

ESTTA Tracking number: **ESTTA1325056**  
Filing date: **11/28/2023**

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	37signals LLC
Granted to date of previous extension	11/29/2023
Address	2045 W. GRAND AVE STE B PMB 53289 CHICAGO, IL 27602 UNITED STATES
Attorney information	PAMELA CHESTEK CHESTEK LEGAL PO BOX 2492 RALEIGH, NC 27602 UNITED STATES Primary email: pamela@chesteklegal.com Secondary email(s): mojda@chesteklegal.com, christy@chesteklegal.com 9198008033
Docket no.	256-01048

### Applicant information

Application no.	97595202	Publication date	08/01/2023
Opposition filing date	11/28/2023	Opposition period ends	11/29/2023
Applicant	Chatbooks, Inc. SUITE #350 4100 N CHAPEL RIDGE ROAD LEHI, UT 84043 UNITED STATES		

### Goods/services affected by opposition

Class 009. First Use: None First Use In Commerce: None All goods and services in the class are opposed, namely: Downloadable software in the nature of a mobile application for use in sending and receiving text, data, images and video by wireless communication networks and the Internet
Class 038. First Use: None First Use In Commerce: None All goods and services in the class are opposed, namely: Communication services, namely, transmission of text, data, images, and video by wireless communication networks and the Internet; electronic messaging and wireless digital messaging services; Providing internet chat rooms; text and picture wireless messaging services; providing internet chatrooms for families and for social networking
Class 042. First Use: None First Use In Commerce: None All goods and services in the class are opposed, namely: Providing temporary use of non-downloadable software for sending and receiving text, data, images and video by wireless communic-

ation networks and the Internet
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## Grounds for opposition

Priority and likelihood of confusion
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Trademark Act Section 2(d)
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## Marks cited by opposer as basis for opposition

U.S. registration no.	6171051	Application date	10/04/2019
Register	Principal		
Registration date	10/06/2020	Foreign priority date	NONE
Word mark	HEY		
Design mark			
Description of mark	NONE		
Goods/services	Class 038. First use: First Use: Apr 9, 2020 First Use In Commerce: Apr 9, 2020 Communication services, namely, electronic transmission of emails; electronic transmission of email attachments in the nature of data, graphics, images, sound and video via computer networks, wireless networks, and global computer networks Class 042. First use: First Use: Apr 9, 2020 First Use In Commerce: Apr 9, 2020 Electronic file sharing services, namely, providing a website featuring technology enabling users to share electronic files, calendar data in electronic form and post online messages and videos for sharing with others and for collaborating on shared documents for private group projects and private group communications		

U.S. application no.	97604457	Application date	09/23/2022
Registration date	NONE	Foreign priority date	NONE
Word mark	HEY		
Design mark			
Description of mark	NONE		
Goods/services	Class 009. First use: First Use: Jun 14, 2020 First Use In Commerce: Jun 14, 2020 Downloadable software for electronic mail services; downloadable software for transmitting emails to a subscriber list and creating and maintaining blogs; downloadable software for desktops and mobile phones, namely, software for transmitting emails from a subscriber list; downloadable computer management software for use in personalizing the content of e-mail communications and publishing content to personalized blogs Class 041. First use: First Use: Jun 14, 2020 First Use In Commerce: Jun 14, 2020 Publication of on-line journals, namely, blogs created using user submitted content		

U.S. application no.	97604523	Application date	09/23/2022
Registration date	NONE	Foreign priority date	NONE

