transmission of voice, data, graphics, images, audio and video by means of telecommunications networks, wireless communication networks, and the Internet; transmission of audio, video, images, text and other data by means of a communications network; communication services, namely, providing electronic transmission of information and data; electronic, electric and digital transmission of voice, data, images, signals and messages; Telecommunications and information technology services, namely, transmission of voice, data, images, audio, video and information via telephone and global communication networks; wireless telecommunications services, namely, the wireless transmission of voice and data; telecommunications services, namely, providing voice over Internet protocol services; telecommunications services, namely, providing network access point for third party users; telecommunications services, namely, providing voice over Internet protocol services, providing network access point services for the exchange of Internet traffic among Internet traffic carriers; Telecommunication services, namely, transmission of voice, data, graphics, images, audio and video by means of telecommunications networks, wireless communication networks, and the Internet; telecommunications services, namely, electronic transmission of data, messages and information.; Computer aided transmission of messages and images; electronic messaging services, namely, sending, receiving and forwarding messages in the form of text, audio, images or video; provision and operation of electronic conferencing, discussion groups and chat rooms via the Internet; Internet and video-conference services; conference services, namely, conferences across a computer network; instant messaging services; streaming of audio-visual material on the Internet; providing on-line electronic bulletin boards and forums for transmission of messages among computer users; electronic transmission of messages and data; electronic messaging services, namely, simple message service (SMS) and multimedia message service (MMS) via telecommunications and computer networks; communication services, namely, computer transmission of information, messaging, VOIP, video calling and conferencing accessed by means of an access number; communications services through the use of subscriber identity module (SIM) cards, namely, computer transmission of information, VOIP, messaging, video calling and conferencing; personal communications services; telecommunication services, namely, transmission of data and information via pagers; electronic mail services; providing multiple user interactive access to a global communications network; transmission and broadcast of audio and video programming of all types via telephone, television, and global communications networks; video and audio teleconferencing via the Internet, Asynchronous Transfer Mode services, Integrated Service Digital Network (ISDN) services, Internet Protocol (IP) communications services, namely, VOIP, IPTV services; communication services, namely, Virtual Private Network (VPN) services and private telephone line services; switched voice, data, video and multimedia services, namely, computer transmission of information, VOIP, messaging, video calling and conferencing; providing facsimile transmission services; voice mail services; telecommunications services, namely, providing toll free telephone services and call routing services; messaging center services in the nature of telephone voice messaging services; video, audio and data telephone conference services; electronic messaging services; Telecommunication services, namely, cellular telephone services; providing multiple-user access to a communications network; On-line forums for transmission of messages among computer users concerning software development; online chat rooms and electronic bulletin boards for registered users for transmission of messages concerning collegiate life, general interest, classifieds, virtual community, social networking, photo sharing, and transmission of photographic images;

provision of on-line forums for the transmission of photographic images; provision of on-line forums for transmission of messages on topics of general interest; Providing access to computer, electronic and online databases; providing online forums for transmission of messages on topics of general interest; providing online communications links which transfer web site users to other local and global web pages; providing internet access to web sites for others hosted on computer servers accessible via a global computer network; providing internet access to third party web sites by enabling users to log in through a universal username and password via a global computer network and other communication networks; providing online chat rooms and electronic bulletin boards for transmission of messages among users in the field of general interest; audio, text and video broadcasting services over the Internet or other communications networks featuring the uploaded, posted and tagged audio, text and video content of others; audio, text and video broadcasting services over the Internet or other communications networks, namely, electronically transmitting audio clips, text and video clips of others; Providing access to computer databases in the fields of social networking

International Class(es): 038 - Primary Class

U.S Class(es): 100, 101, 104

Class Status: ACTIVE

Basis: 1(a)

First Use: Nov. 09, 2010

Use in Commerce: Nov. 09, 2010

#### ▼ Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: Yes	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: Viber Media, Inc.  
 Owner Address: 40 Kimonos St.  
 Limassol 3095  
 CYPRUS  
 Legal Entity Type: CORPORATION  
 State or Country Where Organized: PANAMA

#### ▼ Attorney/Correspondence Information

##### Attorney of Record

Attorney Name: Jeffrey Kimmel

Attorney Primary Email Address: [jp@msf-law.com](mailto:jp@msf-law.com)

Attorney Email Authorized: No

##### Correspondent

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 NEW YORK, NEW YORK 10017-7143  
 UNITED STATES

Correspondent e-mail: [jp@msf-law.com](mailto:jp@msf-law.com)

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

#### ▼ Prosecution History

Date	Description	Proceeding Number
Apr. 10, 2012	REGISTERED-PRINCIPAL REGISTER	
Mar. 09, 2012	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Mar. 08, 2012	LAW OFFICE REGISTRATION REVIEW COMPLETED	70468
Feb. 28, 2012	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Feb. 07, 2012	STATEMENT OF USE PROCESSING COMPLETE	76874
Jan. 13, 2012	USE AMENDMENT FILED	76874
Feb. 07, 2012	CASE ASSIGNED TO INTENT TO USE PARALEGAL	76874
Jan. 13, 2012	TEAS STATEMENT OF USE RECEIVED	
Dec. 27, 2011	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Nov. 01, 2011	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	

