

ESTTA Tracking number: **ESTTA980093**

Filing date: **06/12/2019**

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	MobileSoft Technology, Inc.
Granted to Date of previous extension	06/12/2019
Address	120 South Sixth Street, Suite 900 Minneapolis, MN 55402 UNITED STATES

Attorney information	MICHELLE KALLENBACH 2260 RIDGE DRIVE #13 MINNEAPOLIS, MN 55416 UNITED STATES mitzikallenbach@comcast.net 612-401-7997
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Applicant Information

Application No	87836135	Publication date	02/12/2019
Opposition Filing Date	06/12/2019	Opposition Period Ends	06/12/2019
Applicant	MY MY STAR INC. 633 9th St. Suite 1, Santa Monica, CA 90402 UNITED STATES		

Goods/Services Affected by Opposition


Class 035. First Use: 2000/11/01 First Use In Commerce: 2006/01/01 All goods and services in the class are opposed, namely: Advertising services; Marketing services
Class 041. First Use: 2000/11/01 First Use In Commerce: 2006/01/01 All goods and services in the class are opposed, namely: Digital video production services


Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
Dilution by blurring	Trademark Act Sections 2 and 43(c)
Dilution by tarnishment	Trademark Act Sections 2 and 43(c)

Marks Cited by Opposer as Basis for Opposition

U.S. Application No.	87184374	Application Date	09/27/2016
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Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	MYMY		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 009. First use: First Use: 0 First Use In Commerce: 0 Computer software for enabling transmission, storage, sharing, collection, editing, organizing and modifying audio, video, messages, images and other data for personal computers and mobile devices</p> <p>Class 038. First use: First Use: 0 First Use In Commerce: 0 Sound and video broadcasting of music and films via the Internet, telephony, or satellite broadcasting; providing on-line chat rooms and discussion forums for transmission of messages and digital pictures among users in the field of general interest; telecommunications on the Internet, namely, audio and video transmission</p> <p>Class 041. First use: First Use: 0 First Use In Commerce: 0 Entertainment services, namely, providing online non-downloadable music, non-downloadable videos in the field of music and computer games; Entertainment services, namely, providing an online searchable database via a communication network featuring non-downloadable music, non-downloadable videos in the field of music and online computer games; Entertainmentservices, namely, music production; Entertainment services, namely, providing online computer games; Entertainment services, namely, providing rental services for musical recordings, videos, and computer games via a communication network for personal computers and mobile devices</p> <p>Class 042. First use: First Use: 0 First Use In Commerce: 0 Providing temporary use of on-line non-downloadable computer software for use in the delivery, distribution, and transmission of digital music and entertainment-related audio, video, text, and multimedia content for personal computers and mobile devices</p>		
U.S. Application No.	87309628	Application Date	01/22/2017
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	MYMY		

Design Mark	
Description of Mark	<p>The mark consists of a red-orange triangle having each vertex overlapping the other to the right are white lower-case stylized letters "MYMY". The color black represents background and is not part of the mark.</p>
Goods/Services	<p>Class 009. First use: First Use: 0 First Use In Commerce: 0 Non-downloadable computer software for use in the delivery, distribution, and transmission of digital music and entertainment-related audio, video, text, and multimedia content for personal computers and mobile devices; computer software for enabling transmission, storage, sharing, collection, editing, organizing and modifying audio, video, messages, images and other data for personal computers and mobile devices</p> <p>Class 038. First use: First Use: 0 First Use In Commerce: 0 Sound and video broadcasting of music and films via the Internet, telephony, or satellite broadcasting; providing on-line chat rooms and discussion forums for transmission of messages and digital pictures among users in the field of general interest; telecommunications on the Internet, namely, audio and video transmission</p> <p>Class 041. First use: First Use: 0 First Use In Commerce: 0 Entertainment services, namely, providing online non-downloadable music, non-downloadable videos in the field of music and computer games; Entertainment services, namely, providing an online searchable database via a communication network featuring non-downloadable music, non-downloadable videos in the field of music and online computer games; Entertainment services, namely, music production; Entertainment services, namely, providing online computer games; Entertainment services, namely, providing rental services for musical recordings, videos, and computer games via a communication network for personal computers and mobile devices</p>
Related Proceedings	91236066
Attachments	87184374#TMSN.png(bytes) 87309628#TMSN.png(bytes) Notice of Opposition w Exs A B C D E.pdf(908463 bytes)
Signature	/Michelle Kallenbach/

Name	MICHELLE KALLENBACH
Date	06/12/2019

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

MOBILESOFT TECHNOLOGY, INC., a Delaware Corporation, Opposer,)	Opposition No.: _____
)	
)	In the matter of:
)	
v.)	Application Serial No: 87836135
)	Mark: MY MY STAR
)	
MY MY STAR, INC.,)	Filed: March 15, 2018
)	
Applicant.)	Published: February 12, 2019
)	

NOTICE OF OPPOSITION

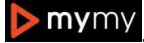


MOBILESOFT TECHNOLOGY, INC., a Delaware Corporation, with a principal place of business at 120 South Sixth Street, Suite 900, Minneapolis, Minnesota 55402 (“Opposer”), believing it will be damaged by registration of the above-captioned application, hereby opposes registration of the mark MY MY STAR shown in Application Serial No: 87836135, filed March 15, 2018, in the name of My My Star, Inc., (“Applicant”), and published for opposition on February 12, 2019. Opposer requested and the TTAB granted an extension of time to oppose until June 12, 2019.

As grounds of Opposition are as follows:

1. Opposer is the owner of U.S. Application Serial No. 87184374, for the standard character mark, MYMY, filed on September 27, 2016 and published on April 11, 2017 (“MYMY”) [Exhibit A, TSDR for MYMY application] for:




- *Computer software for enabling transmission, storage, sharing, collection, editing, organizing and modifying audio, video, messages, images and other data for personal computers and mobile devices, in Class 9.*

- *Sound and video broadcasting of music and films via the Internet, telephony, or satellite broadcasting; providing on-line chat rooms and discussion forums for transmission of messages and digital pictures among users in the field of general interest; telecommunications on the Internet, namely, audio and video transmission, in Class 38.*
- *Entertainment services, namely, providing online non-downloadable music, non-downloadable videos in the field of music and computer games; Entertainment services, namely, providing an online searchable database via a communication network featuring non-downloadable music, non-downloadable videos in the field of music and online computer games; Entertainment services, namely, music production; Entertainment services, namely, providing online computer games; Entertainment services, namely, providing rental services for musical recordings, videos, and computer games via a communication network for personal computers and mobile devices, in Class 41.*
- *Providing temporary use of on-line non-downloadable computer software for use in the delivery, distribution, and transmission of digital music and entertainment-related audio, video, text, and multimedia content for personal computers and mobile devices, in Class 42.*


2. Opposer is the owner of U.S. Application Serial No. 87309628, for the stylized design mark , filed on January 22, 2017, and published on July 4, 2017 (“”) [Exhibit B, TSDR for  application] for:

- *Non-downloadable computer software for use in the delivery, distribution, and transmission of digital music and entertainment-related audio, video, text, and multimedia content for personal computers and mobile devices; computer software for enabling transmission, storage, sharing, collection, editing, organizing and modifying audio, video, messages, images and other data for personal computers and mobile devices, in Class 9.*
- *Sound and video broadcasting of music and films via the Internet, telephony, or satellite broadcasting; providing on-line chat rooms and discussion forums for transmission of messages and digital pictures among users in the field of general interest; telecommunications on the Internet, namely, audio and video transmission, in Class 38.*