Word mark	HEY
Design mark	
Description of mark	The mark consists of a hand followed by the word HEY.
Goods/services	<p>Class 009. First use: First Use: Jun 14, 2020 First Use In Commerce: Jun 14, 2020</p> <p>Downloadable software for electronic mail services; Downloadable software for transmitting emails to a subscriber list and creating and maintaining blogs; downloadable software for desktops and mobile phones, namely, software for transmitting emails from a subscriber list; downloadable computer management software for use in personalizing the content of e-mail communications and publishing content to personalized blogs</p> <p>Class 038. First use: First Use: Jun 14, 2020 First Use In Commerce: Jun 14, 2020</p> <p>Communication services, namely, electronic transmission of emails; electronic data transmission; electronic message transmission; electronic transmission of email attachments</p> <p>Class 041. First use: First Use: Jun 14, 2020 First Use In Commerce: Jun 14, 2020</p> <p>Publication of on-line journals, namely, blogs created using user submitted content</p> <p>Class 042. First use: First Use: Jun 14, 2020 First Use In Commerce: Jun 14, 2020</p> <p>Non-downloadable software for use in creating customized web pages and data feeds featuring user-defined content, namely, blogs and email subscriptions; creating and maintaining blogs for others</p>

U.S. application/ registration no.	NONE	Application date	NONE
Register	NONE		
Registration date	NONE		
Mark	HEY		
Goods/services	goods and services facilitating email and online messaging that allows people to collaborate on and share documents, videos, messages, electronic files, and calendar data		

U.S. application/ registration no.	NONE	Application date	NONE
Register	NONE		
Registration date	NONE		
Mark	A design mark consisting of a hand followed by the word "HEY"		
Goods/services	goods and services facilitating email and online messaging that allows people to collaborate on and share documents, videos, messages, electronic files, and calendar data		

Attachments	HEYFAM - NOO - DDL 29 Nov 23-FINALIZED with exhibit.pdf(358762 bytes )
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Signature	/Pamela S. Chestek/
Name	Pamela S. Chestek
Date	11/28/2023



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

In the Matter of Application Serial No. 97/595,202  
Mark: HEYFAM  
Publication date: August 01, 2023

37signals LLC  Opposer,  v.  Chatbooks, Inc.  Applicant.
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Opposition No. \_\_\_\_\_

**NOTICE OF OPPOSITION**


Opposer, 37signals LLC, a Delaware corporation with an address at 2045 W Grand Ave Ste B, PMB 53289, Chicago, IL 60612 (“Opposer” or “37signals”), believes that it will be damaged by the registration of the mark shown in Serial No. 97/595,202 to Chatbooks, Inc. (“Applicant”), which application was published for opposition on August 01, 2023, and hereby through its attorneys opposes the registration of said mark for the applied-for goods.

As grounds for opposition, Opposer alleges as follows:

**Rights of Opposer**

1. 37signals provides electronic communication services under the HEY brand. The HEY mark is used for goods and services facilitating email and online messaging that allows people to collaborate on and share documents, videos, messages, electronic files, and calendar data.

2. Opposer is the owner of a valid and subsisting trademark registration for HEY on the Principal Register in the United States Patent and Trademark Office. Opposer is also the owner of two pending trademark applications for HEY and Hey Design. Opposer’s registration and applications are summarized as follows:


Trademark	Status	Application Number	Application Date	Registration Number	Registration Date	Classes
HEY	Registered	88642273	Oct 4, 2019	6171051	Oct 6, 2020	38, 42
HEY	Pending	97604457	Sep 23 2022			9, 41
 HEY	Pending	97604523	Sep 23 2022			9, 38, 41, 42

Title and status copies of the applications and registration are attached as Exhibit 1.

3. Opposer's HEY Registration Number 6,171,051 is for *“Communication services, namely, electronic transmission of emails; electronic transmission of email attachments in the nature of data, graphics, images, sound and video via computer networks, wireless networks, and global computer networks”* in International Class 38 and *“Electronic file sharing services, namely, providing a website featuring technology enabling users to share electronic files, calendar data in electronic form and post online messages and videos for sharing with others and for collaborating on shared documents for private group projects and private group communications”* in International Class 42.

