

Change Of Correspondence Address

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	76497338
LAW OFFICE ASSIGNED	LAW OFFICE 114
MARK SECTION	
MARK	IPAD
CORRESPONDENCE SECTION (current)	
ORIGINAL ADDRESS	EDWARD A. PENNINGTON HANIFY & KING, P.C. 1055 THOMAS JEFFERSON ST. NW SUITE 400 WASHINGTON District of Columbia 20007 United States eap@hanify.com
NEW CORRESPONDENCE ADDRESS	
NEW ADDRESS	Edward A. Pennington Hanify & King, P.C. IP Docketing 1055 Thomas Jefferson Street, N.W., #400 Washington District of Columbia United States 20007 (202)403-2100 (202)429-4380 ip-docketing@hanify.com
SIGNATURE SECTION	
SIGNATURE	/Edward A. Pennington/
SIGNATORY NAME	Edward A. Pennington
SIGNATORY DATE	03/24/2010
SIGNATORY POSITION	Attorney of Record [DC Bar]
AUTHORIZED SIGNATORY	YES

FILING INFORMATION SECTION	
SUBMIT DATE	Wed Mar 24 08:55:56 EDT 2010
TEAS STAMP	USPTO/CCA-38.113.0.227-20 100324085556667979-778819 16-460c012b44ae8c3f2d75bd 6f02bc6d3c7a5-N/A-N/A-201 00324085406023905

Revocation of Attorney/Domestic Representative and/or Appointment of Attorney/Domestic Representative

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	76497338
LAW OFFICE ASSIGNED	LAW OFFICE 114
MARK SECTION	
MARK	IPAD
ATTORNEY SECTION	
ORIGINAL ADDRESS	EDWARD A. PENNINGTON HANIFY & KING, P.C. 4256330001D 1055 THOMAS JEFFERSON ST. NW SUITE 400 WASHINGTON District of Columbia (DC) 20007 United States (USX) eap@hanify.com
CORRESPONDENCE SECTION	
ORIGINAL ADDRESS	EDWARD A. PENNINGTON HANIFY & KING, P.C. 4256330001D 1055 THOMAS JEFFERSON ST. NW SUITE 400 WASHINGTON District of Columbia (DC) 20007 United States (USX) eap@hanify.com
NEW ATTORNEY ADDRESS	
STATEMENT TEXT	By submission of this request, the undersigned REVOKES the power of attorney currently of record, as listed above, and hereby APPOINTS the following new attorney.
NAME	Thomas R. La Perle
FIRM NAME	Apple Inc.

INTERNAL ADDRESS	MS: 3TM
STREET	1 Infinite Loop
CITY	Cupertino
STATE	California
COUNTRY	United States
POSTAL/ZIP CODE	95014
PHONE	408-974-2385
FAX	408-253-0186
NEW CORRESPONDENCE ADDRESS	
NAME	Thomas R. La Perle
FIRM NAME	Apple Inc.
INTERNAL ADDRESS	MS: 3TM
STREET	1 Infinite Loop
CITY	Cupertino
STATE	California
COUNTRY	United States
POSTAL/ZIP CODE	95014
PHONE	408-974-2385
FAX	408-253-0186
SIGNATURE SECTION	
SIGNATURE	/ Douglas G. Vetter/
SIGNATORY NAME	Douglas G. Vetter
SIGNATORY DATE	03/24/2010
SIGNATORY POSITION	Assistant Secretary
FILING INFORMATION SECTION	
SUBMIT DATE	Wed Mar 24 21:40:26 EDT 2010
TEAS STAMP	USPTO/RAA-17.193.14.176-2 0100324214026024499-76497 338-46013f97c5ff993d7d31d 657bcdcef9a24-N/A-N/A-201

Revocation of Attorney/Domestic Representative and/or Appointment of Attorney/Domestic Representative

To the Commissioner for Trademarks:

MARK: IPAD

SERIAL NUMBER: 76497338

The original attorney

EDWARD A. PENNINGTON

HANIFY & KING, P.C.

4256330001D

1055 THOMAS JEFFERSON ST. NW

SUITE 400

WASHINGTON District of Columbia 20007

United States

eap@hanify.com

Original Correspondence Address :

EDWARD A. PENNINGTON

HANIFY & KING, P.C.

1055 THOMAS JEFFERSON ST. NW

SUITE 400

WASHINGTON District of Columbia 20007

United States

eap@hanify.com

By submission of this request, the undersigned REVOKES the power of attorney currently of record, as listed above, and hereby APPOINTS the following new attorney.

Newly Appointed Attorney:

Thomas R. La Perle

Apple Inc.

MS: 3TM

1 Infinite Loop

Cupertino, California 95014

United States

408-974-2385

408-253-0186

The following is to be used as the correspondence address:

Thomas R. La Perle

Apple Inc.