Nov. 01, 2011	PUBLISHED FOR OPPOSITION	
Sep. 23, 2011	LAW OFFICE PUBLICATION REVIEW COMPLETED	70468
Sep. 21, 2011	ASSIGNED TO LIE	70468
Sep. 08, 2011	APPROVED FOR PUB - PRINCIPAL REGISTER	
Aug. 18, 2011	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Aug. 18, 2011	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Aug. 18, 2011	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
May 03, 2011	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
May 03, 2011	NON-FINAL ACTION E-MAILED	6325
May 03, 2011	NON-FINAL ACTION WRITTEN	81855
Apr. 25, 2011	ASSIGNED TO EXAMINER	81855
Feb. 01, 2011	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jan. 31, 2011	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: Mar. 08, 2012

**▼ Assignment Abstract Of Title Information - None recorded****▼ Proceedings - None recorded**

# United States of America

United States Patent and Trademark Office



**Reg. No. 4,324,133**

**Registered Apr. 23, 2013**

**Int. Cl.: 38**

**SERVICE MARK**

**PRINCIPAL REGISTER**

VIBER MEDIA, INC. (PANAMA CORPORATION)  
P.O. BOX 51786  
LIMASSOL, CYPRUS 3021

FOR: INTERNET AND PEER-TO-PEER COMPUTER SERVICES, NAMELY, ELECTRONIC TRANSMISSION OF AUDIO, VIDEO AND OTHER DATA AND DOCUMENTS AMONG COMPUTERS, ELECTRONIC TRANSMISSION OF DATA AND DOCUMENTS OVER COMPUTER TERMINALS AND INSTANT MESSAGING SERVICES; COMMUNICATIONS BY MEANS OF OR AIDED BY COMPUTER, NAMELY, TRANSMISSION OF VOICE, DATA, GRAPHICS, IMAGES, AUDIO AND VIDEO BY MEANS OF TELECOMMUNICATIONS NETWORKS, WIRELESS COMMUNICATION NETWORKS, AND THE INTERNET; TRANSMISSION OF AUDIO, VIDEO, IMAGES, TEXT AND OTHER DATA BY MEANS OF A COMMUNICATIONS NETWORK; COMMUNICATION SERVICES, NAMELY, PROVIDING ELECTRONIC TRANSMISSION OF INFORMATION AND DATA; ELECTRONIC, ELECTRIC AND DIGITAL TRANSMISSION OF VOICE, DATA, IMAGES, SIGNALS AND MESSAGES; TELECOMMUNICATIONS AND INFORMATION TECHNOLOGY SERVICES, NAMELY, TRANSMISSION OF VOICE, DATA, IMAGES, AUDIO, VIDEO AND INFORMATION VIA TELEPHONE AND GLOBAL COMMUNICATION NETWORKS; WIRELESS TELECOMMUNICATIONS SERVICES, NAMELY, THE WIRELESS TRANSMISSION OF VOICE AND DATA; TELECOMMUNICATIONS SERVICES, NAMELY, PROVIDING VOICE OVER INTERNET PROTOCOL SERVICES; TELECOMMUNICATIONS SERVICES, NAMELY, PROVIDING NETWORK ACCESS POINT FOR THIRD PARTY USERS; TELECOMMUNICATIONS SERVICES, NAMELY, PROVIDING VOICE OVER INTERNET PROTOCOL SERVICES. PROVIDING NETWORK ACCESS POINT SERVICES FOR THE EXCHANGE OF INTERNET TRAFFIC AMONG INTERNET TRAFFIC CARRIERS; TELECOMMUNICATION SERVICES, NAMELY, TRANSMISSION OF VOICE, DATA, GRAPHICS, IMAGES, AUDIO AND VIDEO BY MEANS OF TELECOMMUNICATIONS NETWORKS, WIRELESS COMMUNICATION NETWORKS, AND THE INTERNET; TELECOMMUNICATIONS SERVICES, NAMELY, ELECTRONIC TRANSMISSION OF DATA, MESSAGES AND INFORMATION; COMPUTER AIDED TRANSMISSION OF MESSAGES AND IMAGES; ELECTRONIC MESSAGING SERVICES, NAMELY, SENDING, RECEIVING AND FORWARDING MESSAGES IN THE FORM OF TEXT, AUDIO, IMAGES OR VIDEO; PROVISION AND OPERATION OF ELECTRONIC CONFERENCING, DISCUSSION GROUPS AND CHAT ROOMS VIA THE INTERNET; INTERNET AND VIDEO-CONFERENCE SERVICES; CONFERENCE SERVICES, NAMELY, CONFERENCES ACROSS A COMPUTER NETWORK; INSTANT MESSAGING SERVICES; STREAMING OF AUDIO-VISUAL MATERIAL ON THE INTERNET; PROVIDING ON-LINE ELECTRONIC BULLETIN BOARDS AND FORUMS FOR TRANSMISSION OF



*Lisa Starnes*  
Acting Director of the United States Patent and Trademark Office