4. Opposer's HEY Application Serial Number 97/604,457 is for *"Downloadable software for electronic mail services; downloadable software for transmitting emails to a subscriber list and creating and maintaining blogs; downloadable software for desktops and mobile phones, namely, software for transmitting emails from a subscriber list; downloadable computer management software for use in personalizing the content of e-mail communications and publishing content to personalized blogs"* in International Class 9 and *"Publication of on-line journals, namely, blogs created using user submitted content"* in International Class 41.



5. Opposer's  Application Serial Number 97/604,523 is for *"Downloadable software for electronic mail services; Downloadable software for transmitting emails to a subscriber list and creating and maintaining blogs; downloadable software for desktops and mobile phones, namely, software for transmitting emails from a subscriber list; downloadable computer management software for use in personalizing the content of e-mail communications and publishing content to personalized blogs"* in International Class 9, *"Communication services, namely, electronic transmission of emails; electronic data transmission; electronic message transmission; electronic transmission of email attachments"* in International Class 38, *"On-line journals, namely, blogs created using user submitted content"* in International Class 41, and *"Non-downloadable software for use in creating customized web pages and data feeds featuring user-defined content, namely, blogs and email subscriptions; creating and maintaining blogs for others"* in International Class 41.

6. Opposer's constructive date of first use of its HEY mark for the services in Classes 38 and 42 is October 4, 2019, which is the filing date of Reg. No. 6,171,051.
7. Opposer has used its HEY mark in commerce and interstate commerce, including for the goods and services that are not yet registered, since at least as early as June 14, 2020.
8. Opposer's HEY mark is distinctive to both the consuming public and Opposer's trade.
9. Opposer has expended substantial time, money, and resources marketing, advertising, and promoting its services.
10. As a result of its widespread, continuous, and exclusive use of the HEY mark to identify its goods and services with the Opposer as their source, Opposer owns valid and subsisting federal statutory and common law rights to the HEY mark.

#### The Accused HEYFAM Application

11. Applicant, Chatbooks, Inc., filed trademark Application Serial No. 97/595,202 on September 16, 2022 to register the proposed mark HEYFAM (the "Application").
12. The Application was filed under Section 1(b) of the Trademark Act and the Application is still pending under Section 1(b) of the Trademark Act.
13. The Application is for "*Downloadable software in the nature of a mobile application for use in sending and receiving text, data, images and video by wireless communication networks and the Internet*" in International Class 9, "*Communication services, namely, transmission of text, data, images, and video by wireless communication networks and the Internet; electronic messaging and wireless digital messaging services; Providing internet chat rooms; text and picture wireless messaging services; providing internet chatrooms for families and for social networking*" in



International Class 38, and for “*Providing temporary use of non-downloadable software for sending and receiving text, data, images and video by wireless communication networks and the Internet*” in International Class 42.

**Count I – Likelihood of Confusion (15 U.S.C. § 1052(d)) – Federal Registration**

14. Applicant’s first use date, if the mark ultimately registers, is constructively September 16, 2022.
15. By virtue of its federal registration, Opposer’s trademark rights were established no later than October 4, 2019, years prior to the Applicant’s constructive first use date.
16. Applicant currently advertises its HEYFAM goods and services on its website as “the first messaging app designed for families” where they offer “family group chats.”
17. Applicant’s proposed mark HEYFAM is confusingly similar to Opposer’s HEY Mark in sight, sound, and commercial impression. Applicant’s mark uses the entirety of Opposer’s distinctive HEY Mark with the addition of the non-distinctive noun “FAM,” a common abbreviation for “Family.”
18. Consumers will focus on “HEY” in the Applicant’s applied-for mark because “FAM” merely describes the “family chat” services that the Applicant intends to provide under the applied-for mark. Consumers are likely to assume, wrongly, that the Applicant’s goods and services are associated with or in some way approved by the Opposer, such as a family-oriented version of Opposer’s own goods and services, when that is not the case.
19. The Applicant’s goods and services are the same as, or related to, the services of the Opposer. For example, Opposer’s mark is registered for, *inter alia*, “electronic file sharing services, namely, providing a website featuring technology enabling users to share electronic files, calendar data in electronic form and post online messages and videos for sharing with others,” in Class 42. The

Applicant seeks to register its mark for “Providing temporary use of non-downloadable software for sending and receiving text, data, images and video by wireless communication networks and the Internet” in Class 42. These goods and services are identical, both describing platforms for sharing content such as files, messages and videos between users.

