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

Proceeding	91239609
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Attachments	AirBlue Opposition to JetBlues MTN SJ REDACTED.pdf(144682 bytes) Declaration of J. Michael Keyes Final REDACTED.pdf(33776 bytes) Exhibit 1.pdf(46689 bytes) Exhibit 2.pdf(131658 bytes) Exhibit 3.pdf(2796812 bytes) Exhibit 4.pdf(163429 bytes) Exhibit 5.pdf(120142 bytes) Exhibit 6 Filed Under Seal.pdf(106219 bytes) Exhibit 7.pdf(765295 bytes) Exhibit 8.pdf(2133819 bytes) Exhibit 9.pdf(1736546 bytes) Exhibit 10.pdf(776440 bytes)

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

In the Matter of Application Serial No. 87/459,649
Published on October 24, 2017

JETBLUE AIRWAYS CORPORATION, Opposer, v. AIRBLUE LIMITED, Applicant.	Opposition No. 91239609

APPLICANT AIRBLUE LIMITED'S OPPOSITION TO OPPOSER JETBLUE AIRWAYS CORPORATION'S MOTION FOR PARTIAL SUMMARY JUDGMENT

Pursuant to Rule 56 of the Federal Rules of Civil Procedure as incorporated in Rule 2.127, Applicant Airblue Limited ("Airblue" or "Applicant") hereby submits its opposition to Opposer JetBlue Airways Corporation's ("JetBlue" or "Opposer") Motion for Partial Summary Judgement (the "Motion") on its likelihood of confusion claims and its claim that Airblue lacked a bona fide intent to use the AIRBLUE Mark in commerce.

I. INTRODUCTION & SUMMARY OF THE ARGUMENT

The Board should deny JetBlue's motion for partial summary judgment for several reasons.

First, JetBlue's motion is loaded with documents and evidentiary submissions that are not properly of record before the Board. None of this evidence should be considered and should be stricken. For this reason alone, JetBlue's motion fails.

Second, JetBlue moves for summary judgment on a claim it never raised before. JetBlue's pleadings only allege a likelihood of confusion between the AIRBLUE Mark and JetBlue's purported "family" of BLUE Marks. Now, JetBlue seeks summary judgment based on a likelihood

of confusion between the AIRBLUE Mark and *its JETBLUE Mark*. The Board has previously denied summary judgment in prior cases involving this same slight-of-hand technique. It should do so here as well.

Third, even if JetBlue's brand new likelihood of confusion claim is properly before the Board, the record is either chock full of disputed facts, or JetBlue's evidence is demonstrably weak, wildly speculative, or otherwise deficient as a matter of law. For example:

- There is no competent evidence that JetBlue has a strong mark. In fact, the undisputed evidence shows it is both conceptually and commercially weak;
- The marks are not similar. They share a single word—"Blue"—that is used by multiple third parties in the airline industry for similar goods and services;
- JetBlue presents no surveys or other direct evidence relating to consumer perception of the JETBLUE Mark or the AIRBLUE Mark;
- JetBlue's purported evidence relating to the commercial strength of the JETBLUE Mark is in no way tied to consumer perception of the mark;
- The parties have offered services in overlapping markets for years. Neither party has any evidence of actual confusion.

Fourth, Airblue is an established, credible airline that has operated in Europe and the Middle East since 2003. The undisputed evidence shows that Airblue intends to expand its operations in the U.S. JetBlue's claim to the contrary is baseless.

JetBlue's Motion should be denied on all counts.

II. OBJECTIONS TO EVIDENCE PRESENTED BY JETBLUE

As an initial matter, pursuant to Fed. R. Civ. P. 56(c)(2) and the Trademark Trial and Appeal Board Manual of Practice ("TBMP") § 528.05(a)(1), Applicant objects to evidence submitted by JetBlue in support of its Motion for Summary Judgment. This evidence should be stricken and not considered by the Board.

A. JetBlue's Trademark Registrations are Not Properly Submitted and Should Not Be Considered

JetBlue attached printouts from the Trademark Status & Document Retrieval system

("TSDR") to its originally-filed Notice of Opposition ("Notice") and incorporates those printouts by reference in its Amended Notice of Opposition. 1 TTABVUE, Ex. A (Feb. 21, 2018); 13 TTABVUE 2-5 (Oct. 25, 2018). This was improper. JetBlue must submit "a *current* copy of information from the electronic database records showing the *current* status and title of the registration" for its registrations to be of record. 37 C.F.R. § 2.122(d) (emphasis added). To be current, the issue dates of the records must be "substantially contemporaneous with the filing of the notice of opposition." *United Global Media Grp. Inc. v. Bonnie Tseng*, 112 USPQ2d 1038, 1042 (TTAB 2014); *Sterling Jewelers Inc. v. Romance & Co., Inc.*, 110 USPQ2d 1598, 1601 n. 2 (TTAB 2014).

The TSDR printout for the JETBLUE Mark and thirty-six other TSDR printouts in Exhibit A to JetBlue's Notice were generated on November 21, 2016, fifteen months prior to the filing date of the Notice.[1] 1 TTABVUE, Ex. A. The fifteen-month gap between the filing date and the date on which the TSDR records were generated is not "substantially contemporaneous" and is demonstrably material here because at least four of the registrations are in fact cancelled.[2] *See United Global Media*, 112 USPQ2d at 1042; Declaration of J. Michael Keyes in Support of Airblue's Opposition ("Keyes Decl.") Ex. 4. The TSDR printouts submitted in Exhibit A to JetBlue's Notice of Opposition should be stricken from the record. Without the registrations being of record, JetBlue lacks standing and its Motion should be denied. *See infra* § IV.A.

B. JetBlue's 10-K Filings are Not Properly Submitted and Should be Stricken and, Even if They Are Properly Submitted, Cannot be Used to Prove the Truth of the Matter Asserted Therein

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[1] JetBlue filed a Motion for Leave to File an Amended Notice of Opposition on October 25, 2018, nearly two years after the date on which it generated the TSDR records. 13 TTABVUE, 1. JetBlue did not submit any proof of ownership of the BLUE Marks at that time; rather, it incorporated by reference the 2016 TSDR records filed with the original Notice of Opposition on February 21, 2018. *Id.*, ¶ 5.

[2] JetBlue has also admitted that it is no longer using at least two other trademarks for which it attempted to submit TSDR printouts. Keyes Decl. Ex. 3 at 26, 29–31, Ex. 6 (Dep. 108:17-109:6; 111:4-17).

Exhibits C and K to the Declaration of Chantel van Wijnbergen ("van Wijnbergen Decl.") are purportedly excerpts from JetBlue's 10-K filings from 2009 to 2019 and are attached to the declaration as if they are printed publications or official records. van Wijnbergen Decl. ¶¶ 5, 13, Exs. C, K. It is well established that 10-K filings are not official records nor printed publications available to the general public and cannot be submitted under 37 CFR § 2.122(e). *Midwest Plastic Fabricators Inc. v. Underwriters Labs., Inc.*, 12 USPQ2d 1267, 1270 n. 5 (TTAB 1989), *aff'd* 906 F.2d 1568 (Fed. Cir. 1990); *Research in Motion Ltd. v. NBOR Corp.*, 92 USPQ2d 1926, 1929 (TTAB 2009). JetBlue's attempt to rely on Section 2.122(e) is improper and the 10-K should be stricken. *See* TBMP § 528.05(e).

Even if the 10-K are properly submitted, they are still hearsay.[3] *Overstock.com Inc. v. J. Becker Mgmt.*, Opp. No. 91203624, 2015 BL 222740, at * 3 (TTAB 2015). JetBlue attempts to use the figures in the reports to prove that they are accurate. This is classic hearsay and the reports and testimony relating thereto should be stricken as such. *7-Eleven, Inc. v. Wechsler*, 83 USPQ2d 1715, 1717 n.2 (TTAB 2007).

C. Exhibit T to the van Wijnbergen Declaration and Related Testimony is Inadmissible Expert Testimony and Should be Stricken

Exhibit T purports to be results from a survey performed by a third party. van Wijnbergen Decl. ¶ 23. The board should strike this supposed "survey." For starters, Ms. van Wijnbergen is neither a consumer survey expert, nor was she disclosed as an expert. Keyes Decl. ¶ 2. Moreover, there are not facts to suggest she authored the study, collected the data, or is otherwise able to vouch for its reliability; it should be stricken and not considered. *See ProMark Brands, Inc. v. GFA Brands, Inc.*, 114 USPQ2d 1232, 1247-48 (TTAB 2015). Because the survey is not properly

[3] Ms. van Wijnbergen has not testified that the 10-K filings are business records. van Wijnbergen Decl. ¶¶ 5, 13.

submitted, testimony relating to the survey results are inadmissible hearsay and should be stricken. *Flowers Indus. Inc. v. Interstate Brands Corp.*, 5 USPQ2d 1580, 1582 n. 4 (TTAB 1987).

D. Evidence Relating to the Opposition between the Parties in the United Kingdom are Not Admissible and are Irrelevant in Any Event

JetBlue submits three exhibits relating to an opposition between JetBlue and Airblue in the United Kingdom. Santori Decl. ¶¶ 6-8, Exs. E, F, G. Such documents can only be admitted at summary judgment "upon motion granted by the Board . . . accompanied by a copy of the testimony sought to be entered in the record together with clear arguments as to its relevance and materiality." TBMP § 528.05(f). JetBlue has not complied with this clear rule. These exhibits and related testimony should be stricken. They are also irrelevant and provide no probative value regarding this proceeding conducted pursuant to the laws of the U.S.

III. STATEMENT OF FACTS

A. Applicant is an Established Airline that United States Customers have Encountered and Applicant is not Aware of Any Instances of Confusion

Airblue is an international airline founded in 2003 and headquartered in Islamabad, Pakistan. Declaration of Tariq Chaudhary ("Chaudhary Decl.") ¶ 2. Applicant is the second largest airline in Pakistan and has been named the "Best Pakistani Airline." *Id.* ¶ 14, Ex. 4. Applicant currently flies to several domestic destinations within Pakistan, as well as international destinations throughout the Middle East, including the United Arab Emirates and Saudi Arabia. *Id.* ¶ 10, Ex. 5. Applicant has offered a frequent flyer program since 2004, and previously offered a co-branded credit card for over 10 years that provided benefits to customers, such as extra points towards the customers' frequent flyer accounts. *Id.* ¶¶ 11–12. Applicant uses the trademark AIRBLUE in association with its goods and services offered across the globe. *Id.* ¶¶ 7, 10

Applicant maintains an English-language website, www.airblue.com, through which it advertises its goods and services. *Id.* ¶ 15, Ex. 5. Since 2004, customers anywhere in the world,

including the United States, have been able to reserve tickets on Airblue flights through Applicant's website. *Id.*; Santori Decl., Ex. B. Several third party booking websites, such as expedia.com and kayak.com, advertise Airblue flights and allow U.S. customers to reserve tickets on Airblue flights. Chaudhary Decl. ¶ 16, Ex. 6; Santori Decl. Ex. B. Applicant maintains social media accounts through which it advertises its air transportation, frequent flyer program, and credit card services.[4] Chaudhary Decl. ¶ 16; Santori Decl., Ex. B. Additionally, Applicant partners with travel agents throughout the world to market its goods and services. Chaudhary Decl. ¶ 18.

Applicant invests in the AIRBLUE Mark. Below is a table showing Applicant's marketing and sales expenditures and gross profit from 2016 to 2018, as determined by routine audits of the company's financials:

Year	Marketing and Sales Investments (Pakistani Rupees, Rs)[5]	Gross Profit (Pakistani Rupees, Rs)
2016	[redacted]	[redacted]
2017	[redacted]	[redacted]
2018	[redacted]	[redacted]

Id. ¶ 13, Ex. 3. The investment in marketing and sales is comprised of advertising on Airblue's website, on its social media platforms, in print and on billboards, sponsorship of local and regional events, and other marketing channels. *Id.* ¶¶ 15–18.

Since 2014, over 12,000 U.S. citizens have purchased tickets for international Airblue flights in the Middle East. *Id.* ¶ 33, Ex. 14.[6] Currently, over 230,000 Airblue customers have

[4] Applicant uses its website and social media accounts to market to customers in each of the countries in which it offers services. It does not maintain separate websites or social media accounts for each country. Chaudhary Decl. ¶¶ 15–16.

[5] The exchange rate from Pakistani Rupees to U.S. dollars is 1 dollar to 168 Rupees. XE Currency Converter, https://www.xe.com/currencyconverter/convert/?Amount=1.00&From=USD&To=PKR (last accessed Aug. 12, 2020).

[6] Applicant only records the citizenship of its passengers on international flights, so this number does not include U.S. citizens who flew domestically within Pakistan. Chaudhary Decl. ¶ 33.

signed up for the frequent flyer program, including at least 714 customers who provided U.S. addresses when signing up for the program. *Id.* ¶ 36, Ex. 15. Applicant has also had partnerships with travel agencies in the U.S. including in California, Texas, Illinois, Virginia, and New York who promote Applicant's services in the Middle East to U.S. customers. *Id.*¶ 18, Ex. 7. Applicant is not aware of a single customer who confused Applicant's goods and services with JetBlue's goods and services or associated the AIRBLUE Mark with the JETBLUE Mark. *Id.* ¶¶ 38–39.

B. Applicant Intends to Offer Goods and Services in the United States

Applicant filed an intent-to-use application for the word mark AIRBLUE on May 22, 2017 ("Challenged Application") for the following goods and services: Class 36 for "issuance of credit cards; credit card services, namely, providing cash and other rebates for credit card use as part of a customer loyalty program" and Class 39 for "air transportation of passengers, property, and cargo; air transportation services featuring a frequent flyer bonus program; making reservations and bookings for air transportation; providing automated check-in and ticketing services for air travel." These are the same goods and services that Airblue currently offers in the Middle East.

Applicant will offer international flights between the United States and Airblue's current, Middle Eastern destinations. Chaudhary Decl. ¶ 20. In fact, as a foreign company, Applicant is only permitted to offer international flights to and from the United States. 49 U.S.C. §§ 40102(21), 40102(23); Chaudhary Decl. Ex. 11.

Applicant originally only offered domestic flights within Pakistan. Over the last 17 years of operation, Applicant has expanded its services to offer international flights to other countries in the Middle East and Europe, including Muscat, Oman; Istanbul, Turkey; and Manchester and Birmingham in the United Kingdom. Chaudhary Decl. ¶ 7. Applicant has successfully navigated regulatory approval requirements from authorities in Pakistan and each destination country. *Id.* ¶¶ 8–9. As such, Applicant is intimately familiar with the Pakistan Civil Aviation Authority's

("PCAA") procedure for seeking permission to begin international flights to new destinations and, in Airblue's experience, it takes only one or two months to obtain approval from PCAA. *Id.* ¶ 8; Santori Decl., Ex. A (Dep. 122:12-15).

Applicant's CEO testified that it expects that obtaining approval from the U.S. Department of Transportation ("DOT") and the Federal Aviation Authority ("FAA") will take "maybe six months at the most." Santori Decl., Ex. A (Dep. 152:4-23). Official records from the DOT, confirm that a foreign air carrier, such as Airblue, can expect action on its request rather quickly, "within 30-60 days." Chaudhary Decl. Ex. 12, at 6. Applicant does not expect to have any regulatory issues expanding into the United States given its experience expanding in the past and knowledge of the regulatory process. *Id.* ¶¶ 27–28.

Applicant cannot begin advertising flights to and from the United States until it has initial economic approval from the DOT. 62 Fed. Reg. 51175 (Sept. 30, 1997); Chaudhary Decl. Ex. 12, at 6 ("[A] foreign air carrier may not sell, offer to sell, or otherwise hold out foreign air transportation services to the public unless and until it has received requisite economic authority from the department."). As such, Applicant has not advertised flights to and from the U.S. or the frequent flyer program and credit card services associated with the flights in the U.S.[7] However, Applicant has an established website, social media accounts, third-party booking websites, a network of travel agents, and existing U.S. customers through which it intends to immediately begin advertising to the U.S. market upon initial economic approval from the DOT. *Supra* § III.A; Chaudhary Decl. ¶ 30; Santori Decl. Ex. A. (Dep. 48:1-12).

Mr. Chaudhary, as CEO, makes most of the business decisions, including deciding to which countries, regions, or airports Applicant will offer services, and he does so primarily through in

[7] United States customers can currently sign up for the frequent flyer program through a portal on Applicant's website. Chaudhary Decl. Ex. 14.

person or telephonic communications with other executives at Airblue. Chaudhary Decl. ¶¶ 2, 5, Ex. 1. As such, Applicant does not have many written documents evidencing its intent to offer flights to the United States or the frequent flyer program and credit card services associated therewith. *Id.* ¶ 5; Santori Decl. Ex. A (Dep. 88:15-89:23). However, Applicant has testified to steps taken towards offering its goods and services in the United States and has produced documents relating to that testimony, for example:

- Applicant terminated its relationship with Faysal Bank in 2019, who marketed the Airblue Credit Card for 10 years, and is looking for new partners to offer credit card services on more favorable commercial terms. Chaudhary Decl. ¶ 12; Santori Decl. Ex. A (Dep. 35:23-36:4). The new partner or partners will offer credit card services under the AIRBLUE Mark for Applicant's entire market, including the United States. Chaudhary Decl. ¶ 12.
- Applicant is currently seeking additional travel agent partners in the U.S., as advertised on its website. *Id.* ¶ 19, Ex. 8. Applicant intends to use existing and new travel partners to market international flights to and from the U.S. when it is allowed to begin advertising. *Id.* ¶ 26.
- Applicant has a Citibank bank account in the U.S. that Airblue will use for its U.S. operation. Santori Decl. Ex. A (Dep. 111:1-11, 112:8-19). [redacted] Chaudhary Decl. Ex. 3, at 82.
- Applicant has a fleet of Airbus A320 and A321 planes that it intends to use to offer flights to the U.S. *Id.* ¶¶ 22–23. Airbus releases technical information showing the range of its planes; Applicant relied on this information to determine that it can fly from Pakistan to the U.S. with technical stops. *Id.* ¶ 22, Ex. 9; Santori Decl. Ex. A (Dep. 91:13-94:7).
- [redacted] Chaudhary Decl. ¶ 23, Ex. 10; Santori Decl. Ex. A (Dep. 90:19-91:12; 99:25-100:10). [redacted] Chaudhary Decl. ¶ 23, Ex. 10.
- Applicant obtained spare engines compatible with the A320 and A321 aircraft to ensure that its fleet is reliable and ready for expansion into the U.S. *Id.* ¶¶ 24–25.

C. JetBlue, the Global Travel Company

JetBlue is a global travel company that offers low cost domestic flights in the United States, as well as international flights in Mexico, the Caribbean, Latin America, and South America.

Motion at 2; van Wijnbergen Decl. Ex. E. JetBlue also has partnerships with several international airlines, including Airblue competitors Emirates, the largest airline in the Middle East, and SpiceJet, a low-cost carrier in the Middle East. van Wijnbergen Decl. Ex. F; Keyes Decl. Ex. 7. In the U.S., JetBlue's market is primarily limited to the East Coast. van Wijnbergen Decl. Ex. CC ("JetBlue is not as relevant on a national scale outside of [the] Northeast [and] Florida. . . ."). JetBlue has argued previously that at least some of its customers are "sophisticated purchasers that are unlikely to be confused." Keyes Decl. Ex. 8, at 6–7.

D. The JETBLUE Mark

The JETBLUE Mark is a combination of the word "jet" and the word "blue." *Id.* at 3. The word "jet" means "an airplane powered by one or more jet engines."[8] *Jet*, MERRIAM-WEBSTER DICTIONARY, https://www.merriam-webster.com/dictionary/jet (last visited July 29, 2019). JetBlue's CEO explained that "blue" refers to "the wild blue yonder" — "It's the sky." Keyes Decl. Ex. 9; *see also Blue*, MERRIAM-WEBSTER DICTIONARY, https://www.merriam-webster.com/dictionary/blue (last visited July 29, 2020) ("of the color whose hue is that of the clear sky").

E. Third Party Use of the Term "Blue" in the Aviation Industry

Blue-formative marks are used extensively in the airline industry. There are dozens of active U.S. trademark registrations relating to goods and services in which JetBlue claims to have established its family of BLUE Marks. Keyes Decl. Exs. 10, 11, 21. To name a few: BLUE CLOUD TRAVEL for "travel booking agencies;" BLUEGRACE for "transportation and delivery services by air;" BEYOND BLUE for "arranging and booking of travel by air;" ST. BLUE for "air transportation of passengers and freight;" BLUEBIRD CARGO for "air cargo transport;" and

[8] Applicant requests that the Board exercise its discretion and take judicial notice of the dictionary definitions presented in this section. *See Univ. of Notre Dame du Lac v. J. C. Gourmet Food Imports Co.*, 213 USPQ 594 (TTAB 1982), *aff'd,* 703 F.2d 1372 (Fed. Cir. 1983).

BLUE HAWAIIAN for "transportation of passengers and/or goods by air."[9] *Id.* Ex. 11.

Virgin Australia used to offer international flights between Hawaii and Australia using the mark VIRGIN BLUE. Keyes Decl. Exs. 13, 14. JetBlue conducted business with Virgin but could not say whether it ever objected to Virgin's use of VIRGIN BLUE. *Id.* Ex. 6 (Dep. 216:11-218:5). Two of JetBlue's direct competitors, American Airlines and Delta Air Lines, each use blue-formative marks for credit card services—the "Aviator Blue MasterCard" and the "Blue Delta SkyMiles Card," respectively. Keyes Decl., Exs. 15, 16, Ex. 3, at 4, Ex. 6 (Dep. 221:2-20). JetBlue hasn't objected to the name of either competitor's credit card. *Id.* Ex. 6 (Dep. 219:8-220:8; 222:7-21). Blue Sky Taxi offers private charter flights in the Chicago area. *Id.* Ex. 17. AZUL Airlines, a Brazilian company, offers international flights from South America to the U.S., including to JetBlue's primary markets in Florida and New York.[10] *Id.* Exs. 18, 19.

[redacted] Air France has a U.S. trademark registration for the mark FLYING BLUE relating to a customer loyalty program in Classes 036 and 039, among others. *Id.* Ex. 21, Ex. 6 (Dep. 223:4-225:6). The Flying Blue program is offered to U.S. customers via partnerships with domestic and international airlines, including Delta Air Lines and Virgin Atlantic. *Id.* Exs. 22, 23, Ex. 6 (Dep. 226:2-25). [redacted]

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[9] Some third parties use marks identical to JetBlue's BLUE Marks. For example, JetBlue uses SHOPBLUE for its online stores. Motion at 8. An online retailer called SHOP BLUE sells a variety of clothing and novelty items at shopblue.co and the University at Buffalo uses SHOPBLUE for its online store. Keyes Decl. Ex. 12.

[10] Marks comprised of foreign words are translated into English to determine similarity with English word marks. *See Palm Bay Imps., Inc. v. Veuve Clicquot Ponsardin Maison Fondee en 1772*, 396 F.3d 1369, 1377, 73 USPQ2d 1689, 1696 (Fed. Cir. 2005). "Azul" is Spanish for "blue." *Azul*, SPANISHDICT, https://www.spanishdict.com/translate/azul (last visited Aug. 6, 2020).

[redacted] *Id.* Ex. 24.

[redacted]

[redacted] *Id.* Ex. 25. [redacted]

[redacted] *Id.* Exs. 28, 29.

IV. LAW AND ARGUMENT

A. Standard for Summary Judgment

Summary judgment is only appropriate if the movant shows the absence of any genuine dispute of material fact, and that it is entitled to judgement as a matter of law. Fed. R. Civ. P. 56(a); *Sweats Fashions, Inc. v. Pannill Knitting Co. Inc.*, 833 F.2d 1560, 4 USPQ2d 1793, 1796 (Fed. Cir. 1987). The movant's burden at summary judgment is greater than the burden of proof at trial. *Gasser Chair Co. v. Infanti Chair Manufacturing Corp.*, 60 F.3d 770, 34 USPQ2d 1822, 1824 (Fed. Cir. 1995); TBMP § 528.01 (2020). If the movant meets its burden, the non-movant may prove an evidentiary conflict by presenting facts supported by documents, affidavits, or declarations. *Octocom Sys., Inc. v. Hous. Comput. Sys., Inc.*, 918 F.2d 937, 940 (Fed. Cir. 1990).

When deciding a motion for summary judgement, the Board may not weigh the evidence in an area of disputed fact or make credibility determinations. *See, e.g., Metro. Life Ins. Co. v. Bancorp Servs. LLC*, 527 F.3d 1330, 87 USPQ2d 1140, 1146 (Fed. Cir. 2008) (when resolving conflicting accounts requires ruling on the weight and credibility of the evidence, summary judgment is not available). The non-movant must be given the benefit of all reasonable doubt as to whether a genuine dispute of fact exists, and the evidentiary record on summary judgment and all inferences to be drawn from the undisputed facts must be viewed in the light most favorable to the non-movant. *Opryland USA Inc. v. Great Am. Music Show Inc.*, 970 F.2d 847, 23 USPQ2d

1471, 1472 (Fed. Cir. 1992).

B. JetBlue has Failed to Show that it Has Standing and Priority

Opposer must establish that there is no genuine dispute of material fact as to its standing to bring the case. *United Rum Merchants Ltd. v. Distillers Corp. Ltd.*, 9 USPQ2d 1481, 1483 (TTAB 1988). JetBlue relies on TSDR printouts for the JETLBUE Mark and the JETBLUE CARD trademark attached to the Notice of Opposition to establish its priority and standing. Motion at 14. However, JetBlue has failed to prove ownership of the JETBLUE Mark or the JETBLUE CARD trademark by failing to follow the simple and clear rules for making its registrations of record. *See supra* § II.A; *Sterling Jewelers Inc.,* 110 USPQ2d at 1601; *Sazerac Brands, LLC v. Bison Union LLC*, Opposition No. 91241904, 2019 BL 368545, at *4 (TTAB 2019) (non-precedential) (denying the motion for summary judgment because the opposer, who failed to properly introduce TSDR printouts of its pleaded registrations, failed to establish standing). For this reason alone, JetBlue's Motion should be denied.

C. JetBlue's Likelihood of Confusion Claim Improperly Relies on a Claim That Was Never Raised or Pleaded in its Opposition

"[A] party may not obtain summary judgment on an issue that it has not pleaded or properly pleaded." *In re Omega S.A.,* 118 USPQ2d 1289, 1292 (TTAB 2016); *Am. Council on Exercise v. Health Care Fitness Integrations, LLC*, Opposition No. 91238589, 2019 BL 503452, at *1-3 (TTAB 2019). In JetBlue's Amended Notice of Opposition, JetBlue only alleges that the AIRBLUE trademark is likely to cause confusion with respect to "Opposer's BLUE Marks," which is defined as "a family of BLUE-formative trademarks." 13 TTABVUE ¶¶ 2, 34, 74. Consistent with its pleading, JetBlue responded to Applicant's discovery requests relating to the likelihood of confusion by alleging that the AIRBLUE Mark is likely to cause confusion with the family of

BLUE Marks.[11] Keyes Decl. Ex. 2, at 6–7. Now, in its Motion for Summary Judgment, JetBlue alleges that Applicant's AIRBLUE Mark "is likely to cause confusion with the famous JETBLUE Mark." Motion, at 2, 21.

Pleading confusion with a family of marks is not sufficient to plead confusion with one member of that family. *Wise F&I, LLC v. Allstate Insurance Company*, 120 USPQ2d 1103, 1110 (TTAB 2016); *see also Salesforce.com, Inc. v. Edataforce Consulting, LLC*, Opposition No. 91199539, at *7 (TTAB 2014) (non-precedential) (evaluating whether Opposer proved its rights in a family of marks before considering the likelihood of confusion issue because "the likelihood of confusion ground [was] based greatly, if not exclusively, on this family of marks rather than relying on any one of its individual. . . marks"). In *Wise F&I*, the Board held that "there is no basis for construing Opposer's pleading as asserting the individual WISE-formative marks as independent basis for the Section 2(d) claim" where the Opposer's pleaded ground of confusion was *identical* to JetBlue's pleading.[12] 120 USPQ2d at 1110. Accordingly, JetBlue is not entitled to summary judgement on this unpleaded claim. *In re Omega,* 118 USPQ2d at 1292.

D. Even if the Board Considers JetBlue's Unpleaded Claim, Applicant's Airblue Mark Does Not Create a Likelihood of Confusion with the JETBLUE Mark

The Board applies the *du Pont* factors when assessing whether a likelihood of confusion exists. *In re E.I. du Pont de Nemours & Co.*, 476 F.2d 1357, 177 USPQ 563 (CCPA 1973). At

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[11] Applicant notes that JetBlue did plead that the AIRBLUE Mark is "likely to cause dilution" of the JETBLUE Mark. 13 TTABVUE ¶ 77. Had JetBlue intended to plead confusion with the JETBLUE Mark, they similarly would have specified the JETBLUE Mark rather than the family of BLUE Marks.

[12] Below is a comparison between Wise F&I's confusion pleading and JetBlue's confusion pleading:

> Applicant's mark ALLSTATE MILEWISE *so resembles Opposers' WISE Family of Marks* as to be likely, when used in connection with the applied-for services, to cause confusion or to cause mistake or to deceive[.] *Wise F&I,* 120 USPQ2d at 1110 (emphasis added).
>
> Applicant's AIRBLUE trademark *so resembles Opposer's BLUE Marks* as to be likely, when used in connection with the services set forth in the Challenged Application, to cause confusion, or to cause mistake, or to deceive[.] 13 TTABVUE ¶ 74 (emphasis added).

summary judgment, the Board must consider each *du Pont* factor for which facts and argument have been presented. *In re Omega*, 118 USPQ2d at 1293. JetBlue has failed to show that there is no genuine dispute of fact as to the factors they focus on and failed to present any facts or arguments from which the Board could find there is no genuine dispute of fact as to the additional factors addressed by Applicant. Accordingly, JetBlue's motion for summary judgement on the issue of confusion should be denied.

1. JetBlue Has Failed to Show That the JETBLUE Mark is Either Conceptually or Commercially Strong or Famous

The strength of a mark is determined from both its (a) inherent strength based on the nature of the mark itself; and (b) its commercial strength based on consumer recognition of the mark. *In re Chippendales USA, Inc.*, 96 USPQ2d 1681, 1686 (Fed. Cir. 2010). JetBlue's purported evidence fails on both counts.

a. The JETBLUE Mark is Conceptually Weak Because it is At Best Suggestive of JetBlue's Goods and Services

JetBlue presents no facts or argument to suggest that its mark is conceptually strong. A mark's conceptual strength is assessed against the Abercrombie taxonomy. *Abercrombie & Fitch Co. v. Hunting World, Inc.*, 537 F.2d 4, 9 (2d Cir. 1976). Arbitrary and Fanciful marks are strongest. *Id.* A mark is suggestive if it "requires imagination, thought, or perception to reach conclusion as to the nature" of the goods and services; although inherently distinctive, suggestive marks are still considered conceptually "weak." *In re George Weston Ltd.*, 228 USPQ 57, 58 (TTAB 1985). A mark is descriptive when it directly conveys information regarding an attribute or idea about the nature, function, purpose or use of the goods and services. *In re Sun Microsystems, Inc.*, 59 USPQ2d 1084, 1087 (TTAB 2001). Descriptive marks are also conceptually weak. *Id.*

Here, the JETBLUE Mark is a combination of two descriptive terms: "jet," a type of

airplane, and "blue," the color of the sky. *See supra* § III.D. When combined, the terms directly convey information about JetBlue's air transportation services: a jet in the sky. This is a quintessential descriptive mark. *In re Sun Microsystems, Inc.*, 59 USPQ2d at 1086–87 (AGENTBEANS descriptive of computer programming services where "agent" and "beans" each have a definition descriptive of an aspect of the services). With respect to JetBlue's other goods and services, all of which are related to JetBlue's air transportation services and are common in the airline industry, the JETBLUE Mark is, at best, suggestive of those goods and services. *In re George Weston Ltd.*, 228 USPQ at 58; *see also* Keyes Decl. Exs. 15, 16, 21, 22.

Moreover, the fact that several third parties use "blue" in trademarks for related goods and services is additional evidence that the term "has a normally understood and well-recognized descriptive or suggestive meaning." *Juice Generation, Inc. v. GS Enters. LLC*, 115 USPQ2d 1671, 1674–75 (Fed. Cir. 2015). *TPI Holdings, Inc. v. TrailerTrader.com, LLC*, 126 USPQ2d 1409, 1428 (TTAB 2018) (third party use is "powerful evidence of weakness"). JetBlue presents no facts or arguments to suggest that the JETBLUE Mark is in anything other than descriptive or suggestive with respect to each goods and service it offers.[13] *See supra* § II.C. The JETBLUE Mark is conceptually weak.

b. The JETBLUE Mark is Commercially Weak Because JetBlue has Presented No Evidence of Consumer Recognition

For a mark to be considered commercially strong, the movant must establish that "a significant portion of the relevant consuming public recognizes the mark as a source indicator." *Tao Licensing, LLC v. Bender Consulting Ltd.*, 125 USPQ2d 1043, 1056 (TTAB 2017) (citations and alterations removed). Direct evidence in the form of a survey is the best evidence of consumer

[13] To the extent JetBlue relies on the alleged incontestability of its registrations, "incontestability does not preclude [the Board] from finding that, in terms of conceptual strength, [JETBLUE] is descriptive." *Couch/Braunsdorf Affinity, Inc. v. 12 Interactive, LLC*, 110 USPQ2d 1458, 1477 (TTAB 2014).

recognition. *Nextel Comms., Inc. v. Motorola, Inc.*, 91 USPQ2d 1393, 1401 (TTAB 2009); *Bose Corp. v. QSC Audio Prods. Inc.*, 63 USPQ2d 1303, 1308 (Fed. Cir. 2002) ("[D]irect evidence of consumer awareness of products and the marks they bear is preferable to indirect evidence."). JetBlue failed to produce an admissible survey.[14] *See supra* § II.C.

At times, the Board has considered indirect evidence such as a high volume of sales, extensive marketing expenditures, and advertising campaigns related to the mark as a proxy for establishing consumer recognition. *Weider Publ'ns, LLC v. D&D Beauty Care Co.*, 109 USPQ2d 1347, 1354 (TTAB 2014). But, such indirect evidence must be sufficiently strong to establish an inference of consumer recognition. For example, in *Nextel Communications*, the Board found "substantial" and "impressive" sales and marketing figures insufficient to establish consumer recognition where there was no testimony or evidence showing that the figures were directly related to marketing the asserted mark. 91 USPQ2d at 1408; *see also Stuart Spencer Designs, Ltd v. Fender Musical Instr. Corp.*, 94 USPQ2d 1549, 1572 (TTAB 2009) ("[M]ere figures demonstrating successful product sales are not probative of purchaser recognition."); *Bose Corp.*, 63 USPQ2d at 1309 ("[R]aw numbers alone in today's world may be misleading."). JetBlue's purported evidence fails to show commercial strength for several reasons.

First, JetBlue relies exclusively on 10-K filings that are not of record here to allege that it invests "heavily" in the JETBLUE Mark. *See Supra* § II.B. It also improperly present the figures from the 10-K data as "fact." *Id.*; TBMP § 528.05(e). "Opposer's reliance on these materials to support assertions involving fame is unfounded" because they cannot be used to prove the truth of the matter asserted. *Overstock.com*, 2015 BL 222740, at *9. [redacted]

[14] Not only is the survey inadmissible, it is fundamentally flawed. JetBlue alleges the survey results show 30% recognition of the JETBLUE Mark, however, the report itself indicates that the "Aware" sample had to be "supplemented with additional respondents who were not aware . . . to ensure adequate sample size." van Wijnbergen Decl. Ex. T, at 3.

[redacted] Keyes Decl. Ex. 6 (Dep. 155:3-20, 167:13-168:9; 267:17-268:11). [redacted] *Id.* (Dep. 174:5-177:21). JetBlue also fails to present any evidence to "establish[] the percentage of revenue or advertising figures which pertain specifically to the [JETLBUE] mark." *Univ. of Tex. Sys. v. S. Ill. Miners, LLC*, 110 USPQ2d 1182, 1194 (TTAB 2014).

Second, JetBlue relies on several unsubstantiated facts relating to consumer recognition or exposure to the JETBLUE Mark. JetBlue did not submit a single document showing the number of viewers, the geographic location of the viewers, or any other information to support its contention that its Election Protection campaign had 420,000 unique views with participants in every state. *See* van Wijnbergen Decl. ¶ 24. JetBlue submitted "mock ups" of advertisements relating to its sponsorship of sports teams, but nothing to indicate whether consumers are aware of its sponsorship. *See id.* ¶¶ 26-27, Exs. U, W. The same is true of awards JetBlue has received: [redacted] Keyes Decl. Ex. 6 (Dep. 178:12-186:4).

Third, JetBlue relies on unsolicited media mentions and the number of visitors to JetBlue's website and social media accounts. Motion at 5-7. [redacted] Keyes Decl. Ex. 6 (Dep. 41:6-8; 44:13-17; 45:18-23; 126:22-129:2; 145:3-8). JetBlue also admits that a single customer could result in multiple impressions and that an unknown number of social media followers and monthly visits to its website are actually "bots," or fake accounts. Motion at 6 n. 2; Keyes Decl. Ex. 6 (Dep. 57:22-62:20). Further, [redacted]

[redacted]

[redacted] *Id.* Ex. 6 (Dep. 136:20-25)

Finally, JetBlue testified that the majority of its advertising occurs on the East Coast. Id. (Dep. 157:1-159:24); van Wijnbergen Decl., Ex. CC ("JetBlue is not as relevant on a national scale outside of [the] Northeast [and] Florida. . . ."). JetBlue has presented no evidence that consumers outside of the East Coast have encountered the JETBLUE Mark, let alone that they "recognizes the mark as a source indicator." *Tao Licensing, LLC*, 125 USPQ2d at 1056.

