

ESTTA Tracking number: **ESTTA1027642**

Filing date: **01/08/2020**

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

**Petition for Cancellation**

Notice is hereby given that the following party has filed a petition to cancel the registration indicated below.

**Petitioner Information**

Name	Imagine Learning, Inc.		
Entity	Corporation	Citizenship	Utah
Address	328 W. Park Circle, Suite 100 Provo, UT 84604 UNITED STATES		

Correspondence information	Nicole Kinsley Foley Hoag LLP 155 Seaport Boulevard Boston, MA 02210 UNITED STATES nkinsley@foleyhoag.com, jjarvis@foleyhoag.com, lcasey@foleyhoag.com, us-trademark@foleyhoag.com no phone number provided
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**Registration Subject to Cancellation**

Registration No.	4878113	Registration date	12/29/2015
Registrant	Imagine Online, LLC 3100 Bear Creek Rd. Potomac, MT 59823 UNITED STATES		

**Goods/Services Subject to Cancellation**


<p>Class 041. First Use: 2015/11/08 First Use In Commerce: 2015/11/08 All goods and services in the class are subject to cancellation, namely: Providing information about online education; Consulting services for others in the field of design, planning, and implementation project management of educational online course curricula and website content about online education for a variety of preschool, elementary, primary, secondary, college, graduate, and post graduate educational disciplines; Design, development, and consulting services related thereto in the field of educational online course curricula and website content about online education for a variety of preschool, elementary, primary, secondary, college, graduate, and post graduate educational disciplines</p>
<p>Class 042. First Use: 2015/11/08 First Use In Commerce: 2015/11/08 All goods and services in the class are subject to cancellation, namely: Computer services, namely, designing and implementing online educational computer programs, online courses and website content for others; Computer services, namely, managing web sites for others; Consulting services for others in the field of design, and implementation project management of online educational computer programs; Design, development, and consulting services related thereto in the field of online educational computer programs; Technological planning and consulting services regarding computer software for use in the field of online education for a variety of preschool, elementary, primary, second-</p>


ary, college, graduate, and post graduate educational disciplines
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## Grounds for Cancellation


Priority and likelihood of confusion	Trademark Act Sections 14(1) and 2(d)
Abandonment	Trademark Act Section 14(3)

## Marks Cited by Petitioner as Basis for Cancellation

U.S. Registration No.	3126659	Application Date	08/25/2005
Registration Date	08/08/2006	Foreign Priority Date	NONE
Word Mark	IMAGINE LEARNING		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2005/02/14 First Use In Commerce: 2005/02/14 Children's educational software		

U.S. Registration No.	3244347	Application Date	04/11/2006
Registration Date	05/22/2007	Foreign Priority Date	NONE
Word Mark	IMAGINE LEARNING		
Design Mark			
Description of Mark	The mark consists of an abstract human figure, composed of a boomerang intersected with a smaller boomerang with a circle above the intersection, adjacent to the words IMAGINE LEARNING.		
Goods/Services	Class 009. First use: First Use: 2005/02/14 First Use In Commerce: 2005/02/14 Children's educational software		

U.S. Registration No.	3180026	Application Date	08/25/2005
Registration Date	12/05/2006	Foreign Priority Date	NONE
Word Mark	IMAGINE LEARNING ENGLISH		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2005/02/15 First Use In Commerce: 2005/02/15 Children's educational software featuring instruction in the English language		

U.S. Registration No.	3138661	Application Date	08/25/2005
Registration Date	09/05/2006	Foreign Priority Date	NONE
Word Mark	IMAGINE LEARNING ENGLISH		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2005/02/15 First Use In Commerce: 2005/02/15 Children's educational software featuring instruction in the English language		

Attachments	78700627#TMSN.png( bytes ) 78858864#TMSN.png( bytes ) 78700611#TMSN.png( bytes ) 78700505#TMSN.png( bytes ) Petition_to_Cancel_IMAGINE_ONLINE_LEARNING.pdf(10518 bytes ) Ex A.pdf(3817796 bytes ) Exhibit B - Site Under Maintenance.pdf(134431 bytes )
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Signature	/Nicole Kinsley/
Name	Nicole Kinsley
Date	01/08/2020

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

Imagine Learning, Inc.,

Petitioner,

v.