**Reg. No. 4,324,133** MESSAGES AMONG COMPUTER USERS; ELECTRONIC TRANSMISSION OF MESSAGES AND DATA; ELECTRONIC MESSAGING SERVICES, NAMELY, SIMPLE MESSAGE SERVICE (SMS) AND MULTIMEDIA MESSAGE SERVICE (MMS) VIA TELECOMMUNICATIONS AND COMPUTER NETWORKS; COMMUNICATION SERVICES, NAMELY, COMPUTER TRANSMISSION OF INFORMATION, MESSAGING, VOIP, VIDEO CALLING AND CONFERENCING ACCESSED BY MEANS OF AN ACCESS NUMBER; COMMUNICATIONS SERVICES THROUGH THE USE OF SUBSCRIBER IDENTITY MODULE (SIM) CARDS, NAMELY, COMPUTER TRANSMISSION OF INFORMATION, VOIP, MESSAGING, VIDEO CALLING AND CONFERENCING; PERSONAL COMMUNICATIONS SERVICES; TELECOMMUNICATION SERVICES, NAMELY, TRANSMISSION OF DATA AND INFORMATION VIA PAGERS; ELECTRONIC MAIL SERVICES; PROVIDING MULTIPLE USER INTERACTIVE ACCESS TO A GLOBAL COMMUNICATIONS NETWORK; TRANSMISSION AND BROADCAST OF AUDIO AND VIDEO PROGRAMMING OF ALL TYPES VIA TELEPHONE, TELEVISION, AND GLOBAL COMMUNICATIONS NETWORKS. VIDEO AND AUDIO TELECONFERENCING VIA THE INTERNET, ASYNCHRONOUS TRANSFER MODE SERVICES, INTEGRATED SERVICE DIGITAL NETWORK (ISDN) SERVICES, INTERNET PROTOCOL (IP) COMMUNICATIONS SERVICES, NAMELY, VOIP, IPTV SERVICES; COMMUNICATION SERVICES, NAMELY, VIRTUAL PRIVATE NETWORK (VPN) SERVICES AND PRIVATE TELEPHONE LINE SERVICES; SWITCHED VOICE, DATA, VIDEO AND MULTIMEDIA SERVICES, NAMELY, COMPUTER TRANSMISSION OF INFORMATION, VOIP, MESSAGING, VIDEO CALLING AND CONFERENCING; PROVIDING FACSIMILE TRANSMISSION SERVICES; VOICE MAIL SERVICES; TELECOMMUNICATIONS SERVICES, NAMELY, PROVIDING TOLL FREE TELEPHONE SERVICES AND CALL ROUTING SERVICES; MESSAGING CENTER SERVICES IN THE NATURE OF TELEPHONE VOICE MESSAGING SERVICES; VIDEO, AUDIO AND DATA TELEPHONE CONFERENCE SERVICES; ELECTRONIC MESSAGING SERVICES; TELECOMMUNICATION SERVICES, NAMELY, CELLULAR TELEPHONE SERVICES; PROVIDING MULTIPLE-USER ACCESS TO A COMMUNICATIONS NETWORK; ON-LINE FORUMS FOR TRANSMISSION OF MESSAGES AMONG COMPUTER USERS CONCERNING SOFTWARE DEVELOPMENT; ONLINE CHAT ROOMS AND ELECTRONIC BULLETIN BOARDS FOR REGISTERED USERS FOR TRANSMISSION OF MESSAGES CONCERNING COLLEGIATE LIFE, GENERAL INTEREST, CLASSIFIEDS, VIRTUAL COMMUNITY, SOCIAL NETWORKING, PHOTO SHARING, AND TRANSMISSION OF PHOTOGRAPHIC IMAGES; PROVISION OF ON-LINE FORUMS FOR THE TRANSMISSION OF PHOTOGRAPHIC IMAGES; PROVISION OF ON-LINE FORUMS FOR TRANSMISSION OF MESSAGES ON TOPICS OF GENERAL INTEREST; PROVIDING ACCESS TO COMPUTER, ELECTRONIC AND ONLINE DATABASES; PROVIDING ONLINE FORUMS FOR TRANSMISSION OF MESSAGES ON TOPICS OF GENERAL INTEREST; PROVIDING ONLINE COMMUNICATIONS LINKS WHICH TRANSFER WEB SITE USERS TO OTHER LOCAL AND GLOBAL WEB PAGES; PROVIDING INTERNET ACCESS TO WEB SITES FOR OTHERS HOSTED ON COMPUTER SERVERS ACCESSIBLE VIA A GLOBAL COMPUTER NETWORK. PROVIDING INTERNET ACCESS TO THIRD PARTY WEB SITES BY ENABLING USERS TO LOG IN THROUGH A UNIVERSAL USERNAME AND PASSWORD VIA A GLOBAL COMPUTER NETWORK AND OTHER COMMUNICATION NETWORKS; PROVIDING ONLINE CHAT ROOMS AND ELECTRONIC BULLETIN BOARDS FOR TRANSMISSION OF MESSAGES AMONG USERS IN THE FIELD OF GENERAL INTEREST; AUDIO, TEXT AND VIDEO BROADCASTING SERVICES OVER THE INTERNET OR OTHER COMMUNICATIONS NETWORKS FEATURING THE UPLOADED, POSTED AND TAGGED AUDIO, TEXT AND VIDEO CONTENT OF OTHERS; AUDIO, TEXT AND VIDEO BROADCASTING SERVICES OVER THE INTERNET OR OTHER COMMUNICATIONS NETWORKS, NAMELY, ELECTRONICALLY TRANSMITTING AUDIO CLIPS, TEXT AND VIDEO CLIPS OF OTHERS; PROVIDING ACCESS TO COMPUTER DATABASES IN THE FIELDS OF SOCIAL NETWORKING, IN CLASS 38 (U.S. CLS. 100, 101 AND 104).