Because of the wide latitude of legal protection accorded to a famous mark, the party asserting fame must clearly prove it. *Lacoste Alligator S.A. v. Maxoly Inc.*, 91 USPQ2d 1594, 1597 (TTAB 2009). JetBlue's conclusory assertions and reliance on inadmissible hearsay falls far short of its burden to establish no dispute of material fact as to the strength and fame of the JETBLUE Mark.[15]

2. Even Though the Parties' Services are Similar and the Parties Use Overlapping Channels of Trade, Consumers are Unlikely to Believe Applicant's Services Originate with JetBlue

JetBlue alleges that because the Challenged Application lists services similar to those in JetBlue's registrations,[16] the services, channels of trade, and classes of purchasers are identical. Motion at 17-18. Because dozens of third parties use blue-formative marks on the same goods and services, purchasers are not necessarily likely to believe the AIRBLUE Mark emanates from JetBlue even though Applicant's services are similar to JetBlue's services. *See In re Princeton Tectonics, Inc.*, 95 USPQ2d 1509, 1511 (TTAB 2010) ("[T]hird-party registrations can play an

[15] To the extent JetBlue argues its use of the JETBLUE Mark since 2000 is evidence of its strength or recognition, "the probative value of this factor is greatly diminished inasmuch as this use was not substantially exclusive given the third party uses" of "blue" in the industry. *Stuart Spencer Designs,* 94 USPQ2d at 1572; *see supra* § III.E.

[16] Which are not properly before the Board. *See supra* § II.A.

important role in establishing that the types of goods at issue are related."); *TPI Holdings*, 126 USPQ2d at 1427 (finding that if there are third party uses on similar services, consumers are likely to view subsequent uses as additional, unrelated uses); Keyes Decl. Exs. 10, 11, 21.

JetBlue and Airblue use their respective websites, social media, third party booking websites, travel agents, and other channels common to the airline industry to advertise their goods and services. *See supra* § III.A. Blue Air, Azul Airlines, Blue Sky Taxi, Delta Air Lines, American Airlines, and other third parties that use blue-formative marks use these same channels Keyes Decl. Exs. 15–20, 22–23, 26–27, Ex. 6 (Dep. 219:8-220:8; 222:7-21). [redacted] *See supra* § III.E. In view of the crowded field, and JetBlue's classification of at least some of its customers as "sophisticated purchasers who are unlikely to be confused," JetBlue has failed to show no genuine dispute of material fact as to these *du Pont* factors. Keyes Decl. Ex. 8, at 6–7.

3. JetBlue has Failed to Submit Facts to Support its Conclusion that the Marks are Similar

When two marks share a syllable, the Board considers whether that syllable is "more responsible than other elements" for creating the consumer impression related to each mark. *ProMark Brands Inc.,* 114 USPQ2d at 1243. Here, dozens of third parties hold registrations for and use the common syllable, "blue," to market goods and services in the airline industry. *See supra* § III.E. "Such third party registrations and uses are competent to show that the common term has an accepted meaning in a given field and . . . the remaining portions of the marks may be sufficient to distinguish the marks as a whole from one another." *ProMark*, 114 USPQ2d at 1244. Consumers are likely to focus on the first syllables of the marks, here, "air" and "jet," and distinguish the marks as used in commerce. *See id.*; *Mattel Inc. v. Funline Merch. Co.*, 81 USPQ2d

1372, 1374-75 (TTAB 2006); *Presto Prods. Inc. v. Nice-Pak Prods. Inc.*, 9 USPQ2d 1895, 1897 (TTAB 1988). JetBlue has submitted no evidence to suggest otherwise.

4. JetBlue has Failed to Show that it Owns a Family of Blue Marks

"Simply using a series of similar marks does not of itself establish the existence of a family." *J & J Snack Foods Corp. v. McDonald's Corp.*, 932 F.2d 1460, 1462 (Fed. Cir. 1991). JetBlue claims ownership of a "family of BLUE Marks" and alleges consumers are likely to believe AIRBLUE is associated with the JETBLUE Mark because both are blue-formative marks. Motion at 20. JetBlue has presented no surveys or similar evidence to indicate that consumers associate blue-formative marks exclusively with JetBlue.

Blue-formative marks are widely used in the industry. *See supra* § III.E. JetBlue acknowledged that third parties use blue-formative marks and even JetBlue's claimed blue-formative marks, for example SHOPBLUE and TRUEBLUE, on similar goods and services. Keyes Decl. Ex. 9, Ex. 6 (Dep. 105:7-21). [redacted] Id. Exs. 24, 25, 28, 29. "[T]here is no reason to believe that consumers would have knowledge of these agreements. Thus, . . . consumers exposed to these marks will view them as additional, unrelated [blue] formative marks." *TPI Holdings*, 126 USPQ2d at 1427. [redacted] *See in Re E.I. Du Pont*, 476 F.2d at 1363. Consumers are likely to appreciate that Applicant's Mark is unrelated to the JETBLUE Mark.

JetBlue cannot claim ownership of this broad family of marks in view of the third party use of similar marks and absence of evidence relating to consumer perception. *TPI Holdings*, 126 USPQ2d at 1427-28; *Colony Foods, Inc. v. Sagemark, Ltd.*, 735 F.2d 1336, 1339 (Fed. Cir. 1984).

5. JetBlue and Airblue Have Concurrently Operated in Overlapping Markets for over 15 Years; There has Not Been One Incident of Actual Confusion

JetBlue it is not aware of a single instance of actual confusion between the JETBLUE Mark and Applicant's mark. Keyes Decl., Ex. 6 (Dep 193:19-194:19; 203:14-18). There has been ample time and opportunity for actual confusion. *See TPI Holdings*, 126 USPQ2d at 1428-29.

- Thousands of U.S. citizens fly on Applicant's international flights each year, and have done so since at least 2014. Chaudhary Decl. ¶ 33, Ex.13.
- Hundreds of U.S. citizens are currently members of Applicant's frequent flyer program. *Id.* ¶¶ 35–36, Ex. 15.
- Applicant's website and social media accounts are currently accessible in the U.S. and have been since 2004. *Id.* ¶¶ 15–16, 37; Santori Decl. Ex. B.
- Applicant has had partnerships with travel agents who advertise Applicants goods and services throughout the U.S., including travel agents in JetBlue's hometown, New York City. Chaudhary Decl. ¶¶ 18, 37, Ex. 7.
- JetBlue offers flights in direct competition with Applicant in the Middle East via its codeshare agreements, including flights to Applicant's hometown, Islamabad, Pakistan. van Wijnbergen Decl. ¶ 8, Ex. F; Keyes Decl. Ex. 7.

The lack of actual confusion refutes JetBlue's contention that a likelihood of confusion exists. *TPI Holdings*, 126 USPQ2d at 1428; *Citigroup Inv. v. Capital City Bank Group, Inc.*, 94 USPQ2d 1645, 1662 (TTAB 2010). This *du Pont* factor clearly favors Airblue.

For at least the reasons above, material disputes of fact exist as to the alleged likelihood of confusion claim. JetBlue's Motion for summary judgement on this issue should be denied.

E. Summary Judgment should be Denied with Respect to Applicant's Bona Fide Intent to use the AIRBLUE Mark in Commerce

"[T]he factual question of intent is particularly unsuited to disposition on summary judgment." *Copelands' Enters. Inc. v. CNV, Inc.*, 20 USPQ2d 1295, 1299 (Fed. Cir. 1991). Whether an applicant has a bona fide intent to use a mark in commerce is an objective determination based on the totality of circumstances. *M.Z. Berger & Co. v. Swatch AG*, 114 USPQ2d 1892, 1898 (Fed. Cir. 2015). If Opposer meets its burden on summary judgment,

Applicant may raise a genuine issue of material fact by relying on documents, affidavits, or declarations "that establish the existence of an ability and willingness to use the mark in the United States." *Honda Motor Co. v. Winkelmann*, 90 USPQ2d 1660, 1664 (TTAB 2009). The evidentiary bar for showing a bona fide intent to use is not high. *M.Z. Berger*, 114 USPQ2d at 1897–98.

1. JetBlue Failed to Establish That There is No Genuine Dispute of Material Fact

JetBlue twists Applicant's words to argue that Applicant admitted to filing the application merely to reserve a right. Motion at 23. Mr. Chaudhary did not testify that Applicant's intent to fly to the United States was an "embryonic" idea *in 2017*. Santori Decl. Ex. (Dep. 111:14-20). Rather, he testified that "Flying into the United States had been almost always in an embryonic form with me *from the very beginning*" of Airblue. *Id.* Applicant's recognition that its plans to enter the U.S. market were "embryonic" seventeen years ago, when Airblue was founded, is not dipositive of its intent at the time of filing the application. *See Honda Motor Co.*, 90 USPQ2d at 1661 (proper inquiry is intent at the time of filing).

JetBlue relies on a poor interpretation of case law to support its allegation that Applicant's use of the mark in the foreign markets is irrelevant. Motion at 22–23. In *Honda Motor Co.*, the applicant filed a U.S. application for "vehicles for transportation" but presented no evidence that it used the applied-for mark in association with vehicles for transportation in *any* country.[17] 90 USPQ2d at 1664 ("[A]pplicant has provided no exhibits . . . that demonstrate that he manufactures vehicles in Germany or elsewhere."). Further, the website maintained by the applicant there was in German, was not translated, and did not advertise or promote the applied-for goods and

[17] The same is true of the other two cases on which JetBlue relies. *Loreal S.A. v. Marcon*, 102 USPQ2d 1434, 1443 (TTAB 2012) ("no industry-related experience or any expertise in manufacturing or selling" the applied-for goods); *Boston Red Sox Baseball Club LP v. Sherman*, 88 USPQ2d 1581, 1587 (TTAB 2008) (no marketing experience related to the applied-for goods).

services.[18] *Id.* Unlike the applicant in *Honda Motor Co.*, Applicant here has been using the AIRBLUE Mark throughout the Middle East and Europe on exactly the same goods and services that are the subject of the Challenged Application since 2004 and has existing English-language websites and social media through which it can advertise its U.S. goods and services. Chaudhary Decl. ¶¶ 5, 7, 11, 12, 15–18. The ongoing use of the AIRBLUE Mark and existing advertising channels establish that Applicant has "prior experience and success in the relevant industry." *Lane Ltd. v. Jackson Int'l Trading Co.*, 33 USPQ2d 1351, 1356 (TTAB 1994).

2. Applicant Has the Requisite Bona Bide Intent to Use the Airblue Mark in Commerce

Applicant offered its first domestic flight within Pakistan in 2004, and has steadily expanded to offer international flights to various countries. Chaudhary Decl. ¶¶ 6–7. Now, Applicant intends to expand to offer international flights to and related services in the United States. *Id.* ¶ 20–21. Mr. Chaudhary testified, in his experience expanding Airblue's services to other international destinations, that it would take "maybe a month or two" to "get approval with the Pakistani regulatory authority" to offer flights to the U.S. and "maybe six months at most" to get approval from U.S. regulatory bodies. Santori Decl. Ex. A (Dep. 122:12-15; 152:4-23). DOT records suggest it may be even quicker: "within 30 to 60 days." Chaudhary Decl. Ex. 12, at 6. Applicant has the present capacity to offer its services in the U.S. and will immediately begin advertising upon approval from the DOT:

- Applicant maintains English websites and social media pages that it can use to promote its goods and services in the United States as soon as it is allowed to do so. *Id.* ¶¶ 15–16, 30; Santori Decl. Ex. B.
- Applicant has a network of travel agents in the U.S. and throughout the world which it can use to promote its international flights to and from the U.S. Chaudhary Decl. ¶¶ 18, 30, Ex. 7.

[18] Contrary to JetBlue's assertion, the *Honda Motor Co.* opinion says nothing about the territorial reach of social media. *See* 90 USPQ2d at 1663-64.

- Applicant is currently seeking additional travel agent partners in the U.S. *Id.* ¶ 19, Ex. 8.
- Applicant's goods and services are already offered on third party booking websites, which will promote Applicant's international flights to and from the U.S. *Id.* ¶¶ 17, 30, Ex. 6; Santori Decl. Ex. B.
- Applicant is currently seeking a new partner to offer credit card services to its entire service area, which will include the U.S. *Id.* ¶ 12; Santori Decl. Ex. A (Dep. 35:23-36:4).
- Applicant has existing bank accounts in the U.S. that are "ready to go." Santori Decl. Ex. A (Dep. 111:21-112:4); Chaudhary Decl. ¶ 31, Ex. 3, at 82.
- Applicant has a fleet of planes capable of flying into the U.S. with technical stops. Chaudhary Decl. ¶ 22, Ex. 9.
- Applicant [redacted] has acquired spare engines to facilitate expansion. *Id.* ¶¶ 23–24, Ex. 10.

Applicant's experience and capacity to market its good and services "affirmatively rebut[s] any claim by opposer regarding applicant's intent." *The Wet Seal, Inc. v. FD Management, Inc.*, 82 USPQ2d 1629, 1643 (TTAB 2007). JetBlue's Motion for Summary Judgment on the issue of bona fide intent should be denied.

CONCLUSION

For at least the reasons stated above, JetBlue's Partial Motion for Summary Judgment should be denied on all counts.

Respectfully Submitted,
DORSEY & WHITNEY LLP

Dated: August 17, 2020

By: /s/*J Michael Keyes*

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ATTORNEYS FOR APPLICANT AIRBLUE LIMITED

CERTIFICATE OF SERVICE

I hereby certify that on this 17th day of August, I caused to be served a true and correct copy of the foregoing by email on Opposer JetBlue Airways Corporation's attorneys of record at the following addresses:

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/s/ J. Michael Keyes
J. Michael Keyes

0020IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of Application Serial No. 87/459,649
Published on October 24, 2017

JETBLUE AIRWAYS CORPORATION, Opposer, v. AIRBLUE LIMITED, Applicant.	Opposition No. 91239609

DECLARATION OF J. MICHAEL KEYES IN SUPPORT OF AIRBLUE'S OPPOSITION TO JETBLUE'S MOTION FOR PARTIAL SUMMARY JUDGMENT

I, J. Michael Keyes, hereby state and declare as follows:

1. I am a member of the bar of the states of California, New York, and Washington, a partner at Dorsey & Whitney LLP, and attorney of record for Applicant Airblue Limited ("Airblue" or "Applicant"). I have personal knowledge of the matters set forth herein.

2. JetBlue Airways Corporation ("JetBlue" or "Opposer") did not disclose any expert witnesses for this action. Attached hereto as **Exhibit 1** is a true and correct copy of JetBlue's initial disclosures, served by Opposer on October 7, 2019.

3. Attached hereto as **Exhibit 2** is a true and correct copy of excerpts from JetBlue's Responses and Objections to Airblue's First Set of Interrogatories, served by JetBlue on November 7, 2019.

4. Attached hereto as **Exhibit 3** is a true and correct copy of excerpts from JetBlue's Responses and Objections to Airblue's Second Set of Interrogatories, served by JetBlue on March 2, 2020.

5. Attached hereto as **Exhibit 4** is a true and correct copy of printout from the Trademark Status & Document Retrieval system ("TSDR") showing that several of JetBlue's trademark registrations relied upon in this opposition are cancelled.

6. Attached hereto as **Exhibit 5** is a true and correct copy of Airblue's Notice of Rule 30(b)(6) Deposition of JetBlue, served by Applicant on February 28, 2020. JetBlue designated its Director of Brand and Advertising, Ms. Chantel van Wijnbergen, to testify on behalf of JetBlue under Federal Rule of Civil Procedure 30(b)(6) as to every topic of examination.

7. I conducted the deposition of Ms. van Wijnbergen on March 2, 2020 at the offices of Frankfurt Kurnit Klein & Selz, PC. Attached hereto as **Exhibit 6** is a true and correct copy of excerpts from the deposition of Ms. van Wijnbergen. JetBlue designated the entire deposition transcript as being "Confidential – Attorneys' Eyes Only." Airblue does not agree with the designation, but files the excerpts under seal in accordance with TBMP § 412.

8. Attached hereto as **Exhibit 7** are true and correct copies of documents produced by JetBlue and Bates numbered JETBLUE00006821–6826 and JETBLUE00006813–6816 , which are screenshots showing flights from the U.S. to Islamabad, Pakistan and Lahore, Pakistan that are operated by JetBlue under its codeshare agreement with Emirates Airlines.

9. Attached hereto as **Exhibit 8** is a true and correct copy of the prosecution history for one of JetBlue's trademarks. The prosecution history documents were pulled from the official records of the USPTO.

10. Attached hereto as **Exhibit 9** is a true and correct copy of a publicly available online article published on June 08, 2009, in which JetBlue's former CEO David Neeleman explains the meaning of the JETLBUE Mark.

11. Attached hereto as **Exhibit 10** is a true and correct copy of a List of Low-Cost-Carriers, which is an official record prepared by the International Civil Aviation Organization and published on June 13, 2017. The List of Low-Cost-Carriers shows several third parties that use blue-formative trademarks in the airline industry. This exhibit was Exhibit 19 to the deposition of Ms. van Wijnbergen.

12. Attached hereto as **Exhibit 11** are true and correct copies of screenshots from the USPTO's Trademark Electronic Search System ("TESS") of active U.S. trademark registrations that include blue-formative trademarks in the airline industry. The TESS records were Exhibit 28 to the deposition of Ms. van Wijnbergen.

13. Attached hereto as **Exhibit 12** are true and correct copies of screenshots of two publicly available third party websites that use the mark SHOPBLUE. The screenshots were Exhibit 7 and Exhibit 8 to the deposition of Ms. van Wijnbergen.

14. Attached hereto as **Exhibit 13** is a true and correct copy of a screenshot of a press release from Virgin Australia's website, which explains that Virgin Australia began offering flights between Australia and Hawaii in 2006 using the trademark VIRGIN BLUE. This exhibit was Exhibit 20 to the deposition of Ms. van Wijnbergen.

15. Attached hereto as **Exhibit 14** is a true and correct copy of a document Bates-numbered JETBLUE00006876 and produced by JetBlue in this action. It is a screenshot of an article from Virgin Australia's website, which reports that VIRGIN BLUE was used from 2000 to 2012.

16. Attached hereto as **Exhibit 15** is a true and correct copy of a screenshot of American Airlines' website showing that it offers a credit card called the Aviator Blue Credit Card. The screenshot was Exhibit 24 to the deposition of Ms. van Wijnbergen.

17. Attached hereto as **Exhibit 16** is a true and correct copy of a screenshot of Delta Air Lines' website showing that it offers a credit card called the Blue Delta SkyMiles Credit Card. The screenshot was Exhibit 25 to the deposition of Ms. van Wijnbergen.

18. Attached hereto as **Exhibit 17** is a true and correct copy of a screenshot of third party Blue Sky Taxi's publicly available Facebook page.

19. Attached hereto as **Exhibit 18** is a true and correct copy of a screenshot of AZUL Airline's publicly available website, which includes a destination map showing that AZUL Airlines offers international flights between the U.S. and South America.

20. Attached hereto as **Exhibit 19** are true and correct copies of press releases on publicly available third party websites which indicate that AZUL Airlines offers flights to Fort Lauderdale, FL, Orlando, FL, and New York, NY and that AZUL Airlines offers an "all-you-can-fly" pass for travelers from the U.S.

21. Attached hereto as **Exhibit 20** are true and correct copies of screenshots of AZUL Airline's publicly available Twitter and Facebook profiles.

22. Attached hereto as **Exhibit 21** is a true and correct copy of a TESS printout of a U.S. trademark registered to Air France for the mark FLYING BLUE. The registration was Exhibit 26 to the deposition of Ms. van Wijnbergen.

23. Attached hereto as **Exhibit 22** is a true and correct screenshot of Air France's publicly available FLYING BLUE website, which lists airline partners with whom passengers can earn FLYING BLUE rewards points, including Delta Air Lines and Virgin Atlantic. This screenshot was Exhibit 27 to the deposition of Ms. van Wijnbergen.

24. Attached hereto as **Exhibit 23** is a true and correct copy of a screenshot from Air France's publicly available FLYING BLUE website showing that passengers can earn FLYING BLUE points on Delta Air Lines flights between domestic destinations in the United States.

25. Attached hereto as **Exhibit 24** is a true and correct copy [redacted] Bates-numbered JETBLUE00006827–6831 and produced by JetBlue in this action.

26. Attached hereto as **Exhibit 25** is a true and correct copy [redacted] Bates-numbered JETBLUE00006669–6672 and produced by JetBlue in this action.

27. Attached hereto as **Exhibit 26** is a true and correct copy of Blue Air's publicly available Facebook profile.

28. Attached hereto as **Exhibit 27** are true and correct copies of screenshots from Blue Air's publicly accessible websites and a publicly available third party website showing that tickets for Blue Air flights are available for purchase online. The screenshots were Exhibits 21 and 22 to the deposition of Ms. van Wijnbergen respectively.

29. Attached hereto as **Exhibit 28** is a true and correct copy of an email thread [redacted] Bates-numbered JETBLUE00006851–6853 and produced by JetBlue in this action.

30. Attached hereto as **Exhibit 29** is a true and correct copy of an email thread [redacted]

Bates-numbered JETBLUE00006681–6682 and produced by JetBlue in this action.

* * *

I declare under penalty of perjury pursuant to the laws of the United States of America that the foregoing is true and correct to the best of my knowledge and belief.

Dated: August 17, 2020

By: */s/ J. Michael Keyes*

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ATTORNEYS FOR APPLICANT AIRBLUE LIMITED

CERTIFICATE OF SERVICE

I hereby certify that on this 17th day of August, 2020, I caused to be served a true and correct copy of the foregoing by email on Opposer JetBlue Airways Corporation's attorneys of record at the following addresses:

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/s/ J. Michael Keyes
J. Michael Keyes

EXHIBIT 1

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

In the Matter of Application Ser. No. 87/459,649
For the Mark: AIRBLUE

JETBLUE AIRWAYS CORPORATION,	:	
Opposer,	:	
v.	:	Opposition No. 91239609
AIRBLUE LIMITED,	:	
Applicant.	:	

INITIAL DISCLOSURES OF JETBLUE AIRWAYS CORPORATION

Pursuant to Fed. R. Civ. P. 26 (a)(1), 37 C.F.R. § 2.120 and T.B.M.P. § 401.02, Opposer JetBlue Airways Corporation ("Opposer") makes the following initial disclosures with respect to the facts and circumstances of Opposition No. 91239609. These disclosures are made without waiver of and with preservation of:

1. All issues as to competency, relevancy, materiality, privilege and admissibility of the matters and evidence disclosed herein, or the subject matter thereof, for any purpose in any further proceeding in this action and any other action;

2. The right to object to the use of any matters disclosed herein, or the subject matter thereof, on any ground in any further proceeding of this action and any other action;

3. The right to object on any ground at any time to a demand or a request for further disclosure of matters identified herein, including, but not limited to, requests for documents,

interrogatories, depositions or other discovery proceedings involving or relating to the subject matter of this controversy;

4. The right at any time to revise, correct, add to, supplement or clarify any of the disclosures contained herein; and

In the event any matters are inadvertently disclosed which otherwise fall within the attorney-client and/or attorney work-product privilege, Opposer shall not be deemed to have waived its privilege as to any such disclosure or the information contained therein, or the right to the attorney-client or work-product privilege as to any other matter which arises during the course of this litigation or any subsequent proceeding.

A. Individuals likely to have discoverable information that JetBlue may use to support its claims and defenses in this action (Fed. R. Civ. P. 26(a)(1)(A)(i))

Individual	Topics
Chantal Van Wijnbergen Director Brand Management & Advertising JetBlue Airways Corporation 27-01 Queens Plaza North, Long Island City, New York 11101 (718) 286-7900	JetBlue's adoption and use of the BLUE Marks, the goods and services offered thereunder, the channels of trade and target customers for such goods and services, JetBlue's prior rights in and to those marks; the likelihood of confusion and dilution caused by Applicant's use or registration of the AIRBLUE trademark; harm to JetBlue caused by Applicant's use or registration of the AIRBLUE trademark.
Tariq Chaudhary CEO Airblue	Applicant's selection, adoption and alleged intent to use the AIRBLUE trademark; Applicant's proposed channels of trade and target consumers for services offered under the AIRBLUE trademark; likelihood of confusion and dilution caused by Applicant's use or registration of the AIRBLUE trademark; harm to JetBlue caused by Applicant's use or registration of the AIRBLUE trademark; Applicant's awareness

Individual	Topics
	of JetBlue and its BLUE Marks; Applicant's business practices regarding plans for the United States; Applicant's fleet; Applicant's financial history and status; ownership of Applicant.

B. The categories of documents, electronically stored information and tangible things in JetBlue's possession, custody or control, which JetBlue may use to support its claims or defenses
(Fed.R. Civ. P. 26(a)(1)(A)(ii))

1. Documents concerning Opposer's prior rights in and to the BLUE Marks.

2. Documents concerning Opposer's longstanding use and promotion of the BLUE Marks in U.S. commerce;

3. Documents concerning the goods and services offered under the BLUE Marks in U.S. commerce;

4. Documents concerning the history of this dispute and the correspondence between the parties.

5. Documents concerning Applicant's lack of bona fide intent to use its mark in the United States.

6. Documents concerning the likelihood of confusion and dilution caused by Applicant's use or registration of the AIRBLUE trademark.

7. Documents concerning the harm to JetBlue caused by use or registration of the AIRBLUE trademark.

Opposer reserves the right to supplement the categories of documents and things on which it may rely in this action as discovery continues.

C. Computation of Any Category of Damages Claimed (Fed. R. Civ. P. 26 (a)(1)(A)(iii))

Inapplicable.

D. Insurance Agreement (Fed. R. Civ. P. 26(a)(1)(A)(iv))

Inapplicable.

Dated: New York, New York
October 7, 2019

Respectfully submitted,

FRANKFURT KURNIT KLEIN & SELZ, P.C.

By: _____

Edward H. Rosenthal
Rachel Santori
Kim Maynard
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Attorneys for Opposer,
JetBlue Airways Corporation

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing INITIAL DISCLOSURES OF JETBLUE AIRWAYS CORPORATION was served on Applicant this 7th day of October 2019, via electronic mail to:

Michael Keyes
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701 FIFTH AVENUE, SUITE 6100
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Rachel Santori

EXHIBIT 2

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

In the Matter of Application Serial No. 87/459,649
Mark: AIRBLUE

JETBLUE AIRWAYS CORPORATION,	:	
Opposer,	:	
v.	:	Opposition No. 91239609
AIRBLUE LIMITED,	:	
Applicant.	:	

JETBLUE AIRWAYS CORPORATIONS RESPONSES AND OBJECTIONS TO AIRBLUE LIMITED'S FIRST SET OF INTERROGATORIES

Pursuant to Rule 33 of the Federal Rules of Civil Procedure ("FRCP") and T.B.M.P. § 405.04, Opposer JetBlue Airways Corporation ("JetBlue") responds as follows to Airblue Limited's ("Applicant") First Set of Interrogatories.

PRELIMINARY STATEMENT AND GENERAL OBJECTIONS

1. JetBlue has not completed its investigation in relation to this proceeding, has not completed discovery in this proceeding, and has not completed preparation for trial. As discovery proceeds, facts, information, evidence and documents and things may be discovered which are not set forth in these responses, but which may have been responsive to Applicant's discovery requests. The following responses are based on JetBlue's knowledge, information and belief at this time and are complete as to JetBlue's best knowledge at this time. These responses were prepared based on JetBlue's good faith interpretation and understanding of the individual

discovery requests and are subject to correction for inadvertent errors or omissions, if any. These responses are provided without prejudice to subsequent revision or supplementation based on any information, evidence and documentation that hereinafter may be discovered. JetBlue reserves the right to refer to, to conduct discovery with reference to, or to offer into evidence at the time of trial, any and all facts, evidence, documents and things developed during the course of discovery and trial preparation, notwithstanding the reference to facts, evidence, documents and things in these responses.

2. To the extent that any request seeks documents or information that are protected by the attorney-client privilege, attorney work product doctrine, or any other applicable privilege or immunity, JetBlue objects and declines to respond.

3. To the extent that any request seeks documents or information not in JetBlue's possession, custody or control, JetBlue objects and declines to respond on the ground that such a request requires more of JetBlue than any obligation imposed by law or the Federal Rules of Civil Procedure and seeks to impose upon JetBlue an obligation to investigate or discover information or materials from third parties or sources that are equally accessible to Applicant and would, therefore, subject JetBlue to unreasonable and undue annoyance, oppression, burden and expense.

4. JetBlue objects to Applicant's discovery requests in their entirety to the extent that they seek documents or information that are not relevant to the subject matter of this proceeding.

5. JetBlue objects to Applicant's discovery requests in their entirety to the extent that they are overly broad, not proportional to the needs of the case, and require JetBlue to make an unreasonable and unduly burdensome investigation.

6. To the extent that any request is not limited to the United States, JetBlue objects and declines to respond on the basis that it seeks documents or information that are not relevant to the subject matter of this proceeding. Unless otherwise indicated below, JetBlue's responses to these discovery requests will pertain only to its activities and rights in the United States.

All General Objections are incorporated by references into each response set forth below as though set forth in full therein.

INTERROGATORIES AND RESPONSES

INTERROGATORY NO. 1:

Please describe in detail all facts and circumstances supporting your claim and contention that the BLUE Marks have been used "continuously in United States commerce in connection with air travel since at least as early as the year 1999" as alleged in your First Amended Notice of Opposition.

RESPONSE TO INTERROGATORY NO. 1:

JetBlue objects to this request as overly broad, unduly burdensome and not proportional to the needs of the case in that it seeks "all facts and circumstances" and information regarding JetBlue's use of the BLUE Marks since the year 1999, when the relevant date in this proceeding is Applicant's priority date. JetBlue further objects to this request as overly broad, unduly burdensome, and not proportional to the needs of this case in that it seeks "all facts and circumstances" when JetBlue is an international travel company, operating for the last 20 years, with a variety of business interests, and listing each and every fact and circumstance would create a burden on JetBlue that far outweighs the benefit to Applicant. Subject and without prejudice to the foregoing objections, JetBlue states the following: Since its inception in 1999, JetBlue has continuously used its BLUE Marks in a highly prominent manner for a variety of goods and services sold and rendered in interstate commerce throughout the United States. In

accordance with Rule 33(d) of the Federal Rules of Civil Procedure, JetBlue will provide non-privileged documents depicting representative samples of JetBlue's prior and continuous use of its BLUE Marks since before Applicant's priority date.

INTERROGATORY NO. 2:

Please describe in detail all facts and circumstances supporting your claim and contention that the BLUE Marks were in use "long prior to Applicant's filing date of May 22, 2017" as alleged in your First Amended Notice of Opposition

RESPONSE TO INTERROGATORY NO. 2:

JetBlue objects to this request as overly broad, unduly burdensome and not proportional to the needs of the case in that it seeks "all facts and circumstances" when JetBlue is an international travel company, operating for the last 20 years, with a variety of business interests, and listing each and every fact and circumstance would create a burden on JetBlue that far outweighs the benefit to Applicant. Subject and without prejudice to the foregoing objections, among other relevant facts and circumstances, JetBlue states that the first use dates of the BLUE Marks are all prior to Applicant's filing date of May 22, 2017.

INTERROGATORY NO. 3:

Please describe in detail all facts and circumstances supporting your claim and contention that U.S. Registration No. 3,084,084 is incontestable and valid, as alleged in Paragraph No. 8 of your First Amended Notice of Opposition.

RESPONSE TO INTERROGATORY NO. 3:

JetBlue objects to this request as overly broad, unduly burdensome and not proportional to the needs of the case in that it seeks "all facts and circumstances" when JetBlue is an international travel company, operating for the last 20 years, with a variety of business interests, and listing each and every fact and circumstance would create a burden on JetBlue that far

outweighs the benefit to Applicant. Subject and without prejudice to the foregoing objections, JetBlue states that U.S. Registration No. 3,084,084 was incontestable, but acknowledges that the registration is currently cancelled.

INTERROGATORY NO. 4:

Please identify in detail all locations where JetBlue sells, or offers for sale, any services in connection with the BLUE Marks, including but not limited to websites and mobile applications as alleged in Paragraph No. 3 of your First Amended Notice of Opposition.

RESPONSE TO INTERROGATORY NO. 4:

JetBlue objects to this request as overly broad, unduly burdensome, and not proportional to the needs of this case in that it seeks the identity of "all locations" when JetBlue is an international travel company, operating for the last 20 years, whose services are sold or offered at innumerable locations and venues throughout the United States and around the globe and, as a result, detailing "all locations" would create a burden on JetBlue that far outweighs the benefit to Applicant. Subject and without prejudice to the foregoing objections, JetBlue states that, among other locations, its services are sold or offered at its website and primary distribution channel www.jetblue.com, mobile applications which may be found at the following links https://play.google.com/store/apps/details?id=com.jetblue.JetBlueAndroid&hl=en_US, https://apps.apple.com/us/app/jetblue-book-manage-trips/id481370590, at reservation centers in airports throughout the United States, and through several major global distribution systems and online travel agencies. Subject and without prejudice to the foregoing objections and in accordance with Rule 33(d) of the Federal Rules of Civil Procedure, JetBlue will produce non-privileged documents depicting representative samples of the locations where JetBlue sells or offers its services.

INTERROGATORY NO. 5:

Please describe in detail all facts and circumstances supporting your claim and contention that the AIRBLUE Mark "creates the same, or essentially the same, commercial impression as Opposer's BLUE Marks" as alleged in your First Amended Notice of Opposition.

RESPONSE TO INTERROGATORY NO. 5:

JetBlue objects to this request as overly broad, unduly burdensome and not proportional to the needs of the case in that it seeks "all facts and circumstances" when JetBlue is an international travel company, operating for the last 20 years, with a variety of business interests, and listing each and every fact and circumstance would create a burden on JetBlue that far outweighs the benefit to Applicant. Subject and without prejudice to the foregoing objections, JetBlue states that the facts and circumstances supporting JetBlue's claim and contention that the AIRBLUE Mark "creates the same, or essentially the same, commercial impression as Opposer's BLUE Marks" include, but are not limited to, the following: The AIRBLUE Mark is similar to the strong and unique BLUE Marks in terms of overall appearance, sound, meaning and commercial impression; the services for which Applicant has applied to register the AIRBLUE Mark are the same, or essentially the same as the services for which JetBlue has rights in the BLUE Marks.

INTERROGATORY NO. 6:

Please describe in detail all facts and circumstances supporting your claim and contention that the AIRBLUE Mark is likely to "cause confusion, to cause mistake, or to deceive" as alleged in your First Amended Notice of Opposition.

RESPONSE TO INTERROGATORY NO. 6:

JetBlue objects to this request as overly broad, unduly burdensome and not proportional to the needs of the case in that it seeks "all facts and circumstances" when JetBlue is an international travel company, operating for the last 20 years, with a variety of business interests,

and listing each and every fact and circumstance would create a burden on JetBlue that far outweighs the benefit to Applicant. Subject and without prejudice to the foregoing objections, JetBlue states that the facts and circumstances supporting JetBlue's claim and contention that the AIRBLUE Mark is likely to "cause confusion, to cause mistake, or to deceive" include, but are not limited to, the following: The AIRBLUE Mark is similar to the strong and unique BLUE Marks in terms of overall appearance, sound, meaning and commercial impression; the services for which Applicant has applied to register the AIRBLUE Mark are the same, essentially the same as, or related to the services for which JetBlue has rights in the BLUE Marks.

INTERROGATORY NO. 7:

Please describe in detail all facts and circumstances supporting your claim and contention that "Opposer's JETBLUE Mark has become famous" as alleged in your First Amended Notice of Opposition.

RESPONSE TO INTERROGATORY NO. 7:

JetBlue objects to this request as overly broad, unduly burdensome and not proportional to the needs of the case in that it seeks "all facts and circumstances" when JetBlue is an international travel company, operating for the last 20 years, with a variety of business interests, and listing each and every fact and circumstance would create a burden on JetBlue that far outweighs the benefit to Applicant. Subject and without prejudice to the foregoing objections, JetBlue states that the facts and circumstances supporting its claim and contention that the JETBLUE Mark has become famous include, but are not limited to, its longstanding substantially exclusive use of the unique JETBLUE Mark for the last two decades, enormous sales of goods and services, considerable advertising expenditures, third party awards, extensive unsolicited media coverage, market share in the U.S., and high level of brand awareness amongst U.S. consumers.

work product doctrine. Subject and without prejudice to the foregoing objections, and in accordance with Rule 33(d) of the Federal Rules of Civil Procedure, JetBlue will produce non-privileged documents sufficient to show the dockets for any TTAB or federal court litigation where the BLUE Marks have been the subject within the last five years.

Dated: November 7, 2019
New York, New York

AS TO OBJECTIONS:

FRANKFURT KURNIT KLEIN & SELZ, P.C.

