

ESTTA Tracking number: **ESTTA971410**

Filing date: **05/03/2019**

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

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	SpinMedia LLC
Granted to Date of previous extension	05/05/2019
Address	340 Madison Avenue, 6th Floor New York, NY 10173 UNITED STATES

Attorney information	Gene S. Winter St. Onge Steward Johnston & Reens, LLC 986 Bedford Street Stamford, CT 06905-5619 UNITED STATES AProvino@ssjr.com, Litigation@ssjr.com 2033246155
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Applicant Information

Application No	86810410	Publication date	11/06/2018
Opposition Filing Date	05/03/2019	Opposition Period Ends	05/05/2019
International Registration No.	NONE	International Registration Date	NONE
Applicant	Universal International Music B.V. Gerrit van der Veenlaan 4 Baarn, 3743DN NETHERLANDS		

Goods/Services Affected by Opposition

<p>Class 009. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Pre-recorded audio tapes, discs and cassettes, video tapes, discs and cassettes, digital audio and audio video tapes and discs, CDs, DVDs, laser discs, and phonograph records featuring musical sound and video recordings; theatrical and musical sound and video recordings; downloadable ring tones, music, mp3 files featuring musical sound and video recordings, images in the field of music, and videos in the field of music for wireless communication devices, namely, computers, laptops, mobile computers, mobile phones, personal digital assistants, smartphones, smart televisions, smart watches, and tablet computers; downloadable music, mp3 files featuring musical sound and video recordings, images in the field of music, and videos in the field of music; turntable slipmats; mouse pads; downloadable electronic publications in the nature of books, booklets, sheet music, magazines, journals, manuals, brochures, leaflets, pamphlets and newsletters, all in the field of music; downloadable mobile applications for use in connection with accessing, downloading, and streaming music; downloadable electronic publications in</p>
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the field of music

Applicant Information

Application No	86810426	Publication date	11/06/2018
Opposition Filing Date	05/03/2019	Opposition Period Ends	
International Registration No.	NONE	International Registration Date	NONE
Applicant	Universal International Music B.V. Gerrit van der Veenlaan 4 Baarn, 3743DN NETHERLANDS		

Goods/Services Affected by Opposition

Class 038. First Use: 0 First Use In Commerce: 0


All goods and services in the class are opposed, namely: Broadcast of cable television programs; broadcasting programs via a global computer network; cable radio broadcasting and transmission; cable, network and satellite television broadcasting and transmission services; music broadcasting; video broadcasting; audio broadcasting; subscription television broadcasting; radiobroadcasting services; electronic transmission of data broadcasting services; television broadcasting services; internet broadcasting services; transmitting streamed sound and audio-visual recordings via the Internet; streaming of audio and video material on the Internet; digital and electronic transmission of voice, data, sound, images, audio and video content, and messages; video-on-demand transmission services; providing on-line chat rooms, forums, and electronic bulletinboards for transmission of messages among users concerning music and entertainment; providing wireless electronic transmission of uploadable and downloadable ring tones, voice, music, mp3 files, images, videos, information and news via a global computer network to wireless mobile communication devices; sending and receiving voice and text messages between wireless communication devices; providing wireless communication services, namely, electronic transmission of ringtones to mobile telephones and mobile devices; and providing multiple-user access to a global computer information network; information consultancy and advisory services relating to all of the aforesaid

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
No bona fide intent to use mark in commerce for identified goods or services	Trademark Act Section 1(b)

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	4750280	Application Date	09/11/2012
Registration Date	06/09/2015	Foreign Priority Date	NONE
Word Mark	SPIN		

Design Mark	
Description of Mark	NONE
Goods/Services	<p>Class 009. First use: First Use: 1995/09/00 First Use In Commerce: 1995/09/00 Downloadable music, pictures, graphics, and images via global computer networks, mobile telephones, and other digital communications networks and wireless devices; musical sound recordings; downloadable audio and video recordings featuring information in the fields of music, music-related entertainment, pop culture and celebrities; video recordings featuring music and information about music entertainment related to pop culture and celebrities; downloadable computer software for creating, managing, uploading, publishing, aggregating, updating, sharing, and viewing digital content over global computer networks, mobile telephones, and other wireless digital devices; downloadable electronic magazines, journals, newsletters and articles featuring information in the field of general human interest</p> <p>Class 035. First use: First Use: 1985/00/00 First Use In Commerce: 1985/00/00 Advertising, marketing and promotion services; advertising and marketing consultancy; providing a web site which features advertisements for the goods and services of others on a global computer network; conducting online public opinion polls</p> <p>Class 038. First use: First Use: 1995/09/00 First Use In Commerce: 1995/09/00 Providing online forums and electronic bulletin boards for the transmission of messages among computer users featuring information in the field of general interest; electronic transmission of data and information via global computer networks, mobile telephones, and other wireless electronic communication networks; transmission of information, data, audio, video, and multimedia content via global computer networks, mobile telephones, and other wireless electronic communications networks; transmission of digital content, featuring text, graphics, images, pictures, audio, and video via global computer networks, mobile telephones, and other wireless electronic communications networks</p> <p>Class 041. First use: First Use: 1995/09/00 First Use In Commerce: 1995/09/00 Entertainment services, namely, providing a web site portal featuring links to musical performances, musical videos, related film clips, photographs, and other multimedia entertainment materials; entertainment services, namely, providing information, news, commentary, and photo presentations in the fields of music, music-related entertainment, pop culture and celebrities, via global computer networks, mobile telephones, and other digital communication networks and wireless devices; electronic publishing services, namely, publication of text and graphic works of others; online digital publishing of audio, video and multimedia material for others featuring text, pictures, graphics, images and music; providing non-downloadable pre-recorded music and non-downloadable audio, and video musical presentations via global computer networks, mobile telephones, and other digital communication networks and wireless devices; providing non-downloadable electronic magazines, newsletters, journals and articles featuring information of general human interest; providing non-downloadable articles featuring information in the fields of music, music-related entertainment, pop culture</p>

	<p>and celebrities; entertainment services, namely, providing online contests; conducting contests of general interest; arranging and conducting special events for social entertainment purposes; arranging and conducting concerts and live musical events; online journals, namely, blogs in the field of general human interest; providing online searchable databases featuring information in the field of popular culture; information services, namely, providing information by means of a global computer network in the fields of music and entertainment related to subjects of pop culture and celebrity; providing temporary use of non-downloadable music files by means of a global computer network; providing an Internet website portal featuring links to musical artist websites and music performance ticket information</p> <p>Class 042. First use: First Use: 1994/12/00 First Use In Commerce: 1994/12/00 Hosting of digital content on the internet; hosting of digital content, namely, text, graphics, images, pictures, audio, and video on the internet</p>
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U.S. Registration No.	1351650	Application Date	01/25/1985
Registration Date	07/30/1985	Foreign Priority Date	NONE
Word Mark	SPIN		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 016. First use: First Use: 1984/12/00 First Use In Commerce: 1984/12/00 GENERAL-INTEREST MAGAZINE		

U.S. Application No.	87861418	Application Date	04/03/2018
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	SPIN		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 0 First Use In Commerce: 0 3d virtual reality glasses; head phones; ear buds; portable vibration, sound-bar and wireless speakers; battery chargers for mobile phones; cell phone accessories, namely, cell phone cases, cell phone covers, cell phone straps, headsets for cellular phones; USB hubs; karaoke speakers and microphones; computer software and computer application software for mobile phones, portable media players, handheld computers for downloading music, playing games, performing social media functions, receiving music and entertainment news alerts and receiving information regarding music and entertainment; mobile phones; electronic devices, namely, mobile computers, mobile data receivers, handheld		

	computers, and personal data assistants Class 028. First use: First Use: 0 First Use In Commerce: 0 Video game players, namely, hand held units for playing electronic video games for use with external display screen or monitor
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U.S. Application No.	87864513	Application Date	04/05/2018
Registration Date	NONE	Foreign Priority Date	NONE

Word Mark	SPIN
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Description of Mark	The mark consists of the stylized word SPIN.
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Goods/Services	Class 009. First use: First Use: 0 First Use In Commerce: 0 3d virtual reality glasses; head phones; ear buds; portable vibration, sound-bar and wireless speakers; battery chargers for mobile phones; cell phone accessories, namely, cell phone cases, cell phone covers, cell phone straps, headsets for cellular phones; USB hubs; karaoke speakers and microphones; computer software and computer application software for mobile phones, portable media players, handheld computers for downloading music, playing games, performing social media functions, receiving music and entertainment news alerts and receiving information regarding music and entertainment; mobile phones; electronic devices, namely, mobile computers, mobile data receivers, handheld computers, and personal data assistants Class 028. First use: First Use: 0 First Use In Commerce: 0 Video game players, namely, hand held units for playing electronic video games for use with external display screen or monitor
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U.S. Application No.	88095974	Application Date	08/28/2018
Registration Date	NONE	Foreign Priority Date	NONE

Word Mark	SPIN AUDIO
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Design Mark	
Description of Mark	The mark consists of a square divided between an upper portion in a contrast-ingshade to a bottom portion, with the word "SPIN" in the upper portion and the word "AUDIO" in the bottom portion.
Goods/Services	Class 009. First use: First Use: 0 First Use In Commerce: 0 Audio speakers; Battery chargers; Earbuds; Headphones; Wireless chargers

Attachments	85726310#TMSN.png(bytes) 87861418#TMSN.png(bytes) 87864513#TMSN.png(bytes) 88095974#TMSN.png(bytes) Notice of Opposition for Classes 9 and 38 Due 5-5-19.pdf(239824 bytes) EXHIBIT 1.pdf(1243819 bytes)
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Signature	/Gene S. Winter/
Name	Gene S. Winter
Date	05/03/2019

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

Spinmedia LLC,	:	
	:	
	:	
Opposer,	:	
v.	:	Opposition No.
	:	[not yet assigned]
Universal International Music B.V.,	:	
	:	
Applicant.	:	

Re U.S. Trademark Application Serial Nos. 86-810410; 86-810426
For: **SPINNUP**
Extension of Time Extended Thru: May 5, 2019

NOTICE OF OPPOSITION

Opposer, **Spinmedia LLC**, a Delaware Limited Liability Company having its principal place of business at 340 Madison Avenue, 6th floor, New York, NY 10173 (“Opposer”), believes it will be damaged by the allowance and subsequent registration of the mark SPINNUP and U.S. Trademark Application Serial Nos. 86-810410; 86-810426 referenced above, and hereby opposes registration in classes 9 and 38 thereof pursuant to Section 13 of the 1946 Trademark Act (15 U.S.C. §1063), alleging as grounds for opposition that:

1. Opposer is the owner of the famous trademark SPIN for use in connection with a wide variety of goods and services and owns a family of SPIN marks and registrations in the publishing, editorial, music and entertainment industries.

