

ESTTA Tracking number: **ESTTA858205**

Filing date: **11/14/2017**

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	AMPLITUDE STUDIOS
Granted to Date of previous extension	11/15/2017
Address	43 Rue de la Breche aux Loups Paris, F-75012 FRANCE

Attorney information	Jason D. Jones FROSS ZELNICK LEHRMAN & ZISSU, P.C. 4 Times Square, 17th Floor New York, NY 10036 UNITED STATES Email: jjones@fzlz.com Phone: 212-813-5900
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**Applicant Information**

Application No	87371549	Publication date	07/18/2017
Opposition Filing Date	11/14/2017	Opposition Period Ends	11/15/2017
Applicant	Stardock Systems, Inc. 15090 Beck Road Plymouth, MI 48170 UNITED STATES		

**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 game software for personal computers and home video game consoles; Computer game software downloadable from a global computer network; Downloadable computer game programs
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**Applicant Information**

Application No	87372185	Publication date	07/18/2017
Opposition Filing Date	11/14/2017	Opposition Period Ends	
Applicant	Stardock Systems, Inc. 15090 Beck Road Plymouth, MI 48170 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 009. First Use: 0 First Use In Commerce: 0  
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## Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
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## Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	4366504	Application Date	05/21/2012
Registration Date	07/16/2013	Foreign Priority Date	11/24/2011
Word Mark	ENDLESS SPACE		
Design Mark	<b>ENDLESS SPACE</b>		
Description of Mark	NONE		
Goods/Services	<p>Class 009. First use: First Use: 0 First Use In Commerce: 0</p> <p>Scientific apparatus, namely, sensing and signaling devices for measurement and quality control of materials processing by laser; photographic apparatus, namely, cameras, photographic filters, straight viewfinders and angled viewfinders, flash units for cameras, flashbulbs and projectors; cinematographic apparatus, namely, cinematographic cameras, cinematographic projectors, and optical apparatus, namely, optical cables, optical fiber cables, optical character readers, optical communications systems comprised of optical and electronic hardware and computer software for the transmission of data between two points, optical disc players, and apparatus for the recording, transmission, reception, reproduction and processing of sound and images; apparatus for projecting slides, namely, slide projectors; telephone, facsimile apparatus and telecommunication apparatus, namely, automatic switching apparatus, change-over switches, electric capacitors, electric resistors, electrical transformers, electronic testing equipment, namely, telecommunication line integrity testing apparatus, indicator lights, microphones, wireless digital electronic apparatus to secure and protect data and images on all forms of wireless equipment including mobile telecommunications equipment using an automatic synchronization process and alarm notification of the loss or theft of the wireless equipment including mobile telecommunications equipment; sound amplification apparatus, namely, personal headphones for use with sound transmitting systems, sound amplifiers, sound equalizers and crossovers, sound loudspeakers; electronic data processing apparatus; coin-operated juke boxes; personal digital assistants, personal stereos, loudspeaker cabinets, cinematographic cameras, video cameras, video game cartridges, blank video cassettes, pre-recorded video cassettes featuring music and images in the field of galaxies, civilizations and planets; video games cartridges and cassettes, blank CD-ROMs for sound or video recording, prerecorded CD-ROMs featuring video games and sound recording disks, namely, blank record disks, audio disks featuring music; blank audio and video compact disks for sound and video recording, prerecorded audio and video compact disks featuring music and images in the field of galaxies, civilizations and planets; blank magnetic disks, blank optical disks; digital tablets, namely, mobile computer input devices; computer game consoles; video and projection screens; recorders, namely, audio and video recorders, digital voice and video recorders, telephone recorders; data processing equipment and computers; computer game software; software recorded on magnetic, optical, digital and electronic media, namely, software programs for the integration of text, audio, graphics,</p>		

still images and moving pictures into an interactive delivery for multimedia applications, software for processing digital music files, software for use in relation to digital animation and special effects of images, software for processing digital images, software for creating and editing music and sounds, game engine software for video game development and operation; computers and computer peripheral devices, namely, screens, keyboards, mice, web consoles, joysticks, magnetic coded card readers, optical readers, digital book readers and electronic book readers, electronic card readers, computercursor control devices, namely, digitizer tablets, printers for use with computers, modems, computer memories, and magnetic, optical, digital and electronic recording media, namely, blank magnetic data carriers, blank optical data carriers, blank digital storage media, blank electronic storage media; magnetic, optical, digital and electronic media for computer programs, namely, blank magnetic computer tapes and pre-recorded magnetic computer tapes featuring video games, blank optical disks and pre-recorded optical disks featuring video games, blank digital audio and video tapes and pre-recorded digital audio and video tapes featuring video games, blank electronic storage media and pre-recorded electronic storage media featuring video games

Class 028. First use: First Use: 0 First Use In Commerce: 0

Games and toys, namely, action skill games, games adapted for use with television receivers, video game consoles for use with an external display screen or monitor, video game interactive control floor pads or mats, video game interactive remote control units; electronic games apparatus other than those adapted for use with an external display screen or monitor, automatic games apparatus, not coin-operated and other than those adapted for use with an external display screen or monitor, playing cards, targets and electronic targets for games and sports, parlor games, large and small balls for games, bowling balls, toy carousels, puppets, theatrical masks, carnival masks, toy guns, elbow guards and knee guards for athletic use, toy vehicles and remote-control toy vehicles, shuttlecocks; amusement apparatus adapted for use with an external display screen or monitor; automatic and coin-operated amusement machines

Class 041. First use: First Use: 0 First Use In Commerce: 0

Education services, namely, providing live or on-line, classes, seminars, workshops, tutoring, mentoring in the field of computer programs and video games; entertainment, namely, arranging, organizing, conducting, and hosting special events for social entertainment purposes, arranging, organizing and conducting, live or on-line, video games competitions; organizing community sporting and cultural events; videotaping; production of sound recordings; operation of online, non-downloadable electronic publications, namely, publishing of electronic publications; operation of amusement arcades; information on entertainment and recreation and providing information about education; rental of audio apparatus, lighting apparatus for theater sets or television studios, cinematographic apparatus and accessories, videotapes, video cameras, show scenery, cinematographic films, sound recordings, and video games; organization of shows for cultural purposes, organization of exhibitions for cultural or educational purposes, arranging and conducting of training workshops, colloquiums, concerts, conferences, congresses, seminars, and symposiums in the field of computer programs and video games, and all for educational purposes; sporting and cultural competitions; organization and production of television shows, game shows, live plays and live television shows; production of films, audio tapes, video games software, and radio and television programs; publication of books and texts other than publicity texts; writing of scripts and texts other than publicity texts; electronic game services provided on-line from a computer network; recording studio services; digital imaging services; providing recreation facilities; music composition services; performing artists' services, namely, providing information and news releases about a performing artist and providing the services of a performing artist in the nature of musical performances, theater performances and dance performances; box office services, namely, entertainment ticket agency services; providing information on-line in the fields of computer games and other

	entertainment information
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U.S. Registration No.	5173614	Application Date	01/19/2016
Registration Date	04/04/2017	Foreign Priority Date	NONE
Word Mark	ENDLESS LEGEND		
Design Mark	<b>ENDLESS LEGEND</b>		
Description of Mark	NONE		
Goods/Services	<p>Class 009. First use: First Use: 0 First Use In Commerce: 0 video game cartridges and cassettes; CD-ROMs with video games and sound recordings featuring music; audio discs featuring music; prerecorded video and audio discs featuring music and images in the field of galaxies, civilizations and planets; computer game software; software recorded on magnetic, optical, electronic and digital software, particularly for the integration of text, audio, graphics, still and moving images for multimedia applications; software for digital music files processing; software for digital images processing; software for creating and editing music and sounds; software for the development and operation of video games</p> <p>Class 028. First use: First Use: 0 First Use In Commerce: 0 games adapted for use with television screen; video game consoles adapted for use with an external display screen or a monitor; interactive control floor mats and control floor mats for video games; video game interactive remote control units; apparatus for electronic games other than those adapted for use with an external display screen or a monitor; apparatus for automated games, without prepayment and other than those adapted for use with an external display screen or a monitor, namely, arcade video game machines, video game machines; board games; amusement apparatus adapted for use with an external display screen or monitor; automatic and coin-operated amusement machines</p> <p>Class 041. First use: First Use: 0 First Use In Commerce: 0 providing non-downloadable electronic publications online, namely, publishing of electronic publications; electronic game services provided on-line from a computer network; information services concerning online computer games and other online entertainment</p>		