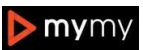
- *Entertainment services, namely, providing online non-downloadable music, non-downloadable videos in the field of music and computer games; Entertainment services, namely, providing an online searchable database via a communication network featuring non-downloadable music, non-downloadable videos in the field of music and online computer games; Entertainment services, namely, music production; Entertainment services, namely, providing online computer games; Entertainment services, namely, providing rental services for musical recordings, videos, and computer games via a communication network for personal computers and mobile devices, in Class 41.*

3. Opposer is the owner of U.S. Registration No. 5444433, an illustration design, , registered on April 10, 2018, (“”, [Exhibit C,  Registration Certificate], for:

- *Non-downloadable computer software for use in the delivery, distribution, and transmission of digital music and entertainment-related audio, video, text, and multimedia content for personal computers and mobile devices; computer software for enabling transmission, storage, sharing, collection, editing, organizing and modifying audio, video, messages, images and other data for personal computers and mobile devices, Class 9.*
- *Sound and video broadcasting of music and films via the Internet, telephony, or satellite broadcasting; providing on-line chat rooms and discussion forums for transmission of messages and digital pictures among users in the field of general interest; telecommunications on the Internet, namely, audio and video transmission, Class 38.*
- *Entertainment services, namely, providing online non-downloadable music, nondownloadable videos in the field of music and computer games; Entertainment services, namely, providing an online searchable database via a communication network featuring nondownloadable music, non-downloadable videos in the field of music and online computer games; Entertainment services, namely, music production; Entertainment services, namely, providing online computer games; Entertainment services, namely, providing rental services for musical recordings, videos, and computer games via a communication network for personal computers and mobile devices, Class 41.*


4. On August 9, 2017, My My Star, Inc. (“Applicant”) filed Opposition No. 91236066 opposing the registration of Opposer’s MYMY and  applications. Exhibit D, Notice of Opposition for Opposition No. 91236066 (“Opposition No. 91236066”).

5. In its Notice of Opposition pleading [Opposition No. 91236066], Applicant alleges ownership of the MY MY STAR common law trademark.

6. Applicant has alleged in Opposition No. 91236066 that Opposer’s MYMY and  marks are likely to be confused with Applicant’s alleged common law trademark MY MY STAR.

7. On March 15, 2018, Applicant filed U.S. Application Serial No. 87836135, for the MY MY STAR standard character mark (“Applicant’s Mark”), for:

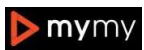
- *Advertising services; Marketing services*, Class 35.
- *Digital video production services*, Class 41.

8. Opposer’s filing date of MYMY and  applications predates Applicant’s Mark filing date.

9. Applicant’s Mark is substantially similar to Opposer’s MYMY mark.


10. Applicant’s Mark is substantially similar to Opposer’s  mark.

11. Consumers are likely to be confused between Applicant’s Mark and Opposer’s MYMY mark as used on or in connection with similar goods and services.

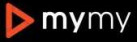
12. Consumers are likely to be confused between Applicant’s Mark and Opposer’s  mark as used on or in connection with similar goods and services.

13. Consumers are likely to be confused and to mistakenly believe that Applicant's goods and services offered under Applicant's Mark either emanate from or are licensed by, sponsored by, or associated with Opposer.

14. Consumers are likely to be confused and to mistake Applicant's goods and services under Applicant's Mark for Opposer's goods and services under Opposer's MYMY mark.


15. Consumers are likely to be confused and to mistake Applicant's goods and services under Applicant's Mark for Opposer's goods and services under Opposer's  mark.


16. If the Applicant were permitted to use and register its mark for the goods and services specified in Applicant's Application, confusion among consumers resulting in damage and injury to Opposer would be caused by virtue of the similarity between Applicant's Mark and Opposer's MYMY mark and the similar nature of the goods and services covered by those marks. Any defect, objection or fault found with Applicant's goods and services would reflect upon and seriously injure the reputation and value the Opposer has established under Opposer's MYMY mark.



17. If the Applicant were permitted to use and register its mark for the goods and services specified in Applicant's Application, confusion among consumers resulting in damage and injury to Opposer would be caused by virtue of the similarity between Applicant's Mark and Opposer's  mark and the similar nature of the goods and services covered by those marks. Any defect, objection or fault found with Applicant's



goods and services would reflect upon and seriously injure the reputation and value the Opposer has established under Opposer's  mark.

18. Opposer is and has been engaged in the sale and marketing of services under MYMY since a time prior to the filing date of Applicant's application for registration.


19. Opposer is and has been engaged in the sale and marketing of services under  since a time prior to the filing date of Applicant's application for registration.

20. Opposer is and has been engaged in the sale and marketing of services under  since a time prior to the filing date of Applicant's application for registration.

21. As a result of the extensive use of the MYMY and  and  marks in commerce, Opposer has acquired considerable and valuable goodwill and wide-scale recognition for its marks.

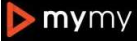



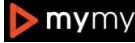
22. Opposer has expended significant revenue and resources in creating and marketing its goods and services under the MYMY, , and  marks, and, through these efforts, has established valuable consumer recognition and goodwill therein.

23. The public has come to associate MYMY with Opposer and Opposer's goods and services.

24. The public has come to associate  with Opposer and Opposer's goods and services.


25. The public has come to associate  with Opposer and Opposer's goods and services.

26. Opposer's MYMY mark has acquired distinctiveness.


27. Opposer's  mark has acquired distinctiveness.
28. Opposer's  mark has acquired distinctiveness.
29. Opposer is an innovative company which has associated its marks with a range of goods and services, including but not limited to digital video production, audio, video, digital music, video music production, music and video broadcasting via the Internet, and related goods and services.
30. Opposer's principal shareholder owns a production studio, which Opposer utilizes to produce its music, audio, video, and related services.
31. Opposer has established prior rights in MYMY, , and  in connection with at least the goods and services set forth within its aforementioned Applications and Registration prior to Applicant's application filing date.
32. Applicant's proposed use and registration of the MY MY STAR mark will create a likelihood of confusion, mistake and/or deception among consumers, within the meaning of Trademark Act § 2(d), all to the detriment of Opposer.
33. Applicant's Mark is confusingly similar to Opposer's MYMY mark and is likely, when applied to the goods of the Applicant, to cause confusion, mistake and/or deception among consumers, within the meaning of Trademark Act § 2(d), all to the detriment of Opposer.
34. Applicant's mark is confusingly similar to Opposer's  mark and is likely, when applied to the goods of the Applicant, to cause confusion, mistake and/or

deception among consumers, within the meaning of Trademark Act § 2(d), all to the detriment of Opposer.


35. The specimen filed by Applicant to show the manner in which its MY MY STAR applied for mark is seen by the public shows the **mymy*** design, which is virtually identical to Opposer's MYMY mark. Exhibit E, Applicant's specimen.

36. The specimen filed by Applicant to show the manner in which its MY MY STAR applied for mark is seen by the public shows the **mymy*** design, which is virtually identical to Opposer's  mark. Exhibit E.