Imagine Online, LLC

Registrant.

Cancellation No. \_\_\_\_\_

Trademark: IMAGINE ONLINE LEARNING

Reg. No. 4,878,113

**PETITION FOR CANCELLATION**

Imagine Learning, Inc., a Utah Corporation, having its place of business at 382 W. Park Circle, Suite 100, Provo, Utah (“Petitioner”) believes that it is and/or will be damaged by the continued registration on the Principal Register of the mark IMAGINE ONLINE LEARNING, Reg. No. 4,878,113 (“Registration”), by Imagine Online, LLC (“Registrant”).

The grounds for this cancellation are as follows:

1. Petitioner has used the trademark IMAGINE LEARNING and other IMAGINE-formative trademarks, for educational software and Software as a Service, beginning at least as early as 2005, and owns registrations for such marks, including Registration Nos. 3,126,659, 3,244,347, 3,180,026, and 3,138,661. Printouts from the TSDR Database for these Registrations are attached as **Exhibit A**.
2. Petitioner owns several applications to register IMAGINE-formative trademarks, including Applications Serial Nos. 88/369,954, 88/002,949, 88/002,938, 88/524,640, 88/002,912, 88/002,931, 88/002,926, 88/002,918, and 88/002,891 (“Petitioner’s Applications”).
3. The Registration, filed in 2014 and claiming use since 2015, covers services relating to online education and educational software.

4. Petitioner's Applications have been refused on the basis of likelihood of confusion with the mark that is the subject of the Registration.

5. Registrant has represented to Petitioner that it is rebranding its company, and will no longer use the IMAGINE ONLINE LEARNING trademark.

6. The entirety of Registrant's website, [www.imagineonline.biz](http://www.imagineonline.biz), currently says "SORRY WE ARE CURRENTLY UNDER CONSTRUCTION Our website is currently undergoing a reconfiguration. Imagine Online is in the process of a business name change and will be back with our new website as soon as possible. Thanks for your patience." See

**Exhibit B.**

7. On information and belief, Registrant's mark IMAGINE ONLINE LEARNING has been abandoned, and the Registration should accordingly be cancelled.

8. The USPTO, through the Examining Attorneys who have refused Petitioner's Applications, has determined that the mark that is the subject of the Registration poses a likelihood of confusion with Petitioner's marks, though Petitioner has clear priority. To the extent that this is the case, the likelihood of confusion is independent grounds to cancel the Registration, and such grounds are hereby asserted.

WHEREFORE, Petitioner requests that this proceeding be decided in its favor, and that Reg. No. 4,878,113 be cancelled.

Respectfully submitted,

Imagine Learning, Inc.

Dated: January 8, 2020

/Nicole Kinsley/

Joshua Jarvis

Nicole Kinsley

Foley Hoag LLP

155 Seaport Boulevard

Boston, MA 02210

(617) 832-1000

[jjarvis@foleyhoag.com](mailto:jjarvis@foleyhoag.com)

[nkinsley@foleyhoag.com](mailto:nkinsley@foleyhoag.com)

*Attorneys for Petitioner*

# EXHIBIT A

**BULK DATA:** Since May 7 at 12 a.m., the TSDR Application Programming Interface (API) has not included all information. Images of trademark registration certificates issued since July 2016 and some office actions are absent in the API. Customers who need to retrieve a copy of a registration certificate or an office action should download it directly from the TSDR documents tab.

**INTERMITTENT SYSTEM ISSUES:** Due to high-volume usage, you may experience intermittent issues on the Trademark Status and Document Retrieval (TSDR) system between 6 – 8 a.m. ET. Refreshing your web browser should resolve the issue. If you still need assistance accessing a document, email [teas@uspto.gov](mailto:teas@uspto.gov) and include your serial number, the document you are looking for, and a screenshot of any error messages you have received.