U.S. Registration No.	5178663	Application Date	01/19/2016
Registration Date	04/11/2017	Foreign Priority Date	NONE
Word Mark	DUNGEONS OF THE ENDLESS		
Design Mark	<b>DUNGEONS OF THE ENDLESS</b>		
Description of Mark	NONE		
Goods/Services	<p>Class 009. First use: First Use: 0 First Use In Commerce: 0 video game cartridges and cassettes; CD-ROMs with video games and sound recordings featuring music; audio discs featuring music; prerecorded video and audio discs featuring music and images in the field of galaxies, civilizations and planets; computer game software; software recorded on magnetic, optical, electronic and digital software, particularly for the integration of text, audio, graphics, still and moving images for multimedia applications; software for digital music files processing; software for digital images processing; software for creating</p>		

	<p>and editing music and sounds; software for the development and operation of video games</p> <p>Class 028. First use: First Use: 0 First Use In Commerce: 0</p> <p>games adapted for use with television screen; video game consoles adapted for use with an external display screen or a monitor; interactive control floor mats and control floor mats for video games; video game interactive remote control units; apparatus for electronic games other than those adapted for use with an external display screen or a monitor; apparatus for automated games, without prepayment and other than those adapted for use with an external display screen or a monitor, namely, arcade video game machines, video game machines; board games; amusement apparatus adapted for use with an external display screen or monitor; automatic and coin-operated amusement machines</p> <p>Class 041. First use: First Use: 0 First Use In Commerce: 0</p> <p>providing non-downloadable electronic publications online, namely, publishing of electronic publications; electronic game services provided on-line from a computer network; information services concerning online computer games and other online entertainment</p>
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Attachments	<p>79118396#TMSN.png( bytes )</p> <p>79187183#TMSN.png( bytes )</p> <p>79187290#TMSN.png( bytes )</p> <p>NOTICE OF OPPOSITION ENDLESS EMPIRE.pdf(3944804 bytes )</p>
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Signature	/Jason D. Jones/
Name	Jason D. Jones
Date	11/14/2017

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

In the Matter of Application Serial No. 87/371,549  
Mark: ENDLESS EMPIRES

AMPLITUDE STUDIOS,

Opposer,

- against –

STARDOCK SYSTEMS, INC.

Applicant.

Consolidated Opposition No. \_\_\_\_\_

-and-

In the Matter of Application Serial No. 87/372,185  
Mark: ENDLESS ENEMIES

AMPLITUDE STUDIOS,

Opposer,

- against –

STARDOCK SYSTEMS, INC.

Applicant.

**CONSOLIDATED NOTICE OF OPPOSITION**

Amplitude Studios, an SAS organized and existing under the laws of France, with an address at 43 Rue de la Breche au Loups, F-75012, Paris, France (“Amplitude”), believes that it would be damaged by the registration of the mark ENDLESS EMPIRES in International Class 9, as applied for in Application Serial No. 87/371,549, and the mark ENDLESS ENEMIES, as

applied for in Application Serial No. 87/372,185, by Applicant Stardock Systems, Inc., and therefore opposes the same. As grounds for the opposition, Amplitude, by its attorneys Fross Zelnick Lehrman & Zissu, P.C., alleges as follows:

### **FACTS COMMON TO ALL COUNTS**

#### **A. Amplitude and Its 4X Video Games**

1. Founded in 2011, Amplitude is a video game developer that designs, manufactures, and sells video games throughout the world on various platforms, including personal computers (PC) and video game consoles.

2. Amplitude is well-known for its video games in the “4X” genre of video games. 4X is a genre of strategy-based video games in which players control a virtual (normally galactic) empire and “eXplore, eXpand, eXploit, and eXterminate” the empire. *See* <https://en.wikipedia.org/wiki/4X>. 4X computer games are noted for their deep, complex gameplay, with emphasis being placed on economic and technological development of the empire.

#### **B. Amplitude’s *Endless Series* and ENDLESS Family of Marks**

3. One of Amplitude’s best-known 4X series of games is its “*Endless Series*.”

4. Specifically, in July 2012, Amplitude released a 4X video game titled *Endless Space*. *Endless Space* is a strategy game set in 3000 AD, where each player (up to a maximum of eight players) represents the leader of one of nine interstellar empires. *Endless Space* has been immensely popular since its 2012 launch, receiving overwhelming positive reviews—even winning the prestigious “2013 Golden Cube (Best Game)” at the 2013 Unity Awards. To date, *Endless Space* has sold more than 670,000 copies in the United States.

5. In September 2014, Amplitude released the second game in its *Endless Series*, titled *Endless Legend*. *Endless Legend* is a 4X video game where the purpose is to dominate the interstellar world of Auriga through either diplomacy or war while developing new technologies, exploring new lands, and founding new cities. *Endless Legend* has been a critical and commercial success—it has sold more than 1.8 million copies in the U.S. and has received many industry awards, including “2014 Best 4X Game” from *Rock, Paper Shotgun*, “2014 Game of the Year” from *eXplorminate*, and the “2014 Editor’s Choice Award” from *Game Industry International*. Attached hereto as **Exhibit A** is a true and correct copy of the page from Amplitude’s website that is dedicated to the *Endless Legend* video game.

6. In October 2014, Amplitude released the third game in its *Endless Series*, titled *Dungeon of the Endless*. *Dungeon of the Endless* is based on directing the survivors of a prison spacecraft (crew, prisoners, and civilians), after they have crash-landed on a strange alien planet, through several levels to achieve escape from the planet. Like the games in the *Endless Series* that came before it, *Dungeon of the Endless* has been a critical and commercial success, having sold nearly 500,000 copies in the United States to date and having received several industry awards, including “2014 Best Indie Game” from *Co-Optimus*, and “2014 Best Strategy Game” from *DealSpwn*. Attached hereto as **Exhibit B** is a true and correct copy of the page from Amplitude’s website that is dedicated to the *Dungeon of the Endless* game.

7. In May 2017, Amplitude released the fourth game in its *Endless Series*, titled *Endless Space 2*. *Endless Space 2* has already sold more than 70,000 copies in the United States and was recently awarded the “Best 3D Visuals” award at the 2017 Unity Awards.

8. The video games in the *Endless Series* are often the subject of unsolicited media articles and, as stated above, the recipients of prominent awards thereby expanding the breadth of

consumers exposed to the *Endless* Series. These unsolicited references often employ words like “famous” and “hit” in describing the *Endless* Series. Attached hereto as **Exhibit C** are true and correct copies of articles discussing and praising the *Endless* Series.