2. Opposer and its predecessors in interest have used the trademark SPIN in the publishing, editorial, music and entertainment industry since 1984.

3. Opposer and its predecessors in interested have used and currently use the trademark SPIN throughout the United States for the following goods and services:

general-interest magazines in international class 16;
downloadable music, pictures, graphics, and images via global computer networks, mobile telephones, and other digital communications networks and wireless devices; musical sound recordings; downloadable audio and video recordings featuring information in the fields of music, music-related entertainment, pop culture and celebrities; video recordings featuring music and information about music entertainment related to pop culture and celebrities; downloadable computer software for creating, managing, uploading, publishing, aggregating, updating, sharing,

and viewing digital content over global computer networks, mobile telephones, and other wireless digital devices; downloadable electronic magazines, journals, newsletters and articles featuring information in the field of general human interest; 3d virtual reality glasses; head phones; ear buds; portable vibration, soundbar and wireless speakers; battery chargers for mobile phones; cell phone accessories, namely, cell phone cases, cell phone covers, cell phone straps, headsets for cellular phones; USB hubs; karaoke speakers and microphones; computer software and computer application software for mobile phones, portable media players, handheld computers for downloading music, playing games, performing social media functions, receiving music and entertainment news alerts and receiving information regarding music and entertainment; mobile phones; electronic devices, namely, mobile computers, mobile data receivers, handheld computers, and personal data assistants; Audio speakers; Battery chargers; Earbuds; Headphones; Wireless chargers in international class 9;

Video game players, namely, hand held units for playing electronic video games for use with external display screen or monitor in international class 28;

Advertising, marketing and promotion services; advertising and marketing consultancy; providing a web site which features advertisements for the goods and services of others on a global computer network; conducting online public opinion polls in international class 35;

Providing online forums and electronic bulletin boards for the transmission of messages among computer users featuring information in the field of general interest; electronic transmission of data and information via global computer networks, mobile telephones, and other wireless electronic communication networks; transmission of information, data, audio, video, and multimedia content via global computer networks, mobile telephones, and other wireless electronic communications networks; transmission of digital content, featuring text, graphics, images, pictures, audio, and video via global computer networks, mobile telephones, and other wireless electronic communications networks in international class 38;

Entertainment services, namely, providing a web site portal featuring links to musical performances, musical videos, related film clips, photographs, and other multimedia entertainment materials; entertainment services, namely, providing information, news, commentary, and photo presentations in the fields of music, music-related entertainment, pop culture and celebrities, via global computer networks, mobile telephones, and other digital communication networks and wireless devices; electronic publishing services, namely, publication of text and graphic works of others; online digital publishing of audio, video and multimedia material for others featuring text, pictures, graphics, images and music; providing non-downloadable pre-recorded music and non-downloadable audio, and video musical presentations via global computer networks, mobile telephones, and other digital communication networks and wireless devices; providing non-downloadable electronic magazines, newsletters, journals and articles featuring information of general human interest; providing non-downloadable articles featuring information in the fields of music, music-related entertainment, pop culture and celebrities; entertainment services, namely, providing online contests; conducting contests of general interest; arranging and conducting special events for social entertainment purposes; arranging and conducting concerts and live musical events; online journals, namely, blogs in the field of general human interest; providing online searchable databases featuring information in the field of popular culture; information services, namely, providing information by means of a global computer network in the fields of music and entertainment related to subjects of pop culture and celebrity; providing temporary use of non-downloadable music files by means of a global computer network; providing an internet website portal featuring links to musical artist websites and music performance ticket information in international class 41; and Hosting of digital content on the internet; hosting of digital content, namely, text, graphics,

images, pictures, audio, and video on the internet in international class 42;


hereinafter “SpinMedia’s Goods and Services”.


4. Opposer is the owner by assignment of the following trademark registrations and applications incorporating the mark SPIN at the United States Patent and Trademark Office:

Trademark/ Reg./Appl. #	Status/Dates	Goods/Services	Owner
SPIN RN: 4750280	Registered June 9, 2015 Int'l Class: 09,38,41 First Use: September, 1995 Int'l Class: 35 First Use: 1985 Int'l Class: 42 First Use: December, 1994 Filed: September 11, 2012	(Int'l Class: 09) downloadable music, pictures, graphics, and images via global computer networks, mobile telephones, and other digital communications networks and wireless devices; musical sound recordings; downloadable audio and video recordings featuring information in the fields of music, music-related entertainment, pop culture and celebrities; video recordings featuring music and information about music entertainment related to pop culture and celebrities; downloadable computer software for creating, managing, uploading, publishing, aggregating, updating, sharing, and viewing digital content over global computer networks, mobile telephones, and other wireless digital devices; downloadable electronic magazines, journals, newsletters and articles featuring information in the field of general human interest (Int'l Class: 35) advertising, marketing and promotion services; advertising and marketing consultancy; providing a web site which features advertisements for the goods and services of others on a global computer network; conducting online public opinion polls (Int'l Class: 38) providing online forums and electronic bulletin boards for the transmission of messages among computer users featuring information in the field of general interest; electronic transmission of data and information via global computer networks, mobile	Spinmedia LLC (Delaware Limited Liability Company) 340 Madison Avenue, 6th Floor New York New York 10173

Trademark/ Reg./Appl. #	Status/Dates	Goods/Services	Owner
		<p>telephones, and other wireless electronic communication networks; transmission of information, data, audio, video, and multimedia content via global computer networks, mobile telephones, and other wireless electronic communications networks; transmission of digital content, featuring text, graphics, images, pictures, audio, and video via global computer networks, mobile telephones, and other wireless electronic communications networks (Int'l Class: 41) entertainment services, namely, providing a web site portal featuring links to musical performances, musical videos, related film clips, photographs, and other multimedia entertainment materials; entertainment services, namely, providing information, news, commentary, and photo presentations in the fields of music, music-related entertainment, pop culture and celebrities, via global computer networks, mobile telephones, and other digital communication networks and wireless devices; electronic publishing services, namely, publication of text and graphic works of others; online digital publishing of audio, video and multimedia material for others featuring text, pictures, graphics, images and music; providing non-downloadable pre-recorded music and non-downloadable audio, and video musical presentations via global computer networks, mobile telephones, and other digital communication networks and wireless devices; providing non-downloadable electronic magazines, newsletters, journals and articles featuring information of general human interest; providing non-downloadable articles featuring information in the fields of music, music-related</p>	

Trademark/ Reg./Appl. #	Status/Dates	Goods/Services	Owner
		entertainment, pop culture and celebrities; entertainment services, namely, providing online contests; conducting contests of general interest; arranging and conducting special events for social entertainment purposes; arranging and conducting concerts and live musical events; online journals, namely, blogs in the field of general human interest; providing online searchable databases featuring information in the field of popular culture; information services, namely, providing information by means of a global computer network in the fields of music and entertainment related to subjects of pop culture and celebrity; providing temporary use of non-downloadable music files by means of a global computer network; providing an internet website portal featuring links to musical artist websites and music performance ticket information (Int'l Class: 42) hosting of digital content on the internet; hosting of digital content, namely, text, graphics, images, pictures, audio, and video on the internet	
SPIN RN: 1351650	Renewed July 30, 2015 Int'l Class: 16 First Use: December, 1984 Filed: January 25, 1985 Registered: July 30, 1985	(Int'l Class: 16) general-interest magazine	Spinmedia LLC (Delaware Limited Liability Company) 340 Madison Avenue, 6th Floor New York New York 10173
SPIN SN: 87861418	Pending Filed: April 3, 2018	(Int'l Class: 09) 3d virtual reality glasses; head phones; ear buds; portable vibration, soundbar and wireless speakers; battery chargers for mobile phones; cell phone accessories, namely, cell phone cases, cell phone covers, cell phone straps, headsets for cellular	Spinmedia LLC (Delaware Limited Liability Company) 340 Madison Avenue, 6th Floor New York New York 10137