MS: 3TM

1 Infinite Loop

Cupertino, California 95014

United States

408-974-2385

408-253-0186

Signature: / Douglas G. Vetter/ Date: 03/24/2010

Signatory's Name: Douglas G. Vetter

Signatory's Position: Assistant Secretary

Serial Number: 76497338

Internet Transmission Date: Wed Mar 24 21:40:26 EDT 2010

TEAS Stamp: USPTO/RAA-17.193.14.176-2010032421402602

4499-76497338-46013f97c5ff993d7d31d657bc

dcef9a24-N/A-N/A-20100324212545957020

Side - 1

NOTICE OF PUBLICATION UNDER §12(a)

MAILING DATE: Aug 12, 2009

PUBLICATION DATE: Sep 1, 2009

The mark identified below will be published in the Official Gazette on Sep 1, 2009. Any party who believes they will be damaged by registration of the mark may oppose its registration by filing an opposition to registration or a request to extend the time to oppose within thirty (30) days from the publication date on this notice. If no opposition is filed within the time specified by law, the USPTO may issue a Certificate of Registration. To view the Official Gazette online or to order a paper copy, visit the USPTO website at <http://www.uspto.gov/web/trademarks/tmog/> any time within the five-week period after the date of publication. You may also order a printed version from the U.S. Government Printing Office (GPO) at <http://bookstore.gpo.gov> or 202-512-1800. To check the status of your application, go to <http://tarr.uspto.gov/>.

SERIAL NUMBER: 76497338

MARK: IPAD

OWNER: Fujitsu Transaction Solutions Inc.

Side - 2

UNITED STATES PATENT AND TRADEMARK OFFICE
COMMISSIONER FOR TRADEMARKS
P.O. BOX 1451
ALEXANDRIA, VA 22313-1451

FIRST-CLASS
MAIL
U.S POSTAGE
PAID

EDWARD A. PENNINGTON
HANIFY & KING, P.C.
1055 THOMAS JEFFERSON ST. NW
SUITE 400
WASHINGTON, DC 20007

Trademark Snap Shot Publication & Issue Review Stylesheet
(Table presents the data on Publication & Issue Review Complete)

OVERVIEW

SERIAL NUMBER	76497338	FILING DATE	03/07/2003
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	TRADEMARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	FIRST, VIVIAN M	L.O. ASSIGNED	114

PUB INFORMATION

RUN DATE	07/25/2009		
PUB DATE	N/A		
STATUS	681-PUBLICATION/ISSUE REVIEW COMPLETE		
STATUS DATE	07/24/2009		
LITERAL MARK ELEMENT	IPAD		
DATE ABANDONED	N/A	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	REPUB 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	N/A		

FILING BASIS

FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	YES	1 (a)	YES	1 (a)	NO
1 (b)	NO	1 (b)	NO	1 (b)	NO
44D	NO	44D	NO	44D	NO
44E	NO	44E	NO	44E	NO
66A	NO	66A	NO		
NO BASIS	NO	NO BASIS	NO		

MARK DATA

STANDARD CHARACTER MARK	NO

LITERAL MARK ELEMENT	IPAD						
MARK DRAWING CODE	1-TYPESET WORD(S)/LETTER(S)/NUMBER(S)						
COLOR DRAWING FLAG	NO						
CURRENT OWNER INFORMATION							
PARTY TYPE	10-ORIGINAL APPLICANT						
NAME	Fujitsu Transaction Solutions Inc.						
ADDRESS	5429 LBJ Freeway Dallas, TX 75240						
ENTITY	03-CORPORATION						
CITIZENSHIP	Delaware						
GOODS AND SERVICES							
INTERNATIONAL CLASS	009						
DESCRIPTION TEXT	HAND-HELD COMPUTING DEVICE FOR WIRELESS NETWORKING IN A RETAIL ENVIRONMENT						
GOODS AND SERVICES CLASSIFICATION							
INTERNATIONAL CLASS	009	FIRST USE DATE	01/08/2002	FIRST USE IN COMMERCE DATE	01/13/2002	CLASS STATUS	6-ACTIVE
MISCELLANEOUS INFORMATION/STATEMENTS							
CHANGE IN REGISTRATION	NO						
PSEUDO MARK	I PAD						
PROSECUTION HISTORY							
DATE	ENT CD	ENT TYPE	DESCRIPTION				ENT NUM
07/24/2009	PREV	O	LAW OFFICE PUBLICATION REVIEW COMPLETED				033
07/24/2009	ALIE	A	ASSIGNED TO LIE				032
07/20/2009	CNSA	O	APPROVED FOR PUB - PRINCIPAL REGISTER				031
06/19/2009	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED				030
06/19/2009	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE				029
06/19/2009	TROA	I	TEAS RESPONSE TO OFFICE ACTION RECEIVED				028
06/19/2009	PETG	O	PETITION TO REVIVE-GRANTED				027

06/19/2009	PROA	I	TEAS PETITION TO REVIVE RECEIVED	026
05/13/2009	TCCA	I	TEAS CHANGE OF CORRESPONDENCE RECEIVED	025
04/21/2009	MAB2	O	ABANDONMENT NOTICE MAILED - FAILURE TO RESPOND	024
04/20/2009	ABN2	O	ABANDONMENT - FAILURE TO RESPOND OR LATE RESPONSE	023
09/09/2008	GNRN	O	NOTIFICATION OF NON-FINAL ACTION E-MAILED	022
09/09/2008	GNRT	O	NON-FINAL ACTION E-MAILED	021
09/09/2008	CNRT	R	NON-FINAL ACTION WRITTEN	020
07/17/2008	RCCK	S	LIE CHECKED SUSP - TO ATTY FOR ACTION	019
05/04/2008	TCCA	I	TEAS CHANGE OF CORRESPONDENCE RECEIVED	018
01/16/2008	RCSC	S	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	017
07/16/2007	RCSC	S	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	016
06/28/2007	CHAN	I	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	015
06/26/2007	MAIL	I	PAPER RECEIVED	014
02/09/2007	ARAA	I	ATTORNEY REVOKED AND/OR APPOINTED	013
02/09/2007	REAP	I	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	012
12/28/2006	RCSC	S	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	011
12/28/2006	ALIE	A	ASSIGNED TO LIE	010
06/05/2006	RCSC	S	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	009
12/01/2005	RCSC	S	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	008
06/01/2005	RCSC	S	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	007
12/01/2004	RCSC	S	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	006
04/28/2004	CNSL	S	LETTER OF SUSPENSION MAILED	005
02/27/2004	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	004
02/27/2004	MAIL	I	PAPER RECEIVED	003
08/25/2003	CNRT	F	NON-FINAL ACTION MAILED	002
08/21/2003	DOCK	D	ASSIGNED TO EXAMINER	001