By: _____

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Attorneys for Opposer, JetBlue Airways Corporation

VERIFICATION

On behalf of JetBlue Airways Corporation ("JetBlue"), I have read the foregoing responses to Airblue Limited's First Set of Requests for Interrogatories. The responses were prepared with the assistance of employees, agents and representatives of JetBlue and with the advice of counsel. They are based on records and information currently available. I reserve the right to make any changes in or additions to any of these responses if it appears at any time that errors or omissions have been made or if more accurate or complete information becomes available. Subject to those limitations, the responses are true to the best of my present knowledge, information and belief. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge and belief.

Dated: November 1, 2019
New York, New York

Chantal Van Wijnbergen
Director Brand Management & Advertising
JetBlue Airways Corporation

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **JETBLUE AIRWAYS CORPORATIONS RESPONSES AND OBJECTIONS TO AIRBLUE LIMITED'S FIRST SET OF INTERROGATORIES** was served upon Airblue Limited on November 7, 2019 via email to:

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Rachel Santori

EXHIBIT 3

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

In the Matter of Application Serial No. 87/459,649
Mark: AIRBLUE

JETBLUE AIRWAYS CORPORATION,	:	
Opposer,	:	
v.	:	Opposition No. 91239609
AIRBLUE LIMITED,	:	
Applicant.	:	

JETBLUE AIRWAYS CORPORATION'S RESPONSES AND OBJECTIONS TO AIRBLUE LIMITED'S SECOND SET OF INTERROGATORIES

Pursuant to Rule 33 of the Federal Rules of Civil Procedure ("FRCP") and T.B.M.P. § 405.04, Opposer JetBlue Airways Corporation ("JetBlue") responds as follows to Airblue Limited's ("Applicant") Second Set of Interrogatories.

PRELIMINARY STATEMENT AND GENERAL OBJECTIONS

1. JetBlue has not completed its investigation in relation to this proceeding, has not completed discovery in this proceeding, and has not completed preparation for trial. As discovery proceeds, facts, information, evidence and documents and things may be discovered which are not set forth in these responses, but which may have been responsive to Applicant's discovery requests. The following responses are based on JetBlue's knowledge, information and belief at this time and are complete as to JetBlue's best knowledge at this time. These responses were prepared based on JetBlue's good faith interpretation and understanding of the individual

discovery requests and are subject to correction for inadvertent errors or omissions, if any. These responses are provided without prejudice to subsequent revision or supplementation based on any information, evidence and documentation that hereinafter may be discovered. JetBlue reserves the right to refer to, to conduct discovery with reference to, or to offer into evidence at the time of trial, any and all facts, evidence, documents and things developed during the course of discovery and trial preparation, notwithstanding the reference to facts, evidence, documents and things in these responses.

2. To the extent that any request seeks documents or information that are protected by the attorney-client privilege, attorney work product doctrine, or any other applicable privilege or immunity, JetBlue objects and declines to respond.

3. To the extent that any request seeks documents or information not in JetBlue's possession, custody or control, JetBlue objects and declines to respond on the ground that such a request requires more of JetBlue than any obligation imposed by law or the Federal Rules of Civil Procedure and seeks to impose upon JetBlue an obligation to investigate or discover information or materials from third parties or sources that are equally accessible to Applicant and would, therefore, subject JetBlue to unreasonable and undue annoyance, oppression, burden and expense.

4. JetBlue objects to Applicant's discovery requests in their entirety to the extent that they seek documents or information that are not relevant to the subject matter of this proceeding.

5. JetBlue objects to Applicant's discovery requests in their entirety to the extent that they are overly broad, not proportional to the needs of the case, and require JetBlue to make an unreasonable and unduly burdensome investigation.

6. To the extent that any request is not limited to the United States, JetBlue objects and declines to respond on the basis that it seeks documents or information that are not relevant to the subject matter of this proceeding. Unless otherwise indicated below, JetBlue's responses to these discovery requests will pertain only to its activities and rights in the United States.

All General Objections are incorporated by references into each response set forth below as though set forth in full therein.

INTERROGATORIES AND RESPONSES

INTERROGATORY NO. 24:

Please identify all third party uses of "BLUE" or "BLU" in association with goods and services listed in one or more of the BLUE Registrations, regardless of whether JetBlue considers such use infringing or diluting of any of the BLUE Marks.

RESPONSE TO INTERROGATORY NO. 24:

JetBlue objects to this request as overly broad, unduly burdensome, and not proportional to the needs of this case in that it seeks "all third party uses" which would create a burden on JetBlue that far outweighs the benefit to Applicant. JetBlue further objects to this request to the extent that it seeks publicly available information that is equally accessible to Opposer as JetBlue. JetBlue further objects to this request as irrelevant to this proceeding, to the extent it seeks information relating to third party marks that do not infringe or dilute the BLUE Marks. Subject and without prejudice to the foregoing objections, JetBlue identifies the following third party use-based applications for "BLUE" or "BLU"-formative marks for goods and services arguably related to those listed in one or more of the BLUE Registrations, for which JetBlue has filed an opposition or a request for an extension of time to file an opposition before the Trademark Trial and Appeal Board since January 1, 2014: (1) BLUE SKIES by Columbia Insurance Company for "aircraft business management services, namely, managing and

arranging aircraft operations and aircraft crew scheduling for others"; (2) BLUE LIST EXCLUSIVE DEAL FROM GOGO & Design by Flight Centre Travel Group Limited for various travel agency and travel reservation and booking services; (3) J BLUE TRUCKING by J Blue Trucking, Inc. for "truck hauling"; (4) BLUEDRONE by Comiseo, LLC for, *inter alia*, "storage, distribution, pick-up, packing, and shipping of various products"; and (5) BLUE SKY TRAVELER by Blue Sky Traveler LLC for, *inter alia*, online content in the field of travel.

INTERROGATORY NO. 25:

Please identify the companies that JetBlue deems its main competitors in the United States market for the goods and services listed in Airblue's Application, including, without limitation, JetBlue's main competitors in air transportation goods and services, credit card or customer loyalty rewards goods and services, and frequent flyer bonus program goods and services.

RESPONSE TO INTERROGATORY NO. 25:

JetBlue objects to this request as overly broad, unduly burdensome, and not proportional to the needs of this case in that it seeks JetBlue's main competitors within broadly-defined categories of goods and services such as "air transportation goods and services, credit card or customer loyalty rewards goods and services, and frequent flyer bonus program goods and services," when JetBlue is an international travel company, operating for the last 20 years, with a variety of business interests so that identifying all such competitors would create a burden on JetBlue that far outweighs the benefit to Applicant. Subject and without prejudice to the foregoing objections, some of JetBlue's main competitors include Southwest Airlines, Alaska Airlines, Delta Air Lines, United Airlines, Spirit Airlines, Alaska Airlines and American Airlines. JetBlue further relies on the documents produced by JetBlue during the course of this proceeding and on the facts contained therein.

INTERROGATORY NO. 26:

States; (41) Applicant does not have a firm idea, nor any documented plans, regarding the pricing of Applicant's services in the United States; (42) Applicant does not know how long it will take to obtain the required approvals from U.S. the regulatory bodies before offering the applied-for services in the United States.

INTERROGATORY NO. 33:

Please describe in detail all facts and circumstances sufficient to show why JetBlue ceased using the JETBLUE CRUISES trademark associated with Registration No. 3,502,296, including, without limitation, the reasons why JetBlue allowed Registration No. 3,502,296 to be cancelled.

RESPONSE TO INTERROGATORY NO. 33:

JetBlue objects to this request as overly broad, unduly burdensome and not proportional to the needs of the case in that it seeks "all facts and circumstances" when JetBlue is an international travel company, operating for the last 20 years, with a variety of business interests, and listing each and every fact would create a burden on JetBlue that far outweighs the benefit to Applicant. JetBlue further objects to this request as irrelevant, to the extent that it incorrectly assumes that JetBlue does not have valid and subsisting rights in the JETBLUE CRUISES trademark in the absence of a federal registration. Subject and without prejudice to the foregoing objections, JetBlue states that it has not abandoned its rights in the JETBLUE CRUISES trademark. Commencing in 2018, JetBlue temporarily ceased use of the JETBLUE CRUISES trademark when its cruise partner went out of business. JetBlue expects that it will recommence offering goods and services under the JETBLUE CRUISES trademark in April of 2020.

INTERROGATORY NO. 34:

Please describe in detail all facts and circumstances sufficient to show why JetBlue ceased using the JETBLUE GETAWAYS trademark associated with Registration No. 3,288,715,

including, without limitation, the reasons why JetBlue allowed Registration No. 3,288,715 to be cancelled.

RESPONSE TO INTERROGATORY NO. 34:

JetBlue objects to this request as overly broad, unduly burdensome and not proportional to the needs of the case in that it seeks "all facts and circumstances" when JetBlue is an international travel company, operating for the last 20 years, with a variety of business interests, and listing each and every fact would create a burden on JetBlue that far outweighs the benefit to Applicant. JetBlue further objects to this request as irrelevant, to the extent that it incorrectly assumes that JetBlue does not have valid and subsisting rights in the JETBLUE GETAWAYS trademark in the absence of a federal registration. Subject and without prejudice to the foregoing objections, JetBlue states that its JETBLUE GETAWAYS mark was subsumed in its JETBLUE VACATIONS brand.

INTERROGATORY NO. 35:

Please describe in detail all facts and circumstances sufficient to show why JetBlue ceased using the BETABLUE trademark associated with Registration No. 3,636,145, including, without limitation, the reasons why JetBlue allowed Registration No. 3,636,145 to be cancelled.

RESPONSE TO INTERROGATORY NO. 35:

JetBlue objects to this request as overly broad, unduly burdensome and not proportional to the needs of the case in that it seeks "all facts and circumstances" when JetBlue is an international travel company, operating for the last 20 years, with a variety of business interests, and listing each and every fact would create a burden on JetBlue that far outweighs the benefit to Applicant. JetBlue further objects to this request as irrelevant, to the extent that it incorrectly assumes that JetBlue does not have valid and subsisting rights in the BETABLUE trademark in the absence of a federal registration. Subject and without prejudice to the foregoing objections,

JetBlue states that it is not currently using the BETABLUE trademark and that the services for which BETABLUE was registered and used are currently offered under different BLUE Marks.

INTERROGATORY NO. 36:

If you contend that JetBlue is currently using the BLUETALES trademark associated with Registration No. 4,572,556, please describe in detail all facts and circumstances sufficient to show how JetBlue is currently using the BLUETALES trademark including, without limitation, the date on which the BLUETALES trademark was most recently used and the goods or services on which the BLUETALES trademark was most recently used.

RESPONSE TO INTERROGATORY NO. 36:

JetBlue objects to this request as overly broad, unduly burdensome and not proportional to the needs of the case in that it seeks "all facts and circumstances" when JetBlue is an international travel company, operating for the last 20 years, with a variety of business interests, and listing each and every fact would create a burden on JetBlue that far outweighs the benefit to Applicant. JetBlue further objects to this request as irrelevant, to the extent that it incorrectly assumes or questions whether JetBlue has valid and subsisting rights in the BLUETALES trademark in light of its active federal registration. Subject and without prejudice to the foregoing objections, JetBlue states that JetBlue is not currently using the BLUETALES trademark.

INTERROGATORY NO. 37:

If JetBlue is not currently using the BLUETALES trademark associated with Registration No. 4,572,556, please describe in detail all facts and circumstances relating to JetBlue's decision to cease using the BLUETALES trademark including, without limitation, the date on which JetBlue ceased using the BLUETALES trademark.

RESPONSE TO INTERROGATORY NO. 37:

JetBlue objects to this request as overly broad, unduly burdensome and not proportional to the needs of the case in that it seeks "all facts and circumstances" when JetBlue is an international travel company, operating for the last 20 years, with a variety of business interests, and listing each and every fact would create a burden on JetBlue that far outweighs the benefit to Applicant. Subject and without prejudice to the foregoing objections, JetBlue states that its BLUETALES mark was subsumed in its OUT OF THE BLUE brand.

INTERROGATORY NO. 38:

If you contend that JetBlue is currently using the BLUE INC. trademark associated with Registration No. 4,856,238, please describe in detail all facts and circumstances sufficient to show how JetBlue is currently using the BLUE INC. trademark including, without limitation, the date on which the BLUE INC. trademark was most recently used and the goods or services on which the BLUE INC. trademark was most recently used.

RESPONSE TO INTERROGATORY NO. 38:

JetBlue objects to this request as overly broad, unduly burdensome and not proportional to the needs of the case in that it seeks "all facts and circumstances" when JetBlue is an international travel company, operating for the last 20 years, with a variety of business interests, and listing each and every fact would create a burden on JetBlue that far outweighs the benefit to Applicant. Subject and without prejudice to the foregoing objections, JetBlue states that the BLUE INC. trademark is currently in use, as shown at https://blueinc.jetblue.com/about_blueinc.html, in connection with services including corporate booking and reservation services for flights, cars, and hotels. JetBlue further refers to JETBLUE00002056-62 of its document production, in accordance with Rule 33(d) of the Federal Rules of Civil Procedure, and all facts in the documents produced by JetBlue during the course of this proceeding.

Applicant. Subject and without prejudice to the foregoing objections, JetBlue states that it is currently using the SHOPBLUE trademark. JetBlue's SHOPBLUE website is under construction because JetBlue is changing to a new backend partner. JetBlue expects that the SHOPBLUE website will be accessible again in the next few weeks. JetBlue refers to JETBLUE00002550-58 of its document production, in accordance with Rule 33(d) of the Federal Rules of Civil Procedure and all facts in the documents produced by JetBlue during the course of this proceeding.

INTERROGATORY NO. 41:

If JetBlue is not currently using the SHOPBLUE trademark associated with Registration No. 3,514,159, please describe in detail all facts and circumstances relating to JetBlue's decision to cease using the SHOPBLUE trademark including, without limitation, the date on which JetBlue ceased using the SHOPBLUE trademark.

RESPONSE TO INTERROGATORY NO. 41:

JetBlue objects to this request as overly broad, unduly burdensome and not proportional to the needs of the case in that it seeks "all facts and circumstances" when JetBlue is an international travel company, operating for the last 20 years, with a variety of business interests, and listing each and every fact would create a burden on JetBlue that far outweighs the benefit to Applicant. Subject and without prejudice to the foregoing objections, JetBlue refers to its Response to Interrogatory No. 40 and submits that Interrogatory No. 41 does not require a response.

INTERROGATORY NO. 42:

If you contend that JetBlue is currently using the BLUEPASS trademark associated with Registration No. 4,693,972, please describe in detail all facts and circumstances sufficient to show how JetBlue is currently using the BLUEPASS trademark including, without limitation, the date

on which the BLUEPASS trademark was most recently used and the goods or services on which the BLUEPASS trademark was most recently used.

RESPONSE TO INTERROGATORY NO. 42:

JetBlue objects to this request as overly broad, unduly burdensome and not proportional to the needs of the case in that it seeks "all facts and circumstances" when JetBlue is an international travel company, operating for the last 20 years, with a variety of business interests, and listing each and every fact would create a burden on JetBlue that far outweighs the benefit to Applicant. JetBlue further objects to this request as irrelevant, to the extent that it incorrectly assumes that JetBlue does not have valid and subsisting rights in the BLUEPASS trademark in the absence of current use. Subject and without prejudice to the foregoing objections, JetBlue states that it is not currently using the BLUEPASS trademark. JetBlue further relies on the documents produced by JetBlue during the course of this proceeding and on the facts contained therein.

INTERROGATORY NO. 43:

If JetBlue is not currently using the BLUEPASS trademark associated with Registration No. 4,693,972, please describe in detail all facts and circumstances relating to JetBlue's decision to cease using the BLUEPASS trademark including, without limitation, the date on which JetBlue ceased using the BLUEPASS trademark.

RESPONSE TO INTERROGATORY NO. 43:

JetBlue objects to this request as overly broad, unduly burdensome and not proportional to the needs of the case in that it seeks "all facts and circumstances" when JetBlue is an international travel company, operating for the last 20 years, with a variety of business interests, and listing each and every fact would create a burden on JetBlue that far outweighs the benefit to Applicant. JetBlue further objects to this request as irrelevant, to the extent that it incorrectly

assumes that JetBlue does not have valid and subsisting rights in the BLUEPASS trademark in the absence of current use. Subject and without prejudice to the foregoing objections, JetBlue states that it stopped using the BLUEPASS trademark because the product offered under that mark is no longer available. JetBlue further relies on the documents produced by JetBlue during the course of this proceeding and on the facts contained therein.

Dated: March 2, 2020
New York, New York

AS TO OBJECTIONS:

FRANKFURT KURNIT KLEIN & SELZ, P.C.

By: _____

Edward H. Rosenthal
Rachel Santori
Kimberly M. Maynard
28 Liberty Street
New York, New York 10005
Tel.: (212) 980-0120
erosenthal@fkks.com
rsantori@fkks.com
kmaynard@fkks.com
Attorneys for Opposer, JetBlue Airways Corporation

VERIFICATION

On behalf of JetBlue Airways Corporation ("JetBlue"), I have read the foregoing responses to Airblue Limited's Second Set of Requests for Interrogatories. The responses were prepared with the assistance of employees, agents and representatives of JetBlue and with the advice of counsel. They are based on records and information currently available. I reserve the right to make any changes in or additions to any of these responses if it appears at any time that errors or omissions have been made or if more accurate or complete information becomes available. Subject to those limitations, the responses are true to the best of my present knowledge, information and belief. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge and belief.

Dated: March 2, 2020
New York, New York

Chantal Van Wijnbergen
Director Brand Management & Advertising
JetBlue Airways Corporation

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **JETBLUE AIRWAYS CORPORATION'S RESPONSES AND OBJECTIONS TO AIRBLUE LIMITED'S SECOND SET OF INTERROGATORIES** was served upon Airblue Limited on March 2, 2020 via email to:

Michael Keyes
Dorsey & Whitney LLP
701 Fifth Avenue, Suite 6100
Seattle, WA 98104-7043
United States
shimada.tiffany@dorsey.com, keyes.mike@dorsey.com,
docketing-dv@dorsey.com, taverniti.nancy@dorsey.com
Phone: 206-903-8800

Rachel Santori

EXHIBIT 4

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Mark: JETBLUE

US Serial Number: 76578782

Application Filing Date: Mar. 01, 2004

US Registration Number: 3084084

Registration Date: Apr. 25, 2006

Register: Principal

Mark Type: Service Mark

TM5 Common Status Descriptor:

DEAD/REGISTRATION/Cancelled/Invalidated

The trademark application was registered, but subsequently it was cancelled or invalidated and removed from the registry.

Status: Registration cancelled because registrant did not file an acceptable declaration under Section 8. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

Status Date: Dec. 02, 2016

Publication Date: Jan. 31, 2006

Date Cancelled: Dec. 02, 2016

Mark Information

Mark Literal Elements: JETBLUE

Standard Character Claim: No

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

Description of Mark: The broken lines and outline design of the tail of the plane are to show the location of the mark and are not a part of the mark.

Color Drawing: Yes

Color(s) Claimed: Applicant claims the color(s) light blue, blue, dark blue, and white are features of the mark.

Color Location: The colors light blue and dark blue are claimed for the horizontal and vertical pin striping. The color blue is claimed for the solid squares. The color light blue is claimed for the solid rectangles. The color white is claimed for the stylized word "jetBlue." The color dark blue is claimed for the remaining background.

Design Search Code(s): 18.09.07 - Gliders, hang; Hang gliders
26.15.21 - Polygons that are completely or partially shaded

Related Properties Information

Claimed Ownership of US Registrations: 2449988, 2451955

Goods and Services

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

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

For: AIR TRANSPORTATION SERVICES, NAMELY, TRANSPORTATION OF PASSENGERS, PARCELS, FREIGHT AND CARGO BY AIR

International Class(es): 039 - Primary Class

U.S Class(es): 100, 105

Class Status: SECTION 8 - CANCELLED

Basis: 1(a)

First Use: Mar. 08, 2004 **Use in Commerce:** Mar. 08, 2004

Basis Information (Case Level)

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

Current Owner(s) Information

Owner Name: JetBlue Airways Corporation

Owner Address: 27-01 Queens Plaza North
Long Island City, NEW YORK UNITED STATES 11101

Legal Entity Type: CORPORATION **State or Country Where Organized:** DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Mary Sotis **Docket Number:** 019839.0500

Attorney Primary Email Address: pto@fkks.com **Attorney Email Authorized:** Yes

Correspondent

Correspondent Name/Address: Mary Sotis
FRANKFURT KURNIT KLEIN & SELZ PC
488 MADISON AVENUE
NEW YORK, NEW YORK UNITED STATES 10022

Phone: 212-980-0120 **Fax:** 212-593-9175

Correspondent e-mail: pto@fkks.com **Correspondent e-mail Authorized:** Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Dec. 02, 2016	CANCELLED SEC. 8 (10-YR)/EXPIRED SECTION 9	
Apr. 25, 2015	COURTESY REMINDER - SEC. 8 (10-YR)/SEC. 9 E-MAILED	
Apr. 08, 2014	NOTICE OF SUIT	
May 01, 2012	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
May 01, 2012	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	68973
May 01, 2012	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	68973
Apr. 16, 2012	TEAS SECTION 8 & 15 RECEIVED	
Sep. 12, 2011	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Sep. 12, 2011	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Apr. 25, 2006	REGISTERED-PRINCIPAL REGISTER	
Jan. 31, 2006	PUBLISHED FOR OPPOSITION	
Jan. 11, 2006	NOTICE OF PUBLICATION	
Dec. 16, 2005	LAW OFFICE PUBLICATION REVIEW COMPLETED	71466
Dec. 13, 2005	EXAMINER'S AMENDMENT ENTERED	71466
Dec. 12, 2005	APPROVED FOR PUB - PRINCIPAL REGISTER	
Dec. 09, 2005	ASSIGNED TO LIE	71466
Dec. 08, 2005	EXAMINERS AMENDMENT MAILED	
Dec. 07, 2005	EXAMINER'S AMENDMENT ENTERED	88888

Dec. 07, 2005	EXAMINERS AMENDMENT -WRITTEN	78049
Nov. 10, 2005	USE AMENDMENT ACCEPTED	
Oct. 07, 2005	ASSIGNED TO EXAMINER	78049
Feb. 15, 2005	AMENDMENT FROM APPLICANT ENTERED	69712
Jan. 18, 2005	CORRESPONDENCE RECEIVED IN LAW OFFICE	69712
Feb. 15, 2005	AMENDMENT TO USE PROCESSING COMPLETE	69712
Jan. 18, 2005	USE AMENDMENT FILED	69712
Jan. 18, 2005	PAPER RECEIVED	
Jan. 07, 2005	ASSIGNED TO EXAMINER	69721
Dec. 13, 2004	NON-FINAL ACTION MAILED	
Dec. 13, 2004	NON-FINAL ACTION WRITTEN	72618
Nov. 17, 2004	AMENDMENT FROM APPLICANT ENTERED	69712
Oct. 12, 2004	CORRESPONDENCE RECEIVED IN LAW OFFICE	69712
Nov. 17, 2004	ASSIGNED TO LIE	69712
Oct. 12, 2004	PAPER RECEIVED	
Sep. 17, 2004	NON-FINAL ACTION MAILED	
Sep. 17, 2004	NON-FINAL ACTION WRITTEN	72618
Sep. 17, 2004	ASSIGNED TO EXAMINER	72618
Mar. 17, 2004	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: TMO LAW OFFICE 115 **Date in Location:** May 01, 2012

Proceedings

Summary

Number of Proceedings: 3

Type of Proceeding: Opposition

Proceeding Number: 91231347 **Filing Date:** Nov 21, 2016

Status: Terminated **Status Date:** Mar 01, 2017

Interlocutory Attorney: KATIE W MCKNIGHT

Defendant

Name: Innoviation LLC dba Blue Square Aviation

Correspondent Address: THOMAS DUNLAP
DUNLAP BENNETT LUDWIG PLLC
211 CHURCH ST SE
LEESBURG VA UNITED STATES , 20175

Correspondent e-mail: tdunlap@dbllawyers.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
BLUE SQUARE	Abandoned - After Inter-Partes Decision	86860320	

Plaintiff(s)

Name: JetBlue Airways Corporation

Correspondent Address: CATHERINE M C FARRELLY
FRANKFURT KURNIT KLEIN & SELZ PC
488 MADISON AVENUE, 10TH FLOOR
NEW YORK NY UNITED STATES , 10022

Correspondent e-mail: pto@fkks.com , RKronman@fkks.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
JETBLUE PARK	Registered	86182475	4639929
JETBLUE	Registered	86178376	4572490
JETBLUE MINT	Registered	86054378	4638228
JETBLUEMINT	Registered	86054375	4638227
JETBLUE MINT	Registered	86054364	4638226
JETBLUE	Section 8 and 15 - Accepted and Acknowledged	85738625	4338485
JETBLUE	Section 8 and 15 - Accepted and Acknowledged	85738619	4338484
JETBLUE	Section 8 and 15 - Accepted and Acknowledged	85738616	4338483
JETBLUE	Section 8 and 15 - Accepted and Acknowledged	85680540	4289126
BETABLUE	Cancelled - Section 8	77348275	3636145
BLUEPASS	Registered	85476364	4693972
TRUEBLUE MOSAIC	Section 8 and 15 - Accepted and Acknowledged	85610160	4293462
BLUETALES	Registered	86204859	4572556
BLUE INC.	Registered	86209530	4856238
JETBLUE AIRWAYS	REGISTERED AND RENEWED	75746534	2451955
JETBLUE	REGISTERED AND RENEWED	75746535	2449988
JETBLUE	REGISTERED AND RENEWED	76627244	3052759
JETBLUE	REGISTERED AND RENEWED	76593681	3163121
JETBLUE	REGISTERED AND RENEWED	78980624	3522768
JETBLUE CARD	REGISTERED AND RENEWED	78775276	3331800
JETBLUE CARD	REGISTERED AND RENEWED	78775274	3331799
JETBLUE	REGISTERED AND RENEWED	78774786	3403219
JETBLUE	REGISTERED AND RENEWED	78703135	3326608
JETBLUE	REGISTERED AND RENEWED	78703133	3331434
JETBLUE	REGISTERED AND RENEWED	78703131	3493916
JETBLUE	REGISTERED AND RENEWED	78703127	3331433
JETBLUE	REGISTERED AND RENEWED	77642215	3651034
JETBLUE	REGISTERED AND RENEWED	76593680	3163120
JETBLUE	REGISTERED AND RENEWED	76523405	2947348
JETBLUE	REGISTERED AND RENEWED	76523403	2971984
JETBLUE	Cancelled - Section 8	76578782	3084084
JETBLUE	REGISTERED AND RENEWED	78774790	3331792
JETBLUE	REGISTERED AND RENEWED	78702572	3786241
JETBLUE CRUISES	Cancelled - Section 8	77091410	3502296
JETBLUE GETAWAYS	Cancelled - Section 8	78581864	3288715
TRUEBLUE	REGISTERED AND RENEWED	76378283	2762635
SHOPBLUE	REGISTERED AND RENEWED	78775266	3514159

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Nov 21, 2016	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Nov 21, 2016	Dec 31, 2016
3	PENDING, INSTITUTED	Nov 21, 2016	
4	NOTICE OF DEFAULT	Jan 10, 2017	
5	BD DECISION: SUSTAINED	Mar 01, 2017	
6	TERMINATED	Mar 01, 2017	

Type of Proceeding: Opposition

Proceeding Number: 91212606 **Filing Date:** Sep 23, 2013

Status: Terminated **Status Date:** May 02, 2014

Interlocutory Attorney: GEORGE POLOGEORGIS

Defendant

Name: GREEN JETS INCORPORATED

Correspondent Address: BRENDAN J HUGHES
COOLEY LLP
1299 PENNSYLVANIA AVENUE, NW
WASHINGTON DC UNITED STATES , 20004

Correspondent e-mail: bhughes@cooley.com , jlauter@cooley.com , trademarks@cooley.com , smobley@cooley.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
BLAKJET	Abandoned - After Inter-Partes Decision	85601230	

Plaintiff(s)

Name: JetBlue Airways Corporation

Correspondent Address: MARY SOTIS
FRANKFORT KURNIT KLEIN & SELZ PC
488 MADISON AVENUE
NEW YORK NY UNITED STATES , 10022

Correspondent e-mail: pto@fkks.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
JETBLUE	Section 8 and 15 - Accepted and Acknowledged	85738625	4338485
JETBLUE	Section 8 and 15 - Accepted and Acknowledged	85738619	4338484
JETBLUE	Section 8 and 15 - Accepted and Acknowledged	85738616	4338483
JETBLUE	Section 8 and 15 - Accepted and Acknowledged	85680540	4289126
JETBLUE CARD	REGISTERED AND RENEWED	78775276	3331800
JETBLUE CARD	REGISTERED AND RENEWED	78775274	3331799
JETBLUE	REGISTERED AND RENEWED	78774786	3403219
JETBLUE	REGISTERED AND RENEWED	78774790	3331792
JETBLUE GETAWAYS	Cancelled - Section 8	78581864	3288715
JETBLUE	REGISTERED AND RENEWED	78980624	3522768
JETBLUE	REGISTERED AND RENEWED	78703135	3326608
JETBLUE	REGISTERED AND RENEWED	78703133	3331434
JETBLUE	REGISTERED AND RENEWED	78703131	3493916
JETBLUE	REGISTERED AND RENEWED	78703127	3331433
JETBLUE	REGISTERED AND RENEWED	78702572	3786241
JETBLUE	REGISTERED AND RENEWED	77642215	3651034
JETBLUE	Cancelled - Section 8	77158863	3502438
JETBLUE HAPPY JETTING	Cancelled - Section 8	77488515	3696662
JETBLUE CRUISES	Cancelled - Section 8	77091410	3502296
JETBLUE	Cancelled - Section 8	76578782	3084084
JETBLUE	REGISTERED AND RENEWED	76593681	3163121
JETBLUE	REGISTERED AND RENEWED	76593680	3163120
JETBLUE	REGISTERED AND RENEWED	76627244	3052759
JETBLUE	REGISTERED AND RENEWED	76523403	2971984
JETBLUE	REGISTERED AND RENEWED	76523405	2947348
JETBLUE AIRWAYS	REGISTERED AND RENEWED	75746534	2451955
JETBLUE	REGISTERED AND RENEWED	75746535	2449988

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Sep 23, 2013	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Sep 23, 2013	Nov 02, 2013
3	PENDING, INSTITUTED	Sep 23, 2013	

4	STIP TO SUSP PEND SETTL NEGOTIATIONS	Sep 25, 2013
5	SUSPENDED	Sep 25, 2013
6	STIP TO SUSP PEND SETTL NEGOTIATIONS	Jan 31, 2014
7	SUSPENDED	Jan 31, 2014
8	W/DRAW OF APPLICATION	Mar 31, 2014
9	BD DECISION: DISMISSED W/O PREJ	May 02, 2014
10	TERMINATED	May 02, 2014

Type of Proceeding: Opposition

Proceeding Number: 91212006 **Filing Date:** Aug 14, 2013

Status: Terminated **Status Date:** Aug 14, 2013

Interlocutory Attorney: JENNIFER KRISP

Defendant

Name: Airone Holdings, Limited

Correspondent Address: AIRONE HOLDINGS LIMITED
PO BOX 1209, 46 MICAUD ST
CASTRIES SAINT LUCIA

Associated marks

Mark	Application Status	Serial Number	Registration Number
REDJET	Abandoned - After Inter-Partes Decision	85612104	

Plaintiff(s)

Name: JetBlue Airways Corporation

Correspondent Address: MARY SOTIS
FRANKFURT KURNIT KLEIN & SELZ PC
488 MADISON AVE
NEW YORK NY UNITED STATES , 10022

Correspondent e-mail: pto@fkks.com , rkronman@fkks.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
JETBLUE	Section 8 and 15 - Accepted and Acknowledged	85738625	4338485
JETBLUE	Section 8 and 15 - Accepted and Acknowledged	85738619	4338484
JETBLUE	Section 8 and 15 - Accepted and Acknowledged	85738616	4338483
JETBLUE	Section 8 and 15 - Accepted and Acknowledged	85680540	4289126
JETBLUE CARD	REGISTERED AND RENEWED	78775276	3331800
JETBLUE CARD	REGISTERED AND RENEWED	78775274	3331799
JETBLUE	REGISTERED AND RENEWED	78774786	3403219
JETBLUE	REGISTERED AND RENEWED	78774790	3331792
JETBLUE GETAWAYS	Cancelled - Section 8	78581864	3288715
JETBLUE	REGISTERED AND RENEWED	78980624	3522768
JETBLUE	REGISTERED AND RENEWED	78703135	3326608
JETBLUE	REGISTERED AND RENEWED	78703133	3331434
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JETBLUE	REGISTERED AND RENEWED	78703127	3331433
JETBLUE	REGISTERED AND RENEWED	78702572	3786241
JETBLUE	REGISTERED AND RENEWED	77642215	3651034
JETBLUE	Cancelled - Section 8	77158863	3502438
JETBLUE HAPPY JETTING	Cancelled - Section 8	77488515	3696662
JETBLUE CRUISES	Cancelled - Section 8	77091410	3502296
JETBLUE	Cancelled - Section 8	76578782	3084084
JETBLUE	REGISTERED AND RENEWED	76593681	3163121
JETBLUE	REGISTERED AND RENEWED	76593680	3163120

JETBLUE	REGISTERED AND RENEWED	76627244	3052759
JETBLUE	REGISTERED AND RENEWED	76523403	2971984
JETBLUE	REGISTERED AND RENEWED	76523405	2947348
JETBLUE AIRWAYS	REGISTERED AND RENEWED	75746534	2451955
JETBLUE	REGISTERED AND RENEWED	75746535	2449988

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Aug 14, 2013	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Aug 14, 2013	Sep 23, 2013
3	PENDING, INSTITUTED	Aug 14, 2013	
4	ANSWER	Sep 20, 2013	
5	P MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Nov 11, 2013	
6	SUSPENDED	Nov 18, 2013	
7	P MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	May 21, 2014	
8	SUSPENDED	Jun 26, 2014	
9	P MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Aug 20, 2014	
10	SUSPENDED	Sep 23, 2014	
11	D REQ TO W/DRAW AS ATTORNEY	Feb 18, 2015	
12	RESPONSE DUE 30 DAYS (DUE DATE)	Mar 19, 2015	Apr 18, 2015
13	D REQ TO W/DRAW AS ATTORNEY	Mar 20, 2015	
14	RESPONSE DUE 30 DAYS (DUE DATE)	Apr 07, 2015	May 07, 2015
15	NOTICE OF DEFAULT	May 18, 2015	
16	BD DECISION: SUSTAINED	Jun 30, 2015	
17	TERMINATED	Jun 30, 2015	
18	BD DECISION: SUSTAINED	Jun 30, 2015	

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Mark: JETBLUE CRUISES

JETBLUE CRUISES

US Serial Number: 77091410

Application Filing Date: Jan. 25, 2007

US Registration Number: 3502296

Registration Date: Sep. 16, 2008

Register: Principal

Mark Type: Service Mark

TM5 Common Status Descriptor:

DEAD/REGISTRATION/Cancelled/Invalidated

The trademark application was registered, but subsequently it was cancelled or invalidated and removed from the registry.