Trademark/ Reg./Appl. #	Status/Dates	Goods/Services	Owner
		<p>phones; USB hubs; karaoke speakers and microphones; computer software and computer application software for mobile phones, portable media players, handheld computers for downloading music, playing games, performing social media functions, receiving music and entertainment news alerts and receiving information regarding music and entertainment; mobile phones; electronic devices, namely, mobile computers, mobile data receivers, handheld computers, and personal data assistants</p> <p>(Int'l Class: 28) Video game players, namely, hand held units for playing electronic video games for use with external display screen or monitor</p>	
<p>SPIN (Stylized)</p>  <p>SN: 87864513</p>	<p>Pending Filed: April 5, 2018</p>	<p>(Int'l Class: 09) 3d virtual reality glasses; head phones; ear buds; portable vibration, soundbar and wireless speakers; battery chargers for mobile phones; cell phone accessories, namely, cell phone cases, cell phone covers, cell phone straps, headsets for cellular phones; USB hubs; karaoke speakers and microphones; computer software and computer application software for mobile phones, portable media players, handheld computers for downloading music, playing games, performing social media functions, receiving music and entertainment news alerts and receiving information regarding music and entertainment; mobile phones; electronic devices, namely, mobile computers, mobile data receivers, handheld computers, and personal data assistants</p> <p>(Int'l Class: 28) Video game players, namely, hand held units for playing electronic video games for use with external display screen or monitor</p>	<p>Spinmedia LLC (Delaware Limited Liability Company) 340 Madison Avenue, 6th Floor New York New York 10137</p>
<p>SPIN AUDIO</p>	<p>Pending</p>	<p>(Int'l Class: 09) Audio speakers;</p>	<p>Spinmedia LLC (Delaware</p>

Trademark/ Reg./Appl. #	Status/Dates	Goods/Services	Owner
and Design  SN: 88095974	Filed: August 28, 2018	Battery chargers; Earbuds; Headphones; Wireless chargers	Limited Liability Company) 340 Madison Avenue New York New York 10173

(hereinafter “Opposer’s Marks”). Copies of the registrations records and registration certificates and Applications from the USPTO TSDR database are attached herewith as Exhibit 1 and made of record in this proceeding pursuant to Trademark Rule 2.122(d).

5. The records of the USPTO indicate that Applicant Universal International Music B.V. is a company organized and existing under the laws of Netherlands with a place of business at Gerrit Van Der Veenlaan 4, Baarn 3743Dn, Netherlands.

6. The records of the USPTO indicate that Applicant is the owner of the following trademark applications:

Trademark/ Reg./Appl. #	Status/Dates	Goods/Services	Owner
SPINNUP SN: 86810410	Published - Request for Extensions of Time to TTAB December 5, 2018 Filed: November 5, 2015	(Int'l Class: 09) pre-recorded audio tapes, discs and cassettes, video tapes, discs and cassettes, digital audio and audio video tapes and discs, cds, dvds, laser discs, and phonograph records featuring musical sound and video recordings; theatrical and musical sound and video recordings; downloadable ring tones, music, mp3 files featuring musical sound and video recordings, images in the field of music, and videos in the field of music for wireless communication devices, namely, computers, laptops, mobile computers, mobile phones, personal	Universal International Music B.V. (Netherlands Besloten Vennootschap (B.V.)) Gerrit Van Der Veenlaan 4 Baarn 3743Dn Netherlands

Trademark/ Reg./Appl. #	Status/Dates	Goods/Services	Owner
		<p>digital assistants, smartphones, smart televisions, smart watches, and tablet computers; downloadable music, mp3 files featuring musical sound and video recordings, images in the field of music, and videos in the field of music; turntable slipmats; mouse pads; downloadable electronic publications in the nature of books, booklets, sheet music, magazines, journals, manuals, brochures, leaflets, pamphlets and newsletters, all in the field of music; downloadable mobile applications for use in connection with accessing, downloading, and streaming music; downloadable electronic publications in the field of music</p>	
<p>SPINNUP SN: 86810426</p>	<p>Published - Request for Extensions of Time to TTAB December 5, 2018 Filed: November 5, 2015</p>	<p>(Int'l Class: 38) broadcast of cable television programs; broadcasting programs via a global computer network; cable radio broadcasting and transmission; cable, network and satellite television broadcasting and transmission services; music broadcasting; video broadcasting; audio broadcasting; subscription television broadcasting; radio broadcasting services; electronic transmission of data broadcasting services; television broadcasting services; internet broadcasting services; transmitting streamed sound and audio-visual recordings via the internet; streaming of audio and video material on the internet; digital and electronic transmission of voice, data, sound, images, audio and video content, and messages; video-on-demand transmission services; providing on-line chat rooms, forums, and electronic bulletin boards for transmission of messages among users concerning music and entertainment; providing wireless electronic transmission of uploadable and downloadable ring tones, voice, music,</p>	<p>Universal International Music B.V. (Netherlands Besloten Vennootschap (B.V.)) Gerrit Van Der Veenlaan 4 Baarn 3743Dn Netherlands</p>

Trademark/ Reg./Appl. #	Status/Dates	Goods/Services	Owner
		mp3 files, images, videos, information and news via a global computer network to wireless mobile communication devices; sending and receiving voice and text messages between wireless communication devices; providing wireless communication services, namely, electronic transmission of ringtones to mobile telephones and mobile devices; and providing multiple-user access to a global computer information network; information consultancy and advisory services relating to all of the aforesaid	

(hereinafter “Applicant’s Marks”).

7. The filing date of the trademark applications for Applicant’s Marks is November 5, 2015.

8. Opposer’s rights in the Opposer’s Marks and its common law SPIN trademarks are prior in time to Applicant’s filing date in the subject applications.

9. Opposer is the owner of multiple registrations for the mark SPIN that were registered prior to any date that Applicant may rely upon in this proceedings as established by the application filing date or claim of first use date.

10. Opposer and its predecessors in interest have spent substantial time and effort developing the SPIN brand for more than 35 years. As a result, the mark has become a strong indicator of source and is highly associated with the goods and services provided by Opposer. Furthermore, the mark has become famous to the general consuming public within the meaning of the Lanham Act and became famous prior to any date that Applicant may rely upon in this proceeding, as established by the opposed applications claims of first use and filing date.

11. The opposed mark SPINNUP is identical to and comprises the entirety of Opposer’s SPIN Marks, and Applicant has no relation with Opposer or the goods and services Opposer offers under the SPIN trademarks. Opposer’s SPIN marks are sufficiently famous such that the mark SPIN solely and unmistakably

points to Opposer, so that the relevant public will assume that Applicant's goods and services in classes 9, 42, 41 and 38 are connected with Opposer.

12. The opposed applications include the following goods and services:

(Int'l Class: 09) pre-recorded audio tapes, discs and cassettes, video tapes, discs and cassettes, digital audio and audio video tapes and discs, cds, dvds, laser discs, and phonograph records featuring musical sound and video recordings; theatrical and musical sound and video recordings; downloadable ring tones, music, mp3 files featuring musical sound and video recordings, images in the field of music, and videos in the field of music for wireless communication devices, namely, computers, laptops, mobile computers, mobile phones, personal digital assistants, smartphones, smart televisions, smart watches, and tablet computers; downloadable music, mp3 files featuring musical sound and video recordings, images in the field of music, and videos in the field of music; turntable slipmats; mouse pads; downloadable electronic publications in the nature of books, booklets, sheet music, magazines, journals, manuals, brochures, leaflets, pamphlets and newsletters, all in the field of music; downloadable mobile applications for use in connection with accessing, downloading, and streaming music; downloadable electronic publications in the field of music;

(Int'l Class: 38) broadcast of cable television programs; broadcasting programs via a global computer network; cable radio broadcasting and transmission; cable, network and satellite television broadcasting and transmission services; music broadcasting; video broadcasting; audio broadcasting; subscription television broadcasting; radio broadcasting services; electronic transmission of data broadcasting services; television broadcasting services; internet broadcasting services; transmitting streamed sound and audio-visual recordings via the internet; streaming of audio and video material on the internet; digital and electronic transmission of voice, data, sound, images, audio and video content, and messages; video-on-demand transmission services; providing on-line chat rooms, forums, and electronic bulletin boards for transmission of messages among users concerning music and entertainment; providing wireless electronic transmission of uploadable and downloadable ring tones, voice, music, mp3 files, images, videos, information and news via a global computer network to wireless mobile communication devices; sending and receiving voice and text messages between wireless communication devices; providing wireless communication services, namely, electronic transmission of ringtones to mobile telephones and mobile devices; and providing multiple-user access to a global computer information network; information consultancy and advisory services relating to all of the aforesaid

(hereinafter "Applicant's Goods and Services"). Applicant's Goods and Services are highly related to the Opposer's Goods and Services.

13. In view of the significant similarities between Opposer's Marks and Applicant's Mark and the fact that Applicant's Goods and Services are related to Opposer's Goods and Services, there is a likelihood that Applicant's Goods and Services are likely to be seen as being sponsored by or affiliated with Opposer.

14. The use and registration of the Applicant's Mark will damage Opposer in the selling of its goods and services by causing a likelihood of confusion.

15. Applicant's Mark so resembles the Opposer's Marks, as to be likely to cause confusion, or to cause mistake, or to deceive as to the source of the identified goods and services within the meaning of Section 2(d) of the Lanham Act.

16. Applicant's Mark creates a false association with Opposer and the Opposer's Marks within the meaning of Section 2(a) of the Lanham Act.

17. Applicant's Mark is likely to dilute the distinctiveness of the Opposer's Marks within the meaning of Section 43 of the Lanham Act.

WHEREFORE, Opposer prays that the Trademark Trial and Appeal Board deny registration to U.S. Trademark Application Serial Nos. 86-810410; 86-810426 for the mark SPINNUP and otherwise sustain this opposition.

Payment in the amount of the required filing fees is submitted with this Notice of Opposition.