9. Amplitude is the owner of federal trademark registrations for *Endless Space* (U.S. Registration No. 4,366,504), *Endless Legend* (U.S. Registration No. 5,173,614), and *Dungeons of the Endless* (U.S. Registration No. 5,178,663) in connection with video games and software goods and services, including “software for the development and operation of video games” and “video game cartridges and cassettes” in International Class 9.

10. Each of the registrations identified above are valid, subsisting and in full force and effect and serve as prima facie evidence of Amplitude’s exclusive right to use the marks in connection with the goods and services described in the registrations as provided by Section 33(a) of the Lanham Act, 15 U.S.C. § 1115(a). All of the registrations cited above serve to put Applicant on constructive notice of Amplitude’s rights in the listed marks. Printouts of the listed marks from the USPTO website are attached as **Exhibit D** and made of record in this opposition. The marks listed are collectively referred to herein as Amplitude’s “ENDLESS Marks.”

11. Amplitude advertises and promotes the ENDLESS Marks together in or as part of a family of marks, displaying and selling the *Endless* Series through the same channels of trade and often advertising the video games together. Amplitude uses its ENDLESS Marks in such a way as to create common exposure and recognition of common ownership based on the use of ENDLESS in the marks. The phrase ENDLESS serves both as a trademark of Amplitude and as the distinguishing element of the ENDLESS Marks and is recognized as an identifying trademark of Amplitude.

12. By virtue of Amplitude's extensive sales, advertising, and promotion of its goods and services under the ENDLESS Marks, the ENDLESS Marks individually, the ENDLESS family of marks, and the family term ENDLESS have become instantly recognizable to the public as exclusively denoting Amplitude and its video game products and services and have come to symbolize the high quality of Amplitude's products and services. As a result of Amplitude's substantial effort and investment on behalf of its ENDLESS Series, the goodwill inherent in the ENDLESS Marks is an enormously valuable asset of Amplitude.

**C. Applicant and Applicant's Applied-For ENDLESS Marks**

13. Applicant Stardock Systems, Inc. is a corporation organizing and existing under the laws of the State of Michigan with an address of 15090 Beck Road, Plymouth, Michigan 48170.

14. Like Amplitude, Applicant is video game developer that offers its video games on various platforms, including personal computers (PC) and video game consoles.

15. Applicant is a direct competitor of Amplitude, as Applicant also offers 4X video games that have similar galactic/empire strategy themes to Amplitude's *Endless* Series. Attached hereto as **Exhibit E** is a true and correct copy of a webpage from Applicant's website showing the 4X video games offered by Applicant.

16. According to the records of the USPTO, on March 15, 2017, Applicant filed Application Serial No. 87/371,549 to register ENDLESS EMPIRES and Application Serial No. 87/372,185 to register ENDLESS ENEMIES for "Computer game software for personal computers and home video game consoles; Computer game software downloadable from a global computer network; Downloadable computer game programs" in International Class 9

(together, “Applicant’s ENDLESS Applications”). Both applications were filed on an intent to use basis.

17. Upon information and belief, based on the fact that Applicant offers 4X video games premised on a galactic empire building theme, it is highly likely Applicant intends to use the marks ENDLESS EMPIRES and ENDLESS ENEMIES for 4X video games that will compete with Amplitude’s 4X video games in the *Endless* Series.

18. The filing date of Applicant’s ENDLESS Applications are after Amplitude began use of the ENDLESS Marks in connection with its *Endless* Series, after Amplitude had obtained a federal registration for the ENDLESS SPACE mark, after Amplitude had filed applications to register the marks ENDLESS LEGEND and DUNGEONS OF THE ENDLESS, and after Amplitude’s ENDLESS Marks became associated exclusively with Amplitude.

19. Upon information and belief, in light the fame of Amplitude’s ENDLESS Marks in the 4X video game market, and the fact that Applicant is in the same business as Amplitude, Applicant was on actual notice of Amplitude’s prior rights in the ENDLESS Marks.

20. All three of Amplitude’s registrations for the ENDLESS Marks contain within them the term ENDLESS. As such, in connection with each of Amplitude’s pleaded marks, the dominant and distinguishing element is ENDLESS.

21. The marks contained in Applicant’s ENDLESS Applications have a structure essentially identical to that of Amplitude’s ENDLESS Marks, namely the word ENDLESS followed by a non-source identifying term connected to the strategy and galactic/empire theme—*i.e.*, EMPIRES and ENEMIES. Because “EMPIRES” and “ENEMIES” do not indicate origin, and come second in Applicant’s applied-for marks, consumers will focus on the ENDLESS

portion of Applicant's applied-for marks, which is *identical* to the ENDLESS portion of Amplitude's ENDLESS Marks.

22. Applicant's adoption of "ENDLESS" as part of its applied-for marks mimics Amplitude's use of ENDLESS and makes it appear that ENDLESS EMPIRES and ENDLESS ENEMIES are part of Amplitude's family of ENDLESS Marks and the next installments in Amplitude's *Endless* Series. By incorporating the term ENDLESS into marks for goods identical in nature to those offered by Amplitude under its family of ENDLESS Marks, consumers are likely to believe that ENDLESS EMPIRES and ENDLESS ENEMIES are yet another one of Amplitude's various ENDLESS Marks and that they designate products of Amplitude.

23. The goods identified in Applicant's ENDLESS Applications are identical to, encompassed by, or otherwise clearly related to Amplitude's goods and services offered under its ENDLESS Marks and covered by its identified registrations.

24. Applicant's ENDLESS Applications are unrestricted with respect to the consumers for the goods identified in the opposed applications. Given that the goods identified in the opposed applications are identical or otherwise clearly related to those that Amplitude offers under its ENDLESS Marks, it is assumed that Applicant intends to and will sell its products to the same consumers who are familiar with and who purchase Amplitude's *Endless* Series.

25. Applicant's ENDLESS Applications are unrestricted with respect to the channels of trade through which the goods identified in the opposed applications are or will be marketed. Given the overlap in the parties' goods, it is presumed that the channels of trade also will overlap and will include all trade channels customary for video game products.

26. The use and registration of ENDLESS EMPIRES and ENDLESS ENEMIES by Applicant is inconsistent with Amplitude's prior rights in its ENDLESS Marks and is inconsistent with Amplitude's statutory grant of exclusivity of use of its ENDLESS Marks and would destroy Amplitude's investment and goodwill in its ENDLESS Marks.

**FIRST CLAIM FOR RELIEF:  
LIKELIHOOD OF CONFUSION (15 U.S.C. § 1052(d))**

27. Amplitude repeats and realleges each and every allegation contained in paragraphs 1 through 26 as if fully set forth herein.

28. Amplitude has used the ENDLESS Marks continually since a date prior to any date on which Applicant may rely.

29. The ENDLESS Marks individually, ENDLESS as a family term, and the ENDLESS family of marks are associated exclusively with Amplitude.

30. Applicant's ENDLESS EMPIRES and ENDLESS ENEMIES marks are substantially similar to Amplitude's registered and prior-used ENDLESS Marks and to its ENDLESS family of marks and have a similar sound, meaning, appearance and commercial impression to Amplitude's ENDLESS Marks.

31. Applicant seeks to register its marks for goods identical or otherwise highly-related to the goods provided by Amplitude under its ENDLESS Marks.