FIRST USE 5-8-2012; IN COMMERCE 5-8-2012.

OWNER OF U.S. REG. NO. 4,126,614.

**Reg. No. 4,324,133** THE MARK CONSISTS OF AN IMAGE OF A STYLIZED PHONE RECEIVER WITH THREE CURVED LINES APPEARING BETWEEN THE EAR AND MOUTH PIECE OF THE RECEIVER AND THE WORD "VIBER" WHICH ARE CONTAINED WITHIN A SPEECH BALLOON.

SER. NO. 85-717,789, FILED 8-30-2012.

RONALD MCMORROW, EXAMINING ATTORNEY

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL  
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE  
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

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***Second Filing Deadline:*** You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between the 9th and 10th years after the registration date.\*  
*See* 15 U.S.C. §1059.

**Requirements in Successive Ten-Year Periods\***

**What and When to File:**

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**Grace Period Filings\***

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**The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or reminder of these filing requirements.**

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Mark: VIBER



US Serial Number: 85717789

Application Filing Date: Aug. 30, 2012

US Registration Number: 4324133

Registration Date: Apr. 23, 2013

Register: Principal

Mark Type: Service Mark

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

Status Date: Apr. 23, 2013

Publication Date: Feb. 05, 2013

## ▼ Mark Information

▼ Expand All

Mark Literal Elements: VIBER

Standard Character Claim: No

Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)

Description of Mark: The mark consists of an image of a stylized phone receiver with three curved lines appearing between the ear and mouth piece of the receiver and the word "Viber" which are contained within a speech balloon.

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

Design Search Code(s): 01.15.17 - Balloons, thought or speech; Clouds, thought or speech; Thought or speech clouds  
16.01.08 - Telephones  
26.17.09 - Bands, curved; Bars, curved; Curved line(s), band(s) or bar(s); Lines, curved

## ▼ Related Properties Information

Claimed Ownership of US [4126614](#)  
Registrations:

## ▼ 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
- Asterisks \*...\* identify additional (new) wording in the goods/services.

**For:** Internet and peer-to-peer computer services, namely, electronic transmission of audio, video and other data and documents among computers, electronic transmission of data and documents over computer terminals and instant messaging services; communications by means of or aided by computer, namely, transmission of voice, data, graphics, images, audio and video by means of telecommunications networks, wireless communication networks, and the Internet; transmission of audio, video, images, text and other data by means of a communications network; communication services, namely, providing electronic transmission of information and data; electronic, electric and digital transmission of voice, data, images, signals and messages; Telecommunications and information technology services, namely, transmission of voice, data, images, audio, video and information via telephone and global communication networks; wireless telecommunications services, namely, the wireless transmission of voice and data; telecommunications services, namely, providing voice over Internet protocol services; telecommunications services, namely, providing network access point for third party users; telecommunications services, namely, providing voice over Internet protocol services. providing network access point services for the exchange of Internet traffic among Internet traffic carriers; Telecommunication services, namely, transmission of messages among computer users; electronic transmission of messages and data; electronic messaging services, namely, simple message service (SMS) and multimedia message service (MMS) via telecommunications and computer networks; communication services, namely, computer transmission of information, messaging, VOIP, video calling and conferencing accessed by means of an access number; communications services through the use of subscriber identity module (SIM) cards, namely, computer transmission of information, VOIP, messaging, video calling and conferencing; personal communications services; telecommunication services, namely, transmission of data and information via pagers; electronic mail services; providing multiple user interactive access to a global communications network; transmission and broadcast of audio and video programming of all types via telephone, television, and global communications networks. video and audio teleconferencing via the Internet, Asynchronous Transfer Mode services, Integrated Service Digital Network (ISDN) services, Internet Protocol (IP) communications services, namely, VOIP, IPTV services; communication services, namely, Virtual Private Network (VPN) services and private telephone line services;

switched voice, data, video and multimedia services, namely, computer transmission of information, VOIP, messaging, video calling and conferencing; providing facsimile transmission services; voice mail services; telecommunications services, namely, providing toll free telephone services and call routing services; messaging center services in the nature of telephone voice messaging services; video, audio and data telephone conference services; electronic messaging services; Telecommunication services, namely, cellular telephone services; providing multiple-user access to a communications network; On-line forums for transmission of messages among computer users concerning software development; online chat rooms and electronic bulletin boards for registered users for transmission of messages concerning collegiate life, general interest, classifieds, virtual community, social networking, photo sharing, and transmission of photographic images; provision of on-line forums for the transmission of photographic images; provision of on-line forums for transmission of messages on topics of general interest; Providing access to computer, electronic and online databases; providing online forums for transmission of messages on topics of general interest; providing online communications links which transfer web site users to other local and global web pages; providing internet access to web sites for others hosted on computer servers accessible via a global computer network. providing internet access to third party web sites by enabling users to log in through a universal username and password via a global computer network and other communication networks; providing online chat rooms and electronic bulletin boards for transmission of messages among users in the field of general interest; audio, text and video broadcasting services over the Internet or other communications networks featuring the uploaded, posted and tagged audio, text and video content of others; audio, text and video broadcasting services over the Internet or other communications networks, namely, electronically transmitting audio clips, text and video clips of others; Providing access to computer databases in the fields of social networking