37. On information and belief, Applicant did not apply for the **mymy*** design mark because Applicant knew or should have known that the USPTO would reject the design as being confusingly similar to Opposer's MYMY mark. Instead, Applicant submits a specimen containing the **mymy*** design in hopes that if its MY MY STAR application would register, the **mymy*** design would also be afforded trademark protection.

38. On information and belief, Applicant did not apply for the **mymy*** design mark because Applicant knew or should have known that the USPTO would reject the design as being confusingly similar to Opposer's  mark. Instead, Applicant submits a specimen containing the **mymy*** design in hopes that if its MY MY STAR application would register, the **mymy*** design would also be afforded trademark protection.


39. On information and belief, Applicant is using and intends to continue to use or intends to use the **mymy^{*}** design mark on its goods and services, which design mark is confusingly similar to Opposer's MYMY mark.

40. On information and belief, Applicant is using and intends to continue to use or intends to use the **mymy^{*}** design mark on its goods and services, which design mark is confusingly similar to Opposer's  mark.

41. Applicant's Mark so resembles Opposer's MYMY mark, as used in the United States and not abandoned, as to be likely to cause confusion, or to cause mistake or to deceive.

42. Applicant's Mark so resembles Opposer's  mark, as used in the United States and not abandoned, as to be likely to cause confusion, or to cause mistake or to deceive.

43. Applicant's use of **mymy^{*}** so resembles Opposer's MYMY mark, as used in the United States and not abandoned, as to be likely to cause confusion, or to cause mistake or to deceive.


44. Applicant's use of **mymy^{*}** so resembles Opposer's  mark, as used in the United States and not abandoned, as to be likely to cause confusion, or to cause mistake or to deceive.

45. On information and belief, Applicant having knowledge of Opposer's marks, applied for the MY MY STAR standard word mark, knowing that did not intend to use the word STAR as part of the mark used on its services.


46. On information and belief, Applicant's Mark as used or intended to be used is visually highly similar to Opposer's MYMY mark.

47. On information and belief, Applicant's Mark as used or intended to be used is visually highly similar to Opposer's  mark.

48. Applicant's Mark, as used or intended to be used, when spoken, sounds similar to indistinguishable from Opposer's MYMY mark.


49. Applicant's Mark, as used or intended to be used, when spoken, sounds similar to indistinguishable from Opposer's  mark.

50. On information and belief, Applicant's Mark, as used or intended to be used, makes a highly similar commercial impression to Opposer's MYMY mark.

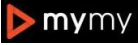
51. On information and belief, Applicant's Mark, as used or intended to be used, makes a highly similar commercial impression to Opposer's  mark.

52. Applicant's Mark is pending in International Class 41 for services which are related, if not identical, to Opposer's services.


53. Applicant's goods/services, as recited in its Application, are identical to and closely related to Opposer's MYMY goods and services.

54. Applicant's goods/services, as recited in its Application, are identical to and closely related to Opposer's  good and services.

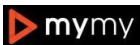
55. On information and belief, Applicant's Mark and Opposer's MYMY Mark are likely to be sold through the same or similar channels of distribution.

56. On information and belief, Applicant's Mark and Opposer's  are likely to be sold through the same or similar channels of distribution.



57. On information and belief, Applicant has adopted its MY MY STAR mark with full knowledge of Opposer's MYMY mark.

58. On information and belief, Applicant has adopted its MY MY STAR mark with full knowledge of Opposer's  mark.



59. Opposer's MYMY mark achieved fame prior to Applicant's first use of the Applicant's mark.

60. Opposer's  mark achieved fame prior to Applicant's first use of the Applicant's mark.



61. On information and belief, Applicant's Mark is also likely to diminish and dilute the value and distinctive character of Opposer's MYMY mark, to the great detriment of Opposer's famous MYMY mark, thus damaging Opposer, as pursuant to Trademark Act Section 2 and 43(c).

62. On information and belief, Applicant's Mark is also likely to diminish and dilute the value and distinctive character of Opposer's  mark, to the great detriment of Opposer's famous  mark, thus damaging Opposer, as pursuant to Trademark Act Section 2 and 43(c).

63. On information and belief, Applicant's Mark is also likely to cause dilution by blurring of Opposer's MYMY mark, to the great detriment of Opposer's famous MYMY mark, thus damaging Opposer, as pursuant to Trademark Act Section 2 and 43(c).

64. On information and belief, Applicant's Mark is also likely to cause dilution by blurring of Opposer's  mark, to the great detriment of Opposer's famous  mark, thus damaging Opposer, as pursuant to Trademark Act Section 2 and 43(c).

65. On information and belief, Applicant's Mark is also likely to cause dilution by tarnishment of Opposer's MYMY mark, to the great detriment of Opposer's famous MYMY mark, thus damaging Opposer, as pursuant to Trademark Act Section 2 and 43(c).

66. On information and belief, Applicant's Mark is also likely to cause dilution by tarnishment of Opposer's  mark, to the great detriment of Opposer's famous  mark, thus damaging Opposer, as pursuant to Trademark Act Section 2 and 43(c).

WHEREFORE, Opposer believes that it has been damaged and will continue to be damaged by virtue of Applicant's attempted registration of Applicant's Application Serial No. 87836135 and requests that said application be rejected, that no registration be issued thereon to Applicant, and that this Opposition be sustained in favor of Opposer.

Respectfully submitted by:

Dated: June 12, 2019

/s/ Michelle M. Kallenbach
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Minneapolis, MN 55416
Tel: 952-593-3858
Cell: 612-401-7997
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mitzikallenbach@comcast.net
Attorney for MobileSoft Technology, Inc.

"EXHIBIT A"

"EXHIBIT A"

Generated on: This page was generated by TSDR on 2019-06-11 18:58:10 EDT

Mark: MYMY

MYMY

US Serial Number: 87184374

Application Filing Date: Sep. 27, 2016

Filed as TEAS RF: Yes

Currently TEAS RF: Yes

Register: Principal

Mark Type: Trademark, Service Mark

Status: An opposition after publication is pending at the Trademark Trial and Appeal Board. For further information, see TTABVue on the Trademark Trial and Appeal Board web page.

Status Date: Aug. 09, 2017

Publication Date: Apr. 11, 2017

Mark Information

Mark Literal Elements: MYMY

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: Providing temporary use of on-line non-downloadable computer software for use in the delivery, distribution, and transmission of digital music and entertainment-related audio, video, text, and multimedia content for personal computers and mobile devices

International Class(es): 042 - Primary Class

U.S Class(es): 100, 101

Class Status: ACTIVE

Basis: 1(b)

For: Entertainment services, namely, providing online non-downloadable music, non-downloadable videos in the field of music and computer games; Entertainment services, namely, providing an online searchable database via a communication network featuring non-downloadable music, non-downloadable videos in the field of music and online computer games; Entertainment services, namely, music production; Entertainment services, namely, providing online computer games; Entertainment services, namely, providing rental services for musical recordings, videos, and computer games via a communication network for personal computers and mobile devices

International Class(es): 041 - Primary Class

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

Class Status: ACTIVE

Basis: 1(b)

For: Sound and video broadcasting of music and films via the Internet, telephony, or satellite broadcasting; providing on-line chat rooms and discussion forums for transmission of messages and digital pictures among users in the field of general interest; telecommunications on the Internet, namely, audio and video transmission

International Class(es): 038 - Primary Class

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

Class Status: ACTIVE

Basis: 1(b)

For: Computer software for enabling transmission, storage, sharing, collection, editing, organizing and modifying audio, video, messages, images and other data for personal computers and mobile devices

International Class(es): 009 - Primary Class

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

Class(es):

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: MobileSoft Technology, Inc.