20. Consumers who view the Applicant’s goods and services are therefore very likely to believe that, due to the similarity of the marks and the similarity of the goods and services for which the Opposer has registered its mark, the Applicant’s HEYFAM goods and services are from, sponsored by, or related to, the Opposer.

**Count II – Likelihood of Confusion (15 U.S.C. § 1052(d)) – Common Law Rights**

21. Opposer hereby incorporate by reference the allegations of paragraphs 1 through 18 as if fully set forth herein.
22. Opposer’s trademark rights acquired through use were established no later than June 14, 2020, years prior to the Applicant’s constructive first use date.
23. The Applicant’s goods and services as described in its Application are the same as, or related to, the goods and services that have been offered by the Opposer under its common law HEY mark. For example, the Opposer has been using its HEY mark for downloadable software for its email and online messaging service that allows people to collaborate on and share documents, videos, messages, electronic files, and calendar data on the internet. The Applicant seeks to register its mark for, *inter alia*, “downloadable software in the nature of a mobile application for use in sending and receiving text, data, images and video by wireless communication networks and the

Internet.” These goods and services are identical or closely related, both for software that facilitates the sharing of content such as files, messages and videos between users.

24. Consumers who view the Applicant’s goods and services are therefore very likely to believe that, due to the similarity of the marks and the similarity of the goods and services with which the Opposer is using its HEY mark, the Applicant’s HEYFAM goods and services are from, sponsored by or related to, the Opposer.
25. The proposed mark is therefore barred from registration because it comprises a mark that, when used in connection with the alleged goods and services of the Applicant, is highly likely to cause confusion, mistake, or deception within the meaning of the Trademark Act § 2(d), 15 U.S.C. § 1052(d).

WHEREFORE, Opposer respectfully prays that its opposition be sustained and that registration to Applicant be refused.

Respectfully submitted,

Dated: November 28, 2023

By: /s/ Pamela S. Chestek  
Pamela S. Chestek  
Chestek Legal  
PO Box 2492  
Raleigh, NC 27602  
Attorney for Opposer  
pamela@chesteklegal.com

# EXHIBIT 1

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Mark: HEY

# HEY

US Serial Number: 88642273

Application Filing Date: Oct. 04, 2019

US Registration Number: 6171051

Registration Date: Oct. 06, 2020

Filed as TEAS RF: Yes

Currently TEAS RF: Yes

Register: Principal

Mark Type: Service Mark

TM5 Common Status Descriptor:



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

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

Status Date: Oct. 06, 2020

Publication Date: Feb. 25, 2020 Notice of Allowance Date: Apr. 21, 2020

## Mark Information

Mark Literal Elements: HEY

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

International Registration Number: 1565392

International Application(s) / Registration(s) Based on this Property: A0098131/1565392

## 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:** Communication services, namely, electronic transmission of emails; electronic transmission of email attachments in the nature of data, graphics, images, sound and video via computer networks, wireless networks, and global computer networks

International Class(es): 038 - Primary Class

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

Class Status: ACTIVE

Basis: 1(a)

First Use: Apr. 09, 2020

Use in Commerce: Apr. 09, 2020

**For:** Electronic file sharing services, namely, providing a website featuring technology enabling users to share electronic files, calendar data in electronic form and post online messages and videos for sharing with others and for collaborating on shared documents for private group projects and private group communications