Status: Registration cancelled because registrant did not file an acceptable declaration under Section 8. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

Status Date: Apr. 19, 2019

Publication Date: Nov. 06, 2007

Notice of Allowance Date: Jan. 29, 2008

Date Cancelled: Apr. 19, 2019

Mark Information

Mark Literal Elements: JETBLUE CRUISES

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

Disclaimer: "CRUISES"

Goods and Services

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

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

For: travel agency services, namely, making reservations and bookings for transportation, cruises and vehicle rentals; arranging of cruises; air and boat transportation services, featuring a frequent traveler incentive and award program for travelers in the nature of travel discounts; providing information about travel and transportation, vacation packages, cruises, vehicle rentals and special travel offers via a global computer network

International Class(es): 039 - Primary Class

U.S Class(es): 100, 105

Class Status: SECTION 8 - CANCELLED

Basis: 1(a)

First Use: Jan. 11, 2007

Use in Commerce: Jan. 11, 2007

Basis Information (Case Level)

Filed Use: No

Currently Use: Yes

Filed ITU: Yes

Currently ITU: No

Filed 44D: No

Currently 44E: No

Filed 44E: No

Currently 66A: No

Filed 66A: No

Currently No Basis: No

Filed No Basis: No

Current Owner(s) Information

Owner Name: JetBlue Airways Corporation

Owner Address: 27-01 Queens Plaza North
Long Island City, NEW YORK UNITED STATES 11101

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Catherine M.C. Farrelly

Docket Number: 019839.0500

Attorney Primary Email Address: pto@fkks.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Catherine M.C. Farrelly
Frankfurt Kurnit Klein & Selz PC
488 Madison Avenue
New York, NEW YORK UNITED STATES 10022

Phone: 212-980-0120

Fax: 212-593-9175

Correspondent e-mail: pto@fkks.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Apr. 19, 2019	CANCELLED SEC. 8 (10-YR)/EXPIRED SECTION 9	
Sep. 16, 2017	COURTESY REMINDER - SEC. 8 (10-YR)/SEC. 9 E-MAILED	
Mar. 26, 2015	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Mar. 26, 2015	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Oct. 30, 2013	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
Oct. 30, 2013	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	67723
Oct. 16, 2013	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	67723
Oct. 30, 2013	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	67723
Oct. 16, 2013	TEAS SECTION 8 & 15 RECEIVED	
Aug. 17, 2011	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Aug. 17, 2011	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Sep. 16, 2008	REGISTERED-PRINCIPAL REGISTER	
Aug. 14, 2008	LAW OFFICE REGISTRATION REVIEW COMPLETED	78289
Aug. 12, 2008	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Aug. 06, 2008	STATEMENT OF USE PROCESSING COMPLETE	61813
Jul. 24, 2008	USE AMENDMENT FILED	61813
Aug. 06, 2008	EXTENSION 1 GRANTED	61813
Jul. 24, 2008	EXTENSION 1 FILED	61813
Aug. 06, 2008	CASE ASSIGNED TO INTENT TO USE PARALEGAL	61813
Jul. 24, 2008	TEAS EXTENSION RECEIVED	
Jul. 24, 2008	TEAS STATEMENT OF USE RECEIVED	
Jan. 29, 2008	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Nov. 06, 2007	PUBLISHED FOR OPPOSITION	
Oct. 17, 2007	NOTICE OF PUBLICATION	
Oct. 02, 2007	LAW OFFICE PUBLICATION REVIEW COMPLETED	78289
Oct. 02, 2007	ASSIGNED TO LIE	78289
Aug. 31, 2007	APPROVED FOR PUB - PRINCIPAL REGISTER	
Aug. 30, 2007	TEAS/EMAIL CORRESPONDENCE ENTERED	88889

Aug. 30, 2007	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Aug. 30, 2007	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Apr. 16, 2007	NON-FINAL ACTION E-MAILED	6325
Apr. 16, 2007	NON-FINAL ACTION WRITTEN	76134
Apr. 11, 2007	ASSIGNED TO EXAMINER	76134
Feb. 02, 2007	NOTICE OF PSEUDO MARK MAILED	
Feb. 01, 2007	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: TMEG LAW OFFICE 103 **Date in Location:** Oct. 30, 2013

Proceedings

Summary

Number of Proceedings: 7

Type of Proceeding: Opposition

Proceeding Number: 91247619 **Filing Date:** Apr 17, 2019

Status: Terminated **Status Date:** Jul 24, 2019

Interlocutory Attorney: JENNIFER KRISP

Defendant

Name: RISE Life Science

Correspondent Address: GRACE R NEIBARON
HOBAN LAW GROUP
235 FOSS CREEK CIRCLE
HEALDSBURG CA UNITED STATES , 95448

Correspondent e-mail: grace@neibaronlaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
J-BLU	Abandoned - After Inter-Partes Decision	87766533	

Plaintiff(s)

Name: JetBlue Airways Corporation

Correspondent Address: RACHEL SANTORI
FRANKFURT KURNIT KLEIN & SELZ PC
488 MADISON AVENUE
NEW YORK NY UNITED STATES , 10022

Correspondent e-mail: pto@fkks.com , rsantori@fkks.com , dmaggiacomo@fkks.com , dtobin@fkks.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
JETBLUE	REGISTERED AND RENEWED	75746535	2449988
JETBLUE	REGISTERED AND RENEWED	76593680	3163120
JETBLUE	REGISTERED AND RENEWED	76593681	3163121
JETBLUE	REGISTERED AND RENEWED	78774790	3331792
JETBLUE	REGISTERED AND RENEWED	78702572	3786241
JETBLUE CRUISES	Cancelled - Section 8	77091410	3502296
TRUEBLUE	REGISTERED AND RENEWED	76378283	2762635
BETABLUE	Cancelled - Section 8	77348275	3636145
SHOPBLUE	REGISTERED AND RENEWED	78775266	3514159

BLUEPASS	Registered	85476364	4693972
TRUEBLUE MOSAIC	Section 8 and 15 - Accepted and Acknowledged	85610160	4293462
BLUETALES	Registered	86204859	4572556
BLUE INC.	Registered	86209530	4856238
JETBLUE	REGISTERED AND RENEWED	78703127	3331433
JETBLUE PARK	Registered	86182475	4639929

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Apr 17, 2019	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Apr 17, 2019	May 27, 2019
3	INSTITUTED	Apr 17, 2019	
4	NOTICE OF DEFAULT	Jun 06, 2019	
5	BD DECISION: OPP SUSTAINED	Jul 24, 2019	
6	TERMINATED	Jul 24, 2019	

Type of Proceeding: Opposition

Proceeding Number: 91239599 **Filing Date:** Feb 21, 2018

Status: Terminated **Status Date:** Sep 11, 2018

Interlocutory Attorney: ELIZABETH A DUNN

Defendant

Name: BlueShift Compass, LLC

Correspondent Address: E CHIPMAN EARLE
3815 PIPING ROCK LANE
HOUSTON TX UNITED STATES , 77027

Correspondent e-mail: chip.earle@yahoo.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
BLUESHIFT HELICOPTERS	Third Extension - Granted	87458180	

Plaintiff(s)

Name: JetBlue Airways Corporation

Correspondent Address: DONNA A TOBIN
FRANKFURT KURNIT KLEIN & SELZ PC
488 MADISON AVENUE
NEW YORK NY UNITED STATES , 10022

Correspondent e-mail: pto@fkks.com , dtobin@fkks.com , dmaggiacomo@fkks.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
JETBLUE	REGISTERED AND RENEWED	75746535	2449988
JETBLUE	REGISTERED AND RENEWED	76593680	3163120
JETBLUE	REGISTERED AND RENEWED	76593681	3163121
JETBLUE	REGISTERED AND RENEWED	78774790	3331792
JETBLUE	REGISTERED AND RENEWED	78702572	3786241
JETBLUE CRUISES	Cancelled - Section 8	77091410	3502296
JETBLUE GETAWAYS	Cancelled - Section 8	78581864	3288715
TRUEBLUE	REGISTERED AND RENEWED	76378283	2762635
BETABLUE	Cancelled - Section 8	77348275	3636145
SHOPBLUE	REGISTERED AND RENEWED	78775266	3514159
BLUEPASS	Registered	85476364	4693972
TRUEBLUE MOSAIC	Section 8 and 15 - Accepted and Acknowledged	85610160	4293462
BLUETALES	Registered	86204859	4572556

BLUE INC.	Registered	86209530	4856238

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Feb 21, 2018	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Feb 21, 2018	Apr 02, 2018
3	PENDING, INSTITUTED	Feb 21, 2018	
4	ANSWER	Apr 02, 2018	
5	W/DRAW OF OPPOSITION	May 31, 2018	
6	BD DECISION: OPP DISMISSED W/ PREJ	Sep 11, 2018	
7	TERMINATED	Sep 11, 2018	

Type of Proceeding: Opposition

Proceeding Number: 91239609 **Filing Date:** Jul 17, 2020

Status: Suspended **Status Date:** Apr 15, 2020

Interlocutory Attorney: ANN LINNEHAN VOGLER

Defendant

Name: Airblue Limited

Correspondent Address: MICHAEL KEYES
DORSEY & WHITNEY LLP
701 FIFTH AVENUE, SUITE 6100
SEATTLE WA UNITED STATES , 98104-7043

Correspondent e-mail: shimada.tiffany@dorsey.com , keyes.mike@dorsey.com , docketing-dv@dorsey.com , taverniti.nancy@dorsey.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
AIRBLUE	Opposition Pending	87459649	

Plaintiff(s)

Name: JetBlue Airways Corporation

Correspondent Address: RACHEL SANTORI
FRANKFURT KURNIT KLEIN & SELZ PC
28 LIBERTY STREET
NEW YORK NY UNITED STATES , 10005

Correspondent e-mail: pto@fkks.com , rsantori@fkks.com , erosenthal@fkks.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
JETBLUE	REGISTERED AND RENEWED	75746535	2449988
JETBLUE	REGISTERED AND RENEWED	76593680	3163120
JETBLUE	REGISTERED AND RENEWED	76593681	3163121
JETBLUE	REGISTERED AND RENEWED	78774790	3331792
JETBLUE	REGISTERED AND RENEWED	78702572	3786241
JETBLUE CRUISES	Cancelled - Section 8	77091410	3502296
JETBLUE GETAWAYS	Cancelled - Section 8	78581864	3288715
TRUEBLUE	REGISTERED AND RENEWED	76378283	2762635
BETABLUE	Cancelled - Section 8	77348275	3636145
SHOPBLUE	REGISTERED AND RENEWED	78775266	3514159
BLUEPASS	Registered	85476364	4693972
TRUEBLUE MOSAIC	Section 8 and 15 - Accepted and Acknowledged	85610160	4293462
BLUETALES	Registered	86204859	4572556
BLUE INC.	Registered	86209530	4856238
JETBLUE CARD	REGISTERED AND RENEWED	78775274	3331799

Prosecution History

Entry Number	History Text	Date	Due Date

1	FILED AND FEE	Feb 21, 2018	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Feb 21, 2018	Apr 02, 2018
3	PENDING, INSTITUTED	Feb 21, 2018	
4	ANSWER	Apr 02, 2018	
5	P MOT TO STRIKE PLEADING/AFFIRMATIVE DEFENSE	Apr 23, 2018	
6	D OPP/RESP TO MOTION	May 14, 2018	
7	D OPP/RESP TO MOTION	May 14, 2018	
8	D OPP/RESP TO MOTION	May 14, 2018	
9	SUSP PEND DISP OF OUTSTNDNG MOT	May 21, 2018	
10	P REPLY IN SUPPORT OF MOTION	Jun 04, 2018	
11	TRIAL DATES RESET	Sep 17, 2018	
12	TRIAL DATES RESET	Sep 21, 2018	
13	P MOT TO AMEND PLEADING/AMENDED PLEADING	Oct 25, 2018	
14	D OPP/RESP TO MOTION	Nov 14, 2018	
15	SUSP PEND DISP OF OUTSTNDNG MOT	Nov 26, 2018	
16	TRIAL DATES RESET	Feb 19, 2019	
17	ANSWER TO AMENDED PLEADING	Mar 14, 2019	
18	P MOT TO STRIKE PLEADING/AFFIRMATIVE DEFENSE	Apr 03, 2019	
19	SUSP PEND DISP OF OUTSTNDNG MOT	Apr 17, 2019	
20	D OPP/RESP TO MOTION	Apr 23, 2019	
21	PROCEEDINGS RESUMED	Aug 08, 2019	
22	D CHANGE OF CORRESP ADDRESS	Sep 24, 2019	
23	P CHANGE OF CORRESP ADDRESS	Sep 25, 2019	
24	P MOT TO SUSP W/ CONSENT	Apr 06, 2020	
25	SUSPENDED	Apr 15, 2020	
26	D MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	May 14, 2020	
27	SUSPENDED	Jun 17, 2020	
28	P MOT FOR SUMMARY JUDGMENT	Jul 17, 2020	
29	P MOT FOR SUMMARY JUDGMENT	Jul 17, 2020	
30	P MOT FOR SUMMARY JUDGMENT	Jul 17, 2020	
31	P MOT FOR SUMMARY JUDGMENT	Jul 17, 2020	
32	PAPER RECEIVED AT TTAB	Jul 23, 2020	

Type of Proceeding: Opposition

Proceeding Number: 91239220 **Filing Date:** Jan 31, 2018

Status: Terminated **Status Date:** Jun 18, 2018

Interlocutory Attorney: ANN LINNEHAN VOGLER

Defendant

Name: BlueShift Compass, LLC

Correspondent Address: E CHIPMAN EARLE
3815 PIPING ROCK LN
HOUSTON TX UNITED STATES , 77027

Correspondent e-mail: chip.earle@yahoo.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
BLUESHIFT	Third Extension - Granted	87458181	

Plaintiff(s)

Name: JetBlue Airways Corporation

Correspondent Address: DONNA A TOBIN
FRANKFURT KURNIT KLEIN & SELZ PC
488 MADISON AVENUE
NEW YORK NY UNITED STATES , 10022

Correspondent e- pto@fkks.com , dtobin@fkks.com , dmaggiacomo@fkks.com , rsantori@fkks.com

mail:

Associated marks

Mark	Application Status	Serial Number	Registration Number
JETBLUE	REGISTERED AND RENEWED	75746535	2449988
JETBLUE	REGISTERED AND RENEWED	76593680	3163120
JETBLUE	REGISTERED AND RENEWED	76593681	3163121
JETBLUE	REGISTERED AND RENEWED	78774790	3331792
JETBLUE	REGISTERED AND RENEWED	78702572	3786241
JETBLUE CRUISES	Cancelled - Section 8	77091410	3502296
JETBLUE GETAWAYS	Cancelled - Section 8	78581864	3288715
TRUEBLUE	REGISTERED AND RENEWED	76378283	2762635
BETABLUE	Cancelled - Section 8	77348275	3636145
SHOPBLUE	REGISTERED AND RENEWED	78775266	3514159
BLUEPASS	Registered	85476364	4693972
TRUEBLUE MOSAIC	Section 8 and 15 - Accepted and Acknowledged	85610160	4293462
BLUETALES	Registered	86204859	4572556
BLUE INC.	Registered	86209530	4856238

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jan 31, 2018	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jan 31, 2018	Mar 12, 2018
3	PENDING, INSTITUTED	Jan 31, 2018	
4	ANSWER	Mar 12, 2018	
5	W/DRAW OF OPPOSITION	May 31, 2018	
6	BD DECISION: DISMISSED W/ PREJ	Jun 18, 2018	
7	TERMINATED	Jun 18, 2018	

Type of Proceeding: Opposition

Proceeding Number: 91231347 **Filing Date:** Nov 21, 2016

Status: Terminated **Status Date:** Mar 01, 2017

Interlocutory Attorney: KATIE W MCKNIGHT

Defendant

Name: Innoviation LLC dba Blue Square Aviation

Correspondent Address: THOMAS DUNLAP
DUNLAP BENNETT LUDWIG PLLC
211 CHURCH ST SE
LEESBURG VA UNITED STATES , 20175

Correspondent e-mail: tdunlap@dbllawyers.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
BLUE SQUARE	Abandoned - After Inter-Partes Decision	86860320	

Plaintiff(s)

Name: JetBlue Airways Corporation

Correspondent Address: CATHERINE M C FARRELLY
FRANKFURT KURNIT KLEIN & SELZ PC
488 MADISON AVENUE, 10TH FLOOR
NEW YORK NY UNITED STATES , 10022

Correspondent e-mail: pto@fkks.com , RKronman@fkks.com

Associated marks

Mark	Application Status	Serial Number	Registration Number

JETBLUE PARK	Registered	86182475	4639929
JETBLUE	Registered	86178376	4572490
JETBLUE MINT	Registered	86054378	4638228
JETBLUEMINT	Registered	86054375	4638227
JETBLUE MINT	Registered	86054364	4638226
JETBLUE	Section 8 and 15 - Accepted and Acknowledged	85738625	4338485
JETBLUE	Section 8 and 15 - Accepted and Acknowledged	85738619	4338484
JETBLUE	Section 8 and 15 - Accepted and Acknowledged	85738616	4338483
JETBLUE	Section 8 and 15 - Accepted and Acknowledged	85680540	4289126
BETABLUE	Cancelled - Section 8	77348275	3636145
BLUEPASS	Registered	85476364	4693972
TRUEBLUE MOSAIC	Section 8 and 15 - Accepted and Acknowledged	85610160	4293462
BLUETALES	Registered	86204859	4572556
BLUE INC.	Registered	86209530	4856238
JETBLUE AIRWAYS	REGISTERED AND RENEWED	75746534	2451955
JETBLUE	REGISTERED AND RENEWED	75746535	2449988
JETBLUE	REGISTERED AND RENEWED	76627244	3052759
JETBLUE	REGISTERED AND RENEWED	76593681	3163121
JETBLUE	REGISTERED AND RENEWED	78980624	3522768
JETBLUE CARD	REGISTERED AND RENEWED	78775276	3331800
JETBLUE CARD	REGISTERED AND RENEWED	78775274	3331799
JETBLUE	REGISTERED AND RENEWED	78774786	3403219
JETBLUE	REGISTERED AND RENEWED	78703135	3326608
JETBLUE	REGISTERED AND RENEWED	78703133	3331434
JETBLUE	REGISTERED AND RENEWED	78703131	3493916
JETBLUE	REGISTERED AND RENEWED	78703127	3331433
JETBLUE	REGISTERED AND RENEWED	77642215	3651034
JETBLUE	REGISTERED AND RENEWED	76593680	3163120
JETBLUE	REGISTERED AND RENEWED	76523405	2947348
JETBLUE	REGISTERED AND RENEWED	76523403	2971984
JETBLUE	Cancelled - Section 8	76578782	3084084
JETBLUE	REGISTERED AND RENEWED	78774790	3331792
JETBLUE	REGISTERED AND RENEWED	78702572	3786241
JETBLUE CRUISES	Cancelled - Section 8	77091410	3502296
JETBLUE GETAWAYS	Cancelled - Section 8	78581864	3288715
TRUEBLUE	REGISTERED AND RENEWED	76378283	2762635
SHOPBLUE	REGISTERED AND RENEWED	78775266	3514159

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Nov 21, 2016	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Nov 21, 2016	Dec 31, 2016
3	PENDING, INSTITUTED	Nov 21, 2016	
4	NOTICE OF DEFAULT	Jan 10, 2017	
5	BD DECISION: SUSTAINED	Mar 01, 2017	
6	TERMINATED	Mar 01, 2017	

Type of Proceeding: Opposition

Proceeding Number: 91212606 **Filing Date:** Sep 23, 2013

Status: Terminated **Status Date:** May 02, 2014

Interlocutory Attorney: GEORGE POLOGEORGIS

Defendant

Name: GREEN JETS INCORPORATED

Correspondent Address: BRENDAN J HUGHES
COOLEY LLP
1299 PENNSYLVANIA AVENUE, NW
WASHINGTON DC UNITED STATES , 20004

Correspondent e-mail: bhughes@cooley.com , jlauter@cooley.com , trademarks@cooley.com , smobley@cooley.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
BLAKJET	Abandoned - After Inter-Partes Decision	85601230	

Plaintiff(s)

Name: JetBlue Airways Corporation

Correspondent Address: MARY SOTIS
FRANKFORT KURNIT KLEIN & SELZ PC
488 MADISON AVENUE
NEW YORK NY UNITED STATES , 10022

Correspondent e-mail: pto@fkks.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
JETBLUE	Section 8 and 15 - Accepted and Acknowledged	85738625	4338485
JETBLUE	Section 8 and 15 - Accepted and Acknowledged	85738619	4338484
JETBLUE	Section 8 and 15 - Accepted and Acknowledged	85738616	4338483
JETBLUE	Section 8 and 15 - Accepted and Acknowledged	85680540	4289126
JETBLUE CARD	REGISTERED AND RENEWED	78775276	3331800
JETBLUE CARD	REGISTERED AND RENEWED	78775274	3331799
JETBLUE	REGISTERED AND RENEWED	78774786	3403219
JETBLUE	REGISTERED AND RENEWED	78774790	3331792
JETBLUE GETAWAYS	Cancelled - Section 8	78581864	3288715
JETBLUE	REGISTERED AND RENEWED	78980624	3522768
JETBLUE	REGISTERED AND RENEWED	78703135	3326608
JETBLUE	REGISTERED AND RENEWED	78703133	3331434
JETBLUE	REGISTERED AND RENEWED	78703131	3493916
JETBLUE	REGISTERED AND RENEWED	78703127	3331433
JETBLUE	REGISTERED AND RENEWED	78702572	3786241
JETBLUE	REGISTERED AND RENEWED	77642215	3651034
JETBLUE	Cancelled - Section 8	77158863	3502438
JETBLUE HAPPY JETTING	Cancelled - Section 8	77488515	3696662
JETBLUE CRUISES	Cancelled - Section 8	77091410	3502296
JETBLUE	Cancelled - Section 8	76578782	3084084
JETBLUE	REGISTERED AND RENEWED	76593681	3163121
JETBLUE	REGISTERED AND RENEWED	76593680	3163120
JETBLUE	REGISTERED AND RENEWED	76627244	3052759
JETBLUE	REGISTERED AND RENEWED	76523403	2971984
JETBLUE	REGISTERED AND RENEWED	76523405	2947348
JETBLUE AIRWAYS	REGISTERED AND RENEWED	75746534	2451955
JETBLUE	REGISTERED AND RENEWED	75746535	2449988

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Sep 23, 2013	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Sep 23, 2013	Nov 02, 2013
3	PENDING, INSTITUTED	Sep 23, 2013	
4	STIP TO SUSP PEND SETTL NEGOTIATIONS	Sep 25, 2013	
5	SUSPENDED	Sep 25, 2013	
6	STIP TO SUSP PEND SETTL NEGOTIATIONS	Jan 31, 2014	

7	SUSPENDED	Jan 31, 2014
8	W/DRAW OF APPLICATION	Mar 31, 2014
9	BD DECISION: DISMISSED W/O PREJ	May 02, 2014
10	TERMINATED	May 02, 2014

Type of Proceeding: Opposition

Proceeding Number: 91212006 **Filing Date:** Aug 14, 2013

Status: Terminated **Status Date:** Aug 14, 2013

Interlocutory Attorney: JENNIFER KRISP

Defendant

Name: Airone Holdings, Limited

Correspondent Address: AIRONE HOLDINGS LIMITED
PO BOX 1209, 46 MICAUD ST
CASTRIES SAINT LUCIA

Associated marks

Mark	Application Status	Serial Number	Registration Number
REDJET	Abandoned - After Inter-Partes Decision	85612104	

Plaintiff(s)

Name: JetBlue Airways Corporation

Correspondent Address: MARY SOTIS
FRANKFURT KURNIT KLEIN & SELZ PC
488 MADISON AVE
NEW YORK NY UNITED STATES , 10022

Correspondent e-mail: pto@fkks.com , rkronman@fkks.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
JETBLUE	Section 8 and 15 - Accepted and Acknowledged	85738625	4338485
JETBLUE	Section 8 and 15 - Accepted and Acknowledged	85738619	4338484
JETBLUE	Section 8 and 15 - Accepted and Acknowledged	85738616	4338483
JETBLUE	Section 8 and 15 - Accepted and Acknowledged	85680540	4289126
JETBLUE CARD	REGISTERED AND RENEWED	78775276	3331800
JETBLUE CARD	REGISTERED AND RENEWED	78775274	3331799
JETBLUE	REGISTERED AND RENEWED	78774786	3403219
JETBLUE	REGISTERED AND RENEWED	78774790	3331792
JETBLUE GETAWAYS	Cancelled - Section 8	78581864	3288715
JETBLUE	REGISTERED AND RENEWED	78980624	3522768
JETBLUE	REGISTERED AND RENEWED	78703135	3326608
JETBLUE	REGISTERED AND RENEWED	78703133	3331434
JETBLUE	REGISTERED AND RENEWED	78703131	3493916
JETBLUE	REGISTERED AND RENEWED	78703127	3331433
JETBLUE	REGISTERED AND RENEWED	78702572	3786241
JETBLUE	REGISTERED AND RENEWED	77642215	3651034
JETBLUE	Cancelled - Section 8	77158863	3502438
JETBLUE HAPPY JETTING	Cancelled - Section 8	77488515	3696662
JETBLUE CRUISES	Cancelled - Section 8	77091410	3502296
JETBLUE	Cancelled - Section 8	76578782	3084084
JETBLUE	REGISTERED AND RENEWED	76593681	3163121
JETBLUE	REGISTERED AND RENEWED	76593680	3163120
JETBLUE	REGISTERED AND RENEWED	76627244	3052759
JETBLUE	REGISTERED AND RENEWED	76523403	2971984
JETBLUE	REGISTERED AND RENEWED	76523405	2947348

JETBLUE AIRWAYS	REGISTERED AND RENEWED	75746534	2451955
JETBLUE	REGISTERED AND RENEWED	75746535	2449988

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Aug 14, 2013	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Aug 14, 2013	Sep 23, 2013
3	PENDING, INSTITUTED	Aug 14, 2013	
4	ANSWER	Sep 20, 2013	
5	P MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Nov 11, 2013	
6	SUSPENDED	Nov 18, 2013	
7	P MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	May 21, 2014	
8	SUSPENDED	Jun 26, 2014	
9	P MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Aug 20, 2014	
10	SUSPENDED	Sep 23, 2014	
11	D REQ TO W/DRAW AS ATTORNEY	Feb 18, 2015	
12	RESPONSE DUE 30 DAYS (DUE DATE)	Mar 19, 2015	Apr 18, 2015
13	D REQ TO W/DRAW AS ATTORNEY	Mar 20, 2015	
14	RESPONSE DUE 30 DAYS (DUE DATE)	Apr 07, 2015	May 07, 2015
15	NOTICE OF DEFAULT	May 18, 2015	
16	BD DECISION: SUSTAINED	Jun 30, 2015	
17	TERMINATED	Jun 30, 2015	
18	BD DECISION: SUSTAINED	Jun 30, 2015	

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Mark: JETBLUE GETAWAYS

JETBLUE GETAWAYS

US Serial Number: 78581864

Application Filing Date: Mar. 07, 2005

US Registration Number: 3288715

Registration Date: Sep. 04, 2007

Register: Principal

Mark Type: Service Mark

TM5 Common Status Descriptor:

DEAD/REGISTRATION/Cancelled/Invalidated

The trademark application was registered, but subsequently it was cancelled or invalidated and removed from the registry.

Status: Registration cancelled because registrant did not file an acceptable declaration under Section 8. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

Status Date: Apr. 06, 2018

Publication Date: Oct. 24, 2006

Notice of Allowance Date: Jan. 16, 2007

Date Cancelled: Apr. 06, 2018

Mark Information

Mark Literal Elements: JETBLUE GETAWAYS

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

Disclaimer: "getaways"

Related Properties Information

Claimed Ownership of US Registrations: 2449988, 2451955 and others

Goods and Services

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

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

For: travel services, namely, making reservations and bookings for transportation and vehicle rentals; transportation services featuring a frequent flyer bonus program; providing automated check-in and ticketing services for air travelers; providing information about transportation, vehicle rentals and special travel offers via a global computer network

International Class(es): 039 - Primary Class

U.S Class(es): 100, 105

Class Status: SECTION 8 - CANCELLED

Basis: 1(a)

First Use: Sep. 11, 2005

Use in Commerce: Sep. 11, 2005

For: PROVIDING TRAVEL LODGING INFORMATION SERVICES AND TRAVEL LODGING BOOKING AGENCY SERVICES FOR TRAVELERS

International Class(es): 043 - Primary Class

U.S Class(es): 100, 101

Class Status: SECTION 8 - CANCELLED

Basis: 1(a)

First Use: Sep. 11, 2005 **Use in Commerce:** Sep. 11, 2005

Basis Information (Case Level)

Filed Use: No **Currently Use:** Yes

Filed ITU: Yes **Currently ITU:** No

Filed 44D: No **Currently 44E:** No

Filed 44E: No **Currently 66A:** No

Filed 66A: No **Currently No Basis:** No

Filed No Basis: No

Current Owner(s) Information

Owner Name: JetBlue Airways Corporation

Owner Address: 27-01 Queens Plaza North
Long Island City, NEW YORK UNITED STATES 11101

Legal Entity Type: CORPORATION **State or Country Where Organized:** DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Catherine M.C. Farrelly **Docket Number:** 019839.0500

Attorney Primary Email Address: pto@fkks.com **Attorney Email Authorized:** Yes

Correspondent

Correspondent Name/Address: Catherine M.C. Farrelly
Frankfurt Kurnit Klein & Selz PC
488 Madison Avenue
New York, NEW YORK UNITED STATES 10022

Phone: 212-980-0120 **Fax:** 212-593-9175

Correspondent e-mail: pto@fkks.com **Correspondent e-mail Authorized:** Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Apr. 06, 2018	CANCELLED SEC. 8 (10-YR)/EXPIRED SECTION 9	
Sep. 04, 2016	COURTESY REMINDER - SEC. 8 (10-YR)/SEC. 9 E-MAILED	
Mar. 26, 2015	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Mar. 26, 2015	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Jan. 16, 2013	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
Jan. 16, 2013	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	68973
Jan. 16, 2013	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	68973
Dec. 21, 2012	TEAS SECTION 8 & 15 RECEIVED	
Aug. 17, 2011	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Aug. 17, 2011	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Sep. 04, 2007	REGISTERED-PRINCIPAL REGISTER	
Jul. 30, 2007	LAW OFFICE REGISTRATION REVIEW COMPLETED	76568
Jul. 30, 2007	ASSIGNED TO LIE	76568
Jun. 19, 2007	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Jun. 19, 2007	STATEMENT OF USE PROCESSING COMPLETE	76873
Mar. 08, 2007	USE AMENDMENT FILED	76873
Mar. 08, 2007	TEAS STATEMENT OF USE RECEIVED	

Jan. 16, 2007	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Oct. 24, 2006	PUBLISHED FOR OPPOSITION	
Oct. 04, 2006	NOTICE OF PUBLICATION	
Sep. 13, 2006	LAW OFFICE PUBLICATION REVIEW COMPLETED	78287
Sep. 08, 2006	ASSIGNED TO LIE	78287
Aug. 29, 2006	APPROVED FOR PUB - PRINCIPAL REGISTER	
Aug. 29, 2006	EXAMINER'S AMENDMENT ENTERED	88888
Aug. 29, 2006	EXAMINERS AMENDMENT E-MAILED	6328
Aug. 29, 2006	EXAMINERS AMENDMENT -WRITTEN	77966
Aug. 25, 2006	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Aug. 21, 2006	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Aug. 21, 2006	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Feb. 24, 2006	NON-FINAL ACTION E-MAILED	6325
Feb. 24, 2006	NON-FINAL ACTION WRITTEN	77966
Feb. 14, 2006	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Feb. 07, 2006	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Feb. 07, 2006	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Aug. 09, 2005	NON-FINAL ACTION E-MAILED	6325
Aug. 09, 2005	NON-FINAL ACTION WRITTEN	77966
Aug. 08, 2005	ASSIGNED TO EXAMINER	77966
Mar. 14, 2005	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: TMEG LAW OFFICE 101 **Date in Location:** Jan. 16, 2013

Proceedings

Summary

Number of Proceedings: 6

Type of Proceeding: Opposition

Proceeding Number: 91239599 **Filing Date:** Feb 21, 2018

Status: Terminated **Status Date:** Sep 11, 2018

Interlocutory Attorney: ELIZABETH A DUNN

Defendant

Name: BlueShift Compass, LLC

Correspondent Address: E CHIPMAN EARLE
3815 PIPING ROCK LANE
HOUSTON TX UNITED STATES , 77027

Correspondent e-mail: chip.earle@yahoo.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
BLUESHIFT HELICOPTERS	Third Extension - Granted	87458180	

Plaintiff(s)

Name: JetBlue Airways Corporation

Correspondent Address: DONNA A TOBIN
FRANKFURT KURNIT KLEIN & SELZ PC
488 MADISON AVENUE
NEW YORK NY UNITED STATES , 10022

Correspondent e- pto@fkks.com , dtobin@fkks.com , dmaggiacomo@fkks.com

mail:

Associated marks

Mark	Application Status	Serial Number	Registration Number
JETBLUE	REGISTERED AND RENEWED	75746535	2449988
JETBLUE	REGISTERED AND RENEWED	76593680	3163120
JETBLUE	REGISTERED AND RENEWED	76593681	3163121
JETBLUE	REGISTERED AND RENEWED	78774790	3331792
JETBLUE	REGISTERED AND RENEWED	78702572	3786241
JETBLUE CRUISES	Cancelled - Section 8	77091410	3502296
JETBLUE GETAWAYS	Cancelled - Section 8	78581864	3288715
TRUEBLUE	REGISTERED AND RENEWED	76378283	2762635
BETABLUE	Cancelled - Section 8	77348275	3636145
SHOPBLUE	REGISTERED AND RENEWED	78775266	3514159
BLUEPASS	Registered	85476364	4693972
TRUEBLUE MOSAIC	Section 8 and 15 - Accepted and Acknowledged	85610160	4293462
BLUETALES	Registered	86204859	4572556
BLUE INC.	Registered	86209530	4856238

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Feb 21, 2018	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Feb 21, 2018	Apr 02, 2018
3	PENDING, INSTITUTED	Feb 21, 2018	
4	ANSWER	Apr 02, 2018	
5	W/DRAW OF OPPOSITION	May 31, 2018	
6	BD DECISION: OPP DISMISSED W/ PREJ	Sep 11, 2018	
7	TERMINATED	Sep 11, 2018	

Type of Proceeding: Opposition

Proceeding Number: 91239609 **Filing Date:** Jul 17, 2020

Status: Suspended **Status Date:** Apr 15, 2020

Interlocutory Attorney: ANN LINNEHAN VOGLER

Defendant

Name: Airblue Limited

Correspondent Address: MICHAEL KEYES
DORSEY & WHITNEY LLP
701 FIFTH AVENUE, SUITE 6100
SEATTLE WA UNITED STATES , 98104-7043

Correspondent e-mail: shimada.tiffany@dorsey.com , keyes.mike@dorsey.com , docketing-dv@dorsey.com , taverniti.nancy@dorsey.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
AIRBLUE	Opposition Pending	87459649	

Plaintiff(s)

Name: JetBlue Airways Corporation

Correspondent Address: RACHEL SANTORI
FRANKFURT KURNIT KLEIN & SELZ PC
28 LIBERTY STREET
NEW YORK NY UNITED STATES , 10005

Correspondent e-mail: pto@fkks.com , rsantori@fkks.com , erosenthal@fkks.com

Associated marks

Mark	Application Status	Serial Number	Registration Number

JETBLUE	REGISTERED AND RENEWED	75746535	2449988
JETBLUE	REGISTERED AND RENEWED	76593680	3163120
JETBLUE	REGISTERED AND RENEWED	76593681	3163121
JETBLUE	REGISTERED AND RENEWED	78774790	3331792
JETBLUE	REGISTERED AND RENEWED	78702572	3786241
JETBLUE CRUISES	Cancelled - Section 8	77091410	3502296
JETBLUE GETAWAYS	Cancelled - Section 8	78581864	3288715
TRUEBLUE	REGISTERED AND RENEWED	76378283	2762635
BETABLUE	Cancelled - Section 8	77348275	3636145
SHOPBLUE	REGISTERED AND RENEWED	78775266	3514159
BLUEPASS	Registered	85476364	4693972
TRUEBLUE MOSAIC	Section 8 and 15 - Accepted and Acknowledged	85610160	4293462
BLUETALES	Registered	86204859	4572556
BLUE INC.	Registered	86209530	4856238
JETBLUE CARD	REGISTERED AND RENEWED	78775274	3331799

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Feb 21, 2018	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Feb 21, 2018	Apr 02, 2018
3	PENDING, INSTITUTED	Feb 21, 2018	
4	ANSWER	Apr 02, 2018	
5	P MOT TO STRIKE PLEADING/AFFIRMATIVE DEFENSE	Apr 23, 2018	
6	D OPP/RESP TO MOTION	May 14, 2018	
7	D OPP/RESP TO MOTION	May 14, 2018	
8	D OPP/RESP TO MOTION	May 14, 2018	
9	SUSP PEND DISP OF OUTSTNDNG MOT	May 21, 2018	
10	P REPLY IN SUPPORT OF MOTION	Jun 04, 2018	
11	TRIAL DATES RESET	Sep 17, 2018	
12	TRIAL DATES RESET	Sep 21, 2018	
13	P MOT TO AMEND PLEADING/AMENDED PLEADING	Oct 25, 2018	
14	D OPP/RESP TO MOTION	Nov 14, 2018	
15	SUSP PEND DISP OF OUTSTNDNG MOT	Nov 26, 2018	
16	TRIAL DATES RESET	Feb 19, 2019	
17	ANSWER TO AMENDED PLEADING	Mar 14, 2019	
18	P MOT TO STRIKE PLEADING/AFFIRMATIVE DEFENSE	Apr 03, 2019	
19	SUSP PEND DISP OF OUTSTNDNG MOT	Apr 17, 2019	
20	D OPP/RESP TO MOTION	Apr 23, 2019	
21	PROCEEDINGS RESUMED	Aug 08, 2019	
22	D CHANGE OF CORRESP ADDRESS	Sep 24, 2019	
23	P CHANGE OF CORRESP ADDRESS	Sep 25, 2019	
24	P MOT TO SUSP W/ CONSENT	Apr 06, 2020	
25	SUSPENDED	Apr 15, 2020	
26	D MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	May 14, 2020	
27	SUSPENDED	Jun 17, 2020	
28	P MOT FOR SUMMARY JUDGMENT	Jul 17, 2020	
29	P MOT FOR SUMMARY JUDGMENT	Jul 17, 2020	
30	P MOT FOR SUMMARY JUDGMENT	Jul 17, 2020	
31	P MOT FOR SUMMARY JUDGMENT	Jul 17, 2020	
32	PAPER RECEIVED AT TTAB	Jul 23, 2020	

Type of Proceeding: Opposition

Proceeding Number: 91239220 **Filing Date:** Jan 31, 2018

Status: Terminated **Status Date:** Jun 18, 2018

Interlocutory ANN LINNEHAN VOGLER

Attorney:

Defendant

Name: BlueShift Compass, LLC

Correspondent Address: E CHIPMAN EARLE
3815 PIPING ROCK LN
HOUSTON TX UNITED STATES , 77027

Correspondent e-mail: chip.earle@yahoo.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
BLUESHIFT	Third Extension - Granted	87458181	

Plaintiff(s)

Name: JetBlue Airways Corporation

Correspondent Address: DONNA A TOBIN
FRANKFURT KURNIT KLEIN & SELZ PC
488 MADISON AVENUE
NEW YORK NY UNITED STATES , 10022