Owner Address: 120 South Sixth Street, Suite 900
Minneapolis, MINNESOTA 55402
UNITED STATES

Legal Entity Type: CORPORATION

State or Country DELAWARE
Where Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Michelle Kallenbach

Attorney Primary mitzikallenbach@comcast.net
Email Address:

Attorney Email Yes
Authorized:

Correspondent

Correspondent MICHELLE KALLENBACH
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SUITE #13
MINNEAPOLIS, MINNESOTA 55416
UNITED STATES

Phone: 952-593-3858

Fax: 952-406-8881

Correspondent e- mitzikallenbach@comcast.net
mail:

Correspondent e- Yes
mail Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Mar. 01, 2019	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Mar. 01, 2019	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Aug. 09, 2017	OPPOSITION INSTITUTED NO. 999999	236066
Apr. 11, 2017	EXTENSION OF TIME TO OPPOSE RECEIVED	
Apr. 11, 2017	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Apr. 11, 2017	PUBLISHED FOR OPPOSITION	
Mar. 22, 2017	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Feb. 27, 2017	APPROVED FOR PUB - PRINCIPAL REGISTER	
Feb. 24, 2017	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Feb. 24, 2017	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Feb. 24, 2017	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Feb. 24, 2017	NOTIFICATION OF PRIORITY ACTION E-MAILED	6326
Feb. 24, 2017	PRIORITY ACTION E-MAILED	6326
Feb. 24, 2017	PRIORITY ACTION WRITTEN	83694
Feb. 21, 2017	PREVIOUS ALLOWANCE COUNT WITHDRAWN	

Feb. 07, 2017	WITHDRAWN FROM PUB - OG REVIEW QUERY	99910
Jan. 18, 2017	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jan. 17, 2017	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Jan. 16, 2017	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Jan. 16, 2017	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jan. 11, 2017	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Jan. 11, 2017	NON-FINAL ACTION E-MAILED	6325
Jan. 11, 2017	NON-FINAL ACTION WRITTEN	83694
Jan. 04, 2017	ASSIGNED TO EXAMINER	83694
Oct. 05, 2016	NOTICE OF PSEUDO MARK E-MAILED	
Oct. 04, 2016	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Sep. 30, 2016	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information

TM Attorney: CALLAGHAN, BRIAN P

Law Office Assigned: LAW OFFICE 108

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Mar. 03, 2017

Proceedings

Summary

Number of Proceedings: 2

Type of Proceeding: Opposition

Proceeding Number: [91236066](#)

Filing Date: Aug 09, 2017

Status: Pending

Status Date: Aug 09, 2017

Interlocutory Attorney: MARY CATHERINE FAINT

Defendant

Name: MobileSoft Technology, Inc.

Correspondent Address: MICHELLE KALLENBACH
2260 RIDGE DRIVE, SUITE #13
MINNEAPOLIS MN , 55416
UNITED STATES

Correspondent e-mail: mitzikallenbach@comcast.net

Associated marks

Mark	Application Status	Serial Number	Registration Number
MYMY	Opposition Pending	87184374	
MYMY	Opposition Pending	87309628	

Plaintiff(s)

Name: My My Star, Inc.

Correspondent Address: OMID E KHALIFEH
OMNI LEGAL GROUP PLC
10866 WILSHIRE BLVD STE 400
LOS ANGELES CA , 90024
UNITED STATES

Correspondent e-mail: info@omnilegalgroup.com , James@omnilegalgroup.com , Omid@omnilegalgroup.com , Ariana@omnilegalgroup.com

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Aug 09, 2017	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Aug 09, 2017	Sep 18, 2017

3	PENDING, INSTITUTED	Aug 09, 2017
4	ANSWER	Sep 18, 2017
5	D MOT TO COMPEL DISCOVERY	Mar 02, 2018
6	P OPP/RESP TO MOTION	Mar 22, 2018
7	SUSP PEND DISP OF OUTSTNDNG MOT	Apr 04, 2018
8	PROCEEDINGS RESUMED	Jul 16, 2018
9	P MAIN BRIEF: TM RULE 2.128	May 09, 2019

Type of Proceeding: Extension of Time

Proceeding Number: [87184374](#)

Filing Date: Apr 11, 2017

Status: Terminated

Status Date: Aug 10, 2017

Interlocutory Attorney:

Defendant

Name: MobileSoft Technology, Inc.

Correspondent Address: MICHELLE KALLENBACH
2260 RIDGE DRIVE, #13
MINNEAPOLIS MN , 55416

Correspondent e-mail: mitzikallenbach@comcast.net

Associated marks

Mark	Application Status	Serial Number	Registration Number
MYMY	Opposition Pending	87184374	

Potential Opposer(s)

Name: My My Star, Inc.

Correspondent Address: Omid E. Khalifeh
Omni Legal Group, PLC
10866 Wilshire Blvd. Suite 400
Los Angeles CA , 90024
UNITED STATES

Correspondent e-mail: info@omnilegalgroup.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
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Prosecution History

Entry Number	History Text	Date	Due Date
1	INCOMING - EXT TIME TO OPPOSE FILED	Apr 11, 2017	
2	EXTENSION OF TIME GRANTED	Apr 11, 2017	

"EXHIBIT B"

"EXHIBIT B"

Generated on: This page was generated by TSDR on 2019-06-11 18:56:10 EDT

Mark: MYMY



US Serial Number: 87309628

Application Filing Date: Jan. 22, 2017

Filed as TEAS RF: Yes

Currently TEAS RF: Yes

Register: Principal

Mark Type: Trademark, Service Mark

Status: An opposition after publication is pending at the Trademark Trial and Appeal Board. For further information, see TTABVue on the Trademark Trial and Appeal Board web page.

Status Date: Aug. 09, 2017

Publication Date: Jul. 04, 2017

Mark Information

Mark Literal Elements: MYMY

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 red-orange triangle having each vertex overlapping the other to the right are white lower-case stylized letters "MYMY". The color black represents background and is not part of the mark.

Color Drawing: Yes

Color(s) Claimed: The color(s) red-orange and white is/are claimed as a feature of the mark.

Design Search Code(s): 26.05.21 - Triangles that are completely or partially shaded

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: Entertainment services, namely, providing online non-downloadable music, non-downloadable videos in the field of music and computer games; Entertainment services, namely, providing an online searchable database via a communication network featuring non-downloadable music, non-downloadable videos in the field of music and online computer games; Entertainment services, namely, music production; Entertainment services, namely, providing online computer games; Entertainment services, namely, providing rental services for musical recordings, videos, and computer games via a communication network for personal computers and mobile devices

International Class(es): 041 - Primary Class

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

Class Status: ACTIVE

Basis: 1(b)

For: Sound and video broadcasting of music and films via the Internet, telephony, or satellite broadcasting; providing on-line chat rooms and discussion forums for transmission of messages and digital pictures among users in the field of general interest; telecommunications on the Internet, namely, audio and video transmission

International Class(es): 038 - Primary Class

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

Class Status: ACTIVE

Basis: 1(b)

For: Non-downloadable computer software for use in the delivery, distribution, and transmission of digital music and entertainment-related audio, video, text, and multimedia content for personal computers and mobile devices; computer software for enabling transmission, storage, sharing, collection, editing, organizing and modifying audio, video, messages, images and other data for personal computers and mobile devices

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: Yes

Currently Use: No

Amended Use: No

Filed ITU: No

Currently ITU: Yes

Amended ITU: Yes

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: MobileSoft Technology, Inc.