**International Class(es):** 042 - Primary Class

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

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** Apr. 09, 2020

**Use in Commerce:** Apr. 09, 2020

## 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:** 37SIGNALS LLC

**Owner Address:** 2045 W GRAND AVE STE B PMB 53289  
CHICAGO, ILLINOIS UNITED STATES 60612

**Legal Entity Type:** LIMITED LIABILITY COMPANY

**State or Country Where Organized:** ILLINOIS

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Pamela Chestek

**Docket Number:** 256-00828

**Attorney Primary Email Address:** [pamela@chesteklegal.com](mailto:pamela@chesteklegal.com)

**Attorney Email Authorized:** Yes

### Correspondent

**Correspondent Name/Address:** Pamela Chestek  
Chestek Legal  
PO Box 2492  
Raleigh, NORTH CAROLINA UNITED STATES 27602

**Phone:** 19198008033

**Correspondent e-mail:** [pamela@chesteklegal.com](mailto:pamela@chesteklegal.com) [christy@chesteklegal.com](mailto:christy@chesteklegal.com)  
[com](mailto:com)

**Correspondent e-mail Authorized:** Yes

**Domestic Representative - Not Found**

## Prosecution History

Date	Description	Proceeding Number
Sep. 28, 2022	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Jul. 19, 2022	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jul. 19, 2022	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Jul. 19, 2022	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Oct. 15, 2020	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Oct. 15, 2020	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Oct. 15, 2020	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Oct. 15, 2020	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Oct. 15, 2020	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Oct. 06, 2020	REGISTERED-PRINCIPAL REGISTER	
Sep. 01, 2020	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Aug. 31, 2020	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	

Jul. 29, 2020	STATEMENT OF USE PROCESSING COMPLETE	66230
Jun. 19, 2020	USE AMENDMENT FILED	66230
Jul. 09, 2020	CASE ASSIGNED TO INTENT TO USE PARALEGAL	66230
Jun. 19, 2020	TEAS STATEMENT OF USE RECEIVED	
Jun. 04, 2020	ASSIGNED TO EXAMINER	73359
Apr. 21, 2020	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Feb. 25, 2020	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Feb. 25, 2020	PUBLISHED FOR OPPOSITION	
Feb. 05, 2020	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Jan. 21, 2020	ASSIGNED TO LIE	70629
Jan. 15, 2020	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jan. 15, 2020	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Jan. 14, 2020	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Jan. 14, 2020	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jan. 10, 2020	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Jan. 10, 2020	NON-FINAL ACTION E-MAILED	6325
Jan. 10, 2020	NON-FINAL ACTION WRITTEN	60219
Jan. 09, 2020	ASSIGNED TO EXAMINER	60219
Oct. 08, 2019	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED	
Oct. 08, 2019	NEW APPLICATION ENTERED	

## TM Staff and Location Information

### TM Staff Information - None

#### File Location

**Current Location:** PUBLICATION AND ISSUE SECTION

**Date in Location:** Aug. 31, 2020

## Assignment Abstract Of Title Information

### Summary

**Total Assignments:** 1

**Registrant:** Basecamp, LLC

### Assignment 1 of 1

**Conveyance:** CHANGE OF NAME

**Reel/Frame:** [7806/0402](#)

**Pages:** 4

**Date Recorded:** Jul. 29, 2022

**Supporting Documents:** [assignment-tm-7806-0402.pdf](#)

#### Assignor

**Name:** [BASECAMP, LLC](#)

**Execution Date:** Jul. 13, 2022

**Legal Entity Type:** LIMITED LIABILITY COMPANY

**State or Country Where Organized:** ILLINOIS

#### Assignee

**Name:** [37SIGNALS LLC](#)

**State or Country Where Organized:** ILLINOIS

**Legal Entity Type:** LIMITED LIABILITY COMPANY

**Address:** 2045 W GRAND AVE STE B PMB 53289  
CHICAGO, ILLINOIS 60612

#### Correspondent

**Correspondent Name:** MOJDA WATERMAN

**Correspondent Address:** PO BOX 2492  
RALEIGH, NC 27602

**Domestic Representative - Not Found**

Generated on: This page was generated by TSDR on 2023-11-27 17:27:34 EST

Mark: HEY

HEY

US Serial Number: 97604457

Application Filing Date: Sep. 23, 2022

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 publication completed.