32. By virtue of Amplitude's long standing use of the ENDLESS Marks, the goodwill associated with the ENDLESS Marks and the ENDLESS family of marks, and Amplitude's trademark registrations for the ENDLESS Marks, the registration and use by Applicant of ENDLESS EMPIRES and ENDLESS ENEMIES for goods essentially identical to the goods provided by Amplitude under its ENDLESS Marks is likely to cause confusion or cause mistake or to deceive the purchasing public into mistakenly believing that Applicant's goods offered

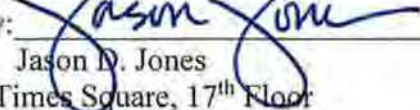
under the ENDLESS EMPIRES and ENDLESS ENEMIES marks originate from, come from or are otherwise associated with Amplitude or that Applicant's goods are endorsed, sponsored, or in some way connected with Amplitude in violation of Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).

33. By reason of the foregoing, Amplitude is likely to be harmed by registration of Application Serial No. 87/371,549 for the mark ENDLESS EMPIRES and Application Serial No. 87/372,185 for the mark ENDLESS ENEMIES.

WHEREFORE, it is respectfully requested that this consolidated opposition be sustained and that the registrations sought by Applicant in Application Serial Nos. 87/371,549 and 87/372,185 both be denied.

Dated: New York, New York  
November 14, 2017

FROSS ZELNICK LEHRMAN  
& ZISSU, P.C.

By:   
Jason D. Jones  
4 Times Square, 17<sup>th</sup> Floor  
New York, New York 10036  
(212) 813-5900

*Attorneys for Opposer*

# **EXHIBIT A**



# *Endless Legend*

*Create your own Legend*

Another sunrise, another day of toil. Food must be grown, industries built, science and magic advanced, and wealth collected. Urgency drives these simple efforts, however, for your planet holds a history of unexplained apocalypse, and the winter you just survived was the worst on record. A fact that has also been true for the previous five.

As you discover the lost secrets of your world and the mysteries of the legends and ruins that exist as much in reality as in rumor, you will come to see that you are not alone. Other peoples also struggle to survive, to grow, and perhaps even to conquer.

You have a city, a loyal populace, and a few troops; your power and magic should be sufficient to keep them alive. But beyond that, nothing is certain... Where will you go, what will you find, and how will you react? Will your trail be one of roses, or of blood?

*“Plays out on one of the greatest, most beautiful maps in strategy gaming history. It combines style, substance, and setting into a marvelous overall experience for both empire management and tactical combat.”*



## Game Awards



# Factions

What faction do you want to play ?



## The Vaulters

FACTION VIDEO

*Endless Legend - Major Faction*

This is a time of change for the Vaulters. For countless generations they lived as loosely-federated clans in the vast underground labyrinths that riddle Auriga. Their skills in mining and crafting made them comfortable, and their study of ancient artifacts slowly unlocked the secrets of their world's past. Though their origins were lost in legends and myth, they had found peace and prosperity in the deep places of the planet.

Suddenly, now, the Vaulters have been forced to abandon those ancient halls. The Great Quake broke walls and ruined roads and bridges; as their towns crumbled around them they fled to the surface. Some turn for answers to the priests in the Church of the Great Orrery, others look to their leader, Szabad Ilona First of the Bloodline. For a people deeply



world, first of the Brethren. For a people deeply bound by tradition and unused to change, the surface of Auriga is a frightening place.

Torn between the secrets of the planet, their own traditions, and their need to survive, the Vaulters may struggle. But they will not fade, or surrender.

## 4X Strategy



### *Explore fantastic lands.*

- Lead one of eight civilizations each with a unique gameplay style and storyline.
- Survive through cold dark seasons that drive Auriga to its end. Will it also be yours?
- Experience an endless replayability with randomly generated worlds and quests.
- Set the size, shape, topography and more... to create your own world to discover.



### *Expand beyond the unknown.*

- Conquer, build and develop villages into feared fortresses or wonderful cities.
- Assimilate powerful minor factions and use their special traits and units wisely.
- Hire, equip and train your heroes to become army leaders or city governors.
- Raise your civilization by finding mysterious artefacts and forgotten technologies.



### *Exploit every opportunity.*

- Evolve your civilization through the discovery of new advanced technologies.
- Collect Dust, luxuries and strategic resources tradable on the marketplace.
- Keep one step ahead of other civilizations through trade and subtle diplomacy.
- Choose from different victory conditions and adapt your strategy on the fly.



### *Exterminate fools who defy you.*

- Experience an innovative dynamic simultaneous turn-based battle system.
- Use unit equipment, abilities and the terrain to overcome your opponents.
- Zoom out of a battle and rule the other aspects of your empire seamlessly.
- Define your custom civilizations and confront those created by your friends.

HOME

GAMES

GAMES2GETHER

CAREERS

CONTACT



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# **EXHIBIT B**



# Dungeon of the Endless

## What's behind the door?

A few hundred condemned criminals were being shipped to the Auriga system on board the prison hulk "Success". While this was presented as a chance to earn back their place in society by working hard for the common good, they understood that in fact they would be slave labour, sent to colonize an unexplored planet. All they knew about Auriga Prime was what the probes told them: it had water, temperate zones, plant life, and plenty of metals in the crust.

In fact, the planet Auriga once hosted a major settlement of the galaxy-travelling ancestors known as the Endless. In addition, the planet was still orbited by a functioning (and well cloaked) defensive system, which sprang eagerly to life upon the arrival of the Success. Within a few minutes, the ship was nothing but a few large chunks of metal falling toward the planet.

Every set of holding cells also functioned as an escape pod, so the ship let itself disintegrate and the surviving prisoners fell bruised but (temporarily) alive and (momentarily) safe to the planet below. Safe, that is, until they realized that they had crashed through some sort of facility of the Endless, down to a sub-basement so deep and ancient it might as well be called a dungeon...

### GATHER A TEAM

- Form a team of heroes, each with their own strengths (and psychoses)
- Equip them, deploy them, and earn powerful abilities
- Manage the balance between ex-prison inmates and guards
- Experience four player coop and watch your back

### BUILD YOUR DEFENSES

- Use the Dust you gather to power the rooms
- Use scarce resources to help your team survive
- Build minor and major modules to hold off waves of monsters
- Decode Endless ruins to discover life-saving technologies

### OPEN THE DOOR

- Each door is a danger; prepare yourself and your team for anything
- Explore and discover an infinity of levels and layouts
- Carry your crystal through waves of monsters to the exit of each level
- Fight your way to the surface to discover the truth about Auriga

Dungeon of the Endless - The Good, the Bad & the Aliens

# DUNGEON

# OF THE ENDLESS



## THE GOOD THE BAD & THE ALIENS



## Game Awards



# spaceships

Each spaceship is a new game mode!



### Escape Pod

Note from sales brochure: *"This pod is guaranteed to survive any crash; we hope its occupants do as well."*

No particular gameplay bonuses or penalties.

**Unlock conditions:**  
- Available from the start

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RPG



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## Amplitude Studios Creates "Endless" Series with Two New Games.

Written by Daniel L. Hood Published in News Read 5200 times Rate this item 5 stars (5 votes)

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This is why you shouldn't pilot your ship drunk.