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**Generated on:** This page was generated by TSDR on 2020-01-08 18:05:59 EST

**Mark:** IMAGINE LEARNING

IMAGINE LEARNING

**US Serial Number:** 78700627

**Application Filing Date:** Aug. 25, 2005

**US Registration Number:** 3126659

**Registration Date:** Aug. 08, 2006

**Filed as TEAS Plus:** Yes

**Currently TEAS Plus:** Yes

**Register:** Principal

**Mark Type:** Trademark

**TM5 Common Status**

LIVE/REGISTRATION/Issued and Active

**Descriptor:**



The trademark application has been registered with the Office

**Status:** The registration has been renewed.

**Status Date:** Oct. 19, 2016

**Publication Date:** May 16, 2006

## Mark Information

**Mark Literal Elements:** IMAGINE LEARNING

**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** [1020561](#)  
**Number:**

**International Application(s)** [A0017777/1020561](#)  
**/Registration(s) Based on**  
**this Property:**

## Goods and Services

[Privacy](#) - [Terms](#)



**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:** Children's educational software

**International Class(es):** 009 - Primary Class

**U.S Class(es):** 021, 023, 026, 036, 03

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** Feb. 14, 2005

**Use in Commerce:** Feb. 14, 2005

## 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:** Imagine Learning, Inc.

**Owner Address:** 382 W. Park Circle  
Provo, UTAH UNITED STATES 84604

**Legal Entity Type:** CORPORATION

**State or Country Where  
Organized:** UTAH

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Daniel McFadden, Esq.

**Docket Number:** 33459001US01

**Attorney Primary Email** [ustrademark@foleyhoag.com](mailto:ustrademark@foleyhoag.com)  
**Address:**

**Attorney Email Authorized:** Yes

### Correspondent

**Correspondent** Daniel McFadden, Esq.

**Name/Address:** Foley Hoag LLP  
155 Seaport Boulevard  
Boston, MASSACHUSETTS UNITED STATES 02210-2600

**Phone:** 617-832-1000

**Fax:** 617-832-7000

**Correspondent e-mail:** [ustrademark@foleyhoag.com](mailto:ustrademark@foleyhoag.com)

**Correspondent e-mail  
Authorized:** Yes

**Domestic Representative - Not Found**

## Prosecution History

Date	Description	Proceeding Number
Apr. 04, 2017	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Apr. 04, 2017	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Oct. 19, 2016	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Oct. 19, 2016	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	76533
Oct. 19, 2016	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	76533
Oct. 19, 2016	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	76533
Aug. 04, 2016	TEAS SECTION 8 & 9 RECEIVED	
Feb. 02, 2016	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Feb. 02, 2016	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Aug. 08, 2015	COURTESY REMINDER - SEC. 8 (10-YR)/SEC. 9 E-MAILED	
Sep. 11, 2012	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Aug. 24, 2012	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - MAILED	
Aug. 22, 2012	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
Aug. 22, 2012	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	77315
Aug. 22, 2012	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	77315
Aug. 01, 2012	TEAS SECTION 8 & 15 RECEIVED	
Aug. 01, 2012	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Aug. 08, 2006	REGISTERED-PRINCIPAL REGISTER	
May 16, 2006	PUBLISHED FOR OPPOSITION	
Apr. 26, 2006	NOTICE OF PUBLICATION	
Mar. 22, 2006	LAW OFFICE PUBLICATION REVIEW COMPLETED	68552
Mar. 17, 2006	ASSIGNED TO LIE	68552
Mar. 13, 2006	APPROVED FOR PUB - PRINCIPAL REGISTER	
Mar. 13, 2006	ASSIGNED TO EXAMINER	74825
Sep. 21, 2005	APPLICANT AMENDMENT PRIOR TO EXAMINATION - ENTERED	68123
Sep. 21, 2005	TEAS VOLUNTARY AMENDMENT RECEIVED	
Sep. 02, 2005	NEW APPLICATION ENTERED IN TRAM	

## TM Staff and Location Information

**TM Staff Information - None**

**File Location**

**Current Location:** GENERIC WEB UPDATE

**Date in Location:** Oct. 19, 2016

**Assignment Abstract Of Title Information - Click to Load**

**Proceedings - Click to Load**

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**Mark:** IMAGINE LEARNING



**US Serial Number:** 78858864

**Application Filing Date:** Apr. 11, 2006

**US Registration Number:** 3244347

**Registration Date:** May 22, 2007

**Filed as TEAS Plus:** Yes

**Currently TEAS Plus:** Yes

**Register:** Principal

**Mark Type:** Trademark

**TM5 Common Status**

LIVE/REGISTRATION/Issued and Active

**Descriptor:**



The trademark application has been registered with the Office

**Status:** The registration has been renewed.

**Status Date:** Aug. 07, 2017

**Publication Date:** Mar. 06, 2007

## Mark Information

**Mark Literal Elements:** IMAGINE LEARNING

**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 an abstract human figure, composed of a boomerang intersected with a smaller boom intersection, adjacent to the words IMAGINE LEARNING.