Correspondent e-mail: pto@fkks.com , dtobin@fkks.com , dmaggiacomo@fkks.com , rsantori@fkks.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
JETBLUE	REGISTERED AND RENEWED	75746535	2449988
JETBLUE	REGISTERED AND RENEWED	76593680	3163120
JETBLUE	REGISTERED AND RENEWED	76593681	3163121
JETBLUE	REGISTERED AND RENEWED	78774790	3331792
JETBLUE	REGISTERED AND RENEWED	78702572	3786241
JETBLUE CRUISES	Cancelled - Section 8	77091410	3502296
JETBLUE GETAWAYS	Cancelled - Section 8	78581864	3288715
TRUEBLUE	REGISTERED AND RENEWED	76378283	2762635
BETABLUE	Cancelled - Section 8	77348275	3636145
SHOPBLUE	REGISTERED AND RENEWED	78775266	3514159
BLUEPASS	Registered	85476364	4693972
TRUEBLUE MOSAIC	Section 8 and 15 - Accepted and Acknowledged	85610160	4293462
BLUETALES	Registered	86204859	4572556
BLUE INC.	Registered	86209530	4856238

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jan 31, 2018	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jan 31, 2018	Mar 12, 2018
3	PENDING, INSTITUTED	Jan 31, 2018	
4	ANSWER	Mar 12, 2018	
5	W/DRAW OF OPPOSITION	May 31, 2018	
6	BD DECISION: DISMISSED W/ PREJ	Jun 18, 2018	
7	TERMINATED	Jun 18, 2018	

Type of Proceeding: Opposition

Proceeding Number: 91231347 **Filing Date:** Nov 21, 2016

Status: Terminated **Status Date:** Mar 01, 2017

Interlocutory Attorney: KATIE W MCKNIGHT

Defendant

Name: Innoviation LLC dba Blue Square Aviation

Correspondent THOMAS DUNLAP

Address: DUNLAP BENNETT LUDWIG PLLC
211 CHURCH ST SE
LEESBURG VA UNITED STATES , 20175

Correspondent e-mail: tdunlap@dbllawyers.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
BLUE SQUARE	Abandoned - After Inter-Partes Decision	86860320	

Plaintiff(s)

Name: JetBlue Airways Corporation

Correspondent Address: CATHERINE M C FARRELLY
FRANKFURT KURNIT KLEIN & SELZ PC
488 MADISON AVENUE, 10TH FLOOR
NEW YORK NY UNITED STATES , 10022

Correspondent e-mail: pto@fkks.com , RKronman@fkks.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
JETBLUE PARK	Registered	86182475	4639929
JETBLUE	Registered	86178376	4572490
JETBLUE MINT	Registered	86054378	4638228
JETBLUEMINT	Registered	86054375	4638227
JETBLUE MINT	Registered	86054364	4638226
JETBLUE	Section 8 and 15 - Accepted and Acknowledged	85738625	4338485
JETBLUE	Section 8 and 15 - Accepted and Acknowledged	85738619	4338484
JETBLUE	Section 8 and 15 - Accepted and Acknowledged	85738616	4338483
JETBLUE	Section 8 and 15 - Accepted and Acknowledged	85680540	4289126
BETABLUE	Cancelled - Section 8	77348275	3636145
BLUEPASS	Registered	85476364	4693972
TRUEBLUE MOSAIC	Section 8 and 15 - Accepted and Acknowledged	85610160	4293462
BLUETALES	Registered	86204859	4572556
BLUE INC.	Registered	86209530	4856238
JETBLUE AIRWAYS	REGISTERED AND RENEWED	75746534	2451955
JETBLUE	REGISTERED AND RENEWED	75746535	2449988
JETBLUE	REGISTERED AND RENEWED	76627244	3052759
JETBLUE	REGISTERED AND RENEWED	76593681	3163121
JETBLUE	REGISTERED AND RENEWED	78980624	3522768
JETBLUE CARD	REGISTERED AND RENEWED	78775276	3331800
JETBLUE CARD	REGISTERED AND RENEWED	78775274	3331799
JETBLUE	REGISTERED AND RENEWED	78774786	3403219
JETBLUE	REGISTERED AND RENEWED	78703135	3326608
JETBLUE	REGISTERED AND RENEWED	78703133	3331434
JETBLUE	REGISTERED AND RENEWED	78703131	3493916
JETBLUE	REGISTERED AND RENEWED	78703127	3331433
JETBLUE	REGISTERED AND RENEWED	77642215	3651034
JETBLUE	REGISTERED AND RENEWED	76593680	3163120
JETBLUE	REGISTERED AND RENEWED	76523405	2947348
JETBLUE	REGISTERED AND RENEWED	76523403	2971984
JETBLUE	Cancelled - Section 8	76578782	3084084
JETBLUE	REGISTERED AND RENEWED	78774790	3331792
JETBLUE	REGISTERED AND RENEWED	78702572	3786241
JETBLUE CRUISES	Cancelled - Section 8	77091410	3502296
JETBLUE GETAWAYS	Cancelled - Section 8	78581864	3288715

TRUEBLUE	REGISTERED AND RENEWED	76378283	2762635
SHOPBLUE	REGISTERED AND RENEWED	78775266	3514159

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Nov 21, 2016	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Nov 21, 2016	Dec 31, 2016
3	PENDING, INSTITUTED	Nov 21, 2016	
4	NOTICE OF DEFAULT	Jan 10, 2017	
5	BD DECISION: SUSTAINED	Mar 01, 2017	
6	TERMINATED	Mar 01, 2017	

Type of Proceeding: Opposition

Proceeding Number: 91212606 **Filing Date:** Sep 23, 2013

Status: Terminated **Status Date:** May 02, 2014

Interlocutory Attorney: GEORGE POLOGEORGIS

Defendant

Name: GREEN JETS INCORPORATED

Correspondent Address: BRENDAN J HUGHES
COOLEY LLP
1299 PENNSYLVANIA AVENUE, NW
WASHINGTON DC UNITED STATES , 20004

Correspondent e-mail: bhughes@cooley.com , jlauter@cooley.com , trademarks@cooley.com , smobley@cooley.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
BLAKJET	Abandoned - After Inter-Partes Decision	85601230	

Plaintiff(s)

Name: JetBlue Airways Corporation

Correspondent Address: MARY SOTIS
FRANKFORT KURNIT KLEIN & SELZ PC
488 MADISON AVENUE
NEW YORK NY UNITED STATES , 10022

Correspondent e-mail: pto@fkks.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
JETBLUE	Section 8 and 15 - Accepted and Acknowledged	85738625	4338485
JETBLUE	Section 8 and 15 - Accepted and Acknowledged	85738619	4338484
JETBLUE	Section 8 and 15 - Accepted and Acknowledged	85738616	4338483
JETBLUE	Section 8 and 15 - Accepted and Acknowledged	85680540	4289126
JETBLUE CARD	REGISTERED AND RENEWED	78775276	3331800
JETBLUE CARD	REGISTERED AND RENEWED	78775274	3331799
JETBLUE	REGISTERED AND RENEWED	78774786	3403219
JETBLUE	REGISTERED AND RENEWED	78774790	3331792
JETBLUE GETAWAYS	Cancelled - Section 8	78581864	3288715
JETBLUE	REGISTERED AND RENEWED	78980624	3522768
JETBLUE	REGISTERED AND RENEWED	78703135	3326608
JETBLUE	REGISTERED AND RENEWED	78703133	3331434
JETBLUE	REGISTERED AND RENEWED	78703131	3493916
JETBLUE	REGISTERED AND RENEWED	78703127	3331433
JETBLUE	REGISTERED AND RENEWED	78702572	3786241
JETBLUE	REGISTERED AND RENEWED	77642215	3651034
JETBLUE	Cancelled - Section 8	77158863	3502438

JETBLUE HAPPY JETTING	Cancelled - Section 8	77488515	3696662
JETBLUE CRUISES	Cancelled - Section 8	77091410	3502296
JETBLUE	Cancelled - Section 8	76578782	3084084
JETBLUE	REGISTERED AND RENEWED	76593681	3163121
JETBLUE	REGISTERED AND RENEWED	76593680	3163120
JETBLUE	REGISTERED AND RENEWED	76627244	3052759
JETBLUE	REGISTERED AND RENEWED	76523403	2971984
JETBLUE	REGISTERED AND RENEWED	76523405	2947348
JETBLUE AIRWAYS	REGISTERED AND RENEWED	75746534	2451955
JETBLUE	REGISTERED AND RENEWED	75746535	2449988

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Sep 23, 2013	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Sep 23, 2013	Nov 02, 2013
3	PENDING, INSTITUTED	Sep 23, 2013	
4	STIP TO SUSP PEND SETTL NEGOTIATIONS	Sep 25, 2013	
5	SUSPENDED	Sep 25, 2013	
6	STIP TO SUSP PEND SETTL NEGOTIATIONS	Jan 31, 2014	
7	SUSPENDED	Jan 31, 2014	
8	W/DRAW OF APPLICATION	Mar 31, 2014	
9	BD DECISION: DISMISSED W/O PREJ	May 02, 2014	
10	TERMINATED	May 02, 2014	

Type of Proceeding: Opposition

Proceeding Number: 91212006 **Filing Date:** Aug 14, 2013

Status: Terminated **Status Date:** Aug 14, 2013

Interlocutory Attorney: JENNIFER KRISP

Defendant

Name: Airone Holdings, Limited

Correspondent Address: AIRONE HOLDINGS LIMITED
PO BOX 1209, 46 MICAUD ST
CASTRIES SAINT LUCIA

Associated marks

Mark	Application Status	Serial Number	Registration Number
REDJET	Abandoned - After Inter-Partes Decision	85612104	

Plaintiff(s)

Name: JetBlue Airways Corporation

Correspondent Address: MARY SOTIS
FRANKFURT KURNIT KLEIN & SELZ PC
488 MADISON AVE
NEW YORK NY UNITED STATES , 10022

Correspondent e-mail: pto@fkks.com , rkronman@fkks.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
JETBLUE	Section 8 and 15 - Accepted and Acknowledged	85738625	4338485
JETBLUE	Section 8 and 15 - Accepted and Acknowledged	85738619	4338484
JETBLUE	Section 8 and 15 - Accepted and Acknowledged	85738616	4338483
JETBLUE	Section 8 and 15 - Accepted and Acknowledged	85680540	4289126
JETBLUE CARD	REGISTERED AND RENEWED	78775276	3331800
JETBLUE CARD	REGISTERED AND RENEWED	78775274	3331799
JETBLUE	REGISTERED AND RENEWED	78774786	3403219

JETBLUE	REGISTERED AND RENEWED	78774790	3331792
JETBLUE GETAWAYS	Cancelled - Section 8	78581864	3288715
JETBLUE	REGISTERED AND RENEWED	78980624	3522768
JETBLUE	REGISTERED AND RENEWED	78703135	3326608
JETBLUE	REGISTERED AND RENEWED	78703133	3331434
JETBLUE	REGISTERED AND RENEWED	78703131	3493916
JETBLUE	REGISTERED AND RENEWED	78703127	3331433
JETBLUE	REGISTERED AND RENEWED	78702572	3786241
JETBLUE	REGISTERED AND RENEWED	77642215	3651034
JETBLUE	Cancelled - Section 8	77158863	3502438
JETBLUE HAPPY JETTING	Cancelled - Section 8	77488515	3696662
JETBLUE CRUISES	Cancelled - Section 8	77091410	3502296
JETBLUE	Cancelled - Section 8	76578782	3084084
JETBLUE	REGISTERED AND RENEWED	76593681	3163121
JETBLUE	REGISTERED AND RENEWED	76593680	3163120
JETBLUE	REGISTERED AND RENEWED	76627244	3052759
JETBLUE	REGISTERED AND RENEWED	76523403	2971984
JETBLUE	REGISTERED AND RENEWED	76523405	2947348
JETBLUE AIRWAYS	REGISTERED AND RENEWED	75746534	2451955
JETBLUE	REGISTERED AND RENEWED	75746535	2449988

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Aug 14, 2013	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Aug 14, 2013	Sep 23, 2013
3	PENDING, INSTITUTED	Aug 14, 2013	
4	ANSWER	Sep 20, 2013	
5	P MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Nov 11, 2013	
6	SUSPENDED	Nov 18, 2013	
7	P MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	May 21, 2014	
8	SUSPENDED	Jun 26, 2014	
9	P MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Aug 20, 2014	
10	SUSPENDED	Sep 23, 2014	
11	D REQ TO W/DRAW AS ATTORNEY	Feb 18, 2015	
12	RESPONSE DUE 30 DAYS (DUE DATE)	Mar 19, 2015	Apr 18, 2015
13	D REQ TO W/DRAW AS ATTORNEY	Mar 20, 2015	
14	RESPONSE DUE 30 DAYS (DUE DATE)	Apr 07, 2015	May 07, 2015
15	NOTICE OF DEFAULT	May 18, 2015	
16	BD DECISION: SUSTAINED	Jun 30, 2015	
17	TERMINATED	Jun 30, 2015	
18	BD DECISION: SUSTAINED	Jun 30, 2015	

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Mark: BETABLUE

BETABLUE

US Serial Number: 77348275

Application Filing Date: Dec. 10, 2007

US Registration Number: 3636145

Registration Date: Jun. 09, 2009

Register: Principal

Mark Type: Service Mark

TM5 Common Status Descriptor:

DEAD/REGISTRATION/Cancelled/Invalidated

The trademark application was registered, but subsequently it was cancelled or invalidated and removed from the registry.

Status: Registration cancelled because registrant did not file an acceptable declaration under Section 8. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

Status Date: Jan. 10, 2020

Publication Date: Sep. 30, 2008

Notice of Allowance Date: Dec. 23, 2008

Date Cancelled: Jan. 10, 2020

Mark Information

Mark Literal Elements: BETABLUE

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

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Goods and Services

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

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

For: air transportation services, namely, transportation of passengers, parcels, freight and cargo by air [; travel agency services in the nature of making reservations and bookings for air transportation; packaging and storage of parcels, freight and cargo for transportation; air transportation services featuring a frequent flyer award program; providing designated handling, check-in, seating and travel reservation services for air travelers; providing automated airport check-in and ticket reservation services for air travelers; providing information about air transportation via computer network; travel services, namely, making reservations and bookings for transportation and vehicle rentals; providing information about transportation, vehicle rentals and special travel offers via a global computer network; corporate travel agency services, namely, making reservations and bookings for transportation]

International Class(es): 039 - Primary Class

U.S Class(es): 100, 105

Class Status: SECTION 8 - CANCELLED

Basis: 1(a)

First Use: Dec. 14, 2007

Use in Commerce: Dec. 14, 2007

Basis Information (Case Level)

Filed Use: No

Currently Use: Yes

Filed ITU: Yes

Currently ITU: No

Filed 44D: No

Currently 44E: No

Filed 44E: No

Currently 66A: No

Filed 66A: No **Currently No Basis:** No

Filed No Basis: No

Current Owner(s) Information

Owner Name: JetBlue Airways Corporation

Owner Address: 27-01 Queens Plaza North
Long Island City, NEW YORK UNITED STATES 11101

Legal Entity Type: CORPORATION **State or Country Where Organized:** DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Catherine M.C. Farrelly **Docket Number:** 019839.0500

Attorney Primary Email Address: pto@fkks.com **Attorney Email Authorized:** Yes

Correspondent

Correspondent Name/Address: Catherine M.C. Farrelly
Frankfurt Kurnit Klein & Selz PC
28 Liberty Street
New York, NEW YORK UNITED STATES 10005

Phone: 212-980-0120 **Fax:** 212-593-9175

Correspondent e-mail: pto@fkks.com **Correspondent e-mail Authorized:** Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jan. 10, 2020	CANCELLED SEC. 8 (10-YR)/EXPIRED SECTION 9	
Sep. 27, 2019	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Aug. 01, 2019	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Aug. 01, 2019	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Jun. 09, 2018	COURTESY REMINDER - SEC. 8 (10-YR)/SEC. 9 E-MAILED	
Jun. 15, 2015	NOTICE OF ACCEPTANCE OF SEC. 8 - E-MAILED	
Jun. 15, 2015	REGISTERED - SEC. 8 (6-YR) ACCEPTED	64591
Jun. 10, 2015	TEAS RESPONSE TO OFFICE ACTION-POST REG RECEIVED	
Jun. 08, 2015	POST REGISTRATION ACTION MAILED - SEC. 8	64591
Jun. 04, 2015	TEAS RESPONSE TO OFFICE ACTION-POST REG RECEIVED	
Jun. 01, 2015	POST REGISTRATION ACTION MAILED - SEC. 8	64591
Jun. 01, 2015	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	64591
May 27, 2015	TEAS SECTION 8 RECEIVED	
Mar. 26, 2015	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Mar. 26, 2015	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Sep. 12, 2011	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Sep. 12, 2011	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Jun. 09, 2009	REGISTERED-PRINCIPAL REGISTER	
May 01, 2009	LAW OFFICE REGISTRATION REVIEW COMPLETED	67287
Apr. 30, 2009	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Apr. 20, 2009	STATEMENT OF USE PROCESSING COMPLETE	71034
Apr. 01, 2009	USE AMENDMENT FILED	71034
Apr. 20, 2009	CASE ASSIGNED TO INTENT TO USE PARALEGAL	71034
Apr. 01, 2009	TEAS STATEMENT OF USE RECEIVED	
Dec. 23, 2008	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Sep. 30, 2008	PUBLISHED FOR OPPOSITION	
Sep. 10, 2008	NOTICE OF PUBLICATION	

Aug. 22, 2008	LAW OFFICE PUBLICATION REVIEW COMPLETED	67287
Aug. 22, 2008	ASSIGNED TO LIE	67287
Aug. 15, 2008	APPROVED FOR PUB - PRINCIPAL REGISTER	
Aug. 06, 2008	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Aug. 06, 2008	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Aug. 06, 2008	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Feb. 06, 2008	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Feb. 06, 2008	NON-FINAL ACTION E-MAILED	6325
Feb. 06, 2008	NON-FINAL ACTION WRITTEN	74308
Feb. 04, 2008	ASSIGNED TO EXAMINER	74308
Dec. 14, 2007	NOTICE OF PSEUDO MARK MAILED	
Dec. 13, 2007	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: TMO LAW OFFICE 110 **Date in Location:** Jun. 15, 2015

Proceedings

Summary

Number of Proceedings: 5

Type of Proceeding: Opposition

Proceeding Number: 91247619 **Filing Date:** Apr 17, 2019

Status: Terminated **Status Date:** Jul 24, 2019

Interlocutory Attorney: JENNIFER KRISP

Defendant

Name: RISE Life Science

Correspondent Address: GRACE R NEIBARON
HOBAN LAW GROUP
235 FOSS CREEK CIRCLE
HEALDSBURG CA UNITED STATES , 95448

Correspondent e-mail: grace@neibaronlaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
J-BLU	Abandoned - After Inter-Partes Decision	87766533	

Plaintiff(s)

Name: JetBlue Airways Corporation

Correspondent Address: RACHEL SANTORI
FRANKFURT KURNIT KLEIN & SELZ PC
488 MADISON AVENUE
NEW YORK NY UNITED STATES , 10022

Correspondent e-mail: pto@fkks.com , rsantori@fkks.com , dmaggiacomo@fkks.com , dtobin@fkks.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
JETBLUE	REGISTERED AND RENEWED	75746535	2449988
JETBLUE	REGISTERED AND RENEWED	76593680	3163120
JETBLUE	REGISTERED AND RENEWED	76593681	3163121
JETBLUE	REGISTERED AND RENEWED	78774790	3331792
JETBLUE	REGISTERED AND RENEWED	78702572	3786241

JETBLUE CRUISES	Cancelled - Section 8	77091410	3502296
TRUEBLUE	REGISTERED AND RENEWED	76378283	2762635
BETABLUE	Cancelled - Section 8	77348275	3636145
SHOPBLUE	REGISTERED AND RENEWED	78775266	3514159
BLUEPASS	Registered	85476364	4693972
TRUEBLUE MOSAIC	Section 8 and 15 - Accepted and Acknowledged	85610160	4293462
BLUETALES	Registered	86204859	4572556
BLUE INC.	Registered	86209530	4856238
JETBLUE	REGISTERED AND RENEWED	78703127	3331433
JETBLUE PARK	Registered	86182475	4639929

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Apr 17, 2019	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Apr 17, 2019	May 27, 2019
3	INSTITUTED	Apr 17, 2019	
4	NOTICE OF DEFAULT	Jun 06, 2019	
5	BD DECISION: OPP SUSTAINED	Jul 24, 2019	
6	TERMINATED	Jul 24, 2019	

Type of Proceeding: Opposition

Proceeding Number: 91239599 **Filing Date:** Feb 21, 2018

Status: Terminated **Status Date:** Sep 11, 2018

Interlocutory Attorney: ELIZABETH A DUNN

Defendant

Name: BlueShift Compass, LLC

Correspondent Address: E CHIPMAN EARLE
3815 PIPING ROCK LANE
HOUSTON TX UNITED STATES , 77027

Correspondent e-mail: chip.earle@yahoo.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
BLUESHIFT HELICOPTERS	Third Extension - Granted	87458180	

Plaintiff(s)

Name: JetBlue Airways Corporation

Correspondent Address: DONNA A TOBIN
FRANKFURT KURNIT KLEIN & SELZ PC
488 MADISON AVENUE
NEW YORK NY UNITED STATES , 10022

Correspondent e-mail: pto@fkks.com , dtobin@fkks.com , dmaggiacomo@fkks.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
JETBLUE	REGISTERED AND RENEWED	75746535	2449988
JETBLUE	REGISTERED AND RENEWED	76593680	3163120
JETBLUE	REGISTERED AND RENEWED	76593681	3163121
JETBLUE	REGISTERED AND RENEWED	78774790	3331792
JETBLUE	REGISTERED AND RENEWED	78702572	3786241
JETBLUE CRUISES	Cancelled - Section 8	77091410	3502296
JETBLUE GETAWAYS	Cancelled - Section 8	78581864	3288715
TRUEBLUE	REGISTERED AND RENEWED	76378283	2762635
BETABLUE	Cancelled - Section 8	77348275	3636145

SHOPBLUE	REGISTERED AND RENEWED	78775266	3514159
BLUEPASS	Registered	85476364	4693972
TRUEBLUE MOSAIC	Section 8 and 15 - Accepted and Acknowledged	85610160	4293462
BLUETALES	Registered	86204859	4572556
BLUE INC.	Registered	86209530	4856238

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Feb 21, 2018	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Feb 21, 2018	Apr 02, 2018
3	PENDING, INSTITUTED	Feb 21, 2018	
4	ANSWER	Apr 02, 2018	
5	W/DRAW OF OPPOSITION	May 31, 2018	
6	BD DECISION: OPP DISMISSED W/ PREJ	Sep 11, 2018	
7	TERMINATED	Sep 11, 2018	

Type of Proceeding: Opposition

Proceeding Number: 91239609 **Filing Date:** Jul 17, 2020

Status: Suspended **Status Date:** Apr 15, 2020

Interlocutory Attorney: ANN LINNEHAN VOGLER

Defendant

Name: Airblue Limited

Correspondent Address: MICHAEL KEYES
DORSEY & WHITNEY LLP
701 FIFTH AVENUE, SUITE 6100
SEATTLE WA UNITED STATES , 98104-7043

Correspondent e-mail: shimada.tiffany@dorsey.com , keyes.mike@dorsey.com , docketing-dv@dorsey.com , taverniti.nancy@dorsey.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
AIRBLUE	Opposition Pending	87459649	

Plaintiff(s)

Name: JetBlue Airways Corporation

Correspondent Address: RACHEL SANTORI
FRANKFURT KURNIT KLEIN & SELZ PC
28 LIBERTY STREET
NEW YORK NY UNITED STATES , 10005

Correspondent e-mail: pto@fkks.com , rsantori@fkks.com , erosenthal@fkks.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
JETBLUE	REGISTERED AND RENEWED	75746535	2449988
JETBLUE	REGISTERED AND RENEWED	76593680	3163120
JETBLUE	REGISTERED AND RENEWED	76593681	3163121
JETBLUE	REGISTERED AND RENEWED	78774790	3331792
JETBLUE	REGISTERED AND RENEWED	78702572	3786241
JETBLUE CRUISES	Cancelled - Section 8	77091410	3502296
JETBLUE GETAWAYS	Cancelled - Section 8	78581864	3288715
TRUEBLUE	REGISTERED AND RENEWED	76378283	2762635
BETABLUE	Cancelled - Section 8	77348275	3636145
SHOPBLUE	REGISTERED AND RENEWED	78775266	3514159
BLUEPASS	Registered	85476364	4693972
TRUEBLUE MOSAIC	Section 8 and 15 - Accepted and Acknowledged	85610160	4293462
BLUETALES	Registered	86204859	4572556

BLUE INC.	Registered	86209530	4856238
JETBLUE CARD	REGISTERED AND RENEWED	78775274	3331799

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Feb 21, 2018	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Feb 21, 2018	Apr 02, 2018
3	PENDING, INSTITUTED	Feb 21, 2018	
4	ANSWER	Apr 02, 2018	
5	P MOT TO STRIKE PLEADING/AFFIRMATIVE DEFENSE	Apr 23, 2018	
6	D OPP/RESP TO MOTION	May 14, 2018	
7	D OPP/RESP TO MOTION	May 14, 2018	
8	D OPP/RESP TO MOTION	May 14, 2018	
9	SUSP PEND DISP OF OUTSTNDNG MOT	May 21, 2018	
10	P REPLY IN SUPPORT OF MOTION	Jun 04, 2018	
11	TRIAL DATES RESET	Sep 17, 2018	
12	TRIAL DATES RESET	Sep 21, 2018	
13	P MOT TO AMEND PLEADING/AMENDED PLEADING	Oct 25, 2018	
14	D OPP/RESP TO MOTION	Nov 14, 2018	
15	SUSP PEND DISP OF OUTSTNDNG MOT	Nov 26, 2018	
16	TRIAL DATES RESET	Feb 19, 2019	
17	ANSWER TO AMENDED PLEADING	Mar 14, 2019	
18	P MOT TO STRIKE PLEADING/AFFIRMATIVE DEFENSE	Apr 03, 2019	
19	SUSP PEND DISP OF OUTSTNDNG MOT	Apr 17, 2019	
20	D OPP/RESP TO MOTION	Apr 23, 2019	
21	PROCEEDINGS RESUMED	Aug 08, 2019	
22	D CHANGE OF CORRESP ADDRESS	Sep 24, 2019	
23	P CHANGE OF CORRESP ADDRESS	Sep 25, 2019	
24	P MOT TO SUSP W/ CONSENT	Apr 06, 2020	
25	SUSPENDED	Apr 15, 2020	
26	D MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	May 14, 2020	
27	SUSPENDED	Jun 17, 2020	
28	P MOT FOR SUMMARY JUDGMENT	Jul 17, 2020	
29	P MOT FOR SUMMARY JUDGMENT	Jul 17, 2020	
30	P MOT FOR SUMMARY JUDGMENT	Jul 17, 2020	
31	P MOT FOR SUMMARY JUDGMENT	Jul 17, 2020	
32	PAPER RECEIVED AT TTAB	Jul 23, 2020	

Type of Proceeding: Opposition

Proceeding Number: 91239220 **Filing Date:** Jan 31, 2018

Status: Terminated **Status Date:** Jun 18, 2018

Interlocutory Attorney: ANN LINNEHAN VOGLER

Defendant

Name: BlueShift Compass, LLC

Correspondent Address: E CHIPMAN EARLE
3815 PIPING ROCK LN
HOUSTON TX UNITED STATES , 77027

Correspondent e-mail: chip.earle@yahoo.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
BLUESHIFT	Third Extension - Granted	87458181	

Plaintiff(s)

Name: JetBlue Airways Corporation

Correspondent Address: DONNA A TOBIN
FRANKFURT KURNIT KLEIN & SELZ PC
488 MADISON AVENUE
NEW YORK NY UNITED STATES , 10022

Correspondent e-mail: pto@fkks.com , dtobin@fkks.com , dmaggiacomo@fkks.com , rsantori@fkks.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
JETBLUE	REGISTERED AND RENEWED	75746535	2449988
JETBLUE	REGISTERED AND RENEWED	76593680	3163120
JETBLUE	REGISTERED AND RENEWED	76593681	3163121
JETBLUE	REGISTERED AND RENEWED	78774790	3331792
JETBLUE	REGISTERED AND RENEWED	78702572	3786241
JETBLUE CRUISES	Cancelled - Section 8	77091410	3502296
JETBLUE GETAWAYS	Cancelled - Section 8	78581864	3288715
TRUEBLUE	REGISTERED AND RENEWED	76378283	2762635
BETABLUE	Cancelled - Section 8	77348275	3636145
SHOPBLUE	REGISTERED AND RENEWED	78775266	3514159
BLUEPASS	Registered	85476364	4693972
TRUEBLUE MOSAIC	Section 8 and 15 - Accepted and Acknowledged	85610160	4293462
BLUETALES	Registered	86204859	4572556
BLUE INC.	Registered	86209530	4856238

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jan 31, 2018	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jan 31, 2018	Mar 12, 2018
3	PENDING, INSTITUTED	Jan 31, 2018	
4	ANSWER	Mar 12, 2018	
5	W/DRAW OF OPPOSITION	May 31, 2018	
6	BD DECISION: DISMISSED W/ PREJ	Jun 18, 2018	
7	TERMINATED	Jun 18, 2018	

Type of Proceeding: Opposition

Proceeding Number: 91231347 **Filing Date:** Nov 21, 2016

Status: Terminated **Status Date:** Mar 01, 2017

Interlocutory Attorney: KATIE W MCKNIGHT

Defendant

Name: Innoviation LLC dba Blue Square Aviation

Correspondent Address: THOMAS DUNLAP
DUNLAP BENNETT LUDWIG PLLC
211 CHURCH ST SE
LEESBURG VA UNITED STATES , 20175

Correspondent e-mail: tdunlap@dbllawyers.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
BLUE SQUARE	Abandoned - After Inter-Partes Decision	86860320	

Plaintiff(s)

Name: JetBlue Airways Corporation

Correspondent Address: CATHERINE M C FARRELLY
FRANKFURT KURNIT KLEIN & SELZ PC
488 MADISON AVENUE, 10TH FLOOR
NEW YORK NY UNITED STATES , 10022

Correspondent e-mail:	pto@fkks.com , RKronman@fkks.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
JETBLUE PARK	Registered	86182475	4639929
JETBLUE	Registered	86178376	4572490
JETBLUE MINT	Registered	86054378	4638228
JETBLUEMINT	Registered	86054375	4638227
JETBLUE MINT	Registered	86054364	4638226
JETBLUE	Section 8 and 15 - Accepted and Acknowledged	85738625	4338485
JETBLUE	Section 8 and 15 - Accepted and Acknowledged	85738619	4338484
JETBLUE	Section 8 and 15 - Accepted and Acknowledged	85738616	4338483
JETBLUE	Section 8 and 15 - Accepted and Acknowledged	85680540	4289126
BETABLUE	Cancelled - Section 8	77348275	3636145
BLUEPASS	Registered	85476364	4693972
TRUEBLUE MOSAIC	Section 8 and 15 - Accepted and Acknowledged	85610160	4293462
BLUETALES	Registered	86204859	4572556
BLUE INC.	Registered	86209530	4856238
JETBLUE AIRWAYS	REGISTERED AND RENEWED	75746534	2451955
JETBLUE	REGISTERED AND RENEWED	75746535	2449988
JETBLUE	REGISTERED AND RENEWED	76627244	3052759
JETBLUE	REGISTERED AND RENEWED	76593681	3163121
JETBLUE	REGISTERED AND RENEWED	78980624	3522768
JETBLUE CARD	REGISTERED AND RENEWED	78775276	3331800
JETBLUE CARD	REGISTERED AND RENEWED	78775274	3331799
JETBLUE	REGISTERED AND RENEWED	78774786	3403219
JETBLUE	REGISTERED AND RENEWED	78703135	3326608
JETBLUE	REGISTERED AND RENEWED	78703133	3331434
JETBLUE	REGISTERED AND RENEWED	78703131	3493916
JETBLUE	REGISTERED AND RENEWED	78703127	3331433
JETBLUE	REGISTERED AND RENEWED	77642215	3651034
JETBLUE	REGISTERED AND RENEWED	76593680	3163120
JETBLUE	REGISTERED AND RENEWED	76523405	2947348
JETBLUE	REGISTERED AND RENEWED	76523403	2971984
JETBLUE	Cancelled - Section 8	76578782	3084084
JETBLUE	REGISTERED AND RENEWED	78774790	3331792
JETBLUE	REGISTERED AND RENEWED	78702572	3786241
JETBLUE CRUISES	Cancelled - Section 8	77091410	3502296
JETBLUE GETAWAYS	Cancelled - Section 8	78581864	3288715
TRUEBLUE	REGISTERED AND RENEWED	76378283	2762635
SHOPBLUE	REGISTERED AND RENEWED	78775266	3514159

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Nov 21, 2016	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Nov 21, 2016	Dec 31, 2016
3	PENDING, INSTITUTED	Nov 21, 2016	
4	NOTICE OF DEFAULT	Jan 10, 2017	
5	BD DECISION: SUSTAINED	Mar 01, 2017	
6	TERMINATED	Mar 01, 2017	

EXHIBIT 5

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

In the Matter of Application Serial No. 87/459,649
Published on October 24, 2017

JETBLUE AIRWAYS CORPORATION, Opposer, v. AIRBLUE LIMITED, Applicant.	Opposition No. 91239609

NOTICE OF RULE 30(b)(6) DEPOSITION OF JETBLUE AIRWAYS CORPORATION

PLEASE TAKE NOTICE THAT, pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure as incorporated in Rule 2.120 of the Trademark Rules of Practice, Applicant Airblue Limited ("Applicant") will take the deposition upon oral examination of Opposer JetBlue Airways Corporation ("JetBlue") regarding the topics set forth in Exhibit A. The deposition will commence at 10:00 AM on March 2, 2020, at the offices of Frankfurt Kurnit Klein & Selz PC, 28 Liberty Street, New York, NY 10005 before a notary public or other officer authorized by law to administer an oath. The deposition will be recorded by stenographic and videographic means. The deposition will be conducted pursuant to the Federal Rules of Civil Procedure and will continue until completed, subject to such adjournment as may be agreed upon by counsel.

Opposer shall designate and produce for deposition one or more officers, directors, managing agents, employees, or other individuals duly authorized to testify on its behalf regarding the topics set forth in Exhibit A, and the individual or individuals designated shall be required to testify as to each of those matters known or reasonably available to the corporation. Applicant

requests that Opposer provide Applicant's counsel with written notice at least seven days prior to the date of the deposition as to the name and employment position of each individual designated and the topic or topics on which each individual will testify. To the extent that Opposer designates a witness who has personal knowledge of facts related to this action, Applicant reserves, maintains, and in no way waives its right to notice the deposition of that witness regarding his or her personal knowledge in this matter. Furthermore, Applicant reserves, maintains, and in no way waives its right to notice Opposer for Rule 30(b)(6) depositions regarding matters not set forth in Exhibit A.

DATE: February 28, 2020

Respectfully submitted,

DORSEY & WHITNEY LLP

/J. Michael Keyes/

J. Michael Keyes
Tiffany D.W. Shimada
DORSEY & WHITNEY LLP
701 Fifth Avenue, Suite 6100
Seattle, Washington 98104-7043
Phone: (206) 903-8800
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keyes.mike@dorsey.com
shimada.tiffany@dorsey.com
docketing-dv@dorsey.com
taverniti.nancy@dorsey.com

ATTORNEYS FOR APPLICANT AIRBLUE LIMITED

CERTIFICATE OF SERVICE

I hereby certify that on this 28th day of February, 2020, I caused a true and correct copy of the foregoing **NOTICE OF RULE 30(b)(6) DEPOSITION OF JETBLUE AIRWAYS CORPORATION** to be served by email on Opposer JetBlue Airways Corporation's attorneys of record at the following addresses:

pto@fkks.com
rsantori@fkks.com
erosenthal@fkks.com
kmaynard@fkks.com

Rachel Santori
Edward H. Rosenthal
Kimberly Maynard
Frankfurt Kurnit Klein & Selz P.C.
28 Liberty Street
New York, New York 10005

/Connor Hansen/
Connor Hansen

EXHIBIT A

Definitions

1. As used herein, the term "document" or "documents" shall include, without limitation, originals and copies of any information contained in written form, electronic form (such as computer, digital camera or digital recorder files), recordings, images (such as photographs, maps, drawings, charts or graphs) or any other form or media, regardless of origin or location, however produced or reproduced, to which you have or have had access. The document or documentation shall be produced intact in its original media; for example, a request for email shall produce a complete electronic copy including all the original metadata; a request for an Excel file shall produce an electronic copy of the complete original file, including password, if necessary; a request for a digital photograph shall produce a copy of the original computer file; etc.

2. The term "communication" means any transmission of information, including but not limited to transmittals in the form of facts, ideas, inquiries or otherwise, by any means including, but not limited to, email, telephone, letter, telegram, teletype, telex, telecopy, computer linkup, written memorandum, and face-to-face communication.

