

ESTTA Tracking number: **ESTTA1055945**

Filing date: **05/17/2020**

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

Proceeding	91248764
Party	Plaintiff MobileSoft Technology, Inc.
Correspondence Address	MICHELLE KALLENBACH 2260 RIDGE DRIVE SUITE 13 MINNEAPOLIS, MN 55416 UNITED STATES mitzikallenbach@comcast.net 952-593-3858
Submission	Plaintiff's Notice of Reliance
Filer's Name	Michelle Kallenbach
Filer's email	mitzikallenbach@comcast.net
Signature	/Michelle Kallenbach/
Date	05/17/2020
Attachments	Notice of Reliance_Official Records_Ex 22.pdf(118809 bytes)

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

MOBILESOFT TECHNOLOGY, INC.,)	Opposition No.: 91248764
a Delaware Corporation,)	
Opposer,)	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
)	

**OPPOSER’S NOTICE OF RELIANCE ON
OFFICIAL RECORDS UNDER 37 C.F.R. § 2.122(e)**

Pursuant to Trademark Rules of Practice, 37 C.F.R. § 2.122(e) and Trademark Trial and Appeal Board Manual of Procedure (TBMP) TBMP § 704.07, Opposer MobileSoft Technology, Inc. (Opposer) hereby makes of record and notifies Applicant My My Star, Inc. of its reliance on the following official records.

<u>Exhibit</u>	<u>Application Serial No.</u>	<u>Mark</u>	<u>Int’l Classes</u>
22	87,184,374	MYMY word	Classes 9, 38, 41, 42

Opposer makes the above-referenced trademark application of record in this proceeding by submitting a true and correct copy of the trademark application filed with the U.S. Patent and Trademark Office (USPTO) and a current printout (dated 5/12/20) of information from the electronic database records in the USPTO’s Trademark Status and Document Retrieval (TSDR) system showing the current status and title (ownership) of the application, appended hereto as **Ex. 22**. The foregoing evidence is relevant to the issues in

this proceeding because it shows, among other things, that Opposer has ownership rights, priority and standing in the mark identified in the above-referenced application, to which Applicant's opposed mark application and specimen are confusingly similar.

Respectfully submitted by:

Dated: May 17, 2020

s/ Michelle M. Kallenbach
Michelle M. Kallenbach, Esq.
2260 Ridge Drive, Suite 13
Minneapolis, MN 55416
Tel: 952-593-3858
Mobile: 612-401-7997
Fax: 952-406-8881
mitzikallenbach@comcast.net
Attorney for MobileSoft Technology, Inc.

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing Opposer MobileSoft Technology, Inc.'s Opposer MobileSoft Technology, Inc.'s Notice of Reliance on Official Records Under 37 C.F.R. § 2.122(e) has been served on counsel for Applicant My My Star, Inc., Omni Legal Group, Omid E. Khalifeh, by forwarding said copy on May 17, 2020 via email at info@omnilegalgroup.com and omid@omnilegalgroup.com.

Dated: May 17, 2020

/s/ Michelle M. Kallenbach
Michelle M. Kallenbach

MST EXHIBIT 22

Offered by Opposer MobileSoft Technology, Inc.

In the matter of:

MobileSoft Technology, Inc. v My My Star, Inc.

Opposition No. 91248761

Generated on: This page was generated by TSDR on 2020-05-12 09:24:06 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

TM5 Common Status Descriptor:



LIVE/APPLICATION/Under Examination

The trademark application has been accepted by the Office (has met the minimum filing requirements) and that this application has been assigned to an examiner.

Status: Review prior to registration completed.

Status Date: Apr. 28, 2020

Publication Date: Apr. 11, 2017

Notice of Allowance Date: Jan. 14, 2020

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(a)

First Use: Mar. 25, 2017

Use in Commerce: Mar. 25, 2017

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(a)

First Use: Mar. 25, 2017

Use in Commerce: Mar. 25, 2017

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(a)

First Use: Mar. 25, 2017

Use in Commerce: Mar. 25, 2017

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 Status: ACTIVE

Basis: 1(a)

First Use: Mar. 25, 2017

Use in Commerce: Mar. 25, 2017

Basis Information (Case Level)

Filed Use: No

Currently Use: Yes

Filed ITU: Yes

Currently ITU: No

Filed 44D: No

Currently 44E: No

Filed 44E: No

Currently 66A: No

Filed 66A: No

Currently No Basis: No

Filed No Basis: No

Current Owner(s) Information

Owner Name: MobileSoft Technology, Inc.

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

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 UNITED STATES 55416

Phone: 612-401-7997

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
Apr. 29, 2020	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Apr. 28, 2020	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Apr. 07, 2020	STATEMENT OF USE PROCESSING COMPLETE	66230
Mar. 19, 2020	USE AMENDMENT FILED	66230
Apr. 06, 2020	CASE ASSIGNED TO INTENT TO USE PARALEGAL	66230
Mar. 19, 2020	TEAS STATEMENT OF USE RECEIVED	
Jan. 14, 2020	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Dec. 03, 2019	TTAB RELEASE CASE TO TRADEMARKS	236066

Dec. 03, 2019	OPPOSITION TERMINATED NO. 999999	236066
Sep. 13, 2019	OPPOSITION DISMISSED NO. 999999	236066
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: Apr. 28, 2020

Proceedings

Summary

Number of Proceedings: 3

Type of Proceeding: Opposition

Proceeding Number: [91248764](#)

Filing Date: Jun 12, 2019

Status: Pending

Status Date: Jun 12, 2019

Interlocutory Attorney: JENNIFER KRISP

Defendant

Name: My My Star Inc.

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

Correspondent e-mail: info@omnilegalgroup.com

Associated marks			
Mark	Application Status	Serial Number	Registration Number
MY MY STAR	Opposition Pending	87836135	
Plaintiff(s)			

Name: MobileSoft Technology, Inc.

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

Correspondent e-mail: mitzikallenbach@comcast.net

Associated marks			
Mark	Application Status	Serial Number	Registration Number
MYMY	SU - Registration Review Complete	87184374	
MYMY	Registered	87309628	6053635

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jun 12, 2019	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jun 12, 2019	Jul 22, 2019
3	INSTITUTED	Jun 12, 2019	
4	ANSWER	Jul 22, 2019	
5	TRIAL DATES REMAIN AS SET	Jul 26, 2019	

Type of Proceeding: Opposition

Proceeding Number: [91236066](#)

Filing Date: Aug 09, 2017

Status: Terminated

Status Date: Dec 03, 2019

Interlocutory Attorney: MARY CATHERINE FAINT

Defendant

Name: MobileSoft Technology, Inc.

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

Correspondent e-mail: mitzikallenbach@comcast.net

Associated marks			
Mark	Application Status	Serial Number	Registration Number
MYMY	SU - Registration Review Complete	87184374	
MYMY	Registered	87309628	6053635

Plaintiff(s)

Name: My My Star, Inc.

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

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
10	D MAIN BRIEF: TM RULE 2.128	Jun 13, 2019
11	P REBUTTAL BRIEF: TM RULE 2.128	Jun 27, 2019
12	SUBMITTED FOR FINAL DECISION	Jul 11, 2019
13	FINAL DECISION: OPP DISMISSED	Sep 13, 2019
14	TERMINATED	Dec 03, 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	SU - Registration Review Complete	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 UNITED STATES , 90024

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	