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

**Design Search Code(s):** 02.01.33 - Grotesque men formed by letters, numbers, punctuation or geometric shapes; Stick figures  
04.07.02 - Objects forming a person; Person formed by objects  
04.07.03 - Geometric figures or combinations of geometric figures representing a person; Geometric shape formed by geometric shapes; Geometric figures representing a person  
23.01.25 - Spear guns; Sling shots; Clubs, Weapons; Boomerangs; Blowpipes; Nunchakus  
26.01.21 - Circles that are totally or partially shaded.

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## Related Properties Information

International Registration [1021352](#)  
Number:

International Application(s) [A0017780/1021352](#)  
/Registration(s) Based on  
this Property:

Claimed Ownership of US [3126659](#), [3138661](#)  
Registrations:

## 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:** Children's educational software

**International Class(es):** 009 - Primary Class

**U.S Class(es):** 021, 023, 026, 036, 037

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** Feb. 14, 2005

**Use in Commerce:** Feb. 14, 2005

## 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:** Imagine Learning, Inc.

**Owner Address:** 382 W. Park Circle  
Provo, UTAH UNITED STATES 84604

**Legal Entity Type:** CORPORATION

**State or Country Where  
Organized:** UTAH

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Nicole Kinsley

**Docket Number:** 3345900

**Attorney Primary Email** [ustrademark@foleyhoag.com](mailto:ustrademark@foleyhoag.com)

**Attorney Email Authorized:** Yes

[Privacy - Terms](#)

Address: [jburns@foleyhoag.com](mailto:jburns@foleyhoag.com)**Correspondent****Correspondent** Nicole Kinsley**Name/Address:** Foley Hoag LLP

155 Seaport Boulevard

Boston, MASSACHUSETTS UNITED STATES 02210-2600

**Phone:** 617-832-1000**Fax:** 617-832-7000**Correspondent e-mail:** [ustrademark@foleyhoag.com](mailto:ustrademark@foleyhoag.com)  
[jburns@foleyhoag.com](mailto:jburns@foleyhoag.com)**Correspondent e-mail** Yes  
**Authorized:****Domestic Representative - Not Found****Prosecution History**

Date	Description	Proceeding Number
Aug. 07, 2017	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Aug. 07, 2017	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	64591
Aug. 07, 2017	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	64591
Aug. 07, 2017	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	64591
Jun. 28, 2017	TEAS SECTION 8 & 9 RECEIVED	
Apr. 04, 2017	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Apr. 04, 2017	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
May 22, 2016	COURTESY REMINDER - SEC. 8 (10-YR)/SEC. 9 E-MAILED	
Feb. 02, 2016	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Feb. 02, 2016	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Mar. 14, 2013	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
Mar. 14, 2013	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	69934
Mar. 14, 2013	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	69934
Feb. 27, 2013	TEAS SECTION 8 & 15 RECEIVED	
Feb. 27, 2013	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Sep. 11, 2012	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
May 22, 2007	REGISTERED-PRINCIPAL REGISTER	
Mar. 06, 2007	PUBLISHED FOR OPPOSITION	
Feb. 14, 2007	NOTICE OF PUBLICATION	
Jan. 23, 2007	LAW OFFICE PUBLICATION REVIEW COMPLETED	71441
Jan. 23, 2007	ASSIGNED TO LIE	71441
Dec. 21, 2006	APPROVED FOR PUB - PRINCIPAL REGISTER	
Dec. 21, 2006	EXAMINER'S AMENDMENT ENTERED	88888
Dec. 21, 2006	EXAMINERS AMENDMENT E-MAILED	6328
Dec. 21, 2006	EXAMINERS AMENDMENT -WRITTEN	59810
Nov. 16, 2006	TEAS/EMAIL CORRESPONDENCE ENTERED	66121