### They said they don't make 4X games anymore, what the hell?

Earlier this year, I encountered a good 4X strategy game called *Endless Space*. It was set in a sci-fi universe that combined the mechanics of *Master of Orion* and *Galactic Civilization* into one balanced package. I was impressed enough to start following the developer Amplitude Studios. The French-based indie company has a cadre of developers from games like *Heroes of Might and Magic* and *Ghost Recon*. *Endless Space* was the studio's maiden title, and they're aiming to expand their library with a *Endless* game series.

At GamesCom, Amplitude announced they are developing two "prequel" games, *Endless Legend* and *Dungeon of the Endless*. Despite the shared name, they are two different creatures. The first, *Endless Legend*, is another 4X strategy game that is set in a fantasy universe similar to *Lord of the Rings*. Eight civilizations are available, each with their own set of attributes. They will have to endure terrible climates of the harsh planet of Auriga and unlock the secret of its long winters. This 4X fantasy setting was a dream project for the Amplitude crew and despite the departure from the sci-fi genre, it looks to be a passion project with the same level of professional detail they put into *Endless Space*. "The success of *Endless Space* and the support of our community have allowed to make this dream come true," said Amplitude CEO Mathieu Girard.

The other game, *Dungeon of the Endless*, is a top-down sci-fi tower defense game. You control four crewmen who crash landed on Auriga and have to protect a generator that keeps the lights on to ward off nocturnal beasts. To increase tension, you'll have to balance between defending the

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Brian and Jeff want their Nazi scalps

### Amplitude Studios Creates "Endless" Series with Two New Games

generator and exploring the dungeons to find resources to use for your defenses/generators. The game will come with a four-player co-op, and you can choose from 30 characters that have their own skills and tech trees.

Both games sound interesting. Amplitude put a lot of work into making *Endless Space* accessible to newcomers and balancing between macro and micro management. If they put the same work into these two games, I'm sure they'll be good. Even though I'm burnt out on medieval fantasy and don't play tower defense, I trust Amplitude enough to give those games a try when they release.

Source: [Eurogamer](#)

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...and they're going to get pretty much all they can carry in *Wolfenstein II: The New Colossus* here on The Dojo!

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**GAMES**

# Sega buys Amplitude Studios and its hit Endless strategy-game series

JASON WILSON @JASON\_WILSON JULY 5, 2016 12:16 PM



Above: Endless Legend is Amplitude's fantasy game.  
Image Credit: Amplitude Studios

Sega is already a big player on the strategy-game scene thanks to The Creative Assembly, the makers of the Total War franchise, and Relic Entertainment with its Warhammer: Dawn of War and Company of Heroes series. Today, it added another award-winning studio to its stable.


The Japanese publisher's Sega Europe subsidiary has acquired Amplitude Studios, the makers of Endless Space, Endless Legend, and Dungeon of the Endless. The Paris-based PC game developer has garnered a reputation for incorporating player feedback into its development process, which it calls "Games Together." Sega will also handle publishing duties for Endless Space 2, a 4X (explore, expand, exploit, and exterminate) strategy game that should hit Steam Early Access this year.

This is the fourth studio that Sega has acquired since 2005 (along with Creative Assembly, Relic, and Sports Interactive), when the company started looking beyond making its own games and got into publishing other studios' works. It's

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## Sega buys Amplitude Studios and its hit Endless strategy-game series

been a successful strategy, and Total War and Dawn of War are both best-selling PC games.

“Joining the Sega family represents the culmination of five years of hard work from myself and Romain [chief director/chief operating officer, Amplitude] and everyone here at Amplitude Studios” said Mathieu Girard, the cofounder of Amplitude Studios, “For the Endless series to be alongside PC franchises with such heritage as Total War and Dawn of War in the Sega Europe stable puts our games where we feel they deserve to be. We look forward to leveraging Sega Europe’s expertise in the PC market to take the Endless series to the next level.”

Games Together is a key component to Amplitude’s strategy. In an 2015 interview with GamesBeat, CEO Mathieu Girard showed us how fans helped shaped Endless Legend, his company’s best-reviewed strategy game.

“There’s feedback and then there’s the fact that the community, through the Games Together program, can participate in the creation and addition of content for the game. One example is the Cultist faction we added to Endless Legend, which was designed by the community,” Girard said. “One of our fans designed the gameplay and the lore for the faction, and then some artists designed the units, the buildings, the ships, the logos. Based on that, we finalized it and implemented the real gameplay. We made real 3D assets for the units and buildings. We finalized the concept art. But it was very close to what the fans had created on the Games Together forum. It was really impressive, and it was part of the eight factions delivered with the released game last fall.”

Sega will also publish Amplitude’s back catalog as well.



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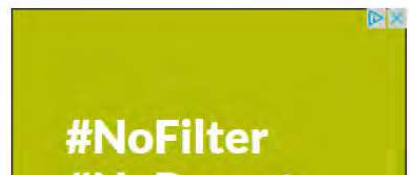
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## EA’s defense of Star Wars: Battlefront II is now Reddit’s most downvoted comment

MIKE MINOTTI @TOLKOTO NOVEMBER 12, 2017 11:22 PM





Above: Starfighter Assault mode in Star Wars: Battlefront II multiplayer.

Image Credit: Electronic Arts/GamesBeat

Electronic Arts is getting ready to launch one of its biggest games of the year, the multiplayer shooter Star Wars: Battlefront II, which is coming out on November 17, 2017 for PlayStation 4, Xbox One, and PC. But the buzz before its release has mostly been about criticism over its loot boxes and progression systems.

If you go to the Reddit page at r/StarWarsBattlefront, you'll find a lot of players complaining about the shooter. Subscribers to EA Access are playing the game right now, and they're finding out that unlocking some heroes can take a long time if you don't want to spend any real money. An official EA Reddit account, EACommunityTeam, responded to a post called "Seriously? I paid 80\$ to have Vader locked?" The comment has now become the most downvoted in Reddit's history at -87,000 and climbing.

Here's what EACommunityTeam said:

*The intent is to provide players with a sense of pride and accomplishment for unlocking different heroes.*

*As for cost, we selected initial values based upon data from the Open Beta and other adjustments made to milestone rewards before launch. Among other things, we're looking at average per-player credit earn rates on a daily basis, and we'll be making constant adjustments to ensure that players have challenges that are compelling, rewarding, and of course attainable via gameplay.*

*We appreciate the candid feedback, and the passion the community has put forth around the current topics here on Reddit, our forums and across numerous social media outlets.*

*Our team will continue to make changes and monitor community feedback and update everyone as soon and as often as we can.*

Most players see this, whatever EA intended, as a poor justification of a

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monetization plan meant to encourage people to spend money to speed up the  
process of unlocking heroes.

Until today, the most downvoted comment in Reddit history was from a user  
who comically asked for downvotes. It was at about -24,000. EA didn't just beat  
the record. It crushed it.

The situation shows the challenge ahead of EA. The publisher has been trying to  
promote Battlefield II by focusing on how much more content it has over its  
predecessor, including a single-player campaign. But the narrative has gotten  
away from EA, with much of the talk around gaming circles focusing how  
Battlefront II is handling in-game currency, loot crates, and unlockables.







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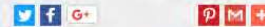


# Sega acquires *Endless Space* developer Amplitude

July 5, 2016 | By Chris Kerr

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Sega has [completed the acquisition](#) of Parisian developer Amplitude Studios, famous for its work on the *Endless* series of 4X strategy titles, for an undisclosed fee.

The Sonic creator hopes the purchase will give it the clout it needs to expand its PC game portfolio and development capabilities in the West.