Spinmedia, LLC



May 3, 2019

Gene S. Winter
Jonathan A. Winter
ST.ONGE STEWARD JOHNSTON & REENS LLC
986 Bedford Street
Stamford, CT 06905
Tel. (203) 324-6155
Facsimile (203) 327-1096
Email: gwinter@ssjr.com; litigation@ssjr.com

ATTORNEYS FOR OPPOSER

CERTIFICATE OF SERVICE

This is to certify that a true copy of the foregoing **NOTICE OF OPPOSITION** is being served by electronic mail on the Correspondent for the Applicant as follows:

VIA EMAIL brent.labarge@umusic.com

Brent S. LaBarge
Head of Trademark Group
Business and Legal Affairs
UNIVERSAL MUSIC GROUP
2220 Colorado Avenue
Santa Monica, California 90404

May 3, 2019

AnneMarie Provino

Date

AnneMarie Provino

EXHIBIT 1

United States of America

United States Patent and Trademark Office

SPIN

Reg. No. 4,750,280

Registered June 9, 2015

**Int. Cls.: 9, 35, 38, 41
and 42**

TRADEMARK

SERVICE MARK

PRINCIPAL REGISTER

INSOLVENCY SERVICES GROUP, INC. (CALIFORNIA CORPORATION)
9107 WILSHIRE BOULEVARD
BEVERLY HILLS, CA 90210

FOR: DOWNLOADABLE MUSIC, PICTURES, GRAPHICS, AND IMAGES VIA GLOBAL COMPUTER NETWORKS, MOBILE TELEPHONES, AND OTHER DIGITAL COMMUNICATIONS NETWORKS AND WIRELESS DEVICES; MUSICAL SOUND RECORDINGS; DOWNLOADABLE AUDIO AND VIDEO RECORDINGS FEATURING INFORMATION IN THE FIELDS OF MUSIC, MUSIC-RELATED ENTERTAINMENT, POP CULTURE AND CELEBRITIES; VIDEO RECORDINGS FEATURING MUSIC AND INFORMATION ABOUT MUSIC ENTERTAINMENT RELATED TO POP CULTURE AND CELEBRITIES; DOWNLOADABLE COMPUTER SOFTWARE FOR CREATING, MANAGING, UPLOADING, PUBLISHING, AGGREGATING, UPDATING, SHARING, AND VIEWING DIGITAL CONTENT OVER GLOBAL COMPUTER NETWORKS, MOBILE TELEPHONES, AND OTHER WIRELESS DIGITAL DEVICES; DOWNLOADABLE ELECTRONIC MAGAZINES, JOURNALS, NEWSLETTERS AND ARTICLES FEATURING INFORMATION IN THE FIELD OF GENERAL HUMAN INTEREST, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 9-0-1995; IN COMMERCE 9-0-1995.

FOR: ADVERTISING, MARKETING AND PROMOTION SERVICES; ADVERTISING AND MARKETING CONSULTANCY; PROVIDING A WEB SITE WHICH FEATURES ADVERTISEMENTS FOR THE GOODS AND SERVICES OF OTHERS ON A GLOBAL COMPUTER NETWORK; CONDUCTING ONLINE PUBLIC OPINION POLLS, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 0-0-1985; IN COMMERCE 0-0-1985.

FOR: PROVIDING ONLINE FORUMS AND ELECTRONIC BULLETIN BOARDS FOR THE TRANSMISSION OF MESSAGES AMONG COMPUTER USERS FEATURING INFORMATION IN THE FIELD OF GENERAL INTEREST; ELECTRONIC TRANSMISSION OF DATA AND INFORMATION VIA GLOBAL COMPUTER NETWORKS, MOBILE TELEPHONES, AND OTHER WIRELESS ELECTRONIC COMMUNICATION NETWORKS; TRANSMISSION OF INFORMATION, DATA, AUDIO, VIDEO, AND MULTIMEDIA CONTENT VIA GLOBAL COMPUTER NETWORKS, MOBILE TELEPHONES, AND OTHER WIRELESS ELECTRONIC COMMUNICATIONS NETWORKS; TRANSMISSION OF DIGITAL CONTENT, FEATURING TEXT, GRAPHICS, IMAGES, PICTURES, AUDIO, AND VIDEO VIA GLOBAL COMPUTER



Michelle K. Lee

Director of the United States
Patent and Trademark Office

Reg. No. 4,750,280 NETWORKS, MOBILE TELEPHONES, AND OTHER WIRELESS ELECTRONIC COMMUNICATIONS NETWORKS, IN CLASS 38 (U.S. CLS. 100, 101 AND 104).

FIRST USE 9-0-1995; IN COMMERCE 9-0-1995.

FOR: ENTERTAINMENT SERVICES, NAMELY, PROVIDING A WEB SITE PORTAL FEATURING LINKS TO MUSICAL PERFORMANCES, MUSICAL VIDEOS, RELATED FILM CLIPS, PHOTOGRAPHS, AND OTHER MULTIMEDIA ENTERTAINMENT MATERIALS; ENTERTAINMENT SERVICES, NAMELY, PROVIDING INFORMATION, NEWS, COMMENTARY, AND PHOTO PRESENTATIONS IN THE FIELDS OF MUSIC, MUSIC-RELATED ENTERTAINMENT, POP CULTURE AND CELEBRITIES, VIA GLOBAL COMPUTER NETWORKS, MOBILE TELEPHONES, AND OTHER DIGITAL COMMUNICATION NETWORKS AND WIRELESS DEVICES; ELECTRONIC PUBLISHING SERVICES, NAMELY, PUBLICATION OF TEXT AND GRAPHIC WORKS OF OTHERS; ONLINE DIGITAL PUBLISHING OF AUDIO, VIDEO AND MULTIMEDIA MATERIAL FOR OTHERS FEATURING TEXT, PICTURES, GRAPHICS, IMAGES AND MUSIC; PROVIDING NON-DOWNLOADABLE PRE-RECORDED MUSIC AND NON-DOWNLOADABLE AUDIO, AND VIDEO MUSICAL PRESENTATIONS VIA GLOBAL COMPUTER NETWORKS, MOBILE TELEPHONES, AND OTHER DIGITAL COMMUNICATION NETWORKS AND WIRELESS DEVICES; PROVIDING NON-DOWNLOADABLE ELECTRONIC MAGAZINES, NEWSLETTERS, JOURNALS AND ARTICLES FEATURING INFORMATION OF GENERAL HUMAN INTEREST; PROVIDING NON-DOWNLOADABLE ARTICLES FEATURING INFORMATION IN THE FIELDS OF MUSIC, MUSIC-RELATED ENTERTAINMENT, POP CULTURE AND CELEBRITIES; ENTERTAINMENT SERVICES, NAMELY, PROVIDING ONLINE CONTESTS; CONDUCTING CONTESTS OF GENERAL INTEREST; ARRANGING AND CONDUCTING SPECIAL EVENTS FOR SOCIAL ENTERTAINMENT PURPOSES; ARRANGING AND CONDUCTING CONCERTS AND LIVE MUSICAL EVENTS; ONLINE JOURNALS, NAMELY, BLOGS IN THE FIELD OF GENERAL HUMAN INTEREST; PROVIDING ONLINE SEARCHABLE DATABASES FEATURING INFORMATION IN THE FIELD OF POPULAR CULTURE; INFORMATION SERVICES, NAMELY, PROVIDING INFORMATION BY MEANS OF A GLOBAL COMPUTER NETWORK IN THE FIELDS OF MUSIC AND ENTERTAINMENT RELATED TO SUBJECTS OF POP CULTURE AND CELEBRITY; PROVIDING TEMPORARY USE OF NON-DOWNLOADABLE MUSIC FILES BY MEANS OF A GLOBAL COMPUTER NETWORK; PROVIDING AN INTERNET WEBSITE PORTAL FEATURING LINKS TO MUSICAL ARTIST WEBSITES AND MUSIC PERFORMANCE TICKET INFORMATION, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 9-0-1995; IN COMMERCE 9-0-1995.

FOR: HOSTING OF DIGITAL CONTENT ON THE INTERNET; HOSTING OF DIGITAL CONTENT, NAMELY, TEXT, GRAPHICS, IMAGES, PICTURES, AUDIO, AND VIDEO ON THE INTERNET, IN CLASS 42 (U.S. CLS. 100 AND 101).

FIRST USE 12-0-1994; IN COMMERCE 12-0-1994.

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

OWNER OF U.S. REG. NOS. 1,351,650, 3,250,644, AND 3,267,760.

SER. NO. 85-726,310, FILED 9-11-2012.

RUSS HERMAN, EXAMINING ATTORNEY

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL
TRADEMARK REGISTRATION**

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

Requirements in the First Ten Years*

What and When to File:

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

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

Requirements in Successive Ten-Year Periods*

What and When to File:

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

Grace Period Filings*

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

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

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

NOTE: A courtesy e-mail reminder of USPTO maintenance filing deadlines will be sent to trademark owners/holders who authorize e-mail communication and maintain a current e-mail address with the USPTO. To ensure that e-mail is authorized and your address is current, please use the Trademark Electronic Application System (TEAS) Correspondence Address and Change of Owner Address Forms available at <http://www.uspto.gov>.

Int. Cl.: 16

Prior U.S. Cl.: 38

United States Patent and Trademark Office **Reg. No. 1,351,650**
Registered July 30, 1985

**TRADEMARK
PRINCIPAL REGISTER**

SPIN

GUCCIONE, ROBERT JR. (UNITED STATES
CITIZEN)
230 WEST 55TH STREET
NEW YORK, NY 10019

FIRST USE 12-0-1984; IN COMMERCE
12-0-1984.

SER. NO. 519,332, FILED 1-25-1985.

FOR: GENERAL-INTEREST MAGAZINE, IN
CLASS 16 (U.S. CL. 38).