Privacy - Terms

1/8/2020

Status Search SN 3,244,347

Oct. 31, 2006	CORRESPONDENCE RECEIVED IN LAW OFFICE	66121
Oct. 31, 2006	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Sep. 25, 2006	NON-FINAL ACTION E-MAILED	6325
Sep. 25, 2006	NON-FINAL ACTION WRITTEN	59810
Sep. 19, 2006	ASSIGNED TO EXAMINER	59810
Apr. 19, 2006	NOTICE OF DESIGN SEARCH CODE MAILED	
Apr. 18, 2006	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE

Date in Location: Aug. 07, 2017

Assignment Abstract Of Title Information - Click to Load

Proceedings - Click to Load

**BULK DATA:** Since May 7 at 12 a.m., the TSDR Application Programming Interface (API) has not included all information. Images of trademark registration certificates issued since July 2016 and some office actions are absent in the API. Customers who need to retrieve a copy of a registration certificate or an office action should download it directly from the TSDR documents tab.

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**Mark:** IMAGINE LEARNING ENGLISH



**US Serial Number:** 78700611

**Application Filing Date:** Aug. 25, 2005

**US Registration Number:** 3180026

**Registration Date:** Dec. 05, 2006

**Register:** Principal

**Mark Type:** Trademark

**TM5 Common Status**

LIVE/REGISTRATION/Issued and Active

**Descriptor:**



The trademark application has been registered with the Office

**Status:** The registration has been renewed.

**Status Date:** Aug. 08, 2017

**Publication Date:** Sep. 19, 2006

## Mark Information

**Mark Literal Elements:** IMAGINE LEARNING ENGLISH

**Standard Character Claim:** No

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

**Color Drawing:** Yes

**Color(s) Claimed:** The colors red, blue and white are claimed as a feature of the mark.

**Color Location:** The mark consists of an abstract human figure, composed of a red boomerang intersected with a smaller blue circle above the intersection, with the words IMAGINE LEARNING ENGLISH in white. There is no claim as the background is not a part of the mark.

**Design Search Code(s):** 02.01.33 - Grotesque men formed by letters, numbers, punctuation or geometric shapes; Stick figures  
 04.07.02 - Objects forming a person; Person formed by objects  
 23.01.25 - Spear guns; Sling shots; Clubs, Weapons; Boomerangs; Blowpipes; Nunchakus  
 26.11.21 - Rectangles that are completely or partially shaded

## Related Properties Information

[Privacy](#) - [Terms](#)



**International Registration** [1021303](#)**Number:****International Application(s)** [A0017779/1021303](#)**/Registration(s) Based on  
this Property:**

## Goods and Services

### Note:

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- 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:** Children's educational software featuring instruction in the English language**International Class(es):** 009 - Primary Class**U.S Class(es):** 021, 023, 026, 036, 037**Class Status:** ACTIVE**Basis:** 1(a)**First Use:** Feb. 15, 2005**Use in Commerce:** Feb. 15, 2005

## 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:** Imagine Learning, Inc.**Owner Address:** 382 W. Park Circle  
Provo, UTAH UNITED STATES 84604**Legal Entity Type:** CORPORATION**State or Country Where  
Organized:** UTAH

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Nicole Kinsley, Esq.**Docket Number:** 33459003US01**Attorney Primary Email** [ustrademark@foleyhoag.com](mailto:ustrademark@foleyhoag.com)**Attorney Email Authorized:** Yes**Address:**

### Correspondent

**Correspondent** Nicole Kinsley, Esq.**Name/Address:** Foley Hoag LLP

155 Seaport Boulevard  
Boston, MASSACHUSETTS UNITED STATES 02210-2600

Phone: 617-832-1000

Fax: 617-832-7000

Correspondent e-mail: [ustrademark@foleyhoag.com](mailto:ustrademark@foleyhoag.com)  
[jburns@foleyhoag.com](mailto:jburns@foleyhoag.com)

Correspondent e-mail Yes  
Authorized:

Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Aug. 08, 2017	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Aug. 08, 2017	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	76293
Aug. 08, 2017	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	76293
Jul. 28, 2017	TEAS RESPONSE TO OFFICE ACTION-POST REG RECEIVED	
Jul. 27, 2017	POST REGISTRATION ACTION MAILED - SEC. 8 & 9	76293
Jun. 28, 2017	TEAS RESPONSE TO OFFICE ACTION-POST REG RECEIVED	
Apr. 04, 2017	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Apr. 04, 2017	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Feb. 13, 2017	POST REGISTRATION ACTION MAILED - SEC. 8 & 9	76293
Feb. 13, 2017	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	76293
Feb. 08, 2017	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	71359
Dec. 06, 2016	TEAS SECTION 8 & 9 RECEIVED	
Feb. 02, 2016	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Feb. 02, 2016	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
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Feb. 23, 2013	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	69471
Feb. 23, 2013	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	69471
Feb. 06, 2013	TEAS SECTION 8 & 15 RECEIVED	
Feb. 06, 2013	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Sep. 11, 2012	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Dec. 05, 2006	REGISTERED-PRINCIPAL REGISTER	
Oct. 02, 2006	ASSIGNED TO EXAMINER	81094
Sep. 19, 2006	PUBLISHED FOR OPPOSITION	
Aug. 30, 2006	NOTICE OF PUBLICATION	
Jul. 28, 2006	LAW OFFICE PUBLICATION REVIEW COMPLETED	68552
Jul. 21, 2006	ASSIGNED TO LIE	68552
Jul. 20, 2006	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jul. 06, 2006	EXAMINER'S AMENDMENT ENTERED	88888
Jul. 06, 2006	EXAMINERS AMENDMENT E-MAILED	6328

1/8/2020

Status Search SN 3,180,026

Jul. 06, 2006	EXAMINERS AMENDMENT -WRITTEN	74825
Jun. 09, 2006	TEAS/EMAIL CORRESPONDENCE ENTERED	74221
May 18, 2006	CORRESPONDENCE RECEIVED IN LAW OFFICE	74221
May 18, 2006	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Mar. 13, 2006	NON-FINAL ACTION E-MAILED	6325
Mar. 13, 2006	NON-FINAL ACTION WRITTEN	74825
Mar. 13, 2006	ASSIGNED TO EXAMINER	74825
Sep. 02, 2005	NEW APPLICATION ENTERED IN TRAM	

**TM Staff and Location Information**

**TM Staff Information - None**

**File Location**

Current Location: 

GENERIC WEB UPDATE

Date in Location: 

Aug. 08, 2017

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**Proceedings - Click to Load**

**BULK DATA:** Since May 7 at 12 a.m., the TSDR Application Programming Interface (API) has not included all information. Images of trademark registration certificates issued since July 2016 and some office actions are absent in the API. Customers who need to retrieve a copy of a registration certificate or an office action should download it directly from the TSDR documents tab.

**INTERMITTENT SYSTEM ISSUES:** Due to high-volume usage, you may experience intermittent issues on the Trademark Status and Document Retrieval (TSDR) system between 6 – 8 a.m. ET. Refreshing your web browser should resolve the issue. If you still need assistance accessing a document, email [teas@uspto.gov](mailto:teas@uspto.gov) and include your serial number, the document you are looking for, and a screenshot of any error messages you have received.

[STATUS](#)[DOCUMENTS](#)[MAINTENANCE](#)[Back to Search](#)[Print](#)

**Generated on:** This page was generated by TSDR on 2020-01-08 18:07:15 EST

**Mark:** IMAGINE LEARNING ENGLISH

IMAGINE LEARNING ENGLISH

**US Serial Number:** 78700505

**Application Filing Date:** Aug. 25, 2005

**US Registration Number:** 3138661

**Registration Date:** Sep. 05, 2006

**Register:** Principal

**Mark Type:** Trademark

**TM5 Common Status**

LIVE/REGISTRATION/Issued and Active

**Descriptor:**



The trademark application has been registered with the Office

**Status:** The registration has been renewed.

**Status Date:** Nov. 16, 2016

**Publication Date:** Jun. 13, 2006

## Mark Information

**Mark Literal Elements:** IMAGINE LEARNING ENGLISH

**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** [1020594](#)  
**Number:**

**International Application(s)** [A0017778/1020594](#)  
**/Registration(s) Based on**  
**this Property:**

## Goods and Services

**Note:**

[Privacy](#) - [Terms](#)

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:** Children's educational software featuring instruction in the English language

**International Class(es):** 009 - Primary Class

**U.S Class(es):** 021, 023, 026, 036, 039

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** Feb. 15, 2005

**Use in Commerce:** Feb. 15, 2005

## 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:** Imagine Learning, Inc.

**Owner Address:** 382 W. Park Circle  
Provo, UTAH UNITED STATES 84604

**Legal Entity Type:** CORPORATION

**State or Country Where  
Organized:** UTAH

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Daniel McFadden, Esq.