International Class(es): 038 - Primary Class

U.S Class(es): 100, 101, 104

Class Status: ACTIVE

Basis: 1(a)

First Use: May 08, 2012

Use in Commerce: May 08, 2012

## ▼ 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: Viber Media, Inc.

Owner Address: East 53rd Street  
PO Box 0832-00232, MMG Tower  
Marbella, Panama City 3021  
PANAMA

Legal Entity Type: CORPORATION

State or Country Where Organized: PANAMA

## ▼ Attorney/Correspondence Information

## Attorney of Record

Attorney Name: Sidney D. Bluming

Attorney Primary Email Address: [ip@msf-law.com](mailto:ip@msf-law.com)

Attorney Email Authorized: No

## Correspondent

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140 E 45TH ST FL 19  
NEW YORK, NEW YORK 10017-7143  
UNITED STATES

Phone: 212-655-3500

Fax: 212-655-3535

Correspondent e-mail: [ip@msf-law.com](mailto:ip@msf-law.com)

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

## ▼ Prosecution History

Date	Description	Proceeding Number
Aug. 29, 2013	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Aug. 29, 2013	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
May 24, 2013	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
May 24, 2013	TEAS CHANGE OF OWNER ADDRESS RECEIVED	

Apr. 23, 2013	REGISTERED-PRINCIPAL REGISTER	
Feb. 05, 2013	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Feb. 05, 2013	PUBLISHED FOR OPPOSITION	
Jan. 16, 2013	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Dec. 24, 2012	APPROVED FOR PUB - PRINCIPAL REGISTER	
Dec. 22, 2012	ASSIGNED TO EXAMINER	73708
Sep. 08, 2012	NOTICE OF DESIGN SEARCH CODE MAILED	
Sep. 07, 2012	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Sep. 03, 2012	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: Apr. 23, 2013

**▼ Assignment Abstract Of Title Information - None recorded****▼ Proceedings - None recorded**

# United States of America

United States Patent and Trademark Office



Connect. Freely.

Reg. No. 4,345,885

Registered June 4, 2013

Int. Cl.: 38

SERVICE MARK

PRINCIPAL REGISTER

VIBER MEDIA, INC. (PANAMA CORPORATION)

P.O. BOX 51786

LIMASSOL, CYPRUS 3021

FOR: INTERNET AND PEER-TO-PEER COMPUTER SERVICES, NAMELY, ELECTRONIC TRANSMISSION OF AUDIO, VIDEO AND OTHER DATA AND DOCUMENTS AMONG COMPUTERS, ELECTRONIC TRANSMISSION OF DATA AND DOCUMENTS OVER COMPUTER TERMINALS AND INSTANT MESSAGING SERVICES; COMMUNICATIONS BY MEANS OF OR AIDED BY COMPUTER, NAMELY, TRANSMISSION OF VOICE, DATA, GRAPHICS, IMAGES, AUDIO AND VIDEO BY MEANS OF TELECOMMUNICATIONS NETWORKS, WIRELESS COMMUNICATION NETWORKS, AND THE INTERNET; TRANSMISSION OF AUDIO, VIDEO, IMAGES, TEXT AND OTHER DATA BY MEANS OF A COMMUNICATIONS NETWORK; COMMUNICATION SERVICES, NAMELY, PROVIDING ELECTRONIC TRANSMISSION OF INFORMATION AND DATA; ELECTRONIC, ELECTRIC AND DIGITAL TRANSMISSION OF VOICE, DATA, IMAGES, SIGNALS AND MESSAGES; TELECOMMUNICATIONS AND INFORMATION TECHNOLOGY SERVICES, NAMELY, TRANSMISSION OF VOICE, DATA, IMAGES, AUDIO, VIDEO AND INFORMATION VIA TELEPHONE AND GLOBAL COMMUNICATION NETWORKS; WIRELESS TELECOMMUNICATIONS SERVICES, NAMELY, THE WIRELESS TRANSMISSION OF VOICE AND DATA; TELECOMMUNICATIONS SERVICES, NAMELY, PROVIDING VOICE OVER INTERNET PROTOCOL SERVICES; TELECOMMUNICATIONS SERVICES, NAMELY, PROVIDING NETWORK ACCESS POINT FOR THIRD PARTY USERS; TELECOMMUNICATIONS SERVICES, NAMELY, PROVIDING VOICE OVER INTERNET PROTOCOL SERVICES. PROVIDING NETWORK ACCESS POINT SERVICES FOR THE EXCHANGE OF INTERNET TRAFFIC AMONG INTERNET TRAFFIC CARRIERS; TELECOMMUNICATION SERVICES, NAMELY, TRANSMISSION OF VOICE, DATA, GRAPHICS, IMAGES, AUDIO AND VIDEO BY MEANS OF TELECOMMUNICATIONS NETWORKS, WIRELESS COMMUNICATION NETWORKS, AND THE INTERNET; TELECOMMUNICATIONS SERVICES, NAMELY, ELECTRONIC TRANSMISSION OF DATA, MESSAGES AND INFORMATION.; COMPUTER AIDED TRANSMISSION OF MESSAGES AND IMAGES; ELECTRONIC MESSAGING SERVICES, NAMELY, SENDING, RECEIVING AND FORWARDING MESSAGES IN THE FORM OF TEXT, AUDIO, IMAGES OR VIDEO; PROVISION AND OPERATION OF ELECTRONIC CONFERENCING, DISCUSSION GROUPS AND CHAT ROOMS VIA THE INTERNET; INTERNET AND VIDEO-CONFERENCE SERVICES; CONFERENCE SERVICES, NAMELY, CONFERENCES ACROSS A COMPUTER NETWORK; INSTANT MESSAGING SERVICES; STREAMING OF AUDIO-VISUAL MATERIAL ON THE INTERNET; PROVIDING ON-LINE ELECTRONIC BULLETIN BOARDS AND FORUMS FOR TRANSMISSION OF