Owner Address: 120 South Sixth Street, Suite 900
Minneapolis, MINNESOTA 55402
UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Michelle Kallenbach

Attorney Primary Email Address: mitzikallenbach@comcast.net

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: MICHELLE KALLENBACH
2260 RIDGE DRIVE
SUITE #13
MINNEAPOLIS, MINNESOTA 55416
UNITED STATES

Phone: 952-593-3858

Fax: 952-406-8881

Correspondent e-mail: mitzikallenbach@comcast.net

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Mar. 01, 2019	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Mar. 01, 2019	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Aug. 09, 2017	OPPOSITION INSTITUTED NO. 999999	236066
Jul. 05, 2017	EXTENSION OF TIME TO OPPOSE RECEIVED	
Jul. 04, 2017	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jul. 04, 2017	PUBLISHED FOR OPPOSITION	
Jun. 14, 2017	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
May 31, 2017	LAW OFFICE PUBLICATION REVIEW COMPLETED	68171
May 23, 2017	APPROVED FOR PUB - PRINCIPAL REGISTER	
May 22, 2017	EXAMINER'S AMENDMENT ENTERED	88888
May 22, 2017	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
May 22, 2017	EXAMINERS AMENDMENT E-MAILED	6328

May 22, 2017	EXAMINERS AMENDMENT -WRITTEN	93051
May 17, 2017	TEAS/EMAIL CORRESPONDENCE ENTERED	68171
May 17, 2017	CORRESPONDENCE RECEIVED IN LAW OFFICE	68171
May 16, 2017	ASSIGNED TO LIE	68171
Apr. 25, 2017	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Apr. 24, 2017	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Apr. 24, 2017	NON-FINAL ACTION E-MAILED	6325
Apr. 24, 2017	NON-FINAL ACTION WRITTEN	93051
Apr. 18, 2017	ASSIGNED TO EXAMINER	93051
Jan. 28, 2017	NOTICE OF DESIGN SEARCH CODE E-MAILED	
Jan. 27, 2017	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jan. 25, 2017	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information

TM Attorney: GOODWIN, KATRINA JOYE

Law Office LAW OFFICE 122
Assigned:

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: May 31, 2017

Proceedings

Summary

Number of Proceedings: 2

Type of Proceeding: Opposition

Proceeding Number: [91236066](#)

Filing Date: Aug 09, 2017

Status: Pending

Status Date: Aug 09, 2017

Interlocutory Attorney: MARY CATHERINE FAINT

Defendant

Name: MobileSoft Technology, Inc.

Correspondent Address: MICHELLE KALLENBACH
2260 RIDGE DRIVE, SUITE #13
MINNEAPOLIS MN , 55416
UNITED STATES

Correspondent e-mail: mitzikallenbach@comcast.net

Associated marks

Mark	Application Status	Serial Number	Registration Number
MYMY	Opposition Pending	87184374	
MYMY	Opposition Pending	87309628	

Plaintiff(s)

Name: My My Star, Inc.

Correspondent Address: OMID E KHALIFEH
OMNI LEGAL GROUP PLC
10866 WILSHIRE BLVD STE 400
LOS ANGELES CA , 90024
UNITED STATES

Correspondent e-mail: info@omnilegalgroup.com , James@omnilegalgroup.com , Omid@omnilegalgroup.com , Ariana@omnilegalgroup.com

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Aug 09, 2017	

2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Aug 09, 2017	Sep 18, 2017
3	PENDING, INSTITUTED	Aug 09, 2017	
4	ANSWER	Sep 18, 2017	
5	D MOT TO COMPEL DISCOVERY	Mar 02, 2018	
6	P OPP/RESP TO MOTION	Mar 22, 2018	
7	SUSP PEND DISP OF OUTSTNDNG MOT	Apr 04, 2018	
8	PROCEEDINGS RESUMED	Jul 16, 2018	
9	P MAIN BRIEF: TM RULE 2.128	May 09, 2019	

Type of Proceeding: Extension of Time

Proceeding Number: [87309628](#)

Filing Date: Jul 05, 2017

Status: Terminated

Status Date: Nov 01, 2017

Interlocutory Attorney:

Defendant

Name: MobileSoft Technology, Inc.

Correspondent Address: MICHELLE KALLENBACH
2260 RIDGE DRIVE, #13
MINNEAPOLIS MN , 55416

Correspondent e-mail: mitzikallenbach@comcast.net

Associated marks

Mark	Application Status	Serial Number	Registration Number
MYMY	Opposition Pending	87309628	

Potential Opposer(s)

Name: My My Star, Inc.

Correspondent Address: Omid E. Khalifeh
Omni Legal Group, PLC
10866 Wilshire Blvd. Suite 400
Los Angeles CA , 90024
UNITED STATES

Correspondent e-mail: info@omnilegalgroup.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
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Prosecution History

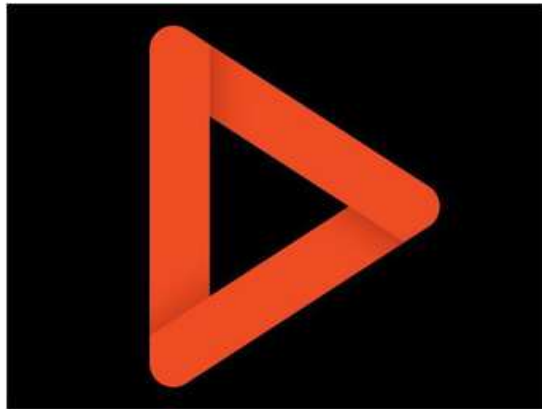
Entry Number	History Text	Date	Due Date
1	INCOMING - EXT TIME TO OPPOSE FILED	Jul 05, 2017	
2	EXTENSION OF TIME GRANTED	Jul 05, 2017	

"EXHIBIT C"

"EXHIBIT C"

United States of America

United States Patent and Trademark Office



Reg. No. 5,444,433

Registered Apr. 10, 2018

Int. Cl.: 9, 38, 41

Service Mark

Trademark

Principal Register

MobileSoft Technology, Inc. (DELAWARE CORPORATION)
100 Washington Ave S, Suite 690
Minneapolis, MINNESOTA 55401

CLASS 9: Non-downloadable computer software for use in the delivery, distribution, and transmission of digital music and entertainment-related audio, video, text, and multimedia content for personal computers and mobile devices; computer software for enabling transmission, storage, sharing, collection, editing, organizing and modifying audio, video, messages, images and other data for personal computers and mobile devices

FIRST USE 3-25-2017; IN COMMERCE 3-25-2017

CLASS 38: Sound and video broadcasting of music and films via the Internet, telephony, or satellite broadcasting; providing on-line chat rooms and discussion forums for transmission of messages and digital pictures among users in the field of general interest; telecommunications on the Internet, namely, audio and video transmission

FIRST USE 3-25-2017; IN COMMERCE 3-25-2017

CLASS 41: Entertainment services, namely, providing online non-downloadable music, non-downloadable videos in the field of music and computer games; Entertainment services, namely, providing an online searchable database via a communication network featuring non-downloadable music, non-downloadable videos in the field of music and online computer games; Entertainment services, namely, music production; Entertainment services, namely, providing online computer games; Entertainment services, namely, providing rental services for musical recordings, videos, and computer games via a communication network for personal computers and mobile devices

FIRST USE 3-25-2017; IN COMMERCE 3-25-2017

The color(s) red-orange is/are claimed as a feature of the mark.