SUE CARRUTHERS, EXAMINING ATTORNEY

Generated on: This page was generated by TSDR on 2019-05-03 18:18:12 EDT

Mark: SPIN

SPIN

US Serial Number: 87861418

Application Filing Date: Apr. 03, 2018

Filed as TEAS RF: Yes

Currently TEAS RF: Yes

Register: Principal

Mark Type: Trademark

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

Status Date: Jan. 07, 2019

Mark Information

Mark Literal Elements: SPIN

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

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Related Properties Information

Claimed Ownership of US Registrations: 1351650, 4750280

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: 3d virtual reality glasses; head phones; ear buds; portable vibration, soundbar and wireless speakers; battery chargers for mobile phones; cell phone accessories, namely, cell phone cases, cell phone covers, cell phone straps, headsets for cellular phones; USB hubs; karaoke speakers and microphones; computer software and computer application software for mobile phones, portable media players, handheld computers for downloading music, playing games, performing social media functions, receiving music and entertainment news alerts and receiving information regarding music and entertainment; mobile phones; electronic devices, namely, mobile computers, mobile data receivers, handheld computers, and personal data assistants

International Class(es): 009 - Primary Class

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

Class Status: ACTIVE

Basis: 1(b)

For: Video game players, namely, hand held units for playing electronic video games for use with external display screen or monitor

International Class(es): 028 - Primary Class

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

Class Status: INACTIVE - INSUFFICIENT FEE RECEIVED

Basis: 1(b)

Basis Information (Case Level)

Filed Use: No

Currently Use: No

Amended Use: No

Filed ITU: Yes

Currently ITU: Yes

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No
Filed 66A: No
Filed No Basis: No

Currently 44E: No
Currently 66A: No
Currently No Basis: No

Amended 44E: No

Current Owner(s) Information

Owner Name: SpinMedia LLC
Owner Address: 340 Madison Avenue, 6th Floor
New York, NEW YORK 10137
UNITED STATES
Legal Entity Type: LIMITED LIABILITY COMPANY
State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Gene S. Winter
Attorney Primary Email Address: tm-pto@ssjr.com
Docket Number: 07147-T0002C
Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: GENE S. WINTER
ST. ONGE STEWARD JOHNSTON & REENS LLC
986 BEDFORD STREET
STAMFORD, CONNECTICUT 06905-5619
UNITED STATES
Phone: 203-324-6155
Fax: 203-327-1096
Correspondent e-mail: tm-pto@ssjr.com
Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jan. 07, 2019	NOTIFICATION OF LETTER OF SUSPENSION E-MAILED	6332
Jan. 07, 2019	LETTER OF SUSPENSION E-MAILED	6332
Jan. 07, 2019	SUSPENSION LETTER WRITTEN	89015
Jan. 05, 2019	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Jan. 04, 2019	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Jan. 04, 2019	TEAS REQUEST FOR RECONSIDERATION RECEIVED	
Dec. 15, 2018	NOTIFICATION OF FINAL REFUSAL EMAILED	
Dec. 15, 2018	FINAL REFUSAL E-MAILED	
Dec. 15, 2018	FINAL REFUSAL WRITTEN	89015
Dec. 11, 2018	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Dec. 11, 2018	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Dec. 11, 2018	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jul. 20, 2018	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Jul. 20, 2018	NON-FINAL ACTION E-MAILED	6325
Jul. 20, 2018	NON-FINAL ACTION WRITTEN	89015
Jul. 20, 2018	ASSIGNED TO EXAMINER	89015
Apr. 11, 2018	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Apr. 06, 2018	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information

TM Attorney: MARESCA, MEREDITH Z

Law Office Assigned: LAW OFFICE 109

File Location

Proceedings

Summary

Number of 2
Proceedings:

Type of Proceeding: Cancellation

Proceeding Number: [92070279](#)

Filing Date: Jan 04, 2019

Status: Pending

Status Date: Jan 04, 2019

Interlocutory Attorney: MARY CATHERINE FAINT

Defendant

Name: Magnetics USA, Inc.

Correspondent Address: DAVID J CRAVEN
SANDLER TRAVIS & ROSENBERG PA
225 W WASHINGTON, SUITE 1130
CHICAGO IL , 60606
UNITED STATES

Correspondent e-mail: vlevis2000@yahoo.com , dcraven@strtrade.com , tmartinez@strtrade.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
SPYN	Cancellation Pending	77082105	3333677

Plaintiff(s)

Name: SpinMedia LLC

Correspondent Address: GENE S WINTER
ST ONGE STEWARD JOHNSTON & REENS LLC
986 BEDFORD STREET
STAMFORD CT , 06905
UNITED STATES

Correspondent e-mail: litigation@ssjr.com , aprovino@ssjr.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
SPIN	Suspension Letter - Mailed	87864513	
SPIN	Suspension Letter - Mailed	87861418	
SPIN	Registered	85726310	4750280
SPIN	REGISTERED AND RENEWED	73519332	1351650

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jan 04, 2019	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jan 04, 2019	Feb 13, 2019
3	PENDING, INSTITUTED	Jan 04, 2019	
4	D APPEARANCE / POWER OF ATTORNEY	Feb 07, 2019	
5	D MOT FOR EXT W/ CONSENT	Feb 07, 2019	
6	EXTENSION OF TIME GRANTED	Feb 07, 2019	
7	D MOT FOR EXT W/ CONSENT	Mar 13, 2019	
8	EXTENSION OF TIME GRANTED	Mar 13, 2019	
9	STIP FOR EXT	Mar 27, 2019	
10	EXTENSION OF TIME GRANTED	Mar 29, 2019	

Type of Proceeding: Cancellation

Proceeding [92070283](#)

Filing Date: Jan 04, 2019

Number: _____

Status: Terminated

Status Date: Apr 11, 2019

Interlocutory Attorney: KATIE W MCKNIGHT

Defendant

Name: V-Moda, LLC

Correspondent Address: V-MODA LLC
5100 S EASTERN AVENUE
LOS ANGELES CA , 90040
UNITED STATES

Associated marks

Mark	Application Status	Serial Number	Registration Number
SPIN	Cancelled - Section 18	77876905	3814254

Plaintiff(s)

Name: SpinMedia LLC

Correspondent Address: GENE S WINTER
ST ONGE STEWARD JOHNSTON & REENS LLC
986 BEDFORD STREET
STAMFORD CT , 06905
UNITED STATES

Correspondent e-mail: litigation@ssjr.com , aprovino@ssjr.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
SPIN	Suspension Letter - Mailed	87864513	
SPIN	Suspension Letter - Mailed	87861418	
SPIN	Registered	85726310	4750280
SPIN	REGISTERED AND RENEWED	73519332	1351650

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jan 04, 2019	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jan 07, 2019	Feb 16, 2019
3	INSTITUTED	Jan 07, 2019	
4	NOTICE OF DEFAULT	Feb 26, 2019	
5	BD DECISION: CAN GRANTED	Apr 08, 2019	
6	COMMR ORDER CANCELLING REG	Apr 11, 2019	
7	TERMINATED	Apr 11, 2019	

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Mark: SPIN



US Serial Number: 87864513

Application Filing Date: Apr. 05, 2018

Filed as TEAS RF: Yes

Currently TEAS RF: Yes

Register: Principal

Mark Type: Trademark

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

Status Date: Jan. 07, 2019

Mark Information

Mark Literal Elements: SPIN

Standard Character Claim: No

Mark Drawing Type: 5 - AN ILLUSTRATION DRAWING WITH WORD(S)/LETTER(S)/NUMBER(S) INSTYLIZED FORM

Description of Mark: The mark consists of the stylized word SPIN.

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

Related Properties Information

Claimed Ownership of US Registrations: 1351650, 4750280

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: 3d virtual reality glasses; head phones; ear buds; portable vibration, soundbar and wireless speakers; battery chargers for mobile phones; cell phone accessories, namely, cell phone cases, cell phone covers, cell phone straps, headsets for cellular phones; USB hubs; karaoke speakers and microphones; computer software and computer application software for mobile phones, portable media players, handheld computers for downloading music, playing games, performing social media functions, receiving music and entertainment news alerts and receiving information regarding music and entertainment; mobile phones; electronic devices, namely, mobile computers, mobile data receivers, handheld computers, and personal data assistants

International Class(es): 009 - Primary Class

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

Class Status: ACTIVE

Basis: 1(b)

For: Video game players, namely, hand held units for playing electronic video games for use with external display screen or monitor

International Class(es): 028 - Primary Class

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

Class Status: ACTIVE

Basis: 1(b)

Basis Information (Case Level)

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

Current Owner(s) Information

Owner Name: SpinMedia LLC

Owner Address: 340 Madison Avenue, 6th Floor
New York, NEW YORK 10137
UNITED STATES

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Gene S. Winter

Docket Number: 07147-T0009A

Attorney Primary Email Address: tm-pto@ssjr.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: GENE S. WINTER
ST. ONGE STEWARD JOHNSTON & REENS LLC
986 BEDFORD STREET
STAMFORD, CONNECTICUT 06905-5619
UNITED STATES

Phone: 203-324-6155

Fax: 203-327-1096

Correspondent e-mail: tm-pto@ssjr.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jan. 07, 2019	NOTIFICATION OF LETTER OF SUSPENSION E-MAILED	6332
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Jul. 20, 2018	NON-FINAL ACTION E-MAILED	6325
Jul. 20, 2018	NON-FINAL ACTION WRITTEN	89015
Jul. 20, 2018	ASSIGNED TO EXAMINER	89015
Apr. 13, 2018	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information

TM Attorney: MARESCA, MEREDITH Z

Law Office Assigned: LAW OFFICE 109

File Location

Current Location: TMEG LAW OFFICE 109 - EXAMINING ATTORNEY ASSIGNED

Date in Location: Jan. 07, 2019

Proceedings

Summary

Number of Proceedings: 2

Type of Proceeding: Cancellation

Proceeding Number: [92070279](#)

Filing Date: Jan 04, 2019

Status: Pending

Status Date: Jan 04, 2019

Interlocutory Attorney: MARY CATHERINE FAINT

Defendant

Name: Magnetics USA, Inc.