"To have the opportunity to add a studio with the growing reputation of Amplitude's to the Sega family is an exciting one," said Jurgen Post, president of Sega Europe.

"Culturally, Amplitude are a fantastic fit for the business as they not only produce great games, but also have a proven track record in listening to their fans and directly involving them in the ongoing development of their games through their GAMES2GETHER system."

Amplitude was established in 2011 by Mathieu Girard and Romain de Waubert de Genlis, and quickly gained a following thanks to its work on the *Endless* series, which includes *Endless Space*, *Endless Legend*, and *Dungeon of the Endless*.

To date, all three titles in the franchise have amassed over 2.4 million in combined sales. A fourth entry, *Endless Space 2*, is currently in development.

[Writing on the company's development blog](#), Girard and Genlis revealed they agreed to the acquisition after deciding that the chance to link up with Creative Assembly and Relic, and create games with the full support of Sega, was too good to pass up.

"If you were to ask just Mathieu and I, we could easily answer with the words 'Creative Assembly and Relic' because we are huge fans of their games. The opportunity to join them is incredible for us, a real dream come true," wrote the founder.

"The bigger reason why we wanted to join Sega was how they treat their internal studios. Sega is a company that offers its support to the creators, positioning itself as a service provider, helping studios to reach their goals with only one objective in mind: Quality."



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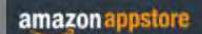


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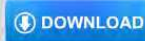


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**Application Filing Date:** May 21, 2012

**US Registration Number:** 4366504

**Registration Date:** Jul. 16, 2013

**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:** Jul. 16, 2013

**Publication Date:** Apr. 30, 2013

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## Mark Information

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**Mark Literal Elements:** ENDLESS SPACE

**Standard Character Claim:** No

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**International Registration Number:** 1130461

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Oct. 22, 2012	NON-FINAL ACTION MAILED - REFUSAL SENT TO IB	
Oct. 22, 2012	REFUSAL PROCESSED BY MPU	68359
Oct. 20, 2012	NON-FINAL ACTION (IB REFUSAL) PREPARED FOR REVIEW	
Oct. 19, 2012	NON-FINAL ACTION WRITTEN	85329
Oct. 19, 2012	APPLICATION FILING RECEIPT MAILED	
Oct. 15, 2012	ASSIGNED TO EXAMINER	85329
Oct. 15, 2012	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Oct. 11, 2012	SN ASSIGNED FOR SECT 66A APPL FROM IB	

**International Registration Information (Section 66a)**

<b>International Registration Number:</b>	1130461	<b>International Registration Date:</b>	May 21, 2012
<b>Priority Claimed Flag:</b>	Yes	<b>Date of Section 67 Priority Claim:</b>	Nov. 24, 2011
<b>Intl. Registration Status:</b>	REQUEST FOR EXTENSION OF PROTECTION PROCESSED	<b>Date of International Registration Status:</b>	Oct. 11, 2012
<b>Notification of Designation Date:</b>	Oct. 11, 2012	<b>Date of Automatic Protection:</b>	Apr. 11, 2014
<b>International Registration</b>	May 21, 2022		

Renewal Date:  
First Refusal Flag: Yes

## TM Staff and Location Information

### TM Staff Information - None

#### File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Jul. 16, 2013

## Assignment Abstract Of Title Information

### Summary

Total Assignments: 1

Registrant: AMPLITUDE STUDIOS

### Assignment 1 of 1

Conveyance: CHANGE OF ADDRESS

Reel/Frame: [4983/0167](#)

Pages: 2

Date Recorded: Mar. 18, 2013

Supporting Documents: [assignment-tm-4983-0167.pdf](#)

### Assignor

Name: [AMPLITUDE STUDIOS](#)

Execution Date: Jan. 16, 2013

Legal Entity Type: UNKNOWN

State or Country: FRANCE  
Where Organized:

### Assignee

Name: [AMPLITUDE STUDIOS](#)

Legal Entity Type: NOT PROVIDED

State or Country: NOT PROVIDED  
Where Organized:

Address: 43 RUE DE LA BR?CHE AU LOUPS  
F-75012 PARIS, FRANCE

### Correspondent

Correspondent Name: AMPLITUDE STUDIOS

Correspondent Address: 43 RUE DE LA BR?CHE AU LOUPS  
F-75012 PARIS  
FRANCE

Domestic Representative - Not Found

**Generated on:** This page was generated by TSDR on 2017-11-13 11:30:23 EST

**Mark:** ENDLESS LEGEND

ENDLESS LEGEND

**US Serial Number:** 79187183

**Application Filing Date:** Jan. 19, 2016

**US Registration Number:** 5173614

**Registration Date:** Apr. 04, 2017

**Register:** Principal

**Mark Type:** Trademark, Service Mark

**TM5 Common Status Descriptor:**



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

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

**Status Date:** Apr. 04, 2017

**Publication Date:** Jan. 17, 2017

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## Mark Information

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**Mark Literal Elements:** ENDLESS LEGEND

**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

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## Related Properties Information

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**International Registration Number:** 1298417

**International Registration Date:** Jan. 19, 2016

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## Goods and Services

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**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:** video game cartridges and cassettes; CD-ROMs with video games and sound recordings featuring music; audio discs featuring music; prerecorded video and audio discs featuring music and images in the field of galaxies, civilizations and planets; computer game software; software recorded on magnetic, optical, electronic and digital software, particularly for the integration of text, audio, graphics, still and moving images for multimedia applications; software for digital music files processing; software for digital images processing; software for creating and editing music and sounds; software for the development and operation of video games

**International Class(es):** 009 - Primary Class

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

**Class Status:** ACTIVE

**Basis:** 66(a)

**For:** games adapted for use with television screen; video game consoles adapted for use with an external display screen or a monitor; interactive control floor mats and control floor mats for video games; video game interactive remote control units; apparatus for electronic games other than those adapted for use with an external display screen or a monitor; apparatus for automated games, without prepayment and other than those adapted for use with an external display screen or a monitor, namely, arcade video game machines, video game machines; board games; amusement apparatus adapted for use with an external display screen or monitor; automatic and coin-operated amusement machines

**International Class(es):** 028 - Primary Class

**U.S Class(es):** 022, 023, 038, 050

**Class Status:** ACTIVE

**Basis:** 66(a)

**For:** providing non-downloadable electronic publications online, namely, publishing of electronic publications; electronic game services provided on-line from a computer network; information services concerning online computer games and other online entertainment

**International Class(es):** 041 - Primary Class

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

**Class Status:** ACTIVE

**Basis:** 66(a)

## Basis Information (Case Level)

**Filed Use:** No

**Currently Use:** No

**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:** Yes

**Currently 66A:** Yes

**Filed No Basis:** No

**Currently No Basis:** No

## Current Owner(s) Information

**Owner Name:** AMPLITUDE STUDIOS

**Owner Address:** 43 Rue de la Brèche aux Loups  
F-75012 PARIS  
FRANCE

**Legal Entity Type:** Société par actions simplifiée

**State or Country Where Organized:** FRANCE

## Attorney/Correspondence Information

### Attorney of Record

**Docket Number:** AMPS 1609245

### Correspondent

**Correspondent Name/Address:** David Ehrlich  
Fross Zelnick Lehrman & Zissu, P.C.  
866 United Nations Plaza  
New York, NEW YORK UNITED STATES 10017