CURRENT CORRESPONDENCE INFORMATION

ATTORNEY

EDWARD A PENNINGTON

CORRESPONDENCE ADDRESS

EDWARD A. PENNINGTON
HANIFY & KING, P.C.
1055 THOMAS JEFFERSON ST. NW
SUITE 400
WASHINGTON, DC 20007

DOMESTIC REPRESENTATIVE

NONE

Trademark Snap Shot Publication Stylesheet
(Table presents the data on Publication Approval)

OVERVIEW

SERIAL NUMBER	76497338	FILING DATE	03/07/2003
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	TRADEMARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	FIRST, VIVIAN M	L.O. ASSIGNED	114

PUB INFORMATION

RUN DATE	07/21/2009		
PUB DATE	N/A		
STATUS	680-APPROVED FOR PUBLICATION		
STATUS DATE	07/20/2009		
LITERAL MARK ELEMENT	IPAD		
DATE ABANDONED	N/A	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	REPUB 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	N/A		

FILING BASIS

FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	YES	1 (a)	YES	1 (a)	NO
1 (b)	NO	1 (b)	NO	1 (b)	NO
44D	NO	44D	NO	44D	NO
44E	NO	44E	NO	44E	NO
66A	NO	66A	NO		
NO BASIS	NO	NO BASIS	NO		

MARK DATA

STANDARD CHARACTER MARK	NO

LITERAL MARK ELEMENT	IPAD						
MARK DRAWING CODE	1-TYPESET WORD(S)/LETTER(S)/NUMBER(S)						
COLOR DRAWING FLAG	NO						
CURRENT OWNER INFORMATION							
PARTY TYPE	10-ORIGINAL APPLICANT						
NAME	Fujitsu Transaction Solutions Inc.						
ADDRESS	5429 LBJ Freeway Dallas, TX 75240						
ENTITY	03-CORPORATION						
CITIZENSHIP	Delaware						
GOODS AND SERVICES							
INTERNATIONAL CLASS	009						
DESCRIPTION TEXT	HAND-HELD COMPUTING DEVICE FOR WIRELESS NETWORKING IN A RETAIL ENVIRONMENT						
GOODS AND SERVICES CLASSIFICATION							
INTERNATIONAL CLASS	009	FIRST USE DATE	01/08/2002	FIRST USE IN COMMERCE DATE	01/13/2002	CLASS STATUS	6-ACTIVE
MISCELLANEOUS INFORMATION/STATEMENTS							
CHANGE IN REGISTRATION	NO						
PSEUDO MARK	I PAD						
PROSECUTION HISTORY							
DATE	ENT CD	ENT TYPE	DESCRIPTION				ENT NUM
07/20/2009	CNSA	O	APPROVED FOR PUB - PRINCIPAL REGISTER				031
06/19/2009	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED				030
06/19/2009	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE				029
06/19/2009	TROA	I	TEAS RESPONSE TO OFFICE ACTION RECEIVED				028
06/19/2009	PETG	O	PETITION TO REVIVE-GRANTED				027
06/19/2009	PROA	I	TEAS PETITION TO REVIVE RECEIVED				026
05/13/2009	TCCA	I	TEAS CHANGE OF CORRESPONDENCE RECEIVED				025

04/21/2009	MAB2	O	ABANDONMENT NOTICE MAILED - FAILURE TO RESPOND	024
04/20/2009	ABN2	O	ABANDONMENT - FAILURE TO RESPOND OR LATE RESPONSE	023
09/09/2008	GNRN	O	NOTIFICATION OF NON-FINAL ACTION E-MAILED	022
09/09/2008	GNRT	O	NON-FINAL ACTION E-MAILED	021
09/09/2008	CNRT	R	NON-FINAL ACTION WRITTEN	020
07/17/2008	RCCK	S	LIE CHECKED SUSP - TO ATTY FOR ACTION	019
05/04/2008	TCCA	I	TEAS CHANGE OF CORRESPONDENCE RECEIVED	018
01/16/2008	RCSC	S	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	017
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06/26/2007	MAIL	I	PAPER RECEIVED	014
02/09/2007	ARAA	I	ATTORNEY REVOKED AND/OR APPOINTED	013
02/09/2007	REAP	I	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	012
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06/01/2005	RCSC	S	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	007
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04/28/2004	CNSL	S	LETTER OF SUSPENSION MAILED	005
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02/27/2004	MAIL	I	PAPER RECEIVED	003
08/25/2003	CNRT	F	NON-FINAL ACTION MAILED	002
08/21/2003	DOCK	D	ASSIGNED TO EXAMINER	001

CURRENT CORRESPONDENCE INFORMATION

ATTORNEY	EDWARD A PENNINGTON,
CORRESPONDENCE ADDRESS	Edward A. Pennington Hanify & King, P.C. Suite 400 1055 Thomas Jefferson St. NW

	Washington DC 2007
DOMESTIC REPRESENTATIVE	NONE

NOTE TO THE FILE

SERIAL NUMBER: 76497338

DATE: 07/20/2009

NAME: vfirst

NOTE:

☐ Checked LEXIS/NEXIS

☒ Searched google for relationship of pin pad or payment processing solutions and wireless communication devices for retail use. Included search of pin pad manufacturers Hypercom, Ingenico and Verifone to functions and uses of goods.