Correspondent Address: DAVID J CRAVEN
SANDLER TRAVIS & ROSENBERG PA
225 W WASHINGTON, SUITE 1130
CHICAGO IL , 60606
UNITED STATES

Correspondent e-mail: vlevis2000@yahoo.com , dcraven@strtrade.com , tmartinez@strtrade.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
SPYN	Cancellation Pending	77082105	3333677

Plaintiff(s)

Name: SpinMedia LLC

Correspondent Address: GENE S WINTER
ST ONGE STEWARD JOHNSTON & REENS LLC
986 BEDFORD STREET
STAMFORD CT , 06905
UNITED STATES

Correspondent e-mail: litigation@ssjr.com , aprovino@ssjr.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
SPIN	Suspension Letter - Mailed	87864513	
SPIN	Suspension Letter - Mailed	87861418	
SPIN	Registered	85726310	4750280
SPIN	REGISTERED AND RENEWED	73519332	1351650

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jan 04, 2019	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jan 04, 2019	Feb 13, 2019
3	PENDING, INSTITUTED	Jan 04, 2019	
4	D APPEARANCE / POWER OF ATTORNEY	Feb 07, 2019	
5	D MOT FOR EXT W/ CONSENT	Feb 07, 2019	

6	EXTENSION OF TIME GRANTED	Feb 07, 2019
7	D MOT FOR EXT W/ CONSENT	Mar 13, 2019
8	EXTENSION OF TIME GRANTED	Mar 13, 2019
9	STIP FOR EXT	Mar 27, 2019
10	EXTENSION OF TIME GRANTED	Mar 29, 2019

Type of Proceeding: Cancellation

Proceeding Number: [92070283](#)

Filing Date: Jan 04, 2019

Status: Terminated

Status Date: Apr 11, 2019

Interlocutory Attorney: KATIE W MCKNIGHT

Defendant

Name: V-Moda, LLC

Correspondent Address: V-MODA LLC
5100 S EASTERN AVENUE
LOS ANGELES CA , 90040
UNITED STATES

Associated marks

Mark	Application Status	Serial Number	Registration Number
SPIN	Cancelled - Section 18	77876905	3814254

Plaintiff(s)

Name: SpinMedia LLC

Correspondent Address: GENE S WINTER
ST ONGE STEWARD JOHNSTON & REENS LLC
986 BEDFORD STREET
STAMFORD CT , 06905
UNITED STATES

Correspondent e-mail: litigation@ssjr.com , aprovino@ssjr.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
SPIN	Suspension Letter - Mailed	87864513	
SPIN	Suspension Letter - Mailed	87861418	
SPIN	Registered	85726310	4750280
SPIN	REGISTERED AND RENEWED	73519332	1351650

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jan 04, 2019	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jan 07, 2019	Feb 16, 2019
3	INSTITUTED	Jan 07, 2019	
4	NOTICE OF DEFAULT	Feb 26, 2019	
5	BD DECISION: CAN GRANTED	Apr 08, 2019	
6	COMMR ORDER CANCELLING REG	Apr 11, 2019	
7	TERMINATED	Apr 11, 2019	

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Mark: SPIN AUDIO



US Serial Number: 88095974

Application Filing Date: Aug. 28, 2018

Filed as TEAS Plus: Yes

Currently TEAS Plus: Yes

Register: Principal

Mark Type: Trademark

Status: Approved by the examining attorney for publication but has not yet published for opposition. Although rare, withdrawal of approval prior to publication may occur after final review. The opposition period begins on the date of publication.

Status Date: May 03, 2019

Mark Information

Mark Literal Elements: SPIN AUDIO

Standard Character Claim: No

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

Description of Mark: The mark consists of a square divided between an upper portion in a contrasting shade to a bottom portion, with the word "SPIN" in the upper portion and the word "AUDIO" in the bottom portion.

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

Disclaimer: "AUDIO"

Design Search Code(s): 26.11.10 - Rectangles divided once into two sections
26.11.21 - Rectangles that are completely or partially shaded

Related Properties Information

Claimed Ownership of US Registrations: 1351650, 4750280

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: Audio speakers; Battery chargers; Earbuds; Headphones; Wireless chargers

International Class(es): 009 - Primary Class

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

Class Status: ACTIVE

Basis: 1(b)

Basis Information (Case Level)

Filed Use: No

Currently Use: No

Amended Use: No

Filed ITU: Yes

Currently ITU: Yes

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No
Filed 66A: No
Filed No Basis: No

Currently 44E: No
Currently 66A: No
Currently No Basis: No

Amended 44E: No

Current Owner(s) Information

Owner Name: SpinMedia LLC
Owner Address: 340 Madison Avenue
New York, NEW YORK 10173
UNITED STATES
Legal Entity Type: LIMITED LIABILITY COMPANY
State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Gene S. Winter
Attorney Primary Email Address: tm-pto@ssjr.com
Docket Number: 07147-T0050A
Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: GENE S. WINTER
ST. ONGE STEWARD JOHNSTON & REENS LLC
986 BEDFORD STREET
STAMFORD, CONNECTICUT 06905-5619
UNITED STATES
Phone: 203-324-6155 x4506
Fax: 203-327-1096
Correspondent e-mail: tm-pto@ssjr.com
Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
May 03, 2019	APPROVED FOR PUB - PRINCIPAL REGISTER	
Apr. 30, 2019	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Apr. 29, 2019	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Apr. 29, 2019	TEAS REQUEST FOR RECONSIDERATION RECEIVED	
Jan. 16, 2019	NOTIFICATION OF FINAL REFUSAL EMAILED	
Jan. 16, 2019	FINAL REFUSAL E-MAILED	
Jan. 16, 2019	FINAL REFUSAL WRITTEN	93981
Jan. 05, 2019	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Jan. 04, 2019	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Jan. 04, 2019	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Dec. 12, 2018	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Dec. 12, 2018	NON-FINAL ACTION E-MAILED	6325
Dec. 12, 2018	NON-FINAL ACTION WRITTEN	93981
Dec. 11, 2018	ASSIGNED TO EXAMINER	93981
Sep. 08, 2018	NOTICE OF DESIGN SEARCH CODE E-MAILED	
Sep. 07, 2018	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Aug. 31, 2018	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information

TM Attorney: KONSCHAK, CARL A
Law Office Assigned: LAW OFFICE 126

File Location

Current Location: TMO LAW OFFICE 126- EXAMINING
Date in Location: May 03, 2019

ATTORNEY ASSIGNED

TRADEMARK ASSIGNMENT COVER SHEET

Electronic Version v1.1
Stylesheet Version v1.2

ETAS ID: TM312284

SUBMISSION TYPE:	NEW ASSIGNMENT		
NATURE OF CONVEYANCE:	ASSIGNMENT OF THE ENTIRE INTEREST AND THE GOODWILL		
CONVEYING PARTY DATA			
Name	Formerly	Execution Date	Entity Type
SpinMedia		07/14/2014	CORPORATION: CALIFORNIA
RECEIVING PARTY DATA			
Name:	Insolvency Services Group, Inc.		
Street Address:	9107 Wilshire Boulevard		
City:	Beverly Hills		
State/Country:	CALIFORNIA		
Postal Code:	90210		
Entity Type:	CORPORATION: CALIFORNIA		
PROPERTY NUMBERS Total: 38			
Property Type	Number	Word Mark	
Serial Number:	85243014	ABSOLUTE PUNK	
Registration Number:	4027826	BRANDED SOCIAL PROGRAMMING	
Registration Number:	3388374	BUZZNET	
Registration Number:	3388375	BUZZNET	
Registration Number:	3724829	CELEBUZZ	
Registration Number:	3721335	CELEBUZZ	
Registration Number:	3637282	EGOTASTIC	
Registration Number:	4116591	EGOTASTIC	
Registration Number:	3528811	FRISKY	
Registration Number:	3528812	FRISKY	
Registration Number:	4022787		
Registration Number:	3552550	IT HAPPENED LAST NIGHT	
Registration Number:	3274291	MVIBE	
Registration Number:	4025086	POP CULTURE AMPLIFIED	
Registration Number:	3217405	PUREVOLUME	
Registration Number:	4022789	SL SOCIALITE LIFE	
Registration Number:	4022788	SOCIALITE LIFE	
Serial Number:	85726310	SPIN	
Registration Number:	1351650	SPIN	
Registration Number:	1961393	SPIN	
TRADEMARK			

CH \$965.00 85243014

Property Type	Number	Word Mark
Registration Number:	3267760	SPINSIDER
Registration Number:	3376848	STEREOGUM
Registration Number:	3376846	STEREOGUM.COM
Registration Number:	3376847	STEREOGUM.COM
Registration Number:	3744600	THE SUPERFICIAL
Registration Number:	3744601	THE SUPERFICIAL
Registration Number:	1800105	VIBE
Registration Number:	3745439	VIBE
Registration Number:	2303664	VIBE
Registration Number:	2144655	VIBE
Serial Number:	85855304	VIBE NATURAL CURL THERAPY
Registration Number:	1819799	VIBE RECORDS
Serial Number:	85873740	VIBE VIXEN
Serial Number:	85874643	VIBE VIXEN
Registration Number:	3663561	VSESSIONS
Registration Number:	3834113	WHAT WOULD TYLER DURDEN DO?
Registration Number:	3834112	WWTDD
Serial Number:	86084542	XLR8R

CORRESPONDENCE DATA

Fax Number: 6509385200

Correspondence will be sent to the e-mail address first; if that is unsuccessful, it will be sent using a fax number, if provided; if that is unsuccessful, it will be sent via US Mail.