Status Date: Oct. 26, 2023

Publication Date: Nov. 28, 2023

## Mark Information

Mark Literal Elements: HEY

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

International Registration Number: 1702705

International Application(s) / Registration(s) Based on this Property: A0128828/1702705

## 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:** Downloadable software for electronic mail services; downloadable software for transmitting emails to a subscriber list and creating and maintaining blogs; downloadable software for desktops and mobile phones, namely, software for transmitting emails from a subscriber list; downloadable computer management software for use in personalizing the content of e-mail communications and publishing content to personalized blogs

International Class(es): 009 - Primary Class

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

Class Status: ACTIVE

Basis: 1(a)

First Use: Jun. 14, 2020

Use in Commerce: Jun. 14, 2020



**For:** Publication of on-line journals, namely, blogs created using user submitted content

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

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

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** Jun. 14, 2020

**Use in Commerce:** Jun. 14, 2020

## Basis Information (Case Level)

**Filed Use:** Yes

**Currently Use:** Yes

**Filed ITU:** No

**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:** 37signals LLC

**Owner Address:** PMB 53289  
2045 W Grand Avenue Ste B  
Chicago, ILLINOIS UNITED STATES 60612

**Legal Entity Type:** LIMITED LIABILITY COMPANY

**State or Country Where Organized:** ILLINOIS

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Pamela Chestek

**Docket Number:** 256-00847

**Attorney Primary Email Address:** [pamela@chesteklegal.com](mailto:pamela@chesteklegal.com)

**Attorney Email Authorized:** Yes

### Correspondent

**Correspondent Name/Address:** Pamela Chestek  
PO BOX 2492  
RALEIGH, NORTH CAROLINA UNITED STATES 27602

**Phone:** 919-800-8033

**Correspondent e-mail:** [pamela@chesteklegal.com](mailto:pamela@chesteklegal.com) [mojida@chesteklegal.com](mailto:mojida@chesteklegal.com)  
[christy@chesteklegal.com](mailto:christy@chesteklegal.com)

**Correspondent e-mail Authorized:** Yes

### Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Nov. 08, 2023	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Oct. 25, 2023	APPROVED FOR PUB - PRINCIPAL REGISTER	
Oct. 03, 2023	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Oct. 02, 2023	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Oct. 02, 2023	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Oct. 02, 2023	NOTIFICATION OF NON-FINAL ACTION E-MAILED	
Oct. 02, 2023	NON-FINAL ACTION E-MAILED	
Oct. 02, 2023	NON-FINAL ACTION WRITTEN	93662
Sep. 13, 2023	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Sep. 13, 2023	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Sep. 13, 2023	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jul. 14, 2023	NOTIFICATION OF NON-FINAL ACTION E-MAILED	
Jul. 14, 2023	NON-FINAL ACTION E-MAILED	
Jul. 14, 2023	NON-FINAL ACTION WRITTEN	93662

Jul. 07, 2023 ASSIGNED TO EXAMINER  
Sep. 27, 2022 NEW APPLICATION OFFICE SUPPLIED DATA ENTERED  
Sep. 27, 2022 NEW APPLICATION ENTERED

93662

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## TM Staff and Location Information

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### TM Staff Information

**TM Attorney:** MCBRIDE, CAMERON L

**Law Office Assigned:** LAW OFFICE 106

### File Location

**Current Location:** PUBLICATION AND ISSUE SECTION

**Date in Location:** Oct. 26, 2023

Generated on: This page was generated by TSDR on 2023-11-27 17:27:45 EST

Mark: HEY



US Serial Number: 97604523

Application Filing Date: Sep. 23, 2022

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: Application withdrawn by USPTO before publication for further review.