☐ Checked with Law Library re surname.

☐ Checked geographic significance.

☐ Checked with translations branch.

☐ Checked ID with ID/Class

☐ Checked ID with Senior Attorney/Managing Attorney

☐ Telephoned attorney/applicant leaving message re: _____

☐ Telephoned attorney/applicant, application was signed on _____

☐ Personal interview conducted with attorney/applicant re _____

☐ Attorney/applicant called to discuss _____

☐ Bulky specimens with examiner.

- ☐ Acronym website searched.
- ☐ Changed Tradeups to add. ☐
- ☐ Changed Tradeups to delete. ☐
- ☐ Changed Tradeups to add Examiner's Amendment.
- ☐ Letter of Protest Granted
- ☐ OTHER (insert reason for Note)

NOTE TO THE FILE

SERIAL NUMBER: 76497338

DATE: 07/20/2009

NAME: vfirst

NOTE:

☐ Checked LEXIS/NEXIS

☒ Searched google for relationship of pin pad or payment processing solutions and wireless communication devices for retail use. Included search of pin pad manufacturers Hypercom, Ingenico and Verifone to functions and uses of goods.

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☐ Telephoned attorney/applicant, application was signed on _____

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- ☐ Changed Tradeups to add. ____
- ☐ Changed Tradeups to delete. ____
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- ☐ Letter of Protest Granted
- ☐ OTHER (insert reason for Note)

Sent to TICRS as Serial Number: 76497338

*** User:vfirst ***

#	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/ Search Duration	Search
01	266915	N/A	0	0	0:03	d or "i pad"[bi,ti]
02	21	14	7	3	0:01	ipad or "i pad"[bi,ti]
03	26	14	12	7	P/0:03	ipad or "i pad"[bi,ti]
04	5	0	5	4	P/0:01	3 not 2

Session started 7/20/2009 1:45:32 PM

Session finished 7/20/2009 1:46:42 PM

Total search duration 0 minutes 8 seconds

Session duration 1 minutes 10 seconds

Default NEAR limit=1ADJ limit=1

Sent to TICRS as Serial Number: 76497338

*** User:vfirst ***

#	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/ Search Duration	Search
01	15	10	5	3	0:01	ipad

Session started 7/16/2009 3:12:35 PM

Session finished 7/16/2009 3:13:25 PM

Total search duration 0 minutes 1 seconds

Session duration 0 minutes 50 seconds

Default NEAR limit=1ADJ limit=1

Sent to TICRS as Serial Number: 76497338

Trademark Snap Shot Amendment & Mail Processing Stylesheet
(Table presents the data on Amendment & Mail Processing Complete)

OVERVIEW

SERIAL NUMBER	76497338	FILING DATE	03/07/2003
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	TRADEMARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	FIRST, VIVIAN M	L.O. ASSIGNED	114

PUB INFORMATION

RUN DATE	06/20/2009		
PUB DATE	N/A		
STATUS	616-REVIVE-AWAITING FURTHER ACTION		
STATUS DATE	06/19/2009		
LITERAL MARK ELEMENT	IPAD		
DATE ABANDONED	N/A	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	REPUB 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	N/A		

FILING BASIS

FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	YES	1 (a)	YES	1 (a)	NO
1 (b)	NO	1 (b)	NO	1 (b)	NO
44D	NO	44D	NO	44D	NO
44E	NO	44E	NO	44E	NO
66A	NO	66A	NO		
NO BASIS	NO	NO BASIS	NO		

MARK DATA

STANDARD CHARACTER MARK	NO

LITERAL MARK ELEMENT	IPAD						
MARK DRAWING CODE	1-TYPESET WORD(S)/LETTER(S)/NUMBER(S)						
COLOR DRAWING FLAG	NO						
CURRENT OWNER INFORMATION							
PARTY TYPE	10-ORIGINAL APPLICANT						
NAME	Fujitsu Transaction Solutions Inc.						
ADDRESS	5429 LBJ Freeway Dallas, TX 75240						
ENTITY	03-CORPORATION						
CITIZENSHIP	Delaware						
GOODS AND SERVICES							
INTERNATIONAL CLASS	009						
DESCRIPTION TEXT	HAND-HELD COMPUTING DEVICE FOR WIRELESS NETWORKING IN A RETAIL ENVIRONMENT						
GOODS AND SERVICES CLASSIFICATION							
INTERNATIONAL CLASS	009	FIRST USE DATE	01/08/2002	FIRST USE IN COMMERCE DATE	01/13/2002	CLASS STATUS	6-ACTIVE
MISCELLANEOUS INFORMATION/STATEMENTS							
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PSEUDO MARK	I PAD						
PROSECUTION HISTORY							
DATE	ENT CD	ENT TYPE	DESCRIPTION				ENT NUM
06/19/2009	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED				030
06/19/2009	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE				029
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05/13/2009	TCCA	I	TEAS CHANGE OF CORRESPONDENCE RECEIVED				025
04/21/2009	MAB2	O	ABANDONMENT NOTICE MAILED - FAILURE TO RESPOND				024