3. The terms "you," "your," or "JetBlue" mean and refer to Opposer JetBlue Airways Corporation, and it is intended that the answers are to include all information that is known or available to JetBlue Airways Corporation, whether in your possession or in the possession of officers, employees, agents, attorneys, accountants, auditors, professionals, investigators, entities or persons acting on your behalf or under you or your attorney's employment, direction, request or control.

4. "Identify" or "Identity":

a. As used herein, "identify" or "identity" used in reference to an individual person means to state his or her full name and his or her present or last known address, his or her present or last known position or business affiliation, his or her position and business affiliation at the time in question and his or her present or last known telephone number.

b. "Identify," when applied to documents, shall mean to state a brief description of the contents of the document, the authors and addresses, and the date and present location of such a document.

c. "Identify," when used in reference to a meeting or conversation, means to state the identity of all of the persons who were present and/or participated in the meeting or conversation, the date on which the meeting or conversation occurred, the place at which the meeting or conversation occurred, and if any record, memorandum or other writing of the meeting or conversation was made, to identify said record, memorandum or other writing.

5. The term "demographic" means and refers to the structure or description of a group of individuals, including but not limited to its age range, geographic location, religion, income, wealth, education, occupation, marital status, shopping habits, political affiliation.

6. The term "First Amended Notice of Opposition" means and refers to JetBlue's First Amended Notice of Opposition in the Matter of Application Serial No. 87/459,649 dated October 25, 2018.

7. The term "BLUE Registrations" means and refers to each U.S. Registration relied upon by JetBlue in the Amended Notice of Opposition, including: U.S. Registration Numbers

2,449,988; 2,451,955; 2,762,635; 2,947,348; 2,971,984; 3,052,759; 3,163,120; 3,163,121; 3,288,715; 3,326,608; 3,331,433; 3,331,434; 3,331,792; 3,331,799; 3,331,800; 3,403,219; 3,493,916; 3,502,296; 3,514,159; 3,522,768; 3,636,145; 3,651,034; 3,786,241; 4,289,126; 4,293,462; 4,338,483; 4,338,484; 4,338,485; 4,572,490; 4,572,556; 4,638,226; 4,638,227; 4,638,228; 4,639,929; 4,693,972; 4,856,238; 5,146,836; 5,187,852; 5,187,853; 5,187,854; 5,187,855; 5,187,856; 5,187,857; 5,197,492; 5,197,493; 5,201,875; 5,238,204; 5,242,835; 5,257,186, with the exception of cited U.S. Registration No. 3,084,084, which is cancelled.

8. The term "BLUE Marks" means and refers to the "family of BLUE-formative trademarks" as defined in the Amended Notice of Opposition and it is intended that answers will include information relating to each individual member of the "family of BLUE-formative trademarks" as well as the "family of BLUE-formative trademarks" as a whole, unless otherwise specified.

9. The term "Airblue" means and refers to Airblue Limited, the named Applicant as well as all related individuals and entities.

10. The term "AIRBLUE Mark" means and refers to Application Serial No. 87/459,649.

11. The term "Airblue's Good and Services" means and refers to the goods and services identified in Application Serial No. 87/459,649.

12. "Action" refers to the above-referenced pending Opposition No. 91239609.

Topics of Examination

1. The goods and services that are or have been marketed, sold or offer for sale under or in connection with each of the BLUE Marks.

2. All channels of commerce by which JetBlue markets, promotes, or advertises each good/service identified in each of the BLUE Registrations in association with each of the BLUE Marks.

3. Instances of apparent or actual confusion, mistake or deception of which JetBlue is aware with respect to the BLUE Marks, on the one hand, and Airblue, on the other hand, including the identity of the people involved and any documents related to any such instance.

4. The creation, selection, and adoption of each of the BLUE Marks, including, without limitation, the intended commercial meaning or impression of each of the BLUE Marks at the time of creation, selection, and adoption.

5. The current intended commercial impression of each of the BLUE Marks and the message or messages that JetBlue intends to convey to consumers with respect to each of the BLUE Marks.

6. The demographics to which JetBlue sells, offers for sale, markets, promotes, or advertises the goods and/or services listed in each of the BLUE Registrations in association with each of the BLUE Marks, including, without limitation, the age, sex, geographic location, and affluence or sophistication of the demographics.

7. JetBlue's knowledge of past or present third-party uses of the term "BLUE" on goods and services similar to or competitive with Airlbue's Goods and Services, regardless of whether JetBlue considered said use to infringe any of the BLUE Marks and regardless of whether JetBlue has taken any action against said third party.

8. JetBlue's knowledge of past or present uses of the term "BLUE" by a third-party for each of the goods or services listed in the BLUE Registrations, including a description of the use, the identity of the user, and the date JetBlue became aware of the third party use.

9. The strength of each of the BLUE Marks including, without limitation, any studies, reports, surveys, or other documents or communications, whether internal to JetBlue or between JetBlue and any third party, or created by a third-party independently or on behalf of JetBlue.

10. The companies that JetBlue deems its main competitors, including, without limitation, any market studies conducted or performed by or on behalf of JetBlue, relating to JetBlue's competitors, customers, or market.

11. The claimed similarity between the goods or services listed in each of the BLUE Registrations, on the one hand, and Airblue's Goods and Services, on the other hand.

12. Communications, whether internal or between JetBlue and any third party, referring in any way to the AIRBLUE Mark, and documents related to those communications.

13. Any settlement, resolution, or compromise of disputes between JetBlue and any person who used, proposed to use, or sought registration of any mark, word, or image that JetBlue contended infringed any of the BLUE Marks, including, without limitation, all settlement agreements, consent agreements, letters of consent, and coexistence agreements.

14. The application, registration, and maintenance of each of the BLUE Registrations, including, without limitation, whether and why any of the BLUE Registrations has been abandoned or cancelled.

15. JetBlue's use of each of the BLUE Marks, including, without limitation, whether JetBlue has at any time ceased use of one or more of the BLUE Marks.

16. JetBlue's practice of using, advertising, or otherwise associating each of the BLUE Marks with the other BLUE Marks.

17. Any common characteristics shared between each of the BLUE Marks and the other BLUE Marks.

18. The manner in which any common characteristic shared between each of the BLUE Marks and the other BLUE Marks has been promoted, advertised, or marketed in each of the goods and/or services identified in each of the BLUE Registrations.

19. The extent to which consumers associate with JetBlue any common characteristic shared between each of the BLUE Marks and the other BLUE Marks.

20. Facts relied on to support any claim or defense that is asserted or may be asserted in this Action.

21. Information that was or should have been provided in response to Applicant's Interrogatories and/or Requests for Production.

22. The authenticity of documents produced by JetBlue in this Action.

23. JetBlue's retention of documents relevant to this Action.

EXHIBIT 6
JetBlue Airways v. Airblue Limited
Opposition No. 91239609

CONFIDENTIAL

EXHIBIT 7

Flights More

Round-trip | 1 Adult | Economy | 0 Bags

Boston (BOS) × | lamabad (ISB) × | Thu 3/19 | Thu 3/26

OUR ADVICE

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We're still gathering data for this route

Cheapest $800 • 21h 25m | **Best** $800 • 21h 25m | **Quickest** $1038 • 18h 45m | Other Sort

Price Alerts

Track prices OFF

164 of 164 flights

Fee Assistant

Carry-on bag 0

Checked bag 0

Stops

- Nonstop
- 1 stop $800
- 2+ stops $896

Times

Take-off | Landing

Take-off from BOS
Thu 1:00 AM – 11:59 PM

Take-off from ISB
Thu 3:00 AM – 9:30 PM

Airlines

Select all | Clear all

- Aer Lingus
- Air Canada
- Bangkok Airways
- British Airways
- Cathay Pacific
- Emirates $896
- Etihad Airways $1351
- Finnair
- Gulf Air
- JetBlue
- Kuwait Airways
- Lufthansa
- Oman Air

11:00 pm – 1:30 am +2 — Emirates — 1 stop, DXB — 17h 30m, BOS - ISB
9:00 am – 2:15 pm +1 — Emirates — 1 stop, DXB — 38h 15m, ISB - BOS
Operated by JetBlue — Sponsored Result
$934 Emirates, Eco Special — View Deal

Best | Cheapest — Rating: 10

11:35 pm – 5:05 am +2 — Turkish Airlines — 1 stop, IST — 20h 30m, BOS - ISB
6:35 am – 7:55 pm — Turkish Airlines — 1 stop, IST — 22h 20m, ISB - BOS
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$800 Ovago — View Deal

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$934 Emirates — View Deal

Rating: 9

10:50 pm – 1:40 am +2 — Qatar Airways — 1 stop, DOH — 17h 50m, BOS - ISB
3:05 am – 2:45 pm — Qatar Airways — 1 stop, DOH — 20h 40m, ISB - BOS
$1019 directly with Qatar Airways
$992 KAYAK — View Deal

Rating: 9

11:00 pm – 1:30 am +2 — Emirates — 1 stop, DXB — 17h 30m, BOS - ISB
3:15 am – 2:15 pm — Emirates — 1 stop, DXB — 20h 00m, ISB - BOS
$1177 directly with Emirates
$1038 Ovago, Eco Special — View Deal

Rating: 8

11:00 pm – 1:30 am +2 — Emirates — 1 stop, DXB — 17h 30m, BOS - ISB
3:15 am – 8:27 pm — Emirates — 2 stops, DXB, JFK — 26h 12m, ISB - BOS
Operated by JetBlue Airways — Book for $906 with JustFly
$896 Ovago, Eco Special — View Deal

Compare vs.

- Pakistan International Airlines
- [x] Qatar Airways $918
- [x] SAUDIA
- [x] SWISS
- [x] TAP AIR PORTUGAL
- [x] Thai Airways
- [x] Turkish Airlines $800
- [x] United Airlines
- [x] Multiple airlines
- [ ] US airlines only

Show less

Alliance

- [ ] oneworld $957
- [ ] SkyTeam
- [ ] Star Alliance $800

Airports

Boston

- [x] BOS: Logan Intl $800

Islamabad

- [x] ISB: Islamabad Intl $800

Duration

Flight leg
20h 00m – 92h 55m

Layover
0h 45m – 77h 40m

Price

Cabin

Layover airports

Flight quality

Aircraft

Booking sites

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$956

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View Deal

Rating: 8 | 1 | 1

11:00 pm – 1:30 am +2	1 stop	17h 30m	
Emirates	DXB	BOS - ISB	
3:15 am – 12:10 am +1	2 stops	29h 55m	
Emirates	DXB, JFK	ISB - BOS	

$896
Ovago
Eco Special

View Deal

Operated by JetBlue Airways

Book for $906 with JustFly

Rating: 8 | 1 | 2

10:50 pm – 8:00 am +2	1 stop	24h 10m	
Qatar Airways	DOH	BOS - ISB	
3:05 am – 2:45 pm	1 stop	20h 40m	
Qatar Airways	DOH	ISB - BOS	

$992
KAYAK

View Deal

$1019 directly with Qatar Airways

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BOS ▸ ISB | Thu, Mar 19 - Thu, Mar 26

OFF

Rating: 8 | 1 | 1

11:00 pm – 7:15 am +2	1 stop	23h 15m	
Emirates	DXB	BOS - ISB	
3:15 am – 2:15 pm	1 stop	20h 00m	
Emirates	DXB	ISB - BOS	

$1038
Ovago
Eco Special

View Deal

$1177 directly with Emirates

Rating: 8 | 1 | 0

10:50 pm – 1:40 am +2	1 stop	17h 50m	
Qatar Airways	DOH	BOS - ISB	
6:35 am – 7:55 pm	1 stop	22h 20m	
Turkish Airlines	IST	ISB - BOS	

$1132
JustFly

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Rating: 7 | 1 | 1

11:00 pm – 7:15 am +2	1 stop	23h 15m	
Emirates	DXB	BOS - ISB	
3:15 am – 8:27 pm	2 stops	26h 12m	
Emirates	DXB, JFK	ISB - BOS	

$896
Ovago
Eco Special

View Deal

Operated by JetBlue Airways

Book for $906 with JustFly

Rating: 7 | 1 | 1

11:00 pm – 7:15 am +2	1 stop	23h 15m

Emirates | DXB | BOS - ISB | $896 Ovago Eco Special

3:15 am – 12:10 am[+1] Emirates | 2 stops DXB, JFK | 29h 55m ISB - BOS

Operated by JetBlue Airways | Book for $906 with Ju | Saved | View Trip

Rating: 6 | 1 | 2

10:50 pm – 1:40 am[+2] Qatar Airways | 1 stop DOH | 17h 50m BOS - ISB

9:20 am – 2:06 pm[+1] Qatar Airways | 2 stops DOH, JFK | 37h 46m ISB - BOS

$918 KAYAK

Operated by JetBlue Airways | Book for $933 with JustFly | View Deal

Rating: 6 | 1 | 2

10:50 pm – 1:40 am[+2] Qatar Airways | 1 stop DOH | 17h 50m BOS - ISB

9:20 am – 3:10 pm[+1] Qatar Airways | 2 stops DOH, JFK | 38h 50m ISB - BOS

$918 KAYAK

Operated by JetBlue Airways | Book for $933 with JustFly | View Deal

Rating: 6 | 1 | 1

11:00 pm – 1:30 am[+2] Emirates | 1 stop DXB | 17h 30m BOS - ISB

9:00 am – 2:15 pm[+1] Emirates | 1 stop DXB | 38h 15m ISB - BOS

$934 Expedia Eco Special

Operated by JetBlue | $934 directly with Emirates | View Deal

Rating: 6 | 1 | 0

11:00 pm – 1:30 am[+2] Emirates | 1 stop DXB | 17h 30m BOS - ISB

9:00 am – 2:06 pm[+1] Emirates | 2 stops DXB, EWR-JFK | 38h 06m ISB - BOS

$944 JustFly Eco Special

Operated by JetBlue, JetBlue Airways | View Deal

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Rating: 6 | 1 | 1

11:00 pm – 1:30 am[+2] Emirates | 1 stop DXB | 17h 30m BOS - ISB

3:15 am – 12:10 am[+1] Emirates | 3 stops DXB, MXP, ... | 29h 55m ISB - BOS

$967 Ovago Eco Special

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Rating: 6 | 1 | 2

10:50 pm – 1:40 am[+2] Qatar Airways | 1 stop DOH | 17h 50m BOS - ISB

9:20 am – 2:45 pm[+1] Qatar Airways | 1 stop DOH | 38h 25m ISB - BOS

$1014 FlightNetwork

$1023 directly with Qatar Airways | View Deal

Rating: 6 | 1 | 0

10:50 pm – 8:00 am +2	1 stop	24h 10m	Saved View Trip
Qatar Airways	DOH	BOS - ISB	JustFly
6:35 am – 7:55 pm	1 stop	22h 20m	View Deal
Turkish Airlines	IST	ISB - BOS	

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Rating: 6 | 1 | 0

11:35 pm – 5:05 am +2	1 stop	20h 30m	$1265
Pakistan International Airlines	IST	BOS - ISB	Expedia
6:35 am – 7:55 pm	1 stop	22h 20m	View Deal
Turkish Airlines	IST	ISB - BOS	

Operated by Turkish Airlines

Rating: 6 | 1 | 2

11:35 pm – 5:05 am +2	1 stop	20h 30m	$1278
Turkish Airlines	IST	BOS - ISB	CheapOair
3:05 am – 2:45 pm	1 stop	20h 40m	View Deal
Qatar Airways	DOH	ISB - BOS	

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Rating: 6 | 1 | 2

11:35 pm – 5:05 am +2	1 stop	20h 30m	$1299
Turkish Airlines	IST	BOS - ISB	CheapOair
3:15 am – 2:15 pm	1 stop	20h 00m	Eco Special
Emirates	DXB	ISB - BOS	View Deal

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Rating: 6 | 1 | 2

10:50 pm – 1:40 am +2	1 stop	17h 50m	$1328
Qatar Airways	DOH	BOS - ISB	CheapOair
3:15 am – 2:15 pm	1 stop	20h 00m	Eco Special
Emirates	DXB	ISB - BOS	View Deal

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Rating: 5 | 1 | 0

11:00 pm – 1:30 am +2	1 stop	17h 30m	$911
Emirates	DXB	BOS - ISB	JustFly
3:15 am – 2:06 pm +1	2 stops	43h 51m	Eco Special
Emirates	DXB, JFK	ISB - BOS	View Deal

Operated by JetBlue Airways

Rating: 5 | 1 | 2

10:50 pm – 1:40 am +2	1 stop	17h 50m	
Qatar Airways	DOH	BOS - ISB	
9:20 am – 4:57 pm +1	2 stops	40h 37m	KAYAK
Qatar Airways	DOH, JFK	ISB - BOS	View Deal

Saved View Trip

Operated by JetBlue Airways — Book for $933 with JustFly

Rating: 5 | 1 | 2

10:50 pm – 8:00 am +2	1 stop	24h 10m	
Qatar Airways	DOH	BOS - ISB	
9:20 am – 2:06 pm +1	2 stops	37h 46m	$918 KAYAK
Qatar Airways	DOH, JFK	ISB - BOS	View Deal

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Rating: 5 | 1 | 2

10:50 pm – 8:00 am +2	1 stop	24h 10m	
Qatar Airways	DOH	BOS - ISB	
9:20 am – 3:10 pm +1	2 stops	38h 50m	$918 KAYAK
Qatar Airways	DOH, JFK	ISB - BOS	View Deal

Operated by JetBlue Airways — Book for $933 with JustFly

Rating: 5 | 1 | 1

11:00 pm – 7:15 am +2	1 stop	23h 15m	
Emirates	DXB	BOS - ISB	$934 Expedia
9:00 am – 2:15 pm +1	1 stop	38h 15m	Eco Special
Emirates	DXB	ISB - BOS	View Deal

Operated by JetBlue — $934 directly with Emirates

Rating: 5 | 1 | 0

11:00 pm – 1:30 am +2	1 stop	17h 30m	
Emirates	DXB	BOS - ISB	$944 JustFly
9:00 am – 3:54 pm +1	2 stops	39h 54m	Eco Special
Emirates	DXB, EWR	ISB - BOS	View Deal

Operated by JetBlue, JetBlue Airways

Rating: 5 | 1 | 0

11:00 pm – 1:30 am +2	1 stop	17h 30m	
Emirates	DXB	BOS - ISB	$944 JustFly
9:00 am – 4:57 pm +1	2 stops	40h 57m	Eco Special
Emirates	DXB, JFK	ISB - BOS	View Deal

Operated by JetBlue, JetBlue Airways

Rating: 5 | 1 | 0

11:00 pm – 1:30 am +2	1 stop	17h 30m	
Emirates	DXB	BOS - ISB	$944 JustFly
3:15 am – 2:06 pm +1	2 stops ⚠	43h 51m	Eco Special
Emirates	DXB, EWR-JFK	ISB - BOS	View Deal

Operated by JetBlue, JetBlue Airways

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$842

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Rating: 5 1 2

10:50 pm – 1:40 am +3	1 stop	41h 50m	$957	
Qatar Airways	DOH	BOS - ISB	Qatar Airways	
3:05 am – 2:45 pm	1 stop	20h 40m	View Deal	
Qatar Airways	DOH	ISB - BOS		

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Flights More

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Boston (BOS) × | ⇄ ihore (LHE) × | Thu 3/19 < > | Thu 3/26 < > | 🔍

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Fee Assistant
- Carry-on bag 0
- Checked bag 0

Stops
- Nonstop
- 1 stop $905
- 2+ stops $936

Times
Take-off | Landing

Take-off from BOS
Thu 1:00 AM – 11:59 PM

Take-off from LHE
Thu 3:00 AM – 11:59 PM

Airlines
Select all | Clear all
- Aer Lingus
- American Airlines
- British Airways $1608
- Cathay Pacific
- Emirates $936
- Etihad Airways $1366
- Gulf Air
- Iberia
- JetBlue
- Lufthansa
- Pakistan International Airlines
- Porter Airlines
- Qatar Airways $993

Cheapest $905 • 21h 25m | **Best** $1036 • 19h 12m | **Quickest** $1036 • 19h 12m | Other Sort

Compare vs.

11:00 pm – 8:00 am +2	Emirates	1 stop DXB	24h 00m BOS - LHE	$1197 Emirates Eco Special View Deal
3:10 am – 2:15 pm	Emirates	1 stop DXB	20h 05m LHE - BOS	
Sponsored Result				Saver $1579

Cheapest Rating: 9

11:35 pm – 5:10 am +2	Turkish Airlines	1 stop IST	20h 35m BOS - LHE	$905 Ovago View Deal
6:40 am – 7:55 pm	Turkish Airlines	1 stop IST	22h 15m LHE - BOS	
Book for $965 with JustFly				

Best Rating: 10

10:50 pm – 2:40 am +2	Qatar Airways	1 stop DOH	18h 50m BOS - LHE	$1036 KAYAK View Deal
4:10 am – 2:45 pm	Qatar Airways	1 stop DOH	19h 35m LHE - BOS	
$1056 directly with Qatar Airways				

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$1197 Emirates View Deal

Rating: 7

11:00 pm – 8:00 am +2	Emirates	1 stop DXB	24h 00m BOS - LHE	$1091 Ovago Eco Special View Deal
3:10 am – 2:15 pm	Emirates	1 stop DXB	20h 05m LHE - BOS	
$1197 directly with Emirates				Saver $1579

Rating: 7

10:50 pm – 7:35 am +2	Qatar Airways	1 stop DOH	23h 45m BOS - LHE	$1113 KAYAK View Deal
4:10 am – 2:45 pm	Qatar Airways	1 stop DOH	19h 35m LHE - BOS	
$1143 directly with Qatar Airways				

- [x] Salam Air
- [x] SAUDIA
- [x] SWISS
- [x] TAP AIR PORTUGAL
- [x] Thai Airways
- [x] Turkish Airlines $905
- [x] Multiple airlines
- [ ] US airlines only

Show less

Alliance

- [ ] oneworld $1036
- [ ] SkyTeam
- [ ] Star Alliance $905

Airports

Boston

- [x] BOS: Logan Intl $905

Lahore

- [x] LHE: Lahore $905

Duration

Flight leg
19h 35m – 92h 50m

Layover
0h 50m – 77h 45m

Price

Cabin

Layover airports

Flight quality

Aircraft

Booking sites

Rating: 6 | 1 | 2

10:50 pm – 2:40 am +2	1 stop	18h 50m	
Qatar Airways	DOH	BOS - LHE	
6:40 am – 7:55 pm	1 stop	22h 15m	$1200
Turkish Airlines	IST	LHE - BOS	CheapOair

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$1043 Qatar Airways

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Compare vs.

Rating: 6 | 1 | 2

11:35 pm – 5:10 am +2	1 stop	20h 35m	
Turkish Airlines	IST	BOS - LHE	$1299
3:10 am – 2:15 pm	1 stop	20h 05m	CheapOair
Emirates	DXB	LHE - BOS	Eco Special

Book for $1555 with JustFly

View Deal

Rating: 6 | 1 | 2

11:35 pm – 5:10 am +2	1 stop	20h 35m	
Turkish Airlines	IST	BOS - LHE	$1344
4:10 am – 2:45 pm	1 stop	19h 35m	CheapOair
Qatar Airways	DOH	LHE - BOS	

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Rating: 6 | 1 | 2

10:50 pm – 2:40 am +2	1 stop	18h 50m	
Qatar Airways	DOH	BOS - LHE	$1386
3:10 am – 2:15 pm	1 stop	20h 05m	CheapOair
Emirates	DXB	LHE - BOS	Eco Special

Book for $1642 with JustFly

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Rating: 5 | 0 | 2

10:50 pm – 2:40 am +2	1 stop	18h 50m	
Qatar Airways	DOH	BOS - LHE	$1043
4:10 am – 8:37 pm	2 stops	25h 27m	Qatar Airways
Qatar Airways, JetBlue	DOH, PHL	LHE - BOS	

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10:50 pm – 2:40 am +2 1 stop 18h 50m

10:50 pm – 2:40 am	1 stop	18h 50m		
Qatar Airways	DOH	BOS - LHE		
4:10 am – 8:27 pm	2 stops	25h 17m	$1046	
Qatar Airways	DOH, JFK	LHE - BOS	KAYAK	
Operated by JetBlue Airways	$1058 directly with Qatar Airways		Saved	View Trip

Rating: 5 | 0 | 0

6:31 pm – 2:40 am +2	2 stops	23h 09m	
JetBlue, Qatar Airways	JFK, DOH	BOS - LHE	$1122
4:10 am – 2:45 pm	1 stop	19h 35m	Qatar Airways
Qatar Airways	DOH	LHE - BOS	View Deal

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Rating: 5 | 1 | 0

11:35 pm – 5:10 am +2	1 stop	20h 35m	
Pakistan International Airlines	IST	BOS - LHE	$1262
6:40 am – 7:55 pm	1 stop	22h 15m	CheapOair
Turkish Airlines	IST	LHE - BOS	View Deal
Operated by Turkish Airlines			

Rating: 4 | 1 | 1

11:00 pm – 8:00 am +2	1 stop	24h 00m	
Emirates	DXB	BOS - LHE	$936
3:10 am – 8:27 pm	2 stops	26h 17m	Ovago
Emirates	DXB, JFK	LHE - BOS	Eco Special
Operated by JetBlue Airways	Book for $1328 with JustFly		View Deal

Rating: 4 | 1 | 2

10:50 pm – 2:40 am +2	1 stop	18h 50m	
Qatar Airways	DOH	BOS - LHE	$1046
4:10 am – 10:58 pm	2 stops	27h 48m	KAYAK
Qatar Airways	DOH, JFK	LHE - BOS	View Deal
Operated by JetBlue Airways	Book for $1058 with JustFly		

Rating: 4 | 1 | 2

10:50 pm – 2:40 am +2	1 stop	18h 50m	
Qatar Airways	DOH	BOS - LHE	$1046
4:10 am – 12:10 am +1	2 stops	29h 00m	KAYAK
Qatar Airways	DOH, JFK	LHE - BOS	View Deal
Operated by JetBlue Airways	Book for $1058 with JustFly		

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EXHIBIT 8

PTO Form 1960 (Rev 02/07)
OMB No. 0651-0050 (Exp. 07/31/2011)

Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	86209530
LAW OFFICE ASSIGNED	LAW OFFICE 111
MARK SECTION	
MARK	http://tsdr.uspto.gov/img/86209530/large
LITERAL ELEMENT	BLUE INC.
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font style, size or color.
GOODS AND/OR SERVICES SECTION (current)	
INTERNATIONAL CLASS	039
DESCRIPTION	
Corporate travel services, namely, making reservations and bookings for transportation, vehicle rentals, lodgings and cruises; Providing personalized travel information via the Internet	
FILING BASIS	Section 1(b)
GOODS AND/OR SERVICES SECTION (proposed)	
INTERNATIONAL CLASS	039
TRACKED TEXT DESCRIPTION	
~~Corporate travel services, namely, making reservations and bookings for transportation, vehicle rentals, lodgings and cruises~~; Corporate travel services, namely, making reservations and bookings for transportation, vehicle rentals and cruises; Providing personalized travel information via the Internet	
FINAL DESCRIPTION	
Corporate travel services, namely, making reservations and bookings for transportation, vehicle rentals and cruises; Providing personalized travel information via the Internet	
FILING BASIS	Section 1(b)
ADDITIONAL STATEMENTS SECTION	
DISCLAIMER	No claim is made to the exclusive right to use INC. apart from the mark as shown.
SIGNATURE SECTION	
RESPONSE SIGNATURE	/Rachel Kronman/
SIGNATORY'S NAME	Rachel Kronman
SIGNATORY'S POSITION	Attorney of record, NY state bar member
SIGNATORY'S PHONE NUMBER	212-980-0120
DATE SIGNED	02/12/2015
AUTHORIZED SIGNATORY	YES

CONCURRENT APPEAL NOTICE FILED	NO
FILING INFORMATION SECTION	
SUBMIT DATE	Thu Feb 12 10:47:20 EST 2015
TEAS STAMP	USPTO/RFR-XX.X.XX.XX-2015 0212104720997716-86209530 -53050a9a27bd6903a4d92b21 6ab4ba196c64ad31f82c4db14 1417493e611ccadf8-N/A-N/A -20150212104310316528

Request for Reconsideration after Final Action

To the Commissioner for Trademarks:

Application serial no. **86209530** BLUE INC.(Standard Characters, see http://tsdr.uspto.gov/img/86209530/large) has been amended as follows:

CLASSIFICATION AND LISTING OF GOODS/SERVICES

Applicant proposes to amend the following class of goods/services in the application:

Current: Class 039 for Corporate travel services, namely, making reservations and bookings for transportation, vehicle rentals, lodgings and cruises; Providing personalized travel information via the Internet

Original Filing Basis:

Filing Basis: Section 1(b), Intent to Use: ***For a trademark or service mark application:*** As of the application filing date, the applicant had a bona fide intention, and was entitled, to use the mark in commerce on or in connection with the identified goods/services in the application. ***For a collective trademark, collective service mark, or collective membership mark application:*** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by members on or in connection with the identified goods/services/collective membership organization. ***For a certification mark application:*** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by authorized users in connection with the identified goods/services, and the applicant will not engage in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods/services that meet the certification standards of the applicant.

Proposed:

Tracked Text Description: ~~Corporate travel services, namely, making reservations and bookings for transportation, vehicle rentals, lodgings and cruises;~~ Corporate travel services, namely, making reservations and bookings for transportation, vehicle rentals and cruises; Providing personalized travel information via the Internet

Class 039 for Corporate travel services, namely, making reservations and bookings for transportation, vehicle rentals and cruises; Providing personalized travel information via the Internet

Filing Basis: Section 1(b), Intent to Use: ***For a trademark or service mark application:*** As of the application filing date, the applicant had a bona fide intention, and was entitled, to use the mark in commerce on or in connection with the identified goods/services in the application. ***For a collective trademark, collective service mark, or collective membership mark application:*** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by members on or in connection with the identified goods/services/collective membership organization. ***For a certification mark application:*** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by authorized users in connection with the identified goods/services, and the applicant will not engage in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods/services that meet the certification standards of the applicant.

ADDITIONAL STATEMENTS

Disclaimer

No claim is made to the exclusive right to use INC. apart from the mark as shown.

SIGNATURE(S)
Request for Reconsideration Signature
Signature: /Rachel Kronman/ Date: 02/12/2015
Signatory's Name: Rachel Kronman
Signatory's Position: Attorney of record, NY state bar member

Signatory's Phone Number: 212-980-0120

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the applicant's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the applicant in this matter: (1) the applicant has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the applicant has filed a power of attorney appointing him/her in this matter; or (4) the applicant's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

The applicant is not filing a Notice of Appeal in conjunction with this Request for Reconsideration.

Serial Number: 86209530
Internet Transmission Date: Thu Feb 12 10:47:20 EST 2015
TEAS Stamp: USPTO/RFR-XX.X.XX.XX-20150212104720997716-86209530-53050a9a27bd6903a4d92b216ab4ba196c64ad31f82c4db141417493e611ccadf8-N/A-N/A-20150212104310316528

Response to Office Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	86209530
LAW OFFICE ASSIGNED	LAW OFFICE 111
MARK SECTION	
MARK	http://tsdr.uspto.gov/img/86209530/large
LITERAL ELEMENT	BLUE INC.
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font style, size or color.
EVIDENCE SECTION	
EVIDENCE FILE NAME(S)	
ORIGINAL PDF FILE	evi_7497485-20140915131009475995_._FGKSLIB1-_531464-v1-BLUE_INC_OA_Response.PDF
CONVERTED PDF FILE(S) (3 pages)	\\TICRS\EXPORT16\IMAGEOUT16\862\095\86209530\xml4\ROA0002.JPG
	\\TICRS\EXPORT16\IMAGEOUT16\862\095\86209530\xml4\ROA0003.JPG
	\\TICRS\EXPORT16\IMAGEOUT16\862\095\86209530\xml4\ROA0004.JPG
DESCRIPTION OF EVIDENCE FILE	Arguments
SIGNATURE SECTION	
RESPONSE SIGNATURE	/Rachel Kronman/
SIGNATORY'S NAME	Rachel Kronman
SIGNATORY'S POSITION	Attorney of record, NY state bar member
SIGNATORY'S PHONE NUMBER	212-980-0120
DATE SIGNED	09/15/2014
AUTHORIZED SIGNATORY	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Mon Sep 15 13:13:23 EDT 2014
TEAS STAMP	USPTO/ROA-XX.X.XX.XX-2014 0915131323314314-86209530 -500922f41a2adca32d83e964 9e348854b6504132681bc141a a86be104b3317d5-N/A-N/A-2 0140915131009475995

Response to Office Action

To the Commissioner for Trademarks:

Application serial no. **86209530** BLUE INC.(Standard Characters, see http://tsdr.uspto.gov/img/86209530/large) has been amended as follows:

EVIDENCE
Evidence in the nature of Arguments has been attached.
Original PDF file:
evi_7497485-20140915131009475995_._FGKSLIB1-_531464-v1-BLUE_INC_OA_Response.PDF
Converted PDF file(s) (3 pages)
Evidence-1
Evidence-2
Evidence-3

SIGNATURE(S)
Response Signature
Signature: /Rachel Kronman/ Date: 09/15/2014
Signatory's Name: Rachel Kronman
Signatory's Position: Attorney of record, NY state bar member

Signatory's Phone Number: 212-980-0120

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the applicant's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the applicant in this matter: (1) the applicant has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the applicant has filed a power of attorney appointing him/her in this matter; or (4) the applicant's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

Serial Number: 86209530
Internet Transmission Date: Mon Sep 15 13:13:23 EDT 2014
TEAS Stamp: USPTO/ROA-XX.X.XX.XX-20140915131323314314-86209530-500922f41a2adca32d83e9649e348854b6504132681bc141aa86be104b3317d5-N/A-N/A-20140915131009475995

UNITED STATES PATENT AND TRADEMARK OFFICE

Mark	:	BLUE INC.
International Class	:	039
Serial No.	:	86209530
Applicant	:	JetBlue Airways Corporation
Filed	:	March 3, 2014
Law Office	:	111
Examining Attorney	:	Douglas M. Lee

The following is in response to the Office Action mailed on March 31, 2014.

Refusal based on Section 2(d)

The Examining Attorney has refused registration of Applicant's trademark, BLUE INC. ("Applicant's Mark"), in connection with "corporate travel services, namely, making reservations and bookings for transportation, vehicle rentals, lodgings and cruises; providing personalized travel information via the Internet" in International Class 039, on the ground that Applicant's Mark is likely to be confused with the registered mark AZUL (Reg. No. 4370716) (the "Registered Mark" owned by the "Registrant"), which is registered in connection with "hotel and resort hotel services; travel agency services, namely, arranging temporary accommodation for travel vacations" in International Class 043. Because of the sophistication of Applicant's consumer and the differences between the goods and services, Applicant respectfully requests that the Examining Attorney reconsider the decision that confusion between Applicant's Mark and the Registered Mark is likely, and approve Applicant's Mark for publication.

Argument

1. The Consumer of Applicant's Services are Sophisticated Purchasers that are Unlikely to be Confused

It is well established that confusion is less likely when consumers deliberate over purchases. See L.J. Mueller Furnace Co. v. United Conditioning Corp., 106 USPQ 112 (C.C.P.A. 1955); Magnaflux Corp. v. Sonoflux Corp., 109 USPQ 313 (C.C.P.A. 1956); Minnesota Mining and Manufacturing Company v. Electronic Memories, Inc., 173 USPQ 178 (C.C.P.A. 1972). If a purchasing decision is made after careful examination of the product, this is usually sufficient to negate a likelihood of confusion between marks containing similarities. See Stouffer Corp. v. Health Valley Natural Foods, Inc., 1 USPQ 2d 1900 (T.T.A.B. 1986).

Applicant offers corporate travel services, i.e. travel services which are purchased by a corporation for its employees. Most often within a corporation, particularly the types of corporations large enough to be consumers of travel services, multiple layers of individual decision makers must sign-off before a purchase is made. As such, Applicant's customers make careful purchasing decisions rather than impulse buys. Purchasers of Applicant's services are businesses and are sophisticated purchasers who would not confuse the business to business services offered under the BLUE INC. mark with those offered under AZUL. Because of Applicant's discerning customers, it is extremely unlikely that the services at issue would be encountered in a manner where consumer confusion is likely.

AIRBLUE00001953

2. The Services are Different

Applicant respectfully disagrees with the Examining Attorney's decision that Applicant's services and Registrant's services are "legally identical." Registrant's services are **hotel** and **travel agency services** for **vacations** in Class 43. Applicant's services are **corporate travel services** in Class 39. Corporate travel is not a vacation. Corporate travel includes trips taken for business or work purposes on behalf of a company. The Travel Industry Dictionary defines "corporate travel" as "travel arranged by a business for business purposes" or "a division or department of a travel agency devoted to such travel" (see: http://www.travel-industry-dictionary.com/corporate-travel.html). As such, Registrant's services and Applicant's services are targeted to entirely different types of customers (individual vacationers v. corporate businesses) making entirely different types of decisions (leisure travel v. transporting an employee to a client meeting or conference).

Conclusion

For the foregoing reasons, Applicant submits that BLUE INC. is unlikely to be confused with the AZUL and should be passed for publication.

Dated: September 15, 2014

Respectfully Submitted,

FRANKFURT KURNIT KLEIN & SELZ, P.C.