*Lynn Stuart Kline*  
Acting Director of the United States Patent and Trademark Office

**Reg. No. 4,345,885** MESSAGES AMONG COMPUTER USERS; ELECTRONIC TRANSMISSION OF MESSAGES AND DATA; ELECTRONIC MESSAGING SERVICES, NAMELY, SIMPLE MESSAGE SERVICE (SMS) AND MULTIMEDIA MESSAGE SERVICE (MMS) VIA TELECOMMUNICATIONS AND COMPUTER NETWORKS; COMMUNICATION SERVICES, NAMELY, COMPUTER TRANSMISSION OF INFORMATION, MESSAGING, VOIP, VIDEO CALLING AND CONFERENCING ACCESSED BY MEANS OF AN ACCESS NUMBER; COMMUNICATIONS SERVICES THROUGH THE USE OF SUBSCRIBER IDENTITY MODULE (SIM) CARDS, NAMELY, COMPUTER TRANSMISSION OF INFORMATION, VOIP, MESSAGING, VIDEO CALLING AND CONFERENCING; PERSONAL COMMUNICATIONS SERVICES; TELECOMMUNICATION SERVICES, NAMELY, TRANSMISSION OF DATA AND INFORMATION VIA PAGERS; ELECTRONIC MAIL SERVICES; PROVIDING MULTIPLE USER INTERACTIVE ACCESS TO A GLOBAL COMMUNICATIONS NETWORK; TRANSMISSION AND BROADCAST OF AUDIO AND VIDEO PROGRAMMING OF ALL TYPES VIA TELEPHONE, TELEVISION, AND GLOBAL COMMUNICATIONS NETWORKS. VIDEO AND AUDIO TELECONFERENCING VIA THE INTERNET, ASYNCHRONOUS TRANSFER MODE SERVICES, INTEGRATED SERVICE DIGITAL NETWORK (ISDN) SERVICES, INTERNET PROTOCOL (IP) COMMUNICATIONS SERVICES, NAMELY, VOIP, IPTV SERVICES; COMMUNICATION SERVICES, NAMELY, VIRTUAL PRIVATE NETWORK (VPN) SERVICES AND PRIVATE TELEPHONE LINE SERVICES; SWITCHED VOICE, DATA, VIDEO AND MULTIMEDIA SERVICES, NAMELY, COMPUTER TRANSMISSION OF INFORMATION, VOIP, MESSAGING, VIDEO CALLING AND CONFERENCING; PROVIDING FACSIMILE TRANSMISSION SERVICES; VOICE MAIL SERVICES; TELECOMMUNICATIONS SERVICES, NAMELY, PROVIDING TOLL FREE TELEPHONE SERVICES AND CALL ROUTING SERVICES; MESSAGING CENTER SERVICES IN THE NATURE OF TELEPHONE VOICE MESSAGING SERVICES; VIDEO, AUDIO AND DATA TELEPHONE CONFERENCE SERVICES; ELECTRONIC MESSAGING SERVICES; TELECOMMUNICATION SERVICES, NAMELY, CELLULAR TELEPHONE SERVICES; PROVIDING MULTIPLE-USER ACCESS TO A COMMUNICATIONS NETWORK; ON-LINE FORUMS FOR TRANSMISSION OF MESSAGES AMONG COMPUTER USERS CONCERNING SOFTWARE DEVELOPMENT; ONLINE CHAT ROOMS AND ELECTRONIC BULLETIN BOARDS FOR REGISTERED USERS FOR TRANSMISSION OF MESSAGES CONCERNING COLLEGIATE LIFE, GENERAL INTEREST, CLASSIFIEDS, VIRTUAL COMMUNITY, SOCIAL NETWORKING, PHOTO SHARING, AND TRANSMISSION OF PHOTOGRAPHIC IMAGES; PROVISION OF ON-LINE FORUMS FOR THE TRANSMISSION OF MESSAGES ON TOPICS OF GENERAL INTEREST; PROVIDING ACCESS TO COMPUTER, ELECTRONIC AND ONLINE DATABASES; PROVIDING ONLINE FORUMS FOR TRANSMISSION OF MESSAGES ON TOPICS OF GENERAL INTEREST; PROVIDING ONLINE COMMUNICATIONS LINKS WHICH TRANSFER WEB SITE USERS TO OTHER LOCAL AND GLOBAL WEB PAGES; PROVIDING INTERNET ACCESS TO WEB SITES FOR OTHERS HOSTED ON COMPUTER SERVERS ACCESSIBLE VIA A GLOBAL COMPUTER NETWORK. PROVIDING INTERNET ACCESS TO THIRD PARTY WEB SITES BY ENABLING USERS TO LOG IN THROUGH A UNIVERSAL USERNAME AND PASSWORD VIA A GLOBAL COMPUTER NETWORK AND OTHER COMMUNICATION NETWORKS; PROVIDING ONLINE CHAT ROOMS AND ELECTRONIC BULLETIN BOARDS FOR TRANSMISSION OF MESSAGES AMONG USERS IN THE FIELD OF GENERAL INTEREST; AUDIO, TEXT AND VIDEO BROADCASTING SERVICES OVER THE INTERNET OR OTHER COMMUNICATIONS NETWORKS FEATURING THE UPLOADED, POSTED AND TAGGED AUDIO, TEXT AND VIDEO CONTENT OF OTHERS; AUDIO, TEXT AND VIDEO BROADCASTING SERVICES OVER THE INTERNET OR OTHER COMMUNICATIONS NETWORKS, NAMELY, ELECTRONICALLY TRANSMITTING AUDIO CLIPS, TEXT AND VIDEO CLIPS OF OTHERS; PROVIDING ACCESS TO COMPUTER DATABASES IN THE FIELDS OF SOCIAL NETWORKING, IN CLASS 38 (U.S. CLS. 100, 101 AND 104).