04/20/2009	ABN2	O	ABANDONMENT - FAILURE TO RESPOND OR LATE RESPONSE	023
09/09/2008	GNRN	O	NOTIFICATION OF NON-FINAL ACTION E-MAILED	022
09/09/2008	GNRT	O	NON-FINAL ACTION E-MAILED	021
09/09/2008	CNRT	R	NON-FINAL ACTION WRITTEN	020
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06/28/2007	CHAN	I	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	015
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02/09/2007	ARAA	I	ATTORNEY REVOKED AND/OR APPOINTED	013
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12/28/2006	ALIE	A	ASSIGNED TO LIE	010
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12/01/2004	RCSC	S	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	006
04/28/2004	CNSL	S	LETTER OF SUSPENSION MAILED	005
02/27/2004	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	004
02/27/2004	MAIL	I	PAPER RECEIVED	003
08/25/2003	CNRT	F	NON-FINAL ACTION MAILED	002
08/21/2003	DOCK	D	ASSIGNED TO EXAMINER	001

CURRENT CORRESPONDENCE INFORMATION

ATTORNEY	EDWARD A PENNINGTON,
CORRESPONDENCE ADDRESS	Edward A. Pennington Hanify & King, P.C. Suite 400 1055 Thomas Jefferson St. NW Washington DC 20007

DOMESTIC REPRESENTATIVE

NONE

Side - 1

	NOTICE OF REVIVAL MAILING DATE: Jun 19, 2009
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The trademark application identified below has been revived to pending status. The application file will be forwarded to the appropriate section of the Office for further processing. To verify the status and location of your application, please wait approximately three weeks and check the USPTO website at <http://tarr.uspto.gov/> or call the Trademark Assistance Center at 1-800-786-9199.

SERIAL NUMBER: 76497338
MARK: IPAD
OWNER: Fujitsu Transaction Solutions Inc.
REVIVAL DATE: Jun 19, 2009

Side - 2

UNITED STATES PATENT AND TRADEMARK OFFICE
COMMISSIONER FOR TRADEMARKS
P.O. BOX 1451
ALEXANDRIA, VA 22313-1451

FIRST-CLASS MAIL U.S POSTAGE PAID
--

Edward A. Pennington
Hanify & King, P.C.
1055 Thomas Jefferson St. NW
Suite 400
Washington, DC 20007

Petition To Revive For Office Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	76497338
LAW OFFICE ASSIGNED	LAW OFFICE 114
DATE OF NOTICE OF ABANDONMENT	04/21/2009
PETITION	
PETITION STATEMENT	Applicant has firsthand knowledge that the failure to respond to the Office Action by the specified deadline was unintentional, and requests the USPTO to revive the abandoned application.
RESPONSE TO OFFICE ACTION	
MARK SECTION (no change)	
ARGUMENT(S)	
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE TRADEMARK/SERVICE MARK APPLICATION – PRINCIPAL REGISTER Mark: IPAD Class: International Class 009 Applicant: Fujitsu Transaction Solutions, Inc. Serial No.: 76/497,338 Filed: March 7, 2003 RESPONSE TO OFFICE ACTION Commissioner for Trademarks	

P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Examining Attorney's Office Action dated September 9, 2008, the Applicant requests that the Examining Attorney consider the following remarks.

The Examining Attorney has refused the application under Section 2(d) of the Lanham Act, basically stating that the good and services of the applicant are related to the goods and services of the registrant.

While the Registrant's description is limited to "keypads for entry of personal identification numbers in e-commerce," the Applicant's description includes "hand-held computing device[s] for wireless networking in a retail environment." Differences in the descriptions of goods and services abound. First, the Registrant is limited to keypads; the Applicant describes any hand-held computing device. The Registrant's use stops at personal identification numbers; the Applicant's description can cover any information communicated over a wireless network. The Registrant uses the (quite broad) term "e-commerce;" the Applicant limits the description to "retail environment[s]." As is obvious from the respective descriptions, the Registrant's goods and services covers only keypads into which customers type their secret personal identification numbers after swiping a credit or debit card. The Applicant, on the other hand, describes a wireless personal retail computer, carried and used by store employees (not customers), and used not for check-out PIN-entry purposes, but for retail-sales and research purposes. The Registrant's description of use illustrates customers, at the end of their shopping excursion, swiping a credit, debit, or gift card then using a Personal Identification Number to verify the legal and proper release of funds from an account. The Applicant's description of use illustrates store retail employees operating a handheld computing device to conduct inventory logs, price checks, product information searches, and the like. Because the goods and services serve different purposes (PIN-entry versus retail and sales data retrieval and entry) and are targeted to different end-users (customers versus employees), a likelihood of confusion is simply not present.

Furthermore, the respective customer bases for the Applicant and the Registrant are large and small retail businesses – known to be technologically sophisticated and careful when making hardware purchases. Retailers, when shopping for hardware, will not confuse a personal identification number entry keypad for use by customers with a wireless personal computer for use by employees.