**Docket Number:** 33459.01002

**Attorney Primary Email** [ustrademark@foleyhoag.com](mailto:ustrademark@foleyhoag.com)

**Attorney Email Authorized:** Yes

**Address:**

### Correspondent

**Correspondent** Daniel McFadden, Esq.

**Name/Address:** Foley Hoag LLP  
155 Seaport Boulevard  
Boston, MASSACHUSETTS UNITED STATES 02210-2600

**Phone:** 617-832-1000

**Fax:** 617-832-7000

**Correspondent e-mail:** [ustrademark@foleyhoag.com](mailto:ustrademark@foleyhoag.com)

**Correspondent e-mail  
Authorized:** Yes

**Domestic Representative - Not Found**

## Prosecution History

Privacy - Terms

Date	Description	Proceeding Number
Apr. 04, 2017	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Apr. 04, 2017	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Nov. 16, 2016	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Nov. 16, 2016	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	68335
Nov. 16, 2016	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	68335
Nov. 16, 2016	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	68335
Sep. 02, 2016	TEAS SECTION 8 & 9 RECEIVED	
Feb. 02, 2016	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Feb. 02, 2016	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Sep. 05, 2015	COURTESY REMINDER - SEC. 8 (10-YR)/SEC. 9 E-MAILED	
Mar. 16, 2013	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
Mar. 16, 2013	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	67603
Aug. 31, 2012	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	67603
Mar. 14, 2013	TEAS RESPONSE TO OFFICE ACTION-POST REG RECEIVED	
Sep. 21, 2012	POST REGISTRATION ACTION MAILED - SEC. 8 & 15	67603
Sep. 21, 2012	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	67603
Sep. 11, 2012	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Aug. 31, 2012	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Aug. 31, 2012	TEAS SECTION 8 & 15 RECEIVED	
Sep. 05, 2006	REGISTERED-PRINCIPAL REGISTER	
Jun. 13, 2006	PUBLISHED FOR OPPOSITION	
May 24, 2006	NOTICE OF PUBLICATION	
Apr. 26, 2006	LAW OFFICE PUBLICATION REVIEW COMPLETED	68552
Apr. 21, 2006	ASSIGNED TO LIE	68552
Apr. 19, 2006	APPROVED FOR PUB - PRINCIPAL REGISTER	
Apr. 19, 2006	TEAS/EMAIL CORRESPONDENCE ENTERED	67287
Mar. 31, 2006	CORRESPONDENCE RECEIVED IN LAW OFFICE	67287
Mar. 31, 2006	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Mar. 13, 2006	NON-FINAL ACTION E-MAILED	6325
Mar. 13, 2006	NON-FINAL ACTION WRITTEN	74825
Mar. 13, 2006	ASSIGNED TO EXAMINER	74825
Sep. 21, 2005	APPLICANT AMENDMENT PRIOR TO EXAMINATION - ENTERED	76568
Oct. 06, 2005	ASSIGNED TO LIE	76568
Sep. 21, 2005	TEAS VOLUNTARY AMENDMENT RECEIVED	
Sep. 02, 2005	NEW APPLICATION ENTERED IN TRAM	

## TM Staff and Location Information

[Privacy](#) - [Terms](#)

**TM Staff Information - None**

**File Location**

**Current Location:** GENERIC WEB UPDATE

**Date in Location:** Nov. 16, 2016

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**Proceedings - Click to Load**

# **EXHIBIT B**



# S O R R Y

WE ARE CURRENTLY UNDER  
CONSTRUCTION!

Our website is currently undergoing a reconfiguration. Imagine Online is in the process of a business name change and will be back with our new website as soon as possible. Thanks for your patience.