The mark consists of a red-orange triangle having each vertex overlapping the other. The color black represents background and is not part of the mark.

SER. NO. 87-309,635, FILED 01-22-2017



Andrei Iancu

Director of the United States
Patent and Trademark Office

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>.

"EXHIBIT D"

"EXHIBIT D"

ESTTA Tracking number: **ESTTA838730**

Filing date: **08/09/2017**

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

Notice of Opposition

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

Opposer Information

Name	My My Star, Inc.
Granted to Date of previous extension	08/09/2017
Address	1000 N. Doheny Dr West Hollywood,, CA 90069 UNITED STATES

Correspondence information	Omid E. Khalifeh Omni Legal Group, Plc 10866 Wilshire Blvd. Ste 400 Los Angeles, CA 90024 UNITED STATES Email: info@omnilegalgroup.com, James@omnilegalgroup.com, Omid@omnilegalgroup.com, Ariana@omnilegalgroup.com Phone: (310) 276-6664
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Applicant Information

Application No	87184374	Publication date	04/11/2017
Opposition Filing Date	08/09/2017	Opposition Period Ends	08/09/2017
Applicant	MobileSoft Technology, Inc. 100 Washington Ave S, Suite 690 Minneapolis, MN 55401 UNITED STATES		

Goods/Services Affected by Opposition

Class 009. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Computer software for enabling transmission, storage, sharing, collection, editing, organizing and modifying audio, video, messages, images and other data for personal computers and mobile devices
Class 038. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Sound and video broadcasting of music and films via the Internet, telephony, orsatellite broadcasting; providing on-line chat rooms and discussion forums for transmission of messages and digital pictures among users in the field of general interest; telecommunications on the Internet, namely, audio and video transmission
Class 041. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Entertainment services, namely, providing online non-downloadable music, non-downloadable videos in the field of music and computer games; Entertainment services, namely, providing an online searchable database via a communication network featuring non-downloadable music, non-downloadable videos in the field of music and online computer games; Entertainmentservices, namely, music production; Entertainment services, namely, providing online computer games; Entertainment services, namely, providing rental services for mu-

sical recordings, videos, and computer games via a communication network for personal computers and mobile devices

Class 042. First Use: 0 First Use In Commerce: 0

All goods and services in the class are opposed, namely: Providing temporary use of on-line non-downloadable computer software for use in the delivery, distribution, and transmission of digital music and entertainment-related audio, video, text, and multimedia content for personal computers and mobile devices

Applicant Information

Application No	87309628	Publication date	07/04/2017
Opposition Filing Date	08/09/2017	Opposition Period Ends	
Applicant	MobileSoft Technology, Inc. 100 Washington Ave S, Suite 690 Minneapolis, MN 55401 UNITED STATES		

Goods/Services Affected by Opposition

Class 009. First Use: 0 First Use In Commerce: 0

All goods and services in the class are opposed, namely: Non-downloadable computer software for use in the delivery, distribution, and transmission of digital music and entertainment-related audio, video, text, and multimedia content for personal computers and mobile devices; computer software for enabling transmission, storage, sharing, collection, editing, organizing and modifying audio, video, messages, images and other data for personal computers and mobile devices

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

All goods and services in the class are opposed, namely: Sound and video broadcasting of music and films via the Internet, telephony, or satellite broadcasting; providing on-line chat rooms and discussion forums for transmission of messages and digital pictures among users in the field of general interest; telecommunications on the Internet, namely, audio and video transmission

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

All goods and services in the class are opposed, namely: Entertainment services, namely, providing online non-downloadable music, non-downloadable videos in the field of music and computer games; Entertainment services, namely, providing an online searchable database via a communication network featuring non-downloadable music, non-downloadable videos in the field of music and online computer games; Entertainment services, namely, music production; Entertainment services, namely, providing online computer games; Entertainment services, namely, providing rental services for musical recordings, videos, and computer games via a communication network for personal computers and mobile devices

Grounds for Opposition

Other	Priority and likelihood of confusion based on common law trademark rights.
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Attachments	1.pdf(196191 bytes)
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Signature	/oek/
Name	Omid E. Khalifeh
Date	08/09/2017

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

In the Matter of U.S. Trademark Applications Serial No. 87184374 & 87309628, published in the *Official Gazette* on April 11, 2017 and January 22, 2017, respectively.

)	
MY MY STAR, INC.,)	
Opposer,)	Opposition No. _____
v.)	
MOBILESOFT TECHNOLOGY, INC.)	
Applicant.)	
_____)	

NOTICE OF OPPOSITION

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

My My Star, Inc., a California Corporation, located and doing business at 1000 North Doheny Drive, West Hollywood, CA 90069, (“Opposer”) believes that it will be damaged by registrations of U.S. Trademark Application Serial Nos. 87309628 and 87184374 (the “Applications”) for the marks:

1) MY MY; and

2)  mymy

(hereinafter “Applicant’s Marks”) filed by MobileSoft Technology, Inc. and therefore opposes the same.

As grounds for opposition, it is alleged:

1. By the application filed on September 27, 2016, Applicant seeks to obtain registration on the Principle Register of the MY MY mark for:

A) “Computer software for enabling transmission, storage, sharing, collection, editing, organizing and modifying audio, video, messages, images and other data for personal computers and mobile devices” in International Class 009 based on Applicant’s alleged intent to use the mark in commerce;


B) “Sound and video broadcasting of music and films via the Internet, telephony, or satellite broadcasting; providing on-line chat rooms and discussion forums for transmission of messages and digital pictures among users in the field of general interest; telecommunications on the Internet, namely, audio and video transmission” in International Class 038 based on Applicant’s alleged intent to use the mark in commerce;

C) “Entertainment services, namely, providing online non-downloadable music, non-downloadable videos in the field of music and computer games; Entertainment services, namely, providing an online searchable database via a communication network featuring non-downloadable music, non-downloadable videos in the field of music and online computer games; Entertainment services, namely, music production; Entertainment services, namely, providing online computer games; Entertainment services, namely, providing rental services for musical recordings, videos, and computer games via a communication network for personal computers and mobile devices” in International Class 041 based on Applicant’s alleged intent to use the mark in commerce; and

D) “Providing temporary use of on-line non-downloadable computer software for use in the delivery, distribution, and transmission of digital music and entertainment-related audio,

video, text, and multimedia content for personal computers and mobile devices” in International Class 042 based on Applicant’s alleged intent to use the mark in commerce.

2. Upon information and belief, corroborated by an intent to use application as filed by Applicant, Applicant has a bona fide intent to provide all of the aforementioned goods and services at some future time under the MY MY mark.