In conclusion, the easy differentiation between the Applicant's and Registrant's descriptions of goods and services in addition to the sophistication of the customer base are enough to overcome any alleged likelihood of confusion

PAYMENT SECTION	
TOTAL AMOUNT	100
TOTAL FEES DUE	100
SIGNATURE SECTION	
RESPONSE SIGNATURE	/Edward A. Pennington/
SIGNATORY'S NAME	Edward A. Pennington
SIGNATORY'S POSITION	Attorney of record, D.C and Virginia bar member.
DATE SIGNED	06/19/2009
AUTHORIZED SIGNATORY	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Fri Jun 19 10:32:35 EDT 2009
TEAS STAMP	USPTO/POA-38.113.0.227-20 090619103235973157-764973 38-430ec2bdc5d4d298a5927c 9fb5c2a22305d-DA-6925-200 90619102905551095

Petition To Revive For Office Action

To the Commissioner for Trademarks:

Application serial no. **76497338** IPAD has been amended as follows:

PETITION

Petition Statement

Applicant has firsthand knowledge that the failure to respond to the Office Action by the specified deadline was unintentional, and requests the USPTO to revive the abandoned application.

RESPONSE TO OFFICE ACTION

ARGUMENT(S)

In response to the substantive refusal(s), please note the following:

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

TRADEMARK/SERVICE MARK APPLICATION – PRINCIPAL REGISTER

Mark: IPAD

Class: International Class 009

Applicant: Fujitsu Transaction Solutions, Inc.

Serial No.: 76/497,338

Filed: March 7, 2003

RESPONSE TO OFFICE ACTION

Commissioner for Trademarks
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Examining Attorney's Office Action dated September 9, 2008, the Applicant requests that the Examining Attorney consider the following remarks.

The Examining Attorney has refused the application under Section 2(d) of the Lanham Act, basically stating that the goods and services of the applicant are related to the goods and services of the registrant.

While the Registrant's description is limited to "keypads for entry of personal identification numbers in e-commerce," the Applicant's description includes "hand-held computing device[s] for wireless networking in a retail environment." Differences in the descriptions of goods and services abound. First, the Registrant is limited to keypads; the Applicant describes any hand-held computing device. The Registrant's use stops at personal identification numbers; the Applicant's description can cover any information communicated over a wireless network. The Registrant uses the (quite broad) term "e-commerce;" the Applicant limits the description to "retail environment[s]." As is obvious from the respective descriptions, the Registrant's goods and services covers only keypads into which customers type their secret personal identification numbers after swiping a credit or debit card. The Applicant, on the other hand, describes a wireless personal retail computer, carried and used by store employees (not customers), and used not for check-out PIN-entry purposes, but for retail-sales and research purposes. The Registrant's description of use illustrates customers, at the end of their shopping excursion, swiping a credit, debit, or gift card then using a Personal Identification Number to verify the legal and proper release

of funds from an account. The Applicant's description of use illustrates store retail employees operating a handheld computing device to conduct inventory logs, price checks, product information searches, and the like. Because the goods and services serve different purposes (PIN-entry versus retail and sales data retrieval and entry) and are targeted to different end-users (customers versus employees), a likelihood of confusion is simply not present.

Furthermore, the respective customer bases for the Applicant and the Registrant are large and small retail businesses – known to be technologically sophisticated and careful when making hardware purchases. Retailers, when shopping for hardware, will not confuse a personal identification number entry keypad for use by customers with a wireless personal computer for use by employees.

In conclusion, the easy differentiation between the Applicant's and Registrant's descriptions of goods and services in addition to the sophistication of the customer base are enough to overcome any alleged likelihood of confusion

FEE(S)

Fee(s) in the amount of \$100 is being submitted.

SIGNATURE(S)

Petition/Response Signature

Signature: /Edward A. Pennington/ Date: 06/19/2009

Signatory's Name: Edward A. Pennington

Signatory's Position: Attorney of record, D.C and Virginia bar member.

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the applicant's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the applicant in this matter: (1) the applicant has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the applicant has filed a power of attorney appointing him/her in this matter; or (4) the applicant's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

RAM Sale Number: 6925

RAM Accounting Date: 06/19/2009

Serial Number: 76497338

Internet Transmission Date: Fri Jun 19 10:32:35 EDT 2009

TEAS Stamp: USPTO/POA-38.113.0.227-20090619103235973

157-76497338-430ec2bdc5d4d298a5927c9fb5c

2a22305d-DA-6925-20090619102905551095

RAM SALE NUMBER: 6925
RAM ACCOUNTING DATE: 20090619

INTERNET TRANSMISSION DATE:
2009/06/19

SERIAL NUMBER:
76/497338

Description	Fee Code	Transaction	Total Fees Paid
POA	7005	2009/06/19	100

Change Of Correspondence Address

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	76497338
LAW OFFICE ASSIGNED	LAW OFFICE 114
MARK SECTION	
MARK	IPAD
CORRESPONDENCE SECTION (current)	
ORIGINAL ADDRESS	EDWARD A PENNINGTON, Hanify & King Suite 707 1875 K Street, NW Washington District of Columbia 20006 United States (202)719-1090 (202)719-1082 eap@hanify.com
NEW CORRESPONDENCE ADDRESS	
NEW ADDRESS	Edward A. Pennington Hanify & King, P.C. Suite 400 1055 Thomas Jefferson St. NW Washington District of Columbia United States 20007 eap@hanify.com
SIGNATURE SECTION	
SIGNATURE	/Edward A. Pennington/
SIGNATORY NAME	Edward A. Pennington
SIGNATORY DATE	05/13/2009
SIGNATORY POSITION	Attorney of record, D.C. and Virginia bar member.
AUTHORIZED SIGNATORY	YES

FILING INFORMATION SECTION	
SUBMIT DATE	Wed May 13 16:26:58 EDT 2009
TEAS STAMP	USPTO/CCA-38.113.0.227-20 090513162658816397-766641 95-440ba7957f92fc552d1c3e 1f83990328962-N/A-N/A-200 90513155242953264

Side - 1

NOTICE OF ABANDONMENT

MAILING DATE: Apr 21, 2009

The trademark application identified below was abandoned in full because a response to the Office Action mailed on Sep 9, 2008 was not received within the 6-month response period.