Status Date: Nov. 14, 2023

## Mark Information

Mark Literal Elements: HEY

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 hand followed by the word HEY.

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

Design Search Code(s): 02.11.07 - Human hands, fingers, arms; Arms; Fingers; Hands

## Related Properties Information

International Registration Number: 1702003

International Application(s) /Registration(s) Based on this Property: A0128829/1702003

## 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:** Downloadable software for electronic mail services; Downloadable software for transmitting emails to a subscriber list and creating and maintaining blogs; downloadable software for desktops and mobile phones, namely, software for transmitting emails from a subscriber list; downloadable computer management software for use in personalizing the content of e-mail communications and publishing content to personalized blogs

International Class(es): 009 - Primary Class

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

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** Jun. 14, 2020

**Use in Commerce:** Jun. 14, 2020

**For:** Communication services, namely, electronic transmission of emails; electronic data transmission; electronic message transmission; electronic transmission of email attachments

**International Class(es):** 038 - Primary Class

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

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** Jun. 14, 2020

**Use in Commerce:** Jun. 14, 2020

**For:** Publication of on-line journals, namely, blogs created using user submitted content

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

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

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** Jun. 14, 2020

**Use in Commerce:** Jun. 14, 2020

**For:** Non-downloadable software for use in creating customized web pages and data feeds featuring user-defined content, namely, blogs and email subscriptions; creating and maintaining blogs for others

**International Class(es):** 042 - Primary Class

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

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** Jun. 14, 2020

**Use in Commerce:** Jun. 14, 2020

## Basis Information (Case Level)

**Filed Use:** Yes

**Currently Use:** Yes

**Filed ITU:** No

**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:** 37signals LLC

**Owner Address:** PMB 53289  
2045 W Grand Avenue Ste B  
Chicago, ILLINOIS UNITED STATES 60612

**Legal Entity Type:** LIMITED LIABILITY COMPANY

**State or Country Where Organized:** ILLINOIS

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Pamela Chestek

**Docket Number:** 256-00848

**Attorney Primary Email Address:** [pamela@chesteklegal.com](mailto:pamela@chesteklegal.com)

**Attorney Email Authorized:** Yes

### Correspondent

**Correspondent Name/Address:** Pamela Chestek  
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[com\\_christy@chesteklegal.com](mailto:com_christy@chesteklegal.com)

**Correspondent e-mail Authorized:** Yes

## Prosecution History

Date	Description	Proceeding Number
Nov. 14, 2023	WITHDRAWN FROM PUB - OG REVIEW QUERY	99910
Oct. 30, 2023	APPROVED FOR PUB - PRINCIPAL REGISTER	
Oct. 11, 2023	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Oct. 11, 2023	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Oct. 11, 2023	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Oct. 11, 2023	NOTIFICATION OF NON-FINAL ACTION E-MAILED	
Oct. 11, 2023	NON-FINAL ACTION E-MAILED	
Oct. 11, 2023	NON-FINAL ACTION WRITTEN	93662
Sep. 21, 2023	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Sep. 21, 2023	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Sep. 21, 2023	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jul. 14, 2023	NOTIFICATION OF NON-FINAL ACTION E-MAILED	
Jul. 14, 2023	NON-FINAL ACTION E-MAILED	
Jul. 14, 2023	NON-FINAL ACTION WRITTEN	93662
Jul. 07, 2023	ASSIGNED TO EXAMINER	93662
Oct. 12, 2022	NOTICE OF DESIGN SEARCH CODE E-MAILED	
Oct. 11, 2022	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED	
Sep. 27, 2022	NEW APPLICATION ENTERED	

## TM Staff and Location Information

### TM Staff Information

**TM Attorney:** MCBRIDE, CAMERON L

**Law Office Assigned:** LAW OFFICE 106

### File Location

**Current Location:** GENERIC WEB UPDATE

**Date in Location:** Nov. 14, 2023