3. By the application filed on January 22, 2017, Applicant seeks to obtain registration on the Principle Register of the  mark for:

A) “Non-downloadable computer software for use in the delivery, distribution, and transmission of digital music and entertainment-related audio, video, text, and multimedia content for personal computers and mobile devices; computer software for enabling transmission, storage, sharing, collection, editing, organizing and modifying audio, video, messages, images and other data for personal computers and mobile devices” in International Class 009 based on Applicant’s alleged intent to use the mark in commerce;

B) “Sound and video broadcasting of music and films via the Internet, telephony, or satellite broadcasting; providing on-line chat rooms and discussion forums for transmission of messages and digital pictures among users in the field of general interest; telecommunications on the Internet, namely, audio and video transmission” in International Class 038 based on Applicant’s alleged intent to use the mark in commerce; and

C) “Entertainment services, namely, providing online non-downloadable music, non-downloadable videos in the field of music and computer games; Entertainment services, namely, providing an online searchable database via a communication network featuring non-

downloadable music, non-downloadable videos in the field of music and online computer games; Entertainment services, namely, music production; Entertainment services, namely, providing online computer games; Entertainment services, namely, providing rental services for musical recordings, videos, and computer games via a communication network for personal computers and mobile devices” in International Class 041 based on Applicant’s alleged intent to use the mark in commerce.

4. Upon information and belief, corroborated by an intent to use application listing Applicant as the owner, Applicant, Applicant has a bona fide intent to provide all of the aforementioned goods and services at some future time under the MY MY mark.

5. Since at least at least as early as May 31, 2002, long before the filing dates of the Applications, Opposer has been, and still is, an industry leader engaged in the development, marketing, and sale of digital content, including but not limited to online and broadcast advertising content, downloadable and non-downloadable videos, banner advertisements, social media marketing campaigns, software applications, online games, and other digital production studio products (herein, “the Products”) under the mark MY MY STAR (variously hereafter “Opposer’s Mark” or the “MY MY STAR” mark).

6. Beginning at least fifteen (15) years before the filing dates of the Applications opposed herein, Opposer has continuously used and promoted its MY MY STAR mark. Since at least as early as May 31, 2002, long before the filing dates of the Applications opposed herein, Opposer has provided millions of dollars worth of goods and services under the MY MY STAR


mark. Opposer's consumers, which include but are not limited to large advertising agencies and multinational companies, are located throughout the United States and overseas. By way of example, a partial and informal list of Opposer's clients includes Google, Nike, iRobot, Spotify, Toyota, Star Wars / Lucasfilm, The Sundance Film Festival, Electronic Arts, Samsung, Guinness, Chevron, Texaco, Madonna, Britney Spears, Lexus, Microsoft, ESPN, Gatorade, Diet Coke, Sony Playstation, Kraft, MTV, Tanqueray, Jet Blue, Polo / Ralph Lauren, M & M's, Discovery Channel, Verizon, Motorola, Mitsubishi, Doritos, Sony, J.P. Morgan, Cartoon Network, Heineken, Microsoft, DreamWorks SKG, Viagra, Jaguar, Subaru, UPS, IBM, Xerox, Miramax, Cingular, Calvin Klein, Yahoo, Canon, Flex Jet, The Independent Film Channel, CBS, Target, DHL, Ford, Hardees / Carls Jr., Pepperidge Farm, Knorr, Accenture, Rockport, Oracle, Hennessy, Electrolux, AMC, Netscape, We Channel, Warner Bros, Nutrilite, Qantas, Disney, Nikon, and Sony. As a consequence, Opposer's mark is known throughout the United States and globally as a standard of excellence in the relevant industries. A list of these companies is provided as Exhibit B.

7. Opposer has cultivated, at great expense, exceedingly valuable goodwill in the MY MY STAR mark. Such expense not only includes significant financial expenditures associated with Opposer's substantial and continuous advertising and promotional activities, but also the time and effort necessary to produce world-class goods and services in an increasingly competitive industry. Opposer has, and continues to, widely market the MY MY STAR mark to major advertising agencies and global brands by, for example, disseminating Opposer's work samples to potential clients under Opposer's mark and making goods and services bearing Opposer's mark available to consumers across the country. The significance of Opposer's efforts and standing

within the industry is also demonstrated by Opposer's trademark applications, a list of which is attached hereto as Exhibit A.

8. By virtue of Opposer's fifteen (15) year history of continuous and substantial use, together with millions of dollars in business transactions conducted under Opposer's mark, Opposer's mark has become well-known and distinctive to Opposer's consumers and potential consumers across the country since before the filing dates of the Applications opposed herein. Accordingly, Opposer has developed strong interstate common law trademark rights in Opposer's MY MY STAR mark. Opposer relies on its superior common law trademark rights, which predate the filing dates of the intent to use Applications by many years.

9. Applicant seeks an unrestricted federal registration for the MY MY mark covering the goods and services set forth in U.S. Trademark Application Serial No. 87184374 for classes

009, 038, 041 and 042. Applicant also seeks an unrestricted federal registration for the  mark covering the goods and services set forth in U.S. Trademark Application Serial No. 87309628 for classes 009, 038, and 041. As such, if a registration issues on either of, or both of, the Applications, such registration(s) will constitute prima facie evidence of the Applicant's exclusive right to use the registered mark(s) in connection with the goods and services as listed in the respective application(s) throughout the United States with no limitation thereon.

10. Both opposed Applications are intent to use applications. Accordingly, upon information and belief, Applicant may not reasonably attribute any good will to Applicant's Marks

as it is unlikely that any consumers associate Applicant with the same. Thus, Applicant stands to lose little if registration is denied.

11. Applicant intends to use Applicant's Marks in the same streams of commerce as Opposer or in the same or similar industries. Due to the similarity between Applicant's Marks (two variations of MY MY) and Opposer's Mark (MY MY STAR), and the services offered thereunder, if Applicant is permitted to use and register Applicant's Marks for the services identified in the Application, consumer confusion resulting in irreparable damage and injury to Opposer will inevitably result. For example, any objection or fault found with the goods and services marketed under Applicant's Marks could reflect on and injure Opposer's hard-won and outstanding reputation. Furthermore, if Applicant is granted the registrations herein opposed, Applicant would obtain a *prima facie* exclusive right to use Applicant's Marks in the goods and services set forth in the Applications. Such registration would damage and injure Opposer through the generation of confusion, mistake, and/or deception, the dilution of Opposer's marks and the diminution of Opposer's ability to control the perceived quality of services offered under Opposer's Mark.

12. Moreover, such registration would run contrary to the requirement that all doubts as to the likelihood of confusion must be resolved in favor of Opposer, and against Applicant, who has a legal duty to select a mark dissimilar to marks already in use.

13. Applicant's Marks, as used on the services identified in the Application, would dilute, or be likely to dilute, the distinctiveness of Opposer's Mark, resulting in damage to Opposer, its goodwill, and the strength and value of its marks.

14. Opposer, Opposer’s consumers, and Opposer’s potential consumers will be damaged by registration of the Applications in that Applicant’s Marks so resemble Opposer’s MY MY STAR mark, in which Opposer owns superior common law trademark rights, as to be likely, when used on or in connection with the goods and services identified in the Applications, as to cause confusion, or to cause mistake, or to deceive consumers and potential consumers within the meaning of Section 2(d) of the Trademark Act, 15 U.S.C. § 1052(d).