If the delay in filing a response was unintentional, you may file a petition to revive the application with a fee. If the abandonment of this application was due to USPTO error, you may file a request for reinstatement. Please note that a petition to revive or request for reinstatement **must be received within two months from the mailing date of this notice.**

For additional information, go to <http://www.uspto.gov/teas/petinfo.htm>. If you are unable to get the information you need from the website, call the Trademark Assistance Center at 1-800-786-9199.

SERIAL NUMBER: 76497338

MARK: IPAD

OWNER: Fujitsu Transaction Solutions Inc.

Side - 2

UNITED STATES PATENT AND TRADEMARK OFFICE
COMMISSIONER FOR TRADEMARKS
P.O. BOX 1451
ALEXANDRIA, VA 22313-1451

FIRST-CLASS
MAIL
U.S POSTAGE
PAID

EDWARD A PENNINGTON,
Hanify & King
1875 K Street, NW
Suite 707
Washington , DC 20006

To: Fujitsu Transaction Solutions Inc. (eap@hanify.com)
Subject: TRADEMARK APPLICATION NO. 76497338 - IPAD - 4256330001D
Sent: 9/9/2008 5:32:52 PM
Sent As: ECOM114@USPTO.GOV
Attachments: [Attachment - 1](#)
[Attachment - 2](#)

UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 76/497338

MARK: IPAD

76497338

CORRESPONDENT ADDRESS:

EDWARD A PENNINGTON,
Hanify & King
Suite 707
1875 K Street, NW
Washington DC 20006

RESPOND TO THIS ACTION:

<http://www.uspto.gov/teas/eTEASpageD.htm>

GENERAL TRADEMARK INFORMATION:

<http://www.uspto.gov/main/trademarks.htm>

APPLICANT: Fujitsu Transaction
Solutions Inc.

**CORRESPONDENT'S
REFERENCE/DOCKET NO:**
4256330001D

CORRESPONDENT E-MAIL ADDRESS:
eap@hanify.com

OFFICE ACTION

TO AVOID ABANDONMENT, THE OFFICE MUST RECEIVE A PROPER RESPONSE TO THIS OFFICE ACTION WITHIN 6 MONTHS OF THE ISSUE/MAILING DATE.

ISSUE/MAILING DATE: 9/9/2008

On April 21, 2004, action on this application was suspended pending the disposition of Application Serial No. 76162761. The referenced prior-pending application has since registered. Therefore, registration is refused as follows.

Trademark Act Section 2(d) Refusal to Register

Registration of the applied-for mark is refused because of a likelihood of confusion with the mark in U.S. Registration No. 3405828. Trademark Act Section 2(d), 15 U.S.C. §1052(d); *see* TMEP §§1207.01 *et seq.* See the enclosed registration.

A likelihood of confusion determination requires a two-part analysis. First the marks are compared for similarities in appearance, sound, connotation and commercial impression. *In re E. I. DuPont de Nemours & Co.*, 476 F.2d 1357, 177 USPQ 563 (C.C.P.A. 1973). Second, the goods or services are compared to determine whether they are similar or related or whether the activities surrounding their marketing are such that confusion as to origin is likely. *In re August Storck KG*, 218 USPQ 823 (TTAB 1983); *In re Int'l Tel. and Tel. Corp.*, 197 USPQ 910 (TTAB 1978); *Guardian Prods. Co., v. Scott Paper Co.*, 200 USPQ 738 (TTAB 1978); TMEP §§1207.01 *et seq.*

A. The Marks

The applicant seeks to register “IPAD,” and the registered mark is “IPAD.” The marks are identical. If the marks of the respective parties are identical, the relationship between the goods and/or services of the respective parties need not be as close to support a finding of likelihood of confusion as might apply where differences exist between the marks. *In re Opus One Inc.*, 60 USPQ2d 1812, 1815 (TTAB 2001); *Ancor, Inc. v. Ancor Indus., Inc.*, 210 USPQ 70, 78 (TTAB 1981); TMEP §1207.01(a).

B. The Goods/Services

The applicant uses its mark on a “hand-held computing device for wireless networking in a retail environment,” and the registered mark is used on “keypads for entry of personal identification numbers in e-commerce.” The goods/services of the parties are related because applicant’s goods are described in the submitted literature as featuring a “keypad with encryption for secure debit transactions.” Thus, the goods of both parties feature keypads for entering personal identification numbers for use in electronic transmission of information for commerce.

The goods and/or services of the parties need not be identical or directly competitive to find a likelihood of confusion. *See Safety-Kleen Corp. v. Dresser Indus., Inc.*, 518 F.2d 1399, 1404, 186 USPQ 476, 480 (C.C.P.A. 1975); TMEP §1207.01(a)(i). Rather, they need only be related in some manner, or the conditions surrounding their marketing are such that they would be encountered by the same purchasers under circumstances that would give rise to the mistaken belief that the goods and/or services come from a common source. *In re Total Quality Group, Inc.*, 51 USPQ2d 1474, 1476 (TTAB 1999); TMEP §1207.01(a)(i); *see, e.g., On-line Careline Inc. v. Am. Online Inc.*, 229 F.3d 1080, 1086-87, 56 USPQ2d 1471, 1475-76 (Fed. Cir. 2000); *In re Martin’s Famous Pastry Shoppe, Inc.*, 748 F.2d 1565, 1566-68, 223 USPQ 1289, 1290 (Fed. Cir. 1984).