**Correspondent e-mail:** [Ehrlich-docket@fzlj.com](mailto:Ehrlich-docket@fzlj.com)

**Correspondent e-mail Authorized:** Yes

**Domestic Representative - Not Found**

## Prosecution History

Date	Description	Proceeding Number
Jul. 28, 2017	FINAL DECISION TRANSACTION PROCESSED BY IB	
Jul. 06, 2017	FINAL DISPOSITION NOTICE SENT TO IB	
Jul. 06, 2017	FINAL DISPOSITION PROCESSED	72589
Jul. 04, 2017	FINAL DISPOSITION NOTICE CREATED, TO BE SENT TO IB	
Apr. 04, 2017	REGISTERED-PRINCIPAL REGISTER	
Jan. 26, 2017	NOTIFICATION PROCESSED BY IB	
Jan. 17, 2017	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jan. 17, 2017	PUBLISHED FOR OPPOSITION	
Jan. 11, 2017	NOTIFICATION OF POSSIBLE OPPOSITION SENT TO IB	
Jan. 11, 2017	NOTICE OF START OF OPPOSITION PERIOD CREATED, TO BE SENT TO IB	
Jan. 05, 2017	NEW REPRESENTATIVE AT IB RECEIVED	
Dec. 28, 2016	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Dec. 15, 2016	APPROVED FOR PUB - PRINCIPAL REGISTER	
Dec. 14, 2016	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Dec. 13, 2016	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889

Dec. 13, 2016	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Dec. 13, 2016	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jul. 02, 2016	REFUSAL PROCESSED BY IB	
Jun. 15, 2016	NON-FINAL ACTION MAILED - REFUSAL SENT TO IB	
Jun. 15, 2016	REFUSAL PROCESSED BY MPU	68359
Jun. 15, 2016	NON-FINAL ACTION (IB REFUSAL) PREPARED FOR REVIEW	
Jun. 14, 2016	NON-FINAL ACTION WRITTEN	81858
Jun. 14, 2016	APPLICATION FILING RECEIPT MAILED	
Jun. 08, 2016	ASSIGNED TO EXAMINER	81858
Jun. 08, 2016	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jun. 02, 2016	SN ASSIGNED FOR SECT 66A APPL FROM IB	

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## International Registration Information (Section 66a)

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<p><b>International Registration Number:</b> 1298417</p> <p><b>Intl. Registration Status:</b> REQUEST FOR EXTENSION OF PROTECTION PROCESSED</p> <p><b>Notification of Designation Date:</b> Jun. 02, 2016</p> <p><b>International Registration Renewal Date:</b> Jan. 19, 2026</p> <p><b>First Refusal Flag:</b> Yes</p>	<p><b>International Registration Date:</b> Jan. 19, 2016</p> <p><b>Date of International Registration Status:</b> Jun. 02, 2016</p> <p><b>Date of Automatic Protection:</b> Dec. 02, 2017</p>
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## TM Staff and Location Information

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**TM Staff Information - None**  
**File Location**

<b>Current Location:</b> PUBLICATION AND ISSUE SECTION	<b>Date in Location:</b> Apr. 04, 2017
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**Generated on:** This page was generated by TSDR on 2017-11-13 11:31:08 EST

**Mark:** DUNGEONS OF THE ENDLESS

DUNGEONS OF THE ENDLESS

**US Serial Number:** 79187290

**Application Filing Date:** Jan. 19, 2016

**US Registration Number:** 5178663

**Registration Date:** Apr. 11, 2017

**Register:** Principal

**Mark Type:** Trademark, Service Mark

**TM5 Common Status Descriptor:**



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

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

**Status Date:** Apr. 11, 2017

**Publication Date:** Jan. 24, 2017

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## Mark Information

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**Mark Literal Elements:** DUNGEONS OF THE ENDLESS

**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

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## Related Properties Information

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**International Registration Number:** 1298717

**International Registration Date:** Jan. 19, 2016

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## Goods and Services

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**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:** video game cartridges and cassettes; CD-ROMs with video games and sound recordings featuring music; audio discs featuring music; prerecorded video and audio discs featuring music and images in the field of galaxies, civilizations and planets; computer game software; software recorded on magnetic, optical, electronic and digital software, particularly for the integration of text, audio, graphics, still and moving images for multimedia applications; software for digital music files processing; software for digital images processing; software for creating and editing music and sounds; software for the development and operation of video games

**International Class(es):** 009 - Primary Class

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

**Class Status:** ACTIVE

**Basis:** 66(a)

---

**For:** games adapted for use with television screen; video game consoles adapted for use with an external display screen or a monitor; interactive control floor mats and control floor mats for video games; video game interactive remote control units; apparatus for electronic games other than those adapted for use with an external display screen or a monitor; apparatus for automated games, without prepayment and other than those adapted for use with an external display screen or a monitor, namely, arcade video game machines, video game machines; board games; amusement apparatus adapted for use with an external display screen or monitor; automatic and coin-operated amusement machines

**International Class(es):** 028 - Primary Class

**U.S Class(es):** 022, 023, 038, 050

**Class Status:** ACTIVE

**Basis:** 66(a)

**For:** providing non-downloadable electronic publications online, namely, publishing of electronic publications; electronic game services provided on-line from a computer network; information services concerning online computer games and other online entertainment

**International Class(es):** 041 - Primary Class

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

**Class Status:** ACTIVE

**Basis:** 66(a)

## Basis Information (Case Level)

**Filed Use:** No

**Currently Use:** No

**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:** Yes

**Currently 66A:** Yes

**Filed No Basis:** No

**Currently No Basis:** No

## Current Owner(s) Information

**Owner Name:** AMPLITUDE STUDIOS

**Owner Address:** 43 Rue de la Brèche aux Loups  
F-75012 PARIS  
FRANCE

**Legal Entity Type:** Société par actions simplifiée

**State or Country Where Organized:** FRANCE

## Attorney/Correspondence Information

### Attorney of Record

**Docket Number:** AMPS 1609426

### Correspondent

**Correspondent Name/Address:** David Ehrlich  
Fross Zelnick Lehrman & Zissu, P.C.  
866 United Nations Plaza  
New York, NEW YORK UNITED STATES 10017

**Correspondent e-mail:** [Ehrlich-docket@fzlz.com](mailto:Ehrlich-docket@fzlz.com)

**Correspondent e-mail Authorized:** Yes

### Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Aug. 04, 2017	FINAL DECISION TRANSACTION PROCESSED BY IB	
Jul. 19, 2017	FINAL DISPOSITION NOTICE SENT TO IB	
Jul. 19, 2017	FINAL DISPOSITION PROCESSED	67445
Jul. 11, 2017	FINAL DISPOSITION NOTICE CREATED, TO BE SENT TO IB	
Apr. 11, 2017	REGISTERED-PRINCIPAL REGISTER	
Jan. 26, 2017	NOTIFICATION PROCESSED BY IB	
Jan. 24, 2017	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jan. 24, 2017	PUBLISHED FOR OPPOSITION	
Jan. 11, 2017	NOTIFICATION OF POSSIBLE OPPOSITION SENT TO IB	
Jan. 11, 2017	NOTICE OF START OF OPPOSITION PERIOD CREATED, TO BE SENT TO IB	
Jan. 05, 2017	NEW REPRESENTATIVE AT IB RECEIVED	
Jan. 04, 2017	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Dec. 16, 2016	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Dec. 17, 2016	APPROVED FOR PUB - PRINCIPAL REGISTER	
Dec. 16, 2016	TEAS/EMAIL CORRESPONDENCE ENTERED	88889