15. In view of the similarity in sight, sound and meaning between Applicant’s MY MY Marks and Opposer’s MY MY STAR mark, the similarity between the respective services of Applicant and Opposer associated with Applicant’s mark and Opposer’s aforesaid marks, and the similarity of the channels of trade and customer base for Applicant’s services and Opposer’s services make it inevitable that Applicant’s Marks are likely to cause confusion, and/or to cause mistake, and/or to deceive.

WHEREFORE, Opposer prays that U.S. Trademark Application Serial No. 87184374 and U.S. Trademark Application Serial No. 87309628 be rejected and stricken, that no registrations be issued to Applicant on either Application, and that this opposition be sustained in favor of Opposer.

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Respectfully submitted,
Omni Legal Group

Dated: August 9, 2017

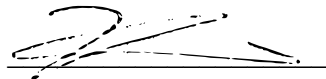
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MY MY STAR, INC.

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing **NOTICE OF OPPOSITION** has been served to Applicant's attorney of record by mailing said copy on August 9, 2017, via Priority Mail to:

Michelle Kallenbach
Attorney for MobileSoft Technology, Inc.
2260 Ridge Drive, #13
Minneapolis, Minnesota 55416
Tel.: (952) 593-3858
mitzikallenbach@comcast.net

Signature:



Name: Omid E. Khalifeh

Date: August 9, 2017

EXHIBIT A

Opposer's Common Law Trademark Rights and USPTO Trademark Applications

1. Opposer owns and relies on its superior common law trademark rights in and to Opposer's MY MY STAR mark ("Opposer's Mark"). Opposer began accruing common law trademark rights in and to Opposer's Mark fifteen (15) years prior to the commencement of this action. As such, Opposer's common law trademark rights significantly predate the Applications. Opposer obtained these rights, and has maintained these rights, at great cost in effort, time and expense. By virtue of Opposer's continuous and substantial use, Opposer's Mark has become well-known to Opposer's consumers and potential consumers across the United States as a symbol of quality in connection with Opposer's goods and services.

2. Opposer owns and relies on U.S. Trademark Application Serial No. 87340723 (the "723 Application) for the mark MY MY MOJIS for "downloadable mobile applications for electronic messaging; downloadable software for electronic messaging; [and] downloadable messaging software application via the internet and wireless devices" in International Class 009 based on Opponent's bona fide intention to use the MY MY MOJIS mark in interstate commerce.

3. Opposer owns U.S. Trademark Application Serial No. 87393986 (the "986 Application) for the mark BIG HEADS for "downloadable mobile applications for electronic messaging; downloadable software for electronic messaging; [and] downloadable messaging software application via the internet and wireless devices" in International Class 009 based on Opponent's bona fide intention to use the BIG HEADS mark in interstate commerce.

4. Opposer owns U.S. Trademark Application Serial No. 87365852 (the “852 Application) for the mark BIGHEADS for “downloadable mobile applications for electronic messaging; downloadable software for electronic messaging; [and] downloadable messaging software application via the internet and wireless devices” in International Class 009 based on Opponent’s bona fide intention to use the BIGHEADS mark in interstate commerce.

5. Opposer owns U.S. Trademark Application Serial No. 87332377 (the “377 Application) for the mark CANDYGRAM for “downloadable mobile applications for electronic messaging; downloadable software for electronic messaging; [and] downloadable messaging software application via the internet and wireless devices” in International Class 009 based on Opponent’s bona fide intention to use the CANDYGRAM mark in interstate commerce.

6. Opposer owns U.S. Trademark Application Serial No. 87332390 (the “390 Application) for the mark SWEETTOOTH for “downloadable mobile applications for electronic messaging; downloadable software for electronic messaging; [and] downloadable messaging software application via the internet and wireless devices” in International Class 009 based on Opponent’s bona fide intention to use the SWEETTOOTH mark in interstate commerce.

7. Opposer owns U.S. Trademark Application Serial No. 87407292 (the “292 Application) for the mark BIGHELMETS for “downloadable mobile device software for electronic messaging” in International Class 009 based on Opponent’s bona fide intention to use the BIGHELMETS mark in interstate commerce.

8. Opposer owns U.S. Trademark Application Serial No. 87342755 (the “755



Application) for the mark for “downloadable mobile applications for electronic messaging; downloadable software for electronic messaging; [and] downloadable messaging software application via the internet and wireless devices” in International Class 009



based on Opponent’s bona fide intention to use the mark in interstate commerce.

9. Opposer owns U.S. Trademark Application Serial No. 87342690 (the “690



Application) for the mark for “downloadable mobile applications for electronic messaging; downloadable software for electronic messaging; [and] downloadable messaging software application via the internet and wireless devices” in International Class 009



based on Opponent's bona fide intention to use the mark in interstate commerce.

10. Opposer owns U.S. Trademark Application Serial No. 87342643 (the "643



Application) for the mark for "downloadable mobile applications for electronic messaging; downloadable software for electronic messaging; [and] downloadable messaging software application via the internet and wireless devices" in International Class 009



based on Opponent's bona fide intention to use the mark in interstate commerce.

EXHIBIT B

Opposer's Notable Clients

Google, Nike, iRobot, Spotify, Toyota, Star Wars / Lucasfilm, The Sundance Film Festival, Electronic Arts, Samsung, Guinness, Chevron, Texaco, Madonna, Britney Spears, Lexus, Microsoft, ESPN, Gatorade, Diet Coke, Sony Playstation, Kraft, MTV, Tanqueray, Jet Blue, Polo / Ralph Lauren, M & M's, Discovery Channel, Verizon, Motorola, Mitsubishi, Doritos, Sony , J.P. Morgan, Cartoon Network, Heineken, Microsoft, DreamWorks SKG, Viagra, Jaguar, Subaru, UPS, IBM, Xerox, Miramax, Cingular, Calvin Klein, Yahoo, Canon, Flex Jet, The Independent Film Channel, CBS, Target, DHL, Ford, Hardees / Carls Jr., Pepperidge Farm, Knorr, Accenture, Rockport, Oracle, Hennessy, Electrolux, AMC, Netscape, We Channel, Warner Bros, Nutrilite, Qantas, Disney, Nikon, and Sony.

"EXHIBIT E"

"EXHIBIT E"



My My Star is a digital production studio. See our work below!

[Chevron: Birds](#)

Client: Y&R / Chevron
Project: 150K Standard Banner
Done With: HTML5
Year: 2016

[iRobot: Braava Paws](#)

Client: Edelman / iRobot
Project: Standard Banner
Done With: HTML5
Year: 2016

My My Star is a Digital Production Studio. We Love This Stuff. We Are Hiring.

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Inquiries:
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Employment:
jobs@mymystar.com



Toyota / Tacoma HTML5



Chevron / Birds HTML5



Chevron / Affection HTML5



Chevron / Extra Man HTML5



iRobot / Braava HTML5



Toyota / Corolla HTML5



Chevron / Baseball HTML5



Toyota / 2017 Camry HTML5



Toyota / Corolla Pushdown



Toyota / 2016 Prius HTML5



Blue Diamond / Bee



Toyota / Programmatic HTML



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