Phone: (650) 988-8500

Email: trademarks@fenwick.com

Correspondent Name: Stephen Garcia

Address Line 1: 801 California Street

Address Line 2: Silicon Valley Center

Address Line 4: Mountain View, CALIFORNIA 94041

ATTORNEY DOCKET NUMBER:	31346-00070-1991
NAME OF SUBMITTER:	Stephen Garcia
SIGNATURE:	/Stephen Garcia/
DATE SIGNED:	07/29/2014

Total Attachments: 6

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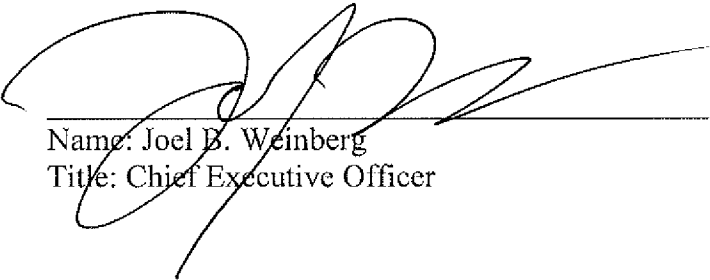
source=Assignment - SpinMedia to ISG#page6.tif

**INSOLVENCY SERVICES GROUP, INC.
OFFICER'S CERTIFICATE**

Joel B. Weinberg, Chief Executive Officer ("CEO") of Insolvency Services Group, Inc. ("ISG"), a California corporation, does hereby certify to the United States Patent and Trademark Office ("Recipient") as follows:

1. I am the duly appointed CEO of ISG.
2. I have personal knowledge of, or have made or have caused to be made such investigations as are necessary in order to permit me to verify the accuracy of the information set forth in this Certificate.
3. On January 31, 2014, SpinMedia, a California corporation, and ISG executed a General Assignment that assigned to ISG all of SpinMedia's assets, including all of the trademarks listed in the attached Exhibit A, and related goodwill (the "SpinMedia marks").
4. This Certificate contains a number of representations made on behalf of SpinMedia solely for the purpose of establishing a clear chain of title for the SpinMedia Marks. Third parties cannot rely on the representations made in this Certificate for any other purpose.

IN WITNESS WHEREOF, I have executed this Certificate this 14th day of July, 2014.


Name: Joel B. Weinberg
Title: Chief Executive Officer

**SPINMEDIA
EXHIBIT A TO ISG OFFICER'S CERTIFICATE**

Trademark	Country	Class	Application Filing Date	Application Number	Registration Date	Registration Number	Status
ABSOLUTE PUNK	United States	09; 35; 38; 41; 42	2/15/2011	85243014			Opposed
ALTER THE PRESS	United States						Proposed
BRANDED SOCIAL PROGRAMMING	United States	35	7/23/2010	85091971	9/20/2011	4027826	Registered
BUZZMEDIA	European Union	09; 41; 42; 45	4/15/2009	008217143	8/7/2012	008217143	Registered
BUZZNET	European Union	41; 45	8/20/2009	008501116	3/26/2013	008501116	Registered
BUZZNET	United States	41; 45	6/27/2007	77217018	2/26/2008	3388374	Registered
BUZZNET (and design)	United States	41; 45	6/27/2007	77217024	2/26/2008	3388375	Registered
BUZZNET (and Lightning Bolt design)	United States	41; 45					Proposed
BUZZNET.CO.KR (Domain Name)	South Korea	NA					Registered
BUZZNET.KR (Domain Name)	South Korea	NA					Registered
CELEBUZZ	European Union	38; 41; 45	8/25/2009	008508947	1/31/2010	008508947	Registered
CELEBUZZ	United States	38; 41; 45	3/16/2009	77691465	12/15/2009	3724829	Registered
CELEBUZZ (and design)	United States	38; 41	3/16/2009	77691467	12/8/2009	3721335	Registered
EGOTASTIC	Canada	CG; CS	3/28/2007	1341268	7/17/2008	TMA718774	Registered
EGOTASTIC	United States	09; 25; 41	5/23/2007	77188644	6/16/2009	3637282	Registered
EGOTASTIC	United States	41	5/22/2007	77187404	3/27/2012	4116591	Registered

**SPINMEDIA
EXHIBIT A TO ISG OFFICER'S CERTIFICATE**

Trademark	Country	Class	Application Filing Date	Application Number	Registration Date	Registration Number	Status
FRISKY	United States	38	11/12/2007	77327070	11/4/2008	3528811	Registered
FRISKY	United States	45	11/12/2007	77327097	11/4/2008	3528812	Registered
HEART Logo	United States	09; 35; 38; 41; 42	2/15/2011	85243021	9/6/2011	4022787	Registered
IT HAPPENED LAST NIGHT	United States	41	4/16/2007	77158007	12/30/2008	3552550	Registered
MVIBE	United States	09; 38; 41	5/18/2005	78632157	8/7/2007	3274291	Registered
POP CULTURE AMPLIFIED	United States	35; 41	9/10/2010	85127386	9/13/2011	4025086	Registered
PUNK NEWS	United States						Proposed
PUREVOLUME	United States						Proposed
PUREVOLUME	United States	41	2/1/2006	78804624	3/13/2007	3217405	Registered
PUREVOLUME.COM	Canada	CS	8/1/2006	1311379	1/25/2008	TMA705691	Registered
SL SOCIALITE LIFE (and design)	United States	38; 41	2/15/2011	85243029	9/6/2011	4022789	Registered
SOCIALITE LIFE	United States	38; 41	2/15/2011	85243023	9/6/2011	4022788	Registered
SOUNDS OF BUZZ	United States	09; 35; 38; 41; 42; 45					Proposed
SPIN	Australia	16	2/13/1995	652817	6/24/1998	652817	Registered
SPIN	Australia	41	2/10/1995	652750	7/28/1998	652750	Registered
SPIN	Canada	CG	2/6/1989	0624841	3/12/1993	TMA409294	Registered

**SPINMEDIA
EXHIBIT A TO ISG OFFICER'S CERTIFICATE**

Trademark	Country	Class	Application Filing Date	Application Number	Registration Date	Registration Number	Status
SPIN	Canada	CG; CS	2/22/2013	1615267			Pending
SPIN	European Union	09; 35; 38; 41; 42	1/22/2013	011507671			Opposed
SPIN	Germany	16; 41	2/14/1995	395061954	10/13/1995	39506195	Registered
SPIN	United Kingdom	16	11/14/1988	1363474	8/29/1995	1363474	Registered
SPIN	United States	09; 35; 38; 41; 42	9/11/2012	85726310			Suspended
SPIN	United States	16	1/25/1985	73519332	7/30/1985	1351650	Registered
SPIN	United States	25	5/3/1994	74522895	3/12/1996	1961393	Registered
SPIN (and design)	European Union	09; 16; 38; 41	1/4/1996	000217927	2/2/1999	000217927	Registered
SPINMAGAZINE.COM.AU (Domain Name)	Australia						Proposed
SPINSIDER	United States	09; 41	9/20/2005	78716287	7/24/2007	3267760	Registered
STEREOGUM	United States	35; 41	6/7/2007	76677937	2/5/2008	3376848	Registered
STEREOGUM.COM	United States	35; 41	6/7/2007	76677935	2/5/2008	3376846	Registered
STEREOGUM.COM (and design)	United States	35; 41	6/7/2007	76677936	2/5/2008	3376847	Registered
THE SUPERFICIAL	United States	38; 41	6/30/2009	77771448	2/2/2010	3744600	Registered
THE SUPERFICIAL (and design)	United States	38; 41	6/30/2009	77771453	2/2/2010	3744601	Registered
UNDER THE GUN	United States						Proposed

**SPINMEDIA
EXHIBIT A TO ISG OFFICER'S CERTIFICATE**

Trademark	Country	Class	Application Filing Date	Application Number	Registration Date	Registration Number	Status
VIBE	Canada	CG	1/3/1996	0800992	4/10/2000	TMA526485	Registered
VIBE	Canada	CG	6/26/2007	1357303			Pending
VIBE	Canada	CG; CS	1/3/2003	1163727	3/16/2011	TMA793016	Registered
VIBE	European Union	09; 16; 41	4/1/1996	000086009	1/25/1999	000086009	Registered
VIBE	European Union	09; 41	4/8/2004	003754769	11/16/2006	003754769	Registered
VIBE	United Kingdom	09; 16; 41	4/8/2004	2360961	8/28/2009	2360961	Registered
VIBE	United States	16	8/6/1992	74301822	10/19/1993	1800105	Registered
VIBE	United States	41	5/9/2005	78625633	2/2/2010	3745439	Registered
VIBE	United States	42	5/18/1998	75486958	12/28/1999	2303664	Registered
VIBE (stylized)	Canada	CG; CS	12/22/2005	1284250			Pending
VIBE (stylized)	United States	16	4/1/1997	75267799	3/17/1998	2144655	Registered
VIBE NATURAL CURL THERAPY	United States	03	2/20/2013	85855304			Suspended
VIBE RECORDS (and design)	United States	09	5/10/1993	74389095	2/8/1994	1819799	Registered
VIBE VIXEN	United States	03; 09; 42	3/12/2013	85873740			Suspended
VIBE VIXEN (stylized) (in color)	United States	03; 09; 42	3/13/2013	85874643			Suspended
VSESSIONS	United States	41	1/29/2009	77659401	8/4/2009	3663561	Registered