By: /RK/

Mary Sotis
Rachel Kronman
Attorney for Applicant
488 Madison Avenue
New York, NY 10022
(212) 980-0120

AIRBLUE00001954

Response to Office Action

To the Commissioner for Trademarks:

Application serial no. **86209530** BLUE INC.(Standard Characters, see http://tsdr.uspto.gov/img/86209530/large) has been amended as follows:

EVIDENCE
Evidence in the nature of Arguments has been attached.
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evi_7497485-20140915131009475995_._FGKSLIB1-_531464-v1-BLUE_INC_OA_Response.PDF
Converted PDF file(s) (3 pages)
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Evidence-3

SIGNATURE(S)
Response Signature
Signature: /Rachel Kronman/ Date: 09/15/2014
Signatory's Name: Rachel Kronman
Signatory's Position: Attorney of record, NY state bar member

Signatory's Phone Number: 212-980-0120

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the applicant's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the applicant in this matter: (1) the applicant has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the applicant has filed a power of attorney appointing him/her in this matter; or (4) the applicant's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

Serial Number: 86209530
Internet Transmission Date: Mon Sep 15 13:13:23 EDT 2014
TEAS Stamp: USPTO/ROA-XX.X.XX.XX-20140915131323314314-86209530-500922f41a2adca32d83e9649e348854b6504132681bc141aa86be104b3317d5-N/A-N/A-20140915131009475995

UNITED STATES PATENT AND TRADEMARK OFFICE

Mark	:	BLUE INC.
International Class	:	039
Serial No.	:	86209530
Applicant	:	JetBlue Airways Corporation
Filed	:	March 3, 2014
Law Office	:	111
Examining Attorney	:	Douglas M. Lee

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AIRBLUE00001957

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Dated: September 15, 2014

Respectfully Submitted,

FRANKFURT KURNIT KLEIN & SELZ, P.C.

By: /RK/

Mary Sotis
Rachel Kronman
Attorney for Applicant
488 Madison Avenue
New York, NY 10022
(212) 980-0120

AIRBLUE00001958

To:	JetBlue Airways Corporation (pto@fkks.com)
Subject:	U.S. TRADEMARK APPLICATION NO. 86209530 - BLUE INC. - 019839.0500
Sent:	3/31/2014 7:46:20 AM
Sent As:	ECOM111@USPTO.GOV
Attachments:	Attachment - 1 Attachment - 2 Attachment - 3 Attachment - 4 Attachment - 5

UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)
OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION

U.S. APPLICATION SERIAL NO. 86209530

MARK: BLUE INC.

86209530

CORRESPONDENT ADDRESS:
MARY SOTIS
FRANKFURT KURNIT KLEIN & SELZ PC
488 MADISON AVE FL 10
NEW YORK, NY 10022-5754

CLICK HERE TO RESPOND TO THIS LETTER:
http://www.uspto.gov/trademarks/teas/response_forms.jsp

APPLICANT: JetBlue Airways Corporation

CORRESPONDENT'S REFERENCE/DOCKET NO :
019839.0500
CORRESPONDENT E-MAIL ADDRESS:
pto@fkks.com

OFFICE ACTION

STRICT DEADLINE TO RESPOND TO THIS LETTER

TO AVOID ABANDONMENT OF APPLICANT'S TRADEMARK APPLICATION, THE USPTO MUST RECEIVE APPLICANT'S COMPLETE RESPONSE TO THIS LETTER **WITHIN 6 MONTHS** OF THE ISSUE/MAILING DATE BELOW.

ISSUE/MAILING DATE: 3/31/2014

The referenced application has been reviewed by the assigned trademark examining attorney. Applicant must respond timely and completely to the issue(s) below. 15 U.S.C. §1062(b); 37 C.F.R. §§2.62(a), 2.65(a); TMEP §§711, 718.03.

SECTION 2(d) REFUSAL – LIKELIHOOD OF CONFUSION

In regard to applicant's "making reservations and bookings for . . . lodgings" only, registration of the applied-for mark is refused because of a likelihood of confusion with the mark in U.S. Registration No. 4370716. Trademark Act Section 2(d), 15 U.S.C. §1052(d); *see* TMEP §§1207.01 *et seq*. See the enclosed registration.

Trademark Act Section 2(d) bars registration of an applied-for mark that so resembles a registered mark that it is likely a potential consumer would be confused, mistaken, or deceived as to the source of the goods and/or services of the applicant and registrant. *See* 15 U.S.C. §1052(d). A determination of likelihood of confusion under Section 2(d) is made on a case-by case basis and the factors set forth in *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 177 USPQ 563 (C.C.P.A. 1973) aid in this determination. *Citigroup Inc. v. Capital City Bank Grp., Inc.*, 637

F.3d 1344, 1349, 98 USPQ2d 1253, 1256 (Fed. Cir. 2011) (citing *On-Line Careline, Inc. v. Am. Online, Inc.*, 229 F.3d 1080, 1085, 56 USPQ2d 1471, 1474 (Fed. Cir. 2000)). Not all the *du Pont* factors, however, are necessarily relevant or of equal weight, and any one of the factors may control in a given case, depending upon the evidence of record. *Citigroup Inc. v. Capital City Bank Grp., Inc.*, 637 F.3d at 1355, 98 USPQ2d at 1260; *In re Majestic Distilling Co.*, 315 F.3d 1311, 1315, 65 USPQ2d 1201, 1204 (Fed. Cir. 2003); *see In re E. I. du Pont de Nemours & Co.*, 476 F.2d at 1361-62, 177 USPQ at 567.

In this case, the following factors are the most relevant: similarity of the marks, similarity and nature of the goods and/or services, and similarity of the trade channels of the goods and/or services. *See In re Viterra Inc.*, 671 F.3d 1358, 1361-62, 101 USPQ2d 1905, 1908 (Fed. Cir. 2012); *In re Dakin's Miniatures Inc.* , 59 USPQ2d 1593, 1595-96 (TTAB 1999); TMEP §§1207.01 *et seq.*

In this case, the following factors are the most relevant: similarity of the marks, similarity and nature of the goods and/or services, and similarity of the trade channels of the goods and/or services. *See In re Viterra Inc.*, 671 F.3d 1358, 1361-62, 101 USPQ2d 1905, 1908 (Fed. Cir. 2012); *In re Dakin's Miniatures Inc.* , 59 USPQ2d 1593, 1595-96 (TTAB 1999); TMEP §§1207.01 *et seq.*

Comparison of the Marks

Applicant's mark is "BLUE INC.". Registrant's mark is "AZUL".

Marks are compared in their entireties for similarities in appearance, sound, connotation, and commercial impression. *In re Viterra Inc.*, 671 F.3d 1358, 1362, 101 USPQ2d 1905, 1908 (Fed. Cir. 2012) (quoting *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 1361, 177 USPQ 563, 567 (C.C.P.A. 1973)); TMEP §1207.01(b)-(b)(v). Similarity in any one of these elements may be sufficient to find the marks confusingly similar. *In re White Swan Ltd.*, 8 USPQ2d 1534, 1535 (TTAB 1988); *see In re 1st USA Realty Prof'ls, Inc.* , 84 USPQ2d 1581, 1586 (TTAB 2007); TMEP §1207.01(b).

Marks may be confusingly similar in appearance where there are similar terms or phrases or similar parts of terms or phrases appearing in both applicant's and registrant's mark. *See Crocker Nat'l Bank v. Canadian Imperial Bank of Commerce* , 228 USPQ 689 (TTAB 1986), *aff'd sub nom. Canadian Imperial Bank of Commerce v. Wells Fargo Bank, Nat'l Ass'n* , 811 F.2d 1490, 1 USPQ2d 1813 (Fed. Cir. 1987) (COMMCASH and COMMUNICASH); *In re Phillips-Van Heusen Corp.*, 228 USPQ 949 (TTAB 1986) (21 CLUB and "21" CLUB (stylized)); *In re Corning Glass Works*, 229 USPQ 65 (TTAB 1985) (CONFIRM and CONFIRMCELLS); *In re Collegian Sportswear Inc.*, 224 USPQ 174 (TTAB 1984) (COLLEGIAN OF CALIFORNIA and COLLEGIENNE); *In re Pellerin Milnor Corp.*, 221 USPQ 558 (TTAB 1983) (MILTRON and MILLTRONICS); *In re BASF A.G.*, 189 USPQ 424 (TTAB 1975) (LUTEXAL and LUTEX); TMEP §1207.01(b)(ii)-(iii).

Under the doctrine of foreign equivalents, a mark in a foreign language and a mark that is its English equivalent may be held to be confusingly similar. TMEP §1207.01(b)(vi)*; see, e.g., In re Thomas*, 79 USPQ2d 1021, 1025 (TTAB 2006); *In re Hub Distrib., Inc.*, 218 USPQ 284 (TTAB 1983). Therefore, marks comprised of foreign words are translated into English to determine similarity in meaning and connotation with English word marks. *See Palm Bay Imps., Inc. v. Veuve Clicquot Ponsardin Maison Fondee en 1772*, 396 F.3d 1369, 1377, 73 USPQ2d 1689, 1696 (Fed. Cir. 2005). Equivalence in meaning and connotation can be sufficient to find such marks confusingly similar. *See In re Thomas*, 79 USPQ2d at 1025.

The doctrine is applicable when it is likely that an ordinary American purchaser would "stop and translate" the foreign term into its English equivalent. *Palm Bay*, 396 F.3d at 1377, 73 USPQ2d at 1696; TMEP §1207.01(b)(vi)(A). The ordinary American purchaser refers to "all American purchasers, including those proficient in a non-English language who would ordinarily be expected to translate words into English." *In re Spirits Int'l, N.V.* , 563 F.3d 1347, 1352, 90 USPQ2d 1489, 1492 (Fed. Cir. 2009); *see In re Thomas*, 79 USPQ2d at 1024 (citing J. Thomas McCarthy, *McCarthy on Trademarks and Unfair Competition* §23:26 (4th ed. 2006), which states "[t]he test is whether, to those American buyers familiar with the foreign language, the word would denote its English equivalent.").

Generally, the doctrine is applied when the English translation is a literal and exact translation of the foreign wording. *See In re Thomas*, 79 USPQ2d at 1021 (holding MARCHE NOIR for jewelry likely to be confused with the cited mark BLACK MARKET MINERALS for retail jewelry and mineral store services where evidence showed that MARCHE NOIR is the exact French equivalent of the English idiom "Black Market," and the addition of MINERALS did not serve to distinguish the marks); *In re Ithaca Indus., Inc.*, 230 USPQ 702 (TTAB 1986) (holding applicant's mark LUPO for men's and boys' underwear likely to be confused with the cited registration for WOLF and design for various clothing items, where LUPO is the Italian equivalent of the English word "wolf"); *In re Hub Distrib., Inc.*, 218 USPQ at 284 (holding the Spanish wording EL SOL for clothing likely to be confused with its English language equivalent SUN for footwear where it was determined that EL SOL was the "direct foreign language equivalent" of the term SUN).

Applying the above analysis, under the doctrine of foreign equivalents, the literal and exact translation of registrant's mark "AZUL" is "BLUE" which is identical to the recognizable and dominant portion of applicant's mark.

Although marks are compared in their entireties, one feature of a mark may be more significant or dominant in creating a commercial impression. *See In re Viterra Inc.*, 671 F.3d 1358, 1362, 101 USPQ2d 1905, 1908 (Fed. Cir. 2012); *In re Nat'l Data Corp.* , 753 F.2d 1056,

1058, 224 USPQ 749, 751 (Fed. Cir. 1985); TMEP §1207.01(b)(viii), (c)(ii). Greater weight is often given to this dominant feature when determining whether marks are confusingly similar. *See In re Nat'l Data Corp.* , 753 F.2d at 1058, 224 USPQ at 751.

In the instant case, it is appropriate to give more weight to the "blue" portion of applicant's mark because of the descriptive nature of the word "inc.". See disclaimer requirement section and supporting evidence.

Comparison of the Services

In the present case, applicant's "making reservations and bookings for . . . lodgings" is legally identical to registrant's "travel agency services, namely, arranging temporary accommodation for travel vacations".
Where the goods or services of an applicant and registrant are identical or virtually identical, the degree of similarity between the marks required to support a finding of likelihood of confusion is not as great as in the case of diverse goods. *See In re Viterra Inc.*, 671 F.3d 1358, 1363, 101 USPQ2d 1905, 1908 (Fed. Cir. 2012) (citing *Century 21 Real Estate Corp. v. Century Life of Am.*, 970 F.2d 874, 877, 23 USPQ2d 1698, 1701 (Fed. Cir. 1992)); *In re Mighty Leaf Tea*, 601 F.3d 1342, 1348, 94 USPQ2d 1257, 1260 (Fed. Cir. 2010); TMEP §1207.01(b).

The overriding concern is not only to prevent buyer confusion as to the source of the goods and/or services, but to protect the registrant from adverse commercial impact due to use of a similar mark by a newcomer. *See In re Shell Oil Co.*, 992 F.2d 1204, 1208, 26 USPQ2d 1687, 1690 (Fed. Cir. 1993). Therefore, any doubt regarding a likelihood of confusion determination is resolved in favor of the registrant. TMEP §1207.01(d)(i); *see Hewlett-Packard Co. v. Packard Press, Inc.*, 281 F.3d 1261, 1265, 62 USPQ2d 1001, 1003 (Fed. Cir. 2002); *In re Hyper Shoppes (Ohio), Inc.*, 837 F.2d 463, 464-65, 6 USPQ2d 1025, 1026 (Fed. Cir. 1988).

Although applicant's mark has been refused registration, applicant may respond to the refusal by submitting evidence and arguments in support of registration.

STATED REFUSAL PERTAINS TO SPECIFIC SERVICES ONLY

The stated refusal refers to the following services and does not bar registration for the other services: ""making reservations and bookings for . . . lodgings".

Applicant may respond to the stated refusal by submitting evidence and arguments against the refusal. In addition, applicant may respond by doing one of the following:

(1) Deleting the services to which the refusal pertains;

(2) Filing a request to divide out the services that have not been refused registration, so that the mark may proceed toward publication for opposition for those services to which the refusal does not pertain. *See* 37 C.F.R. §2.87. *See generally* TMEP §§1110 *et seq.* (regarding the requirements for filing a request to divide). If applicant files a request to divide, then to avoid abandonment, applicant must also file a timely response to all outstanding issues in this Office action, including the refusal. 37 C.F.R. §2.87(e).

INFORMATION REGARDING DIVISION OF APPLICATION

Applicant has the option to divide its application into two or more separate applications in response to a refusal or requirement that pertains only to certain classes, goods, and/or services. *See* 37 C.F.R. §2.87; TMEP §§1110 *et seq.* (regarding requests to divide). This would allow the remaining classes or goods and/or services to proceed toward registration.

Applicant may file a request to divide online via the Trademark Electronic Application System (TEAS) or on paper via regular mail. TMEP §1110.04. The request must specify the classes or goods and/or services that are to be divided out of the application and include the required fee of $100.00 for each new application created. *See* 37 C.F.R. §§2.6(a)(19), 2.87(b). If dividing out some, but not all, of the goods or services within a class, applicant must additionally submit the application filing fee for each new separate application created by the division. 37 C.F.R. §§2.6(a)(1)(i)-(iii), 2.87(b); TMEP §1110.02.

Any outstanding deadline in effect at the time the application is divided will generally apply to each new divided out application. *See* 37 C.F.R. §2.87(e); TMEP §1110.05 (see list of exceptions).

A request to divide must be properly signed by the applicant or an authorized attorney. *See* 37 C.F.R. §§2.87(f), 2.193(e)(2), 11.14; TMEP §§611.03(b), 1110.06. Where an applicant is represented by an attorney, the attorney must sign the request. 37 C.F.R. §2.193(e)(2)(i); TMEP §§611.03(b), 1110.06. See TMEP §602 regarding attorneys who may practice before the USPTO. Where an applicant is not represented by an attorney, the request must be signed by the individual applicant or someone with legal authority to bind a juristic applicant (e.g., a corporate officer or general partner). *See* 37 C.F.R. §2.193(e)(2)(ii); TMEP §§611.03(b), 611.06(b)-(h), 1110.06. In the case of joint applicants, all must

sign. 37 C.F.R. §2.193(e)(2)(ii); TMEP §611.06(a).

In addition, the proper signatory must personally sign or personally enter his or her electronic signature. 37 C.F.R. §2.193(a), (e)(2); TMEP §§611.01(b), 611.02. The name of the signatory must also be printed or typed immediately below or adjacent to the signature, or identified elsewhere in the filing. 37 C.F.R. §2.193(d); TMEP §611.01(b).

REQUIREMENTS

Applicant must respond to the requirement(s) set forth below.

DISCLAIMER REQUIRED

Business entity designations such as "Corporation," "Inc.," "Company," and "Ltd." must be disclaimed because they merely indicate applicant's entity type and generally do not function to indicate the source of goods or services. TMEP §1213.03(d); *see, e.g., Goodyear's India Rubber Glove Mfg. Co. v. Goodyear Rubber Co.*, 128 U.S. 598, 602-03 (1888); *In re Patent & Trademark Servs., Inc.*, 49 USPQ2d 1537, 1539-40 (TTAB 1998); *In re The Paint Prods. Co.*, 8 USPQ2d 1863, 1866 (TTAB 1988).

As such, applicant must disclaim the descriptive wording "INC." apart from the mark as shown because it merely indicate applicant's entity type. *See* 15 U.S.C. §§1052(e)(1), 1056(a); *DuoProSS Meditech Corp. v. Inviro Med. Devices, Ltd.*, 695 F.3d 1247, 1251, 103 USPQ2d 1753, 1755 (Fed. Cir. 2012) (quoting *In re Oppedahl & Larson LLP*, 373 F.3d 1171, 1173, 71 USPQ2d 1370, 1371 (Fed. Cir. 2004)); *In re Steelbuilding.com*, 415 F.3d 1293, 1297, 75 USPQ2d 1420, 1421 (Fed. Cir. 2005).

Specifically, the attached evidence from www.thefreedictionary.com shows the term "inc." defined as "incorporated".

An applicant may not claim exclusive rights to terms or designs that others may need to use to describe or show their goods or services in the marketplace. *See Dena Corp. v. Belvedere Int'l, Inc.* , 950 F.2d 1555, 1560, 21 USPQ2d 1047, 1051 (Fed. Cir. 1991); *In re Aug. Storck KG*, 218 USPQ 823, 825 (TTAB 1983). A disclaimer of unregistrable matter does not affect the appearance of the mark; that is, a disclaimer does not physically remove the disclaimed matter from the mark. *See Schwarzkopf v. John H. Breck, Inc.*, 340 F.2d 978, 978, 144 USPQ 433, 433 (C.C.P.A. 1965); TMEP §1213.

If applicant does not provide the required disclaimer, the USPTO may refuse to register the entire mark. *See In re Stereotaxis Inc.*, 429 F.3d 1039, 1040-41, 77 USPQ2d 1087, 1088-89 (Fed. Cir. 2005); TMEP §1213.01(b).

Applicant should submit a disclaimer in the following standardized format:

No claim is made to the exclusive right to use "INC." apart from the mark as shown.

For an overview of disclaimers and instructions on how to satisfy this disclaimer requirement online using the Trademark Electronic Application System (TEAS) form, please go to http://www.uspto.gov/trademarks/law/disclaimer.jsp.

IDENTIFICATION OF THE SERVICES INDEFINITE

The wording "corporate travel services, namely, making reservations and bookings for transportation, vehicle rentals, lodgings and cruises" in the identification of services in International Class 39 is unacceptable because it is, in part, indefinite and includes services classified in two international classes. *See* TMEP §§1402.01, 1402.03. In particular, making reservations and bookings for temporary lodgings is properly in International Class 43 and applicant must indicate that it is for temporary lodging.

In the identification of services, applicant must use the common commercial or generic names for the services, be as complete and specific as possible, and avoid the use of indefinite words and phrases. TMEP §1402.03(a).

For example, applicant may substitute the following wording, if accurate:

Corporate travel services, namely, making reservations and bookings for transportation, vehicle rentals and cruises.

Corporate travel services, namely, making reservations and bookings for temporary lodgings *[properly in International Class 43]*

See TMEP §§1402.01, 1402.03.

An applicant may amend an identification of services only to clarify or limit the services; adding to or broadening the scope of the services is not

permitted. 37 C.F.R. §2.71(a); *see* TMEP §§1402.06 *et seq.*, 1402.07 *et seq.*

For assistance with identifying and classifying goods and services in trademark applications, please see the USPTO's online searchable *U.S. Acceptable Identification of Goods and Services Manual* at http://tess2.uspto.gov/netahtml/tidm.html. *See* TMEP §1402.04.

CLASSIFICATION

If applicant adopts the suggested amendment of the services, then applicant must amend the classification to International Classes 39 and 43. *See* 37 C.F.R. §§2.32(a)(7), 2.85; TMEP §§805, 1401.

FEE AND MULTIPLE CLASS REQUIREMENTS

The application identifies services that are classified in two classes; however, applicant submitted a fee sufficient for only one class. In a multiple-class application, a fee for each class is required. 37 C.F.R. §2.86(a)(2); TMEP §§810.01, 1403.01.

Therefore, applicant must either (1) restrict the application to the number of classes covered by the fees already paid, or (2) submit the fees for each additional class.

For an application with more than one international class, called a "multiple-class application," an applicant must meet all the requirements below for those international classes based on an intent to use the mark in commerce under Trademark Act Section 1(b):

(1) LIST GOODS AND/OR SERVICES BY INTERNATIONAL CLASS: Applicant must list the goods and/or services by international class.

(2) PROVIDE FEES FOR ALL INTERNATIONAL CLASSES: Applicant must submit an application filing fee for each international class of goods and/or services not covered by the fee(s) already paid (confirm current fee information at http://www.uspto.gov/trademarks/tm_fee_info.jsp).

See 15 U.S.C. §§1051(b), 1112, 1126(e); 37 C.F.R. §§2.34(a)(2)-(3), 2.86(a); TMEP §§1403.01, 1403.02(c).

The filing fees for adding classes to an application are as follows:

(1) A $325 fee per class, when the fees are submitted with an electronic response filed online at http://www.uspto.gov/trademarks/teas/response_forms.jsp, via the Trademark Electronic Application System (TEAS).

(2) A $375 fee per class, when the fees are submitted with a paper response.

37 C.F.R. §2.6(a)(1)(i)-(ii); TMEP §§810, 1403.02(c).

ASSISTANCE

If applicant has questions regarding this Office action, please telephone or e-mail the assigned trademark examining attorney. All relevant e-mail communications will be placed in the official application record; however, an e-mail communication will not be accepted as a response to this Office action and will not extend the deadline for filing a proper response. *See* 37 C.F.R. §2.191; TMEP §§304.01-.02, 709.04-.05. Further, although the trademark examining attorney may provide additional explanation pertaining to the refusal(s) and/or requirement(s) in this Office action, the trademark examining attorney may not provide legal advice or statements about applicant's rights. *See* TMEP §§705.02, 709.06.

/Douglas M. Lee/
Trademark Examining Attorney
Law Office 111
U.S. Patent and Trademark Office
571-272-9343
douglas.lee4@uspto.gov

TO RESPOND TO THIS LETTER: Go to http://www.uspto.gov/trademarks/teas/response_forms.jsp. Please wait 48-72 hours from the issue/mailing date before using the Trademark Electronic Application System (TEAS), to allow for necessary system updates of the application. For *technical* assistance with online forms, e-mail TEAS@uspto.gov. For questions about the Office action itself, please contact the assigned trademark examining attorney. **E-mail communications will not be accepted as responses to Office actions; therefore, do not respond to this Office action by e-mail.**

All informal e-mail communications relevant to this application will be placed in the official application record.

WHO MUST SIGN THE RESPONSE: It must be personally signed by an individual applicant or someone with legal authority to bind an applicant (i.e., a corporate officer, a general partner, all joint applicants). If an applicant is represented by an attorney, the attorney must sign the response.

PERIODICALLY CHECK THE STATUS OF THE APPLICATION: To ensure that applicant does not miss crucial deadlines or official notices, check the status of the application every three to four months using the Trademark Status and Document Retrieval (TSDR) system at http://tsdr.uspto.gov/. Please keep a copy of the TSDR status screen. If the status shows no change for more than six months, contact the Trademark Assistance Center by e-mail at TrademarkAssistanceCenter@uspto.gov or call 1-800-786-9199. For more information on checking status, see http://www.uspto.gov/trademarks/process/status/.

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DESIGN MARK

Serial Number
85536726

Status
REGISTERED

Word Mark
AZUL

Standard Character Mark
Yes

Registration Number
4370716

Date Registered
2013/07/23

Type of Mark
SERVICE MARK

Register
PRINCIPAL

Mark Drawing Code
(4) STANDARD CHARACTER MARK

Owner
Karisma Hotels & Resorts Corporation, Ltd. CORPORATION BR.VIRGIN ISLANDS P.O. Box 3175 Road Town BR.VIRGIN ISLANDS

Goods/Services
Class Status -- ACTIVE. IC 043. US 100 101. G & S: Hotel and resort hotel services; travel agency services, namely, arranging temporary accommodation for travel vacations. First Use: 2004/00/00. First Use In Commerce: 2004/00/00.

Prior Registration(s)
4146907

Translation Statement
The English translation of "AZUL" in the mark is "blue".

Filing Date
2012/02/08

Examining Attorney
I, DAVID

Attorney of Record
J. Michael Hurst

AZUL

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Made with Google. For everyone. Everything built-in. Learn more.

inc.

1. incomplete.
2. incorporated.
3. increase.

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Thesaurus

Legend: Synonyms Related Words Antonyms

Noun 1. INC - a heterogeneous collection of groups united in their opposition to Saddam Hussein's government of Iraq; formed in 1992 it is comprised of Sunni and Shiite Arabs and Kurds who hope to build a new government

Iraqi National Congress

opposition - a body of people united in opposing something

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dark
Dow
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Grand Rapids section by *Contemporary Long Term Care*

Box 40760, Lansing, MI, 48901-7960 tel: 517/371-2460 fax: 517/371-4930# ROTEX **INC**, Cincinnati, OH Royer Foundry Systems, PO Box 1859, Kingston, PA, 10704 tel: 570/331-3479 fax: 570/331-3668# SandMold Systems Inc, 313 State St, PO Box 488, Newaygo, MI, 49337-8840 tel: 231/ 652-1623 fax: 231/652-1629# Sifter Parts & Service, Inc.

General manufacturing, engineering & maintenance by *Modern Casting*

Crystal Lake, IL, 60014 tel: 815-455-3222 fax: 815-456-2285# Gilson Company Inc, Lewis Center, OH Gump Division, Buffalo, NY Holland Mfg Corp, South Holland, IL Metso Minerals, Gastonia, NC MIFCO/McEngleven Ind Furnace Co, 700 Griggs St, PO Box 31, Danville, IL, 61834-0031 tel: 217/446-0941 fax: 217/446-0943# Renold/Ajax, Westfield, NY ROTEX **INC**, Cincinnati, OH Vulcan Engineering Co.

Mold, core & sand preparation by *Modern Casting*

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Inburst
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Incage
Incagement
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Incalculability
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Incalescence
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To:	JetBlue Airways Corporation (pto@fkks.com)
Subject:	U.S. TRADEMARK APPLICATION NO. 86209530 - BLUE INC. - 019839.0500
Sent:	3/31/2014 7:46:20 AM
Sent As:	ECOM111@USPTO.GOV
Attachments:	

UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)

IMPORTANT NOTICE REGARDING YOUR U.S. TRADEMARK APPLICATION

USPTO OFFICE ACTION (OFFICIAL LETTER) HAS ISSUED
ON **3/31/2014** FOR U.S. APPLICATION SERIAL NO. 86209530

Please follow the instructions below:

(1) TO READ THE LETTER: Click on this link or go to http://tsdr.uspto.gov, enter the U.S. application serial number, and click on "Documents."

The Office action may not be immediately viewable, to allow for necessary system updates of the application, but will be available within 24 hours of this e-mail notification.

(2) TIMELY RESPONSE IS REQUIRED: Please carefully review the Office action to determine (1) how to respond, and (2) the applicable response time period. Your response deadline will be calculated from **3/31/2014** (*or sooner if specified in the Office action*). For information regarding response time periods, see http://www.uspto.gov/trademarks/process/status/responsetime.jsp.

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(3) QUESTIONS: For questions about the contents of the Office action itself, please contact the assigned trademark examining attorney. For *technical* assistance in accessing or viewing the Office action in the Trademark Status and Document Retrieval (TSDR) system, please e-mail TSDR@uspto.gov.

WARNING

Failure to file the required response by the applicable response deadline will result in the ABANDONMENT of your application. For more information regarding abandonment, see http://www.uspto.gov/trademarks/basics/abandon.jsp.

PRIVATE COMPANY SOLICITATIONS REGARDING YOUR APPLICATION: Private companies **not** associated with the USPTO are using information provided in trademark applications to mail or e-mail trademark-related solicitations. These companies often use names that closely resemble the USPTO and their solicitations may look like an official government document. Many solicitations require that you pay "fees."

Please carefully review all correspondence you receive regarding this application to make sure that you are responding to an official document from the USPTO rather than a private company solicitation. All official USPTO correspondence will be mailed only from the "United States Patent and Trademark Office" in Alexandria, VA; or sent by e-mail from the domain "@uspto.gov." For more information on how to handle private company solicitations, see http://www.uspto.gov/trademarks/solicitation_warnings.jsp.

*** User:dlee4 ***

#	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/ Search Duration	Search
01	19196	N/A	0	0	0:02	blue[bi,ti]
02	22711	N/A	0	0	0:01	blue*[bi,ti]
03	22894	N/A	0	0	0:01	*blue*[bi,ti]
04	945	N/A	0	0	0:01	blu[bi,ti]
05	9109	N/A	0	0	0:01	2 not dead
06	3673	N/A	0	0	0:02	5 and "039"[cc]
07	196	N/A	0	0	0:01	5 and "039"[ic]
08	296	N/A	0	0	0:02	5 and "043"[ic]
09	32	N/A	0	0	0:02	5 and (a b 200) [ic]
10	502	0	80	76	0:01	7 or 8 or 9
11	845	N/A	0	0	0:01	4 not 6
12	96	86	3	3	0:02	11 and "039"[cc]
13	183	N/A	0	0	0:01	3 not 2
14	48	33	3	3	0:02	13 and "039"[cc]

Session started 3/28/2014 10:19:42 AM

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Total search duration 0 minutes 20 seconds

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Trademark/Service Mark Application, Principal Register

Serial Number: 86209530
Filing Date: 03/03/2014

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	86209530
MARK INFORMATION	
***MARK**	BLUE INC.
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	BLUE INC.
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font, style, size, or color.
REGISTER	Principal
APPLICANT INFORMATION	
***OWNER OF MARK**	JetBlue Airways Corporation
***STREET**	27-01 Queens Plaza North
***CITY**	Long Island City
***STATE (Required for U.S. applicants)**	New York
***COUNTRY**	United States
***ZIP/POSTAL CODE (Required for U.S. applicants only)**	11101
LEGAL ENTITY INFORMATION	
TYPE	corporation
STATE/COUNTRY OF INCORPORATION	Delaware
GOODS AND/OR SERVICES AND BASIS INFORMATION	
INTERNATIONAL CLASS	039
***IDENTIFICATION**	Corporate travel services, namely, making reservations and bookings for transportation, vehicle rentals, lodgings and cruises; Providing personalized travel information via the Internet
FILING BASIS	SECTION 1(b)
ADDITIONAL STATEMENTS SECTION	
PRIOR REGISTRATION(S)	The applicant claims ownership of U.S. Registration Number(s) 2974633, 2449988, 2451955, and others.
ATTORNEY INFORMATION	
NAME	Mary Sotis

ATTORNEY DOCKET NUMBER	019839.0500
FIRM NAME	Frankfurt Kurnit Klein & Selz PC
STREET	488 Madison Avenue
CITY	New York
STATE	New York
COUNTRY	United States
ZIP/POSTAL CODE	10022
PHONE	212-980-0120
FAX	212-593-9175
EMAIL ADDRESS	pto@fkks.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
OTHER APPOINTED ATTORNEY	Rachel Kronman, Gayle Denman and all other attorneys
CORRESPONDENCE INFORMATION	
NAME	Mary Sotis
FIRM NAME	Frankfurt Kurnit Klein & Selz PC
STREET	488 Madison Avenue
CITY	New York
STATE	New York
COUNTRY	United States
ZIP/POSTAL CODE	10022
PHONE	212-980-0120
FAX	212-593-9175
EMAIL ADDRESS	pto@fkks.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
FEE INFORMATION	
NUMBER OF CLASSES	1
FEE PER CLASS	325
*TOTAL FEE DUE	325
*TOTAL FEE PAID	325
SIGNATURE INFORMATION	
SIGNATURE	/Ellie Boragine/
SIGNATORY'S NAME	Ellie Boragine
SIGNATORY'S POSITION	Advertising and Commercial Counsel
DATE SIGNED	03/03/2014

Trademark/Service Mark Application, Principal Register

Serial Number: 86209530
Filing Date: 03/03/2014

To the Commissioner for Trademarks:

MARK: BLUE INC. (Standard Characters, see mark)
The literal element of the mark consists of BLUE INC..
The mark consists of standard characters, without claim to any particular font, style, size, or color.

The applicant, JetBlue Airways Corporation, a corporation of Delaware, having an address of
27-01 Queens Plaza North
Long Island City, New York 11101
United States

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

International Class 039: Corporate travel services, namely, making reservations and bookings for transportation, vehicle rentals, lodgings and cruises; Providing personalized travel information via the Internet
Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

The applicant claims ownership of U.S. Registration Number(s) 2974633, 2449988, 2451955, and others.

The applicant's current Attorney Information:
Mary Sotis and Rachel Kronman, Gayle Denman and all other attorneys of Frankfurt Kurnit Klein & Selz PC
488 Madison Avenue
New York, New York 10022
United States
The attorney docket/reference number is 019839.0500.

The applicant's current Correspondence Information:
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212-980-0120(phone)
212-593-9175(fax)
pto@fkks.com (authorized)

A fee payment in the amount of $325 has been submitted with the application, representing payment for 1 class(es).

Declaration

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

Declaration Signature

Signature: /Ellie Boragine/ Date: 03/03/2014
Signatory's Name: Ellie Boragine
Signatory's Position: Advertising and Commercial Counsel
RAM Sale Number: 86209530
RAM Accounting Date: 03/04/2014

Serial Number: 86209530
Internet Transmission Date: Mon Mar 03 16:33:31 EST 2014
TEAS Stamp: USPTO/BAS-XX.X.XX.XX-20140303163331467971-86209530-5001f7d4e160ebf558c7592b2b7bbf78a77b0471d15d64aa6342375965eb91ac7-CC-2795-20140303161205021363

BLUE INC.

BLUE INC.

EXHIBIT 9

JetBlue Airlines: It's all in a Name

BY **REBECCA JOHNSON**

JUNE 08, 2009

PHOTO: © MARK WAUGH / ALAMY

To hear David Neeleman tell it, starting a budget airline in the crowded, difficult market of New York City is simple. Raising $128 million dollars? Piece of cake. Negotiating takeoff and departure times with the Department of Transportation? Walk in the park. Naming the airline? "It was," the then CEO of JetBlue Airways told reporters in July of 2009, "an interesting process." David Neeleman is a nice man. *Interesting* is the word nice people use when what they mean is "nightmarish."

The fact is, just two weeks before the press conference, Neeleman and his marketing team learned that the name they had all agreed on after a long and

expensive search, True Blue, was already owned by another company. And that was after they'd considered more than 200 other names, from the sonorous Idlewild Transportation (after the original name for JFK) to the comic relief of Dairy Air. "In the end," Neeleman rationalized, "we'll make the name. The name will not make us."

The last time Neeleman—a Mormon with twinkly blue eyes, gray hair, and the kind of looks you'd get if you called up Central Casting and asked for "a pilot type"—named an airline, he wasn't nearly as picky. Morris Air, the business he began with partner June Morris out of Salt Lake City, was so successful that Southwest Airlines bought it in 1993 and made Neeleman sign a five-year non-compete agreement. As soon as the clause expired, Neeleman started pursuing plans for "New Air," the working title for a budget airline to fly out of JFK and serve cities as far west as Salt Lake City and as far north as Portland, Maine. Between financier George Soros and institutions such as Chase Capital Partners, Neeleman had all the financing he needed and a contract for up to 82 new A320 jets—but still no name. It wasn't that he lacked suggestions. Everyone chimed in, from Airbus executives to family members, friends, neighbors, even his wife's orthodontist.

It was time to hire professionals. Neeleman had originally hoped to start an American version of Virgin Atlantic Airways, but when negotiations with Richard Branson fell through, he did the next best thing: he signed on Virgin's marketing executives. Having worked at the airline that put the cheek in cheeky, Amy Curtis McIntyre, a native New Yorker and a dead ringer for Annette Bening (pre-Warren), and Gareth Edmondson-Jones, an Australian with a preternaturally sunny disposition and a tendency to say things like "brill" when he means "brilliant," were well suited to mastermind the positioning of a hip new airline.

At first, the "New Air" team wasn't exactly sure what they wanted in a name. But they were pretty sure what they didn't want: geographic descriptions such as Southwest or Northwest, or made-up words like Acela or Acura (a trick more and more companies have found themselves relying on as fewer and fewer real

words are available for trademark). Nor did they want their campaign to rely, as most airlines' do, on a promise of self-actualization. "Delta's slogan was 'On top of the world,'" says Curtis, "but how do you possibly deliver that in an airline?" It would be especially important to avoid grandiose claims since JetBlue plans to create a new customer base by flying to underserved cities such as Buffalo, New York, and Burlington, Vermont. The idea is that people who normally don't fly, will—if the cost is low enough. "We're targeting people who are sitting on highways going to weddings, reunions, and funerals," says Curtis. "Flying is no longer a luxury thing you do once a year." There won't even be a business class or first class.