FIRST USE 5-8-2012; IN COMMERCE 5-8-2012.

OWNER OF U.S. REG. NO. 4,126,614.

**Reg. No. 4,345,885** NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "CONNECT", APART FROM THE MARK AS SHOWN.

THE MARK CONSISTS OF AN IMAGE OF A STYLIZED PHONE RECEIVER WITH THREE CURVED LINES APPEARING BETWEEN THE EAR AND MOUTH PIECE OF THE RECEIVER AND THE WORD "VIBER" WHICH ARE CONTAINED WITHIN A SPEECH BALLOON. BELOW THE SPEECH BALLOON AND OFFSET TO THE RIGHT ARE THE WORDS "CONNECT. FREELY."

SER. NO. 85-717,791, FILED 8-30-2012.

RONALD MCMORROW, EXAMINING ATTORNEY

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL  
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE  
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

**Requirements in the First Ten Years\***

**What and When to File:**

***First Filing Deadline:*** You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. See 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

***Second Filing Deadline:*** You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between the 9th and 10th years after the registration date.\*  
See 15 U.S.C. §1059.

**Requirements in Successive Ten-Year Periods\***

**What and When to File:**

You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.\*

**Grace Period Filings\***

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or reminder of these filing requirements.**

**\*ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. See 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. See 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

**NOTE:** Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.

STATUS

DOCUMENTS

[Back to Search](#)

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Mark: VIBER CONNECT. FREELY.



US Serial Number: 85717791

Application Filing Date: Aug. 30, 2012

US Registration Number: 4345885

Registration Date: Jun. 04, 2013

Register: Principal

Mark Type: Service Mark

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

Status Date: Jun. 04, 2013

Publication Date: Mar. 19, 2013

## ▼ Mark Information

▼ Expand All

Mark Literal Elements: VIBER CONNECT. FREELY.

Standard Character Claim: No

Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)

Description of Mark: The mark consists of an image of a stylized phone receiver with three curved lines appearing between the ear and mouth piece of the receiver and the word "Viber" which are contained within a speech balloon. Below the speech balloon and offset to the right are the words "Connect. Freely."

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

Disclaimer: "CONNECT"

Design Search Code(s): 01.15.17 - Balloons, thought or speech; Clouds, thought or speech; Thought or speech clouds  
16.01.08 - Telephones  
26.17.09 - Bands, curved; Bars, curved; Curved line(s), band(s) or bar(s); Lines, curved

## ▼ Related Properties Information

International Registration [1172898](#)

Number:

International Application [A0033745/1172898](#)

(s) /Registration(s) Based on this

Property:

Claimed Ownership of US [4126614](#)

Registrations:

## ▼ 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
- Asterisks \*.\* identify additional (new) wording in the goods/services.