**SPINMEDIA
EXHIBIT A TO ISG OFFICER'S CERTIFICATE**

Trademark	Country	Class	Application Filing Date	Application Number	Registration Date	Registration Number	Status
WHAT WOULD TYLER DURDEN DO?	United States	41	10/29/2009	77860899	8/17/2010	3834113	Registered
WWTDD	United States	41	10/29/2009	77860895	8/17/2010	3834112	Registered
XLR8R	United States	09; 35; 38; 41; 42	10/7/2013	86084542			Pending

TRADEMARK ASSIGNMENT COVER SHEET

Electronic Version v1.1
Stylesheet Version v1.2

ETAS ID: TM411579

SUBMISSION TYPE:	NEW ASSIGNMENT		
NATURE OF CONVEYANCE:	ASSIGNMENT OF THE ENTIRE INTEREST AND THE GOODWILL		
CONVEYING PARTY DATA			
Name	Formerly	Execution Date	Entity Type
SpinMedia Group, Inc.		12/22/2016	Corporation: DELAWARE
RECEIVING PARTY DATA			
Name:	SpinMedia LLC		
Street Address:	340 Madison Avenue, 6th Floor		
City:	New York		
State/Country:	NEW YORK		
Postal Code:	10173		
Entity Type:	Limited Liability Company: DELAWARE		
PROPERTY NUMBERS Total: 9			
Property Type	Number	Word Mark	
Registration Number:	4750280	SPIN	
Registration Number:	1351650	SPIN	
Registration Number:	3376848	STEREOGUM	
Registration Number:	3745439	VIBE	
Registration Number:	2303664	VIBE	
Registration Number:	2144655	VIBE	
Registration Number:	3663561	VSESSIONS	
Serial Number:	85873740	VIBE VIXEN	
Serial Number:	85874643	VIBE VIXEN	
CORRESPONDENCE DATA			
Fax Number:	6175265000		
<i>Correspondence will be sent to the e-mail address first; if that is unsuccessful, it will be sent using a fax number, if provided; if that is unsuccessful, it will be sent via US Mail.</i>			
Phone:	617-526-6448		
Email:	janey.davidson@wilmerhale.com		
Correspondent Name:	Michael J. Bevilacqua, Esquire		
Address Line 1:	Wilmer Cutler Pickering Hale and DorrLLP		
Address Line 2:	60 State Street		
Address Line 4:	Boston, MASSACHUSETTS 02109		
ATTORNEY DOCKET NUMBER:	2208.553.132		

OP \$240.00 4750280

NAME OF SUBMITTER:	Michael J. Bevilacqua
SIGNATURE:	/michael j. bevilacqua/
DATE SIGNED:	01/09/2017
Total Attachments: 6 source=spinmedia group assign tms spinmedia#page1.tif source=spinmedia group assign tms spinmedia#page2.tif source=spinmedia group assign tms spinmedia#page3.tif source=spinmedia group assign tms spinmedia#page4.tif source=spinmedia group assign tms spinmedia#page5.tif source=spinmedia group assign tms spinmedia#page6.tif	

TRADEMARK ASSIGNMENT AGREEMENT

This Trademark Assignment Agreement (this “Assignment”) is made and entered into as of December 22, 2016, by and between SpinMedia Group, Inc., a Delaware corporation (the “Assignor”), and SpinMedia LLC, a Delaware limited liability company (the “Assignee”). Each of the Assignor and Assignee may be referred to hereinafter as a “Party” or together as the “Parties.”

WITNESSETH:

WHEREAS, the Assignor, the Assignee and Prometheus Global Media, LLC, a Delaware limited liability company, are parties to that certain Asset Purchase Agreement (the “Purchase Agreement”), dated December 22, 2016;

WHEREAS, this Assignment is contemplated pursuant to the terms of the Purchase Agreement; and

WHEREAS, pursuant to the Purchase Agreement, the Assignor agreed to sell, convey, assign, transfer and deliver to the Assignee, and the Assignee agreed to purchase and acquire all of the Assignor’s right, title and interest in, to and under, the registered trademarks and service marks listed on Exhibit A hereto (collectively, the “Assigned Trademarks”), at the Closing.

NOW, THEREFORE, for good and valuable consideration as set out in the Purchase Agreement, the receipt of which is hereby acknowledged, the Assignor and the Assignee do hereby agree as follows:

1. Capitalized Terms. Capitalized terms used but not defined herein shall have the meanings set forth in the Purchase Agreement.

2. Assignment. The Assignor hereby sells, conveys, assigns, transfers, and delivers to the Assignee all of the Assignor’s right, title and interest in, to and under the Assigned Trademarks, including all registrations and applications therefor and the goodwill of the portion of the business of Assignor symbolized by the Assigned Trademarks.

3. Terms of the Purchase Agreement. Each of the Assignor and the Assignee by its execution of this Assignment hereby acknowledges and agrees that neither the representations and warranties, nor the rights and remedies of the parties under the Purchase Agreement shall be deemed to be enlarged, diminished, modified or altered in any way by this Assignment. In the event of any conflict between the Purchase Agreement and this Assignment, the terms of the Purchase Agreement shall control.

4. Successors and Assigns. No Party may assign or delegate any rights or obligations set forth in this Assignment without the prior written consent of the other Party; provided that the Assignee may assign its rights hereunder to any Affiliate. This Assignment shall be binding upon the Parties and their respective successors and permitted assigns.

5. Further Actions. Upon the request of a Party, the other Party will execute and deliver, at the requesting Party's expense, any other instruments of transfer and assignment and take any other actions as the requesting Party may reasonably require to more effectively consummate the assignments and assumptions contemplated by this Assignment.

6. Amendment, Waiver and Termination. This Assignment may not be amended, waived or terminated except pursuant to a writing signed by the Parties.

7. Execution in Counterparts. This Assignment may be executed and delivered in counterpart signature pages executed and delivered via facsimile or electronic mail, and any such counterpart executed and delivered via facsimile transmission or via electronic mail will be deemed an original for all intents and purposes.


8. Jurisdiction; Governing Law. This Assignment will be governed by and construed under the laws of the State of New York without regard to conflicts-of-laws principles that would require the application of any other law. Any legal action or other proceeding brought for the enforcement of this Assignment or because of an alleged breach, dispute, default or misrepresentation regarding any provision of this Assignment shall be brought in the federal or state courts having venue in New York, New York, and each Party irrevocably submits to the jurisdiction of each such court in any such proceeding, and waives any objection it may now or after the Effective Date have to venue or to convenience of forum. The Parties hereto agree that any of them may file a copy of this paragraph with any court as written evidence of the knowing, voluntary and bargained agreement of the Parties hereto irrevocably to waive any objections to venue or to convenience of forum. Process in any such proceeding may be served on any Party hereto anywhere in the world.

[Signatures appear on the following page]

IN WITNESS WHEREOF, each Party hereto has caused this Assignment to be duly executed on its behalf, on the day and year first above written.

ASSIGNOR:

SPINMEDIA GROUP, INC.

By:  _____
Name: Stephen Blackwell
Title: Chief Executive Officer

ASSIGNEE:

SPINMEDIA LLC

By: _____
Name:
Title:

IN WITNESS WHEREOF, each Party hereto has caused this Assignment to be duly executed on its behalf, on the day and year first above written.

ASSIGNOR:

SPINMEDIA GROUP, INC.

By: _____
Name: Stephen Blackwell
Title: Chief Executive Officer

ASSIGNEE:

SPINMEDIA LLC

By: _____
Name: John Aneto
Title: Authorized Signatory

EXHIBIT A

Assigned Trademarks

Mark	Jurisdiction	Serial No. Filing Date	Reg. No. Reg. Date	Status
SPIN	Australia	652817 2/13/1995	652817 2/13/1995	Registered
SPIN	Australia	652750 2/10/1995	652750 2/10/1995	Registered
SPIN	Canada	0624841 2/06/1989	TMA409294 3/12/1993	Renewed
SPIN	Canada	1615267 2/22/2013	n/a	Searched
SPIN	European Union	011507671 1/22/2013	011507671 9/23/2016	Registered
SPIN	Germany	395061954 2/14/1995	39506195 10/13/1995	Renewed
SPIN	United Kingdom	UK00001363474 11/14/1988	UK00001363474 8/29/1995	Registered
SPIN	United States	85/726,310 9/11/2012	4,750,280 6/09/2015	Registered
SPIN	United States	73/519,332 1/25/1985	1,351,650 7/30/1985	Renewed
	European Union	000217927 1/04/1996	000217927 2/02/1999	Registered
STEREOGUM	United States	76/677,937 6/07/2007	3,376,848 2/05/2008	Renewed
VIBE	Canada	0800992 1/03/1996	TMA526485 4/10/2000	Renewed
VIBE	Canada	1357303 6/26/2007	n/a	Allowed
VIBE	Canada	1163727 1/03/2003	TMA793016 3/16/2011	Registered
VIBE	European Union	000086009 4/01/1996	000086009 1/25/1999	Registered
VIBE	European Union	003754769 4/08/2004	003754769 11/16/2006	Registered
VIBE	United Kingdom	UK00002360961 4/08/2004	UK00002360961 8/28/2009	Registered
VIBE	United States	78/625,633 5/09/2005	3,745,439 2/02/2010	Renewed
VIBE	United States	75/486,958	2,303,664	Renewed

Mark	Jurisdiction	Serial No. Filing Date	Reg. No. Reg. Date	Status
		5/18/1998	12/28/1999	
VIBE	Canada	1284250 12/22/2005	TMA949283 9/14/2016	Registered
VIBE	United States	75/267,799 4/01/1997	2,144,655 3/17/1998	Renewed
VIBE VIXEN	United States	85/873,740 3/12/2013	n/a	Published
VIXEN	United States	85/874,643 3/13/2013	n/a	Published
VSESSIONS	United States	77/659,401 1/29/2009	3,663,561 8/04/2009	Renewed

20987609.3