Dec. 16, 2016	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Dec. 16, 2016	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jul. 16, 2016	REFUSAL PROCESSED BY IB	
Jun. 28, 2016	NON-FINAL ACTION MAILED - REFUSAL SENT TO IB	
Jun. 28, 2016	REFUSAL PROCESSED BY MPU	71529
Jun. 28, 2016	NON-FINAL ACTION (IB REFUSAL) PREPARED FOR REVIEW	
Jun. 27, 2016	NON-FINAL ACTION WRITTEN	82417
Jun. 16, 2016	ASSIGNED TO EXAMINER	82417
Jun. 14, 2016	APPLICATION FILING RECEIPT MAILED	
Jun. 08, 2016	ASSIGNED TO EXAMINER	83169
Jun. 08, 2016	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jun. 02, 2016	SN ASSIGNED FOR SECT 66A APPL FROM IB	

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## International Registration Information (Section 66a)

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<b>International Registration Number:</b> 1298717	<b>International Registration Date:</b> Jan. 19, 2016
<b>Intl. Registration Status:</b> REQUEST FOR EXTENSION OF PROTECTION PROCESSED	<b>Date of International Registration Status:</b> Jun. 02, 2016
<b>Notification of Designation Date:</b> Jun. 02, 2016	<b>Date of Automatic Protection:</b> Dec. 02, 2017
<b>International Registration Renewal Date:</b> Jan. 19, 2026	
<b>First Refusal Flag:</b> Yes	

---

## TM Staff and Location Information

---

### TM Staff Information - None

#### File Location

**Current Location:** PUBLICATION AND ISSUE SECTION

**Date in Location:** Apr. 11, 2017

# **EXHIBIT E**



Franchise

- Star Control
- Ashes of the Singularity
- Galactic Civilizations
- Offworld Trading Company
- Sins of a Solar Empire
- Elemental
- The Political Machine
- Demigod
- Dead Man's Draw
- The Corporate Machine

Genre

- 4X
- Fantasy
- Multiplayer
- Real-Time Strategy
- Role Playing Game
- Sci-fi
- Singleplayer
- Strategy
- Turn-Based Strategy
- Economy

Product Type

- Bundle
- DLC
- Expansion
- Full Game

Developer/Studio

- Stardock Entertainment
- Oxide Games
- Mohawk Games
- Ironclad Games
- Gas Powered Games

Stardock Games Catalog

Featured

Keys Provided w/Purchase



Sorcerer King: Rivals

Build a civilization, go on quests, craft weapons & armor, research spells and gain enough magical power to ascend to godhood in this turn-based fantasy 4X game.

~~\$29.99~~  
\$26.99

Get it Now



Ashes of the Singularity: Escalation

A massive-scale real time strategy game where you wage war across worlds with thousands of units.

~~\$39.99~~  
\$35.99

Get it Now



Fallen Enchantress: Ultimate Edition

This set includes Fallen Enchantress, Fallen Enchantress: Legendary Heroes, and all of the DLC for both games.

~~\$39.99~~  
\$35.99

Get it Now



Sins of a Solar Empire: Rebellion

Command a space-faring empire, the expansion that combines 4X depth with real-time strategy gameplay.

~~\$39.99~~  
\$35.99

Get it Now



Fallen Enchantress: Legendary Heroes

The Fallen Enchantress seeks to destroy the civilizations that have risen from the ashes of the Cataclysm.

~~\$24.99~~  
\$22.49

Get it Now



Galactic Civilizations III

Build an empire that dominates the galaxy through conquest, diplomacy, cultural hegemony, or scientific research with one of the highest-rated strategy series of all time.

~~\$29.99~~  
\$26.99

Get it Now



Galactic Civilizations II: Ultimate Edition

Get the complete GalCiv II saga with the acclaimed PC strategy game of the year GalCiv II: Dread Lords, the award winning Dark Avatar, and Twilight of the Arnor.

~~\$19.99~~  
\$17.99

Get it Now



Galactic Civilizations I: Ultimate Edition

Galactic Civilizations I: Ultimate Edition combines the award-winning Galactic Civilizations with the Altarian Prophecy expansion pack to create a stellar adventure.

~~\$9.99~~  
\$8.99

Get it Now

**Sins of a Solar Empire: Trinity**

This bundle pack includes the original Sins of a Solar Empire, plus the Entrenchment and Diplomacy expansions.

~~\$19.99~~**\$17.99**

Get it Now

**Sins of a Solar Empire: Rebellion - Outlaw Sectors DLC**

Challenge yourself with new strategies and unique setups with the new "Outlaw Sectors" gameplay option and brand new maps.

~~\$4.99~~**\$4.49**

Get it Now

**Galactic Civilizations III: Mercenaries Expansion**

A new campaign, factions, abilities, tech trees, music, and more, Mercenaries is a must-have addition to your Galactic Civilizations III experience.

~~\$9.99~~**\$8.99**

Get it Now

**FE: Legendary Heroes - Battlegrounds DLC**

Conquer 15 new tactical battle maps and explore a new variety for the random map generator.

~~\$2.99~~**\$2.69**

Get it Now

**FE: Legendary Heroes - Leader Pack DLC**

Expand the options players have for the most legendary hero of them all: you yourself, the leader of your people.

~~\$2.99~~**\$2.69**

Get it Now

**Sins of a Solar Empire: Rebellion - Stellar Phenomena DLC**

Adds three new stars, six deep space anomalies and eleven random events.

~~\$4.99~~**\$4.49**

Get it Now

**FE: Legendary Heroes - The Dead World DLC**

Design your own undead army or lead the Empire of the Dead to dominion over the living.

~~\$2.99~~**\$2.69**

Get it Now

**FE: Legendary Heroes - Loot Pack DLC**

Find new treasure, explore abandoned graveyard, design your custom sovereign with a revenging ring, bunny slippers and other new items.

~~\$2.99~~**\$2.69**

Get it Now

**FE: Legendary Heroes - Quest Pack DLC**

New improvements, weapons, armor, items, monsters and of course new events that make every game different.

~~\$2.99~~**\$2.69**

Get it Now

**FE: Legendary Heroes - Map Pack DLC**

New maps introduce new challenges, dangerous threats and worlds to explore.

~~\$2.99~~**\$2.69**

Get it Now

**Sins of a Solar Empire: Rebellion - Forbidden Worlds DLC**

New planets types, planet specialization, new technologies, new planetary bonuses and additional Steam achievements.

~~\$4.99~~**\$4.49**

Get it Now

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<a href="#">Object Desktop</a>	<a href="#">Star Control</a>	<a href="#">About</a>	<a href="#">My Account</a>
<a href="#">Corporate Solutions</a>	<a href="#">Ashes of the Singularity: Escalation</a>	<a href="#">Management Team</a>	<a href="#">Create an Account</a>
<a href="#">Start10</a>	<a href="#">Galactic Civilizations III</a>	<a href="#">Careers</a>	<a href="#">Product Keys</a>
<a href="#">Fences</a>	<a href="#">Offworld Trading Company</a>	<a href="#">Press Room</a>	<a href="#">Reset Password</a>
<a href="#">DeskScapes</a>	<a href="#">Sins of a Solar Empire: Rebellion</a>	<a href="#">Store</a>	<a href="#">Update Account Info</a>
<a href="#">Multiplicity</a>	<a href="#">Sorcerer King: Rivals</a>	<a href="#">Contact Us</a>	
<a href="#">ObjectDock</a>	<a href="#">The Political Machine</a>		



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