**For:** Internet and peer-to-peer computer services, namely, electronic transmission of audio, video and other data and documents among computers, electronic transmission of data and documents over computer terminals and instant messaging services; communications by means of or aided by computer, namely, transmission of voice, data, graphics, images, audio and video by means of telecommunications networks, wireless communication networks, and the Internet; transmission of audio, video, images, text and other data by means of a communications network; communication services, namely, providing electronic transmission of information and data; electronic, electric and digital transmission of voice, data, images, signals and messages; Telecommunications and information technology services, namely, transmission of voice, data, images, audio, video and information via telephone and global communication networks; wireless telecommunications services, namely, the wireless transmission of voice and data; telecommunications services, namely, providing voice over Internet protocol services; telecommunications services, namely, providing network access point for third party users; telecommunications services, namely, providing voice over Internet protocol services, providing network access point services for the exchange of Internet traffic among Internet traffic carriers; Telecommunication services, namely, transmission of voice, data, graphics, images, audio and video by means of telecommunications networks, wireless communication networks, and the Internet; telecommunications services, namely, electronic transmission of data, messages and information.; Computer aided transmission of messages and images; electronic messaging services, namely, sending, receiving and forwarding messages in the form of text, audio, images or video; provision and operation of electronic conferencing, discussion groups and chat rooms via the Internet; Internet and video-conference services; conference services, namely, conferences across a computer network; instant messaging services; streaming of audio-visual material on the Internet; providing on-line electronic bulletin boards and forums for transmission of messages among computer users; electronic transmission of messages and data; electronic messaging services, namely, simple message service

(SMS) and multimedia message service (MMS) via telecommunications and computer networks; communication services, namely, computer transmission of information, messaging, VOIP, video calling and conferencing accessed by means of an access number; communications services through the use of subscriber identity module (SIM) cards, namely, computer transmission of information, VOIP, messaging, video calling and conferencing; personal communications services; telecommunication services, namely, transmission of data and information via pagers; electronic mail services; providing multiple user interactive access to a global communications network; transmission and broadcast of audio and video programming of all types via telephone, television, and global communications networks. video and audio teleconferencing via the Internet, Asynchronous Transfer Mode services, Integrated Service Digital Network (ISDN) services, Internet Protocol (IP) communications services, namely, VOIP, IPTV services; communication services, namely, Virtual Private Network (VPN) services and private telephone line services; switched voice, data, video and multimedia services, namely, computer transmission of information, VOIP, messaging, video calling and conferencing; providing facsimile transmission services; voice mail services; telecommunications services, namely, providing toll free telephone services and call routing services; messaging center services in the nature of telephone voice messaging services; video, audio and data telephone conference services; electronic messaging services; Telecommunication services, namely, cellular telephone services; providing multiple-user access to a communications network; On-line forums for transmission of messages among computer users concerning software development; online chat rooms and electronic bulletin boards for registered users for transmission of messages concerning collegiate life, general interest, classifieds, virtual community, social networking, photo sharing, and transmission of photographic images; provision of on-line forums for the transmission of photographic images; provision of on-line forums for transmission of messages on topics of general interest; Providing access to computer, electronic and online databases; providing online forums for transmission of messages on topics of general interest; providing online communications links which transfer web site users to other local and global web pages; providing internet access to web sites for others hosted on computer servers accessible via a global computer network. providing internet access to third party web sites by enabling users to log in through a universal username and password via a global computer network and other communication networks; providing online chat rooms and electronic bulletin boards for transmission of messages among users in the field of general interest; audio, text and video broadcasting services over the Internet or other communications networks featuring the uploaded, posted and tagged audio, text and video content of others; audio, text and video broadcasting services over the Internet or other communications networks, namely, electronically transmitting audio clips, text and video clips of others; Providing access to computer databases in the fields of social networking

International Class(es): 038 - Primary Class

U.S Class(es): 100, 101, 104

Class Status: ACTIVE

Basis: 1(a)

First Use: May 08, 2012

Use in Commerce: May 08, 2012

## ▼ 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: Viber Media, Inc.  
 Owner Address: P.O. Box 51786  
 Limassol 3021  
 CYPRUS  
 Legal Entity Type: CORPORATION  
 State or Country Where Organized: PANAMA

## ▼ Attorney/Correspondence Information

## Attorney of Record

Attorney Name: Sidney D. Bluming

Attorney Primary Email Address: [ip@msf-law.com](mailto:ip@msf-law.com)

Attorney Email Authorized: No

## Correspondent

Correspondent Name/Address: SIDNEY D. BLUMING  
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 140 E 45TH ST FL 19  
 NEW YORK, NEW YORK 10017-7143  
 UNITED STATES

Phone: 212-655-3500

Fax: 212-655-3535

Correspondent e-mail: [ip@msf-law.com](mailto:ip@msf-law.com)

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

## ▼ Prosecution History

Date	Description	Proceeding Number
------	-------------	-------------------

Jun. 04, 2013	REGISTERED-PRINCIPAL REGISTER	
Mar. 19, 2013	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Mar. 19, 2013	PUBLISHED FOR OPPOSITION	
Feb. 27, 2013	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Feb. 12, 2013	LAW OFFICE PUBLICATION REVIEW COMPLETED	66121
Feb. 12, 2013	ASSIGNED TO LIE	66121
Jan. 31, 2013	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jan. 30, 2013	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Jan. 30, 2013	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Jan. 30, 2013	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Dec. 24, 2012	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Dec. 24, 2012	NON-FINAL ACTION E-MAILED	6325
Dec. 24, 2012	NON-FINAL ACTION WRITTEN	73708
Dec. 22, 2012	ASSIGNED TO EXAMINER	73708
Sep. 08, 2012	NOTICE OF DESIGN SEARCH CODE MAILED	
Sep. 07, 2012	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Sep. 03, 2012	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: Jun. 04, 2013

**▼ Assignment Abstract Of Title Information - None recorded****▼ Proceedings - None recorded**