With a marketing team in place, the list-making began in earnest: Imagine Air, Liberty Air, Yes!, The Competition, Home, The High Road, Civilization, Fresh Air, New York Air, Gotham, Taxi, The Big Apple. You name it, they probably thought of it. Ultimately, the decision was Neeleman's, and Curtis hoped he would go with Taxi. Curtis was a New Yorker, it was a New York airline, and Taxi had a New York feel. She envisioned a yellow-and-black Checker-cab motif on the tail of the plane. Jones liked it too. "It had a moxie and a chutzpah to it," he said, musing upon the possibilities for tag lines like "The fair fare." In fact, when Curtis and Jones started shopping the account to ad agencies, Taxi was the name they used. "I thought it was a *fait accompli,*" says Anthony Brescia, the account manager at Merkley Newman Harty, the agency that would eventually land the account.

But *taxi* is also the verb that describes what airplanes do on a runway, and when the Federal Aviation Administration got wind of the name, it raised an alarm. It didn't help that only half the respondents in Brescia's focus groups associated *taxi* with the glamorous Checker cabs of New York in the forties; the other half associated the word with the more contemporary experience of an unsafe ride in an unclean cab driven by somebody with an unclear grasp of the English language.

Taxi was dropped. Soon after, Merkley Newman Harty sent over its top three—Blue, It, and Egg—chosen because they were, in the words of Brescia, "contemporary, simple, clean, and memorable." Neeleman liked Blue right away, but everybody agreed the word alone would be impossible to trademark. Egg did not fly (for obvious reasons), so that left It. Curtis and Jones were open to It, envisioning luggage tags that said "Schlep It" and labels on bagels that read "Eat It." But outside the immediate "New Air" family, the reaction was distinctly tepid. As Curtis recalls, the manufacturers at Airbus grimaced at the name: "Big airline," they said, "little word." It may have been Neeleman's wife, however, who put the final nail in the coffin. "It would be a good name for a clothing line," she told her husband. "It's not a name that makes you feel safe." It was dropped.

As the airline approached its announcement date, management began to get nervous. "People are starting to drop the quotes around 'New Air,' " fretted Jones. Out of desperation, they turned to Landor Associates. A division of the Young & Rubicam ad agency, Landor seems to have had its finger in every company you've ever heard of—Microsoft, Pepsi, Xerox, Frito-Lay, and a handful of airlines including British Airways, Alitalia, Delta, and Northwest—yet you've probably never heard of them. They call themselves a "branding consultancy and design firm" and, on their Web site, quote their founder when explaining their job: "Products are made in the factory, but brands are created in the mind." They don't come cheap: "New Air" agreed to pay more than $100,000 for the Landor touch. The move clearly bothered Curtis, though she tried to put her best spin on it. "I would like to think we didn't need them," she said a few weeks before Landor made their presentation, "but after naming this airline four times myself, I realized we needed some arbitration."

Curtis, Neeleman, et al. sent Landor the 200 names they had considered and all the brand-positioning documents they had generated. Then they sat back and waited. On June 14, 2009, top management from "New Air" gathered in Landor's San Francisco headquarters for the presentation of the six finalists. All agreed ahead of time that they would decide that day, one way or another. Before she

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left for the presentation, Curtis had turned philosophical. "What did *yahoo* mean before the Internet?" she asked. "Just an idiot. A gap was a space between your teeth; now it's where America shops. Whatever we choose, I know we'll make it work. We could call this airline Idiot Air and I could market it."

The first name Landor suggested was Air Avenues. People liked it okay. It suggested choice and wide, prestigious streets like Park Avenue in New York City, but that was ultimately the problem. The airline was, after all, a budget airline. They passed. Next came Hiway Air, which was almost immediately rejected for being too silly (and one of those made-up words they wanted to avoid). Ditto Air Hop on the silliness charge. Lift Airways had several supporters among the group who liked the emotional, uplifting image of it, but somebody worried that it was too similar to *airlift*, which suggested an emergency situation. Scout Air was roundly vetoed because it denoted adventure destinations like Alaska and seemed a bit too do-gooder. That left True Blue.

"Everybody sort of went, 'That's it?' " recalls Curtis, who admits she had secretly hoped there would be a name that would blow her away. True Blue did not. "I had a panicked moment," she says, "when I thought Taxi was better, Competition was better. But the people at Landor said, 'Sit with it.' " Eventually, she convinced herself that True Blue was the right name. "The *blue* has a good visual aspect to it," she explained. "It's the sky, it's friendship, it's loyalty. Some people questioned whether New York could handle something so sweet, but we figured we'd lowercase it to make it more modern and play up the retro aspect." In the end, the vote was unanimous. "New Air" would be True Blue.

Or so they thought.

Just two weeks before the scheduled announcement, disaster struck. Thrifty Rent-A-Car already owned True Blue for an internal customer service initiative. Landor should have known, but their usual legal counsel had been unavailable and they had used another firm. Neeleman balked at paying the full fee, and Landor halved the bill. Was Curtis irritated? "That's one word for it," she answers

diplomatically, but then places the true marketer's spin on a situation: "In our journey, it was a necessary diversion." Thrifty was willing to negotiate, but the prospect of fighting for the name forced Neeleman to admit his own ambivalence. The truth was, he liked Blue but he never loved True Blue. It seemed too much like a boast.

One Friday night, only a week and a half before the press conference, Neeleman, Curtis, and the general counsel for the airline were on the phone once again discussing a name for the airline when Curtis, who was about to be late for dinner with her in-laws, threw out the name "Jet Blue." "At first," Neeleman says of the moment, "I thought *jet black*. But then I felt that click. *Jet* made it sound real, like it wasn't a puddle jumper, and the *blue* had that association with the wild blue yonder." JetBlue. Finally, the airline had a name—and Curtis wasn't even late for dinner.

Rebecca Johnson is a contributing editor for Vogue.

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The 6 Best Cocktails to Order on a Flight, According to a Nutritionist

BY **ANDREA ROMANO**

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PHOTO: GETTY IMAGES

There's nothing better than treating yourself to a little cocktail on a long haul flight.

However, not all cocktails are made alike when you're in the sky. Not only are flight attendants strapped on time, space, and sometimes even booze, but your own taste buds could get in the way of that delicious and enjoyable inflight beverage.

If you've always wondered why certain drinks taste better — or worse — in flight, you're not alone. Your taste buds react to food and drink a little differently when you're in the sky. You just need to know what to order.

Travel + Leisure spoke to Chicago nutritionist Lauren Grosskopf, MS, LDN, to see which cocktails taste best at 36,000 feet.

"Generally flying causes a combination of things that reduces our sensory experience," said Grosskopf. The dry air, cabin pressure, and even the noise on the plane — according to Grosskopf — can make your drinking experience dull or unpleasant.

"These factors in combination with an entirely new environment and travel exhaustion can affect our ability to taste and enjoy food," said Grosskopf. "Sweetness and saltiness are normally impacted."

The best way to choose your cocktail is to think about the ingredients. "Stick with one that has a stronger flavor profile — citrus, ginger, tomato, etc. These are all great options if you're looking to enjoy a cocktail on a plane," said Grosskopf. As a caveat, she noted that drinks with too much acid (such as tomato juice or citrus juice) can result in an upset stomach or heartburn if you're susceptible to these issues.

Grosskopf said that a bloody mary, gin and tonic, Moscow mule, and a mimosa are all "safe bets" on flights. She also noted that a glass of wine can be refreshing if you're not into spirits.

These are a few cocktails that are particularly popular with travelers.

Bloody mary

Flavor profile: tomato, celery salt, spice

It's easy to see why a bloody mary is a popular choice on a plane. Even if you're not into this drink on the ground, you'll be pleased to know that the dry air and airplane pressure can actually make this drink taste sweeter — so drinking it inflight is ideal.

"This would be a great drink to order on a plane. Acidic and balanced with some savory flavors," said Grosskopf.

Moscow mule

Flavor profile: bubbly, sharp ginger, citrus

This cocktail was actually Grosskopf's inflight drink of choice. "The flavors are strong and refreshing and the ginger helps ease stomach upset with nervous fliers," she said. The strong ginger beer and lime combo make this cocktail a nice sipping drink, so there's less of a chance of getting too drunk.

Gin and tonic

Flavor profile: mostly bitter (depending on the gin), citrus, bubbly

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If Moscow mules are too strong for you, a simple gin and tonic is not only easy for a flight attendant to serve, but it's also a cool and relaxing cocktail for people who want something a little more subtle. Of course, "subtle" on a plane can run the risk of being flavorless. "A lime garnish could be a nice touch to help increase flavor," said Grosskopf.

Honestly, is there any other way?

Mimosa

Flavor profile: citrus, bubbly, sometimes sweet

As Grosskopf said, sweet flavors can often become more dull when you're in flight — so if the Champagne, prosecco, or brut is combined with extra-sweet orange juice, this might not be a great choice. But, if your flight is serving up mimosas with a nice, dry sparkling wine and a tart juice, it could make for an excellent morning drink.

Similar to the bloody mary, tart, sour, or acidic flavors will taste sweeter in the air.

Rum and Coke

Flavor profile: sweet cola, bitter bite of rum

If your go-to soft drink is an ice-cold can of Coke, then you'll probably enjoy this adult take. Sweet sodas can taste different in the air, but a "bitter bite" of rum, as Grosskopf said, can make for a good combination.

Much like the gin and tonic, adding a twist of lime to your rum and coke (also known as a Cuba Libre) can enhance the flavor. Just avoid ordering a rum and Diet Coke, since diet drinks are notoriously extra fizzy on flights.

Scotch and soda

Flavor profile: bubbly, smooth, smokey

The smokiness and bitterness of this drink might actually taste just as good in the air as it does on the ground, so it's a good bet for Scotch drinkers. Plus, if you're a nervous flier or could use some effervescence to settle your nerves, the bubbly soda is there to help you out. This drink is also a good option for people who don't want too much acidity or sweetness.

There are plenty of other drinks that can be ordered in the sky, but many are either variations on the cocktails above — such as a bloody maria or a gin rickey — or contain ingredients that may not be readily available inflight.

For example, you could request a Tom Collins (gin, sparkling water, lemon juice, sugar, cherry, lemon wedge), but your flight may not have maraschino cherries or lemon juice. In general, it's best to stick to two-ingredient cocktails.

An Irish coffee can be a great choice for people who want a jolt as well as a cocktail — but the water used to make inflight coffee may not be filtered and could have bacteria. Bottled beverages are usually much safer.

And because flights have dry, circulated air, dehydration can be a problem, especially if you're drinking alcohol. Remember to also order a bottle of water with your cocktail so you'll be healthy and refreshed when you land.

Cheers.

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EXHIBIT 10

EXHIBIT
depokook.com
Applicant-19
Van Wijnbergen
3/2/2020

ICAO

List of Low-Cost-Carriers (LCCs)

based on ICAO definition

Global Air Transport Outlook to 2030 http://www.icao.int/sustainability/Pages/GATO2030.aspx

ICAO DATA+ http://stats.icao.int

as of 13 June 2017

e-mail: ecd@icao.int

Region	Country of AOC	Airline name	ICAO code	IATA code	Beginning of operation	Ceased operation	Former names	Notes
Africa	South Africa	1time Airline	RNX	1Ti	2004	2012		
Africa	Egypt	Air Arabia Egypt	RBG	E5	2010			Operates flights on behalf of parent airlines Air Arabia and offers connections through Sharjah to all Air Arabia destinations
Africa	Morocco	Air Arabia Maroc	MAC	3O	2009			
Africa	Egypt	Air Leisure	ALD	AL	2015			
Africa	Kenya	Air Peace	APK	P4	2016			
Africa	Morocco	Atlas Blue	BMM	8A	2004	2009		Integrated in Royal Air Maroc
Africa	Egypt	Aviator Aviation	AVV	T9	2016			
Africa	Tanzania	Fastjet	FTZ	FN	2012			Easyjet owns 5,5 %
Africa	Kenya	Five Forty Aviation	FFV	5H	2009			
Africa	Kenya	Jambojet		JX	2014	2017		
Africa	Morocco	Jet4you	JFU	8J	2006	2012		Merged with JetairFly (Belgium)
Africa	South Africa	kulula.com	CAW	MN	2001			Low cost subsidiary of Comair Airlines
Africa	South Africa	Mango Airlines	MNO	JE	2006			Low cost subsidiary of South African Airways
Africa	South Africa	Namibia Flyafrica	NMD	N6	2015			
Africa	South Africa	Safair	SFR	FA	2014			
Africa	South Africa	Skywise Airline	SWZ	C9	2015	2015		
Asia and Pacific	China	9 Air	JYH	AQ	2015			
Asia and Pacific	Indonesia	Adam Air	DHI	KI	2002	2008		Formerly Acam Skyconnection Airlines
Asia and Pacific	Pakistan	Aero Asia International	RSO	E4	1993	1997		
Asia and Pacific	Malaysia	Air Asia	AXM	AK	1996			Tune Air Sdn Bhd's control since 2001
Asia and Pacific	India	Air Asia India	IAD	I5	2014			
Asia and Pacific	Japan	Air Asia Japan	WAJ	JW	2012	2013		
Asia and Pacific	Malaysia	Air Asia X	XAX	D7	2007			Long haul subsiciary of Air Asia
Asia and Pacific	Philippines	Air Asia Zest	EZD	Z2	1995	2016	Asian Spirit (1995-2008), Zest Airways (2008-2013)	
Asia and Pacific	Pakistan	Air Blue	ABQ	PA	2004			
Asia and Pacific	Republic of Korea	Air Busan	ABL	BX	2008			
Asia and Pacific	Japan	Air Do	ADO	HD	1998			Bankruptcy protection from 2002 to 2005
Asia and Pacific	India	Air India Express	AXB	IX	2004			
Asia and Pacific	Kyrgyzstan	Air Manas	MBB	ZM	2013			
Asia and Pacific	India	Air Pegasus	PPL	OP	2015	2016		
Asia and Pacific	Republic of Korea	Air Seoul	ASV	RS	2016			

Region	Country of AOC	Airline name	ICAO code	IATA code	Beginning of operation	Ceased operation	Former names	Notes
Asia and Pacific	Philippines	Cebgo	SRQ	DG	1995		SEAir (1995-2012)	
Asia and Pacific	Philippines	Cebu Pacific Air	CEB	5J	1996			
Asia and Pacific	China	Chengdu Airlines	UEA	EU	2010			
Asia and Pacific	China	China West Air	CHB	PN	2007			
Asia and Pacific	Indonesia	Citilink	CTV	QG	2001			Offers connections in its hub/focus cities, one bag free
Asia and Pacific	Australia	Compass Airlines		YM	1990	1993		Ceased operations in 1991, resumed services under SCA in 1992
Asia and Pacific	Republic of Korea	Eastar Jet	ESR	ZE	2007			
Asia and Pacific	New Zealand	Freedom Air	FOM	5J	1995	2008		
Asia and Pacific	India	GoAir	GOW	G8	2005			
Asia and Pacific	Myanmar	Golden Myanmar Airlines	GMR	YS	2013			
Asia and Pacific	China (Hong Kong SAR)	Hong Kong Express Airways	HKE	UO	2004			
Asia and Pacific	Australia	Impulse Air		VQ	1992	2004		Integrated into the QantasLink Group of subsidiary airlines in 2001
Asia and Pacific	India	IndiGo	IGO	6E	2006			
Asia and Pacific	Indonesia	Indonesia Air Asia	AWQ	QZ	1999		Awair International (1999-2004)	Ceased operations in 2002, resumed operations in 2004
Asia and Pacific	Republic of Korea	Jeju Air	JJA	7C	2005			
Asia and Pacific	India	JetKonnect	JKL	9W	2014			
Asia and Pacific	Australia	Jetstar	JST	JQ	2003			Replaced Impulse Airlines brand in 2004
Asia and Pacific	Singapore	Jetstar Asia Airways	JSA	3K	2004			Formed in 2004 (49% Qantas, 19% Temasek Holdings) Jetstar Asia and ValueAir was integrated under a holding company
Asia and Pacific	Japan	Jetstar Japan	JJP	GK	2012			Only domestic routes codeshare and frequent flyer program with JAL
Asia and Pacific	Vietnam	Jetstar Pacific Airlines	PIC	BL	1991		Pacific Airlines (1991-2008)	
Asia and Pacific	Republic of Korea	Jin Air	JNA	LJ	2008			Planned initial name was Air Korea
Asia and Pacific	India	Kingfisher Red	KFR	IT	1995	2011	Initially founded as Deccan Aviation (1995-2002) Air Deccan (2002-2008)	
Asia and Pacific	New Zealand	Kiwi Travel International Airlines	KIC	KC	1994	1996	Kiwi Travel Air Charters (1994-1995)	
Asia and Pacific	Indonesia	Lion Air	LNI	JT	2000			
Asia and Pacific	China	Lucky Air	LKE	8L	2016			
Asia and Pacific	Malaysia	Malindo Air	MXD	OD	2012			
Asia and Pacific	Sri Lanka	Mihin Lanka	MLR	MJ	2007			
Asia and Pacific	Thailand	Nok Air	NOK	DD	2004			
Asia and Pacific	Thailand	NokScoot Airlines	NCT	XW	2015			
Asia and Pacific	China (Hong Kong SAR)	Oasis Hong Kong Airlines	OHK	O8	2005	2008		
Asia and Pacific	Thailand	ONE-two-GO	OTG	OX	2003	2007		
Asia and Pacific	New Zealand	Pacific Blue	PBN	DJ	2003	2011		
Asia and Pacific	Philippines	PAL Express	GAP	2P	2008			Formerly Air Philippines
Asia and Pacific	Japan	Peach Aviation	APJ	MM	2012			
Asia and Pacific	Philippines	Philippines Air Asia	APG	PQ	2012			
Asia and Pacific	China	Roili Airlines	RLH	DR	2013			
Asia and Pacific	Singapore	Scoot	SCO	TZ	2012			
Asia and Pacific	Philippines	SEAir International	SEO	XO	2012			
Asia and Pacific	Japan	Skymark Airlines	SKY	BC	1998			

Region	Country of AOC	Airline name	ICAO code	IATA code	Beginning of operation	Ceased operation	Former names	Notes
Asia and Pacific	Japan	Solaseed Air	SNJ	LQ	2002		initially founded as Pan Asia Airlines (1997-1999), Skynet Asia Airways	Operated under Industrial Revitalization Corporation of Japan (IRCJ) from 2004 to 2007
Asia and Pacific	India	SpiceJet	SEJ	SG	2000		Royal Airways (2000-2005)	
Asia and Pacific	China	Spring Airlines	CQH	9C	2004			
Asia and Pacific	Japan	Spring Airlines Japan	SJO	IJ	2014			
Asia and Pacific	Japan	StarFlyer	SFJ	7G	2002		Kobe Airlines (2002-2003)	
Asia and Pacific	New Zealand	Tasman Express		NZ	2003	defunct		Division of Air New Zealand (2003-)
Asia and Pacific	Thailand	Thai AirAsia	AIQ	FD	2003			
Asia and Pacific	Thailand	Thai AirAsia X	TAX	XJ	2014			
Asia and Pacific	Thailand	Thai Lion Air	TLM	SL	2013			
Asia and Pacific	Thailand	Thai VietJet Air	TVJ	VZ	2015			
Asia and Pacific	Australia	Tiger Airways Australia	TGG	TT	2007			AOC was temporarily suspended in 2011 due to various safety issues
Asia and Pacific	Indonesia	Tigerair Mandala	MDL	RI	2011	2014		Founded in 1965 as Mandala Airlines, grounded in 2011
Asia and Pacific	Singapore	Tigerair Singapore	TGW	TR	2003			
Asia and Pacific	Taiwan Province of China	Tigerair Taiwan	TTW	IT	2014			
Asia and Pacific	India	TruJet	TRJ	2T	2015			
Asia and Pacific	Republic of Korea	T'way Airlines	TWB	TW	2004		Hansung Airlines (2004-2010)	
Asia and Pacific	Australia	V Australia	VAU	VA	2009	2011		Merged with Virgin Australia in 2011
Asia and Pacific	Singapore	ValuAir	VLU	VF	2004	2005		Acquired in 2005 by Jetstar Asia
Asia and Pacific	Japan	Vanilla Air	VNL	JW	2013			
Asia and Pacific	Vietnam	VietJet Air	VJC	VJ	2011			
Asia and Pacific	Australia	Virgin Australia	VOZ	VA	2000			Formerly Virgin Blue Airlines, absorbed V Australia in 2011
Asia and Pacific	Samoa	Virgin Samoa	PBN	DJ	2005		Polynesian Blue (2005-2011)	
Asia and Pacific	China (Macau SAR)	Viva Macau	VVM	ZG	2005	2010		
Asia and Pacific	Indonesia	Wings Air	WON	IW	2003			
Europe	United Kingdom	AB Airlines			1992	1999	Air Bristol (1992-1995)	Formed in 1992 by a group of former Brymon Airlines
Europe	Ireland	Aer Arann	REA	RE	1970	2014		
Europe	France	Aeris		SH	1990	2003	Air Toulouse (1990-1999)	
Europe	Italy	Air Europe			1988	2008		Merged with Volare Airlines in 2000 (became one brand of Volare)
Europe	Poland	Air Polonia		4P	2001	2004		
Europe	United Kingdom	Air Scotland			2002	2006		Formed in 2002 for Electra Airlines (Greece), Switched agreement to Air Holland in 2003.
Europe	Italy	Air Service Plus			2003	defunct		
Europe	United Kingdom	Air Southwest	WOW	WO	2003	2011		
Europe	Albania	Albawings	AWT	2B	2016			
Europe	Turkey	Atlasjet Airlines	KKK	KK	2001			
Europe	Netherlands	Basiq Air			2000	2005	Transavia Limburg (1965-1966), Transavia Holland (1966-1986), Transavia Airlines (1986-2005)	Merged to Transavia.com in 2005
Europe	Albania	Belle Air	LBY	LZ	2005	2013		
Europe	Romania	Blue Air	BMS	0B	1988			
Europe	Italy	Blue Panorama	BPA	BV	1998			Operating under the brand Blu-Express for low-cost operations
Europe	Finland	Blue1	BLF	KF	1987	2016	Air Botnia (1987-2004)	

Region	Country of AOC	Airline name	ICAO code	IATA code	Beginning of operation	Ceased operation	Former names	Notes
Europe	United Kingdom	BMIBaby	BMI	WW	2002	2012		
Europe	Malta	BritishJET			2004	2008		
Europe	United Kingdom	Buzz			1999	2003		Merged into Ryanair in 2003
Europe	Poland	Centralwings		CO	2004	2009		Became a charter only operation in 2008
Europe	Italy	Ciao Fly			2002	2002		
Europe	Spain	Clickair	CLI	XG	2006	2009		Merged with Vueling in 2007
Europe	Cyprus	Cobalt Aero	FCB	CO	2016			
Europe	Norway	Color Air			1998	1999		
Europe	Germany	Condor Flugdienst	CFG	DE	1955		Deutsche Flugdienst (1955-1961)	All flights started to fly under Thomas Cook banner in 2003
Europe	Turkey	Corendon Airlines	CAI	7H	2005			
Europe	Germany	Dauair	DAU	D5	2005	2006		
Europe	Germany	DBA		DI	1978	2007	Delta Air Regionalflugverkehr (1978-1992), Deutsche BA (1992-2002)	Merged with Germania Express in 2005 Merged into Airberlin in 2007
Europe	United Kingdom	Debonair		2G	1995	1999		
Europe	Germany	Deutsche BA	DET	DI	1996	2003		
Europe	Netherlands	Dutchbird	DBR	5D	2000	2004		
Europe	United Kingdom	easyJet	EZY	U2	1995			
Europe	Switzerland	Easyjet Switzerland	EZS	DS	1988		TEA Basel (1988-1998)	
Europe	Ireland	Eujet	EJJ	VE	2003	2005		
Europe	Germany	Eurowings	EWG	EW	1996			
Europe	Austria	Eurowings Europe	EWE	E2	2016			
Europe	Malta	Fare4U			2004	2006		Integrated to Air Malta in 2006
Europe	Switzerland	Flybabor	BBO	F7	2003	2011		Acquired by Darwin Airlines
Europe	United Kingdom	Flybe	BEE	BE	1979		Jersey European Airways (1979-2000) British European Airways (2000-2002)	Merged with Spacegrand Aviation in 1985, merged with BA Connect in 2007
Europe	United Kingdom	FlyGlobespan	GSM	Y2	2002	2009		
Europe	Finland	Flying Finn	FFW		2003	2004		
Europe	Sweden	FlyMe		SH	2003	2007		
Europe	Sweden	FlyNordic		LF	2000	2008	Nordic Airlink	Integrated into Norwegian Air Shuttle in 2008
Europe	France	Flywest			2004	2005		
Europe	Germany	Germania Express		ST	2003	2005		Merged into DBA in 2005
Europe	Germany	Germanwings	GWI	4U	2002			
Europe	United Kingdom	GO		GO	1997	2002		Merged into Easyjet in 2002
Europe	Switzerland	Helvetic Airways	OAW	2L	2001		Odette Airways (2001-2003)	
Europe	Portugal	Hifly	HFY	SK	2006		Air Luxor (1988-2005)	Concentrated on charter operations as a result of sale of scheduled operations to Lonestack Financial Group in 2006
Europe	Iceland	Iceland Express		HC	2002	2012		
Europe	Austria	InterSky	ISK	3L	2001	2015		
Europe	Italy	ILAI Airlines	ACL	9X	2003	2011		
Europe	United Kingdom	Jet Green			2004	2004		
Europe	United Kingdom	Jet2.com	EXS	LS	2002			Channel Express was rebranded and replaced by Jet2.com in 2006
Europe	Ireland	JetMagic		GX	2002	2004		

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Region	Country of AOC	Airline name	ICAO code	IATA code	Beginning of operation	Ceased operation	Former names	Notes
Europe	United Kingdom	Manx2		NM	2006	2012		
Europe	Italy	Meridiana	ISS	IG	1964		Alisarda (1963-1991)	
Europe	United Kingdom	Monarch scheduled	MON	ZB	2004			
Europe	Italy	MyAir (MyWay Airlines)	MYW	8I	2004	2009		
Europe	United Kingdom	Mytravelline			2002	2005		Integrated to Mytravel Airways in 2003
Europe	Austria	Niki	NLY	HG	2003			Formed from former Aero Lloyd Austria operation
Europe	Norway	Norwegian Air Shuttle	NAX	DY	1993			Formed in 1993 following collapse of Busy Bee Airlines
Europe	Turkey	Onur Air	ONY	8Q	1992			
Europe	Turkey	Pegasus Airlines	PGT	H9	1989			
Europe	Russia	Pobeda	PBD	DP	2015			
Europe	Ireland	Ryanair	RYR	FR	1985			Merged with Buzz in 2003
Europe	Slovak Republic	Sky Europe Airlines	ESK	NE	2002	2009		SkyEurope Holdings AG was established in Vienna in 2005
Europe	Hungary	SkyEurope Hungary	TVL	5P	2003	2009		
Europe	Russia	SkyExpress	SKR	XW	2007	2011		
Europe	Czech Republic	SmartWings	TVS	QS	2008			
Europe	Sweden	Snälskjutsen			2002	2005		Integrated into Malmö Aviation in 2005
Europe	Sweden	Snowflake			2002	2004		Integrated into SAS in 2005
Europe	Denmark	Sterling	SNB	NB	1962	2008	Sterling European Airways (1994-2005)	Bankrupted and Cimber acquired 100% in 2008
Europe	Turkey	SunExpress	SXS	XQ	1990			
Europe	Germany	SunExpress Deutschland	SXD	XQ	2011			
Europe	Sweden	Sverigeflyg			2011	2016		Comprises of Blekingeflyg, Gotlandsflyg, Kalmarflyg, Kullaflyg and [illegible]
Europe	France	Transavia France	TVF	TO	2007			
Europe	Netherlands	Transavia.com	TRA	HV	1966			Merged with Basiq Air and rebranded Transavia.com in 2005
Europe	Belgium	TUI fly Belgium	JAF	TB	2005			
Europe	Germany	TUIfly	TUI	X3	2007		Hapag-Lloyd Express (HLX, 2002-2007)	Integrated with Hapagfly to become TUIfly (Hapag-Lloyd Express became a marketing brand)
Europe	Netherlands	V Bird	VBA		2003	2004		
Europe	Belgium	Virgin Express	VEX	TV	1996	2006	EuroBelgian (1990-1996)	Merged with SN Brussels Airlines under a holding company SN Airholding in 2005
Europe	France	Virgin Express France			1995	1999	Air Provence Charter (1995-1997)	
Europe	Ireland	Virgin Express Ireland		TV	1998	2001		
Europe	Italy	Volareweb.com	PVL	VA	1997	2009		Merged with Air Europe in 2000. ceased operations in 2006, resumed operations in 2005
Europe	Spain	Volotea	VOE	V7	2012			
Europe	Spain	Vueling	VLG	VY	2004			
Europe	Italy	Wind Jet	JET	IV	2003	2012		
Europe	Hungary	Wizz Air	WZZ	W6	2003			
Europe	Bulgaria	Wizz Air Bulgaria	WVL	8Z	2005	2011		
Europe	Ukraine	Wizz Air Ukraine	WAU	WU	2008	2015		
Europe	Iceland	WOW Air	WOW	WW	2012			
Europe	United Kingdom	XL Airways		JN	1994	2008	Sabre Airways (1994-2002) Excel Airways (2002-2006)	Merged with Britannia Airways in 2005, merged with First Choice Airways to form Thomson Airlines in 2008
Latin America and the Caribbean	Honduras	Aero Líneas Sosa	APK	P4	2003	2016		

Region	Country of AOC	Airline name	ICAO code	IATA code	Beginning of operation	Ceased operation	Former names	Notes
Latin America and the Caribbean	Mexico	AeroCalifornia	SER	JR	1960	2008		
Latin America and the Caribbean	Mexico	Alma de Mexico	MSO	C4	2006	2008		
Latin America and the Caribbean	Mexico	Aviacsa	CHP	6A	1990	2011		
Latin America and the Caribbean	Brazil	Avianca Brazil	ONE	O6	2002	defunct		
Latin America and the Caribbean	Mexico	Aeclar	VLI	V5	2005	2008		
Latin America and the Caribbean	Brazil	Azul Linhas Aereas Brazileiras	AZU	AD	2008			
Latin America and the Caribbean	Brazil	BRA Transportes Aereos	BRB	7R	1999	2007	Brasil Rodo Aérea (1999-2006)	
Latin America and the Caribbean	Mexico	Calafia Airlines	CFV	A7	2016			
Latin America and the Caribbean	Colombia	Easy Fly	EFY	EF	2007			
Latin America and the Caribbean	Brazil	GOL Linheas Aereas	GLO	G3	2001			Acquired Varig in 2007
Latin America and the Caribbean	Mexico	Interjet	AIJ	4O	2005			
Latin America and the Caribbean	Mexico	Lineas Aereas Aztecas	LCO	ZE	2001	2007		Formed in 2000 after TAESA closed down
Latin America and the Caribbean	Mexico	Mexicana Click	CBE	QA	2005	2010	Aerocaribe (1975-2005) and MexicanaClick	Re-branded as low-cost operator Click Mexicana in 2005
Latin America and the Caribbean	Chile	Sky Airline	SKU	H2	2001			
Latin America and the Caribbean	Venezuela	Transcarga	AVV	T9	2008	2016		
Latin America and the Caribbean	Mexico	VivaAerobus	VIV	VB	2006			
Latin America and the Caribbean	Colombia	VivaColombia	VVC	FC	2012			
Latin America and the Caribbean	Mexico	Volaris	VOI	Y4	2005			Formed from proposed low-cost carrier Vuelamex
Latin America and the Caribbean	Costa Rica	Volaris Costa Rica	VOC	D4	2016			
Latin America and the Caribbean	Brazil	Webjet Linheas Aereas	WEB	WH	2005	2012		
Middle East	UAE	Air Arabia	ABY	G9	2003			Offers connections in its Sharjah hub
Middle East	Jordan	Air Arabia Jordan	PTR	9P	2015			
Middle East	UAE	flyDubai	FDB	FZ	2008			Emirates applies its code on several flyDubai flights
Middle East	Saudi Arabia	Flynas	KNE	XY	2007			Codeshare with Etihad Airways, former name NAS Air
Middle East	Kuwait	Jazeera Airways	JZR	J9	2005			
Middle East	Jordan	Jordan Aviation	JAV	R5	2013			
Middle East	Oman	Salam Air	OMS	OV	2017			
Middle East	Saudi Arabia	Sama	SMY	ZS	2006	2010		
North America	United States	Access Air	CFD	ZA	1996	2001		Chapter 11 bankruptcy protection in 1999
North America	Canada	Air Canada Tango			2001	2004		Dissolved in 2004 (but Air Canada still advertises 'tango' as a type of fare on its regular services)
North America	United States	Air South	KKB	WV	1993	1997		
North America	United States	Air Tran Airways	TRS	FL	1992		Conquest Sun (1992-1994)	AirWays Corporation (holding company) merged with Valujet and became AirTran Holdings Inc in 1997 (ValuJet became AirTran Airlines)
North America	United States	Allegiant Air	AAY	G4	1998		WestJet Express(1997-1998)	Chapter 11 bankruptcy protection in 2000
North America	United States	ATA Airlines	AMT	TZ	1973	2008	American Trans Air (ATA, 1973-2003)	Chapter 11 bankruptcy protection from 2004 to 2006
North America	Canada	CanJet Airlines	CJA	C6	1999	2015		Merged into Canada 3000 in 2001, restarted in 2002 became a charter only operation in 2004
North America	United States	Continental Lite			1993	1995		Integrated into Continental Airlines in 1995
North America	United States	Delta Express			1996	2003		Replaced by Song in 2003
North America	United States	Eastwind Airlines	SBR	W9	1993	1999		
North America	Canada	Flair Airlines	FLE	F8	2016			

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Region	Country of AOC	Airline name	ICAO code	IATA code	Beginning of operation	Ceased operation	Former names	Notes
North America	United States	Frontier Airlines	FFT	F9	1994			
North America	United States	Go!		YV	2006	2014		
North America	Canada	Harmony Airways	HMY	HQ	2002	2007	HMY Airways (2002-2004)	
North America	United States	Independance Air	IDE	DH	1989	2006	Atlantic Coast Airlines (1989-2003)	Operated as United Express and Delta Connection
North America	United States	JetBlue Airways	JBU	B6	1998			
North America	Canada	Jetsgo		SG	2002	2005		
North America	United States	Kiwi International Airlines	KIA	KP	1992	1999		
North America	United States	Laker Airways	LBH		1995	1997		
North America	United States	Metrojet	USA		1998	2001		Integrated into US Airways in 2001
North America	United States	Midway Airlines	MDW	ML	1976	1991		
North America	United States	Midwest Airlines	MEP	YX	1983	2010	Midwest Express (1983-2003)	
North America	United States	Morris Air	MSS		1984	1994		
North America	United States	National Airlines	NAN	N7	1995	2002		
North America	United States	New York Air	NYA	NY	1980	1987		Merged into Continental Airlines in 4987
North America	United States	Pacific Southwest Airlines	PSX	PS	1949	1988		Merged into USAir in 1988
North America	United States	People Express		PE	1981	1987		Merged with Frontier Airlines in 1985 and Entl Airways and Provincetown Boston Airways in 1986, merged into Continental Airlines
North America	United States	Pro Air	PSZ	P9	1996	2000		
North America	United States	Reno Air	ROA	QQ	1990	1999		American Airlines acquired 100% and absorbed in 1999
North America	United States	Shuttle by United			1994	2001		Integrated into United Airlines in 2001
North America	Canada	Sky Regional Airlines	ASV	RS	2014	2016		
North America	United States	Skybus Airlines	SKB	SX	2004	2008		
North America	United States	SkyValue USA		XP	2006	2007		
North America	United States	Song			2002	2006		Integrated into Delta Airlines in 2006
North America	United States	Southwest Airlines	SWA	WN	1967		Air Southwest (1967-1971)	Merged with Morris Air in 1994
North America	United States	Spirit Airlines	NKS	NK	1980		Charter One (1980-1992)	
North America	United States	Sun Country Airlines	SCX	SY	1982			
North America	Canada	Sunwing	SWG	WG	2005			
North America	United States	Ted			2003	2009		Integrated into United Airlines in 2009
North America	United States	Tower Air	TOW	FF	1982	2000		
North America	United States	USA 3000	GWY	U5	2001	2012		Brendan Airways doing business as USA 3000 Airlines
North America	United States	ValuJet	VJA	J7	1993	1997		Merged into AirWays Corp (AirTran Airways) in 1997
North America	United States	Vanguard	VGD	NJ	1974	2002		
North America	United States	ViaAir	SRY	VC	2015			
North America	United States	Virgin America	VRD	VX	2007			
North America	United States	Western Pacific	KMR	W7	1994	1998		
North America	Canada	Westjet Airlines	WJA	WS	1995			
North America	Canada	Westjet Encore	WEN	WR	2017			
North America	Canada	ZIP	WZP	3J	2002	2004		
North America	Canada	Zoom Airlines	OOM	Z4	2002	2008		