Based on the similarity of the marks and relatedness of the goods/services, consumers are likely to be confused by the marks into believing that the goods/services of the parties share a common source or sponsorship.

Although the examining attorney has refused registration, the applicant may respond to the refusal to

register by submitting evidence and arguments in support of registration.

/Vivian Micznik First/
Vivian Micznik First
Trademark Attorney, Law Office 114
571-272-9159

RESPOND TO THIS ACTION: Applicant should file a response to this Office action online using the form at <http://www.uspto.gov/teas/eTEASpageD.htm>, waiting 48-72 hours if applicant received notification of the Office action via e-mail. For *technical* assistance with the form, please e-mail TEAS@uspto.gov. For questions about the Office action itself, please contact the assigned examining attorney. **Do not respond to this Office action by e-mail; the USPTO does not accept e-mailed responses.**

If responding by paper mail, please include the following information: the application serial number, the mark, the filing date and the name, title/position, telephone number and e-mail address of the person signing the response. Please use the following address: Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451.

STATUS CHECK: Check the status of the application at least once every six months from the initial filing date using the USPTO Trademark Applications and Registrations Retrieval (TARR) online system at <http://tarr.uspto.gov>. When conducting an online status check, print and maintain a copy of the complete TARR screen. If the status of your application has not changed for more than six months, please contact the assigned examining attorney.

Print: Sep 9, 2008

76162761

DESIGN MARK

Serial Number

76162761

Status

REGISTERED

Word Mark

IPAD

Standard Character Mark

No

Registration Number

3405828

Date Registered

2008/04/01

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(1) TYPED DRAWING

Owner

MAG-TEK, INC. CORPORATION CALIFORNIA 20725 South Annalee Avenue Carson
CALIFORNIA 90746

Goods/Services

Class Status -- ACTIVE. IC 009. US 021 023 026 036 038. G & S:
KEYPADS FOR ENTRY OF PERSONAL IDENTIFICATION NUMBERS IN E-COMMERCE.
First Use: 2007/12/20. First Use In Commerce: 2007/12/20.

Filing Date

2000/11/10

Examining Attorney

CHISOLM, KEVON

Attorney of Record

Lauren E. Schneider

IPAD

To: Fujitsu Transaction Solutions Inc. (eap@hanify.com)
Subject: TRADEMARK APPLICATION NO. 76497338 - IPAD - 4256330001D
Sent: 9/9/2008 5:32:59 PM
Sent As: ECOM114@USPTO.GOV
Attachments:

IMPORTANT NOTICE
USPTO OFFICE ACTION HAS ISSUED ON 9/9/2008 FOR
APPLICATION SERIAL NO. 76497338

Please follow the instructions below to continue the prosecution of your application:

VIEW OFFICE ACTION: Click on this link http://tmportal.uspto.gov/external/portal/tow?DDA=Y&serial_number=76497338&doc_type=OOA& (or copy and paste this URL into the address field of your browser), or visit <http://tmportal.uspto.gov/external/portal/tow> and enter the application serial number to [access](#) the Office action.

PLEASE NOTE: The Office action may not be immediately available but will be viewable within 24 hours of this notification.

RESPONSE MAY BE REQUIRED: You should carefully review the Office action to determine (1) if a response is required; (2) how to respond; and (3) the applicable [response time period](#). Your response deadline will be calculated from **9/9/2008**.

Do NOT hit "Reply" to this e-mail notification, or otherwise attempt to e-mail your response, as the USPTO does NOT accept e-mailed responses. Instead, the USPTO recommends that you respond online using the Trademark Electronic Application System response form at <http://www.uspto.gov/teas/eTEASpageD.htm>.

HELP: For *technical* assistance in accessing the Office action, please e-mail TDR@uspto.gov. Please contact the assigned examining attorney with questions about the Office action.

WARNING

- 1. The USPTO will NOT send a separate e-mail with the Office action attached.**
- 2. Failure to file any required response by the applicable deadline will result in the [ABANDONMENT](#) of your application.**

Change Of Correspondence Address

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	76497338
LAW OFFICE ASSIGNED	LAW OFFICE 114
MARK SECTION	
MARK	IPAD
CORRESPONDENCE SECTION (current)	
ORIGINAL ADDRESS	EDWARD A PENNINGTON, BINGHAM MCCUTCHEN LLP 2020 K STREET NW 8TH FLOOR WASHINGTON District of Columbia 20006 United States (202) 373-6001 (202) 373-6000
NEW CORRESPONDENCE ADDRESS	
NEW ADDRESS	EDWARD A PENNINGTON, Hanify & King Suite 707 1875 K Street, NW Washington District of Columbia United States 20006 (202)719-1082 (202)719-1090 eap@hanify.com
SIGNATURE SECTION	
SIGNATURE	/Edward A. Pennington/
SIGNATORY NAME	Edward A. Pennington
SIGNATORY DATE	05/04/2008
SIGNATORY POSITION	Attorney of Record
FILING INFORMATION SECTION	

SUBMIT DATE	Sun May 04 23:45:59 EDT 2008
TEAS STAMP	USPTO/CCA-38.113.0.227-20 080504234559081667-764973 38-400fa459a77944cdd3b2fa e228c3135b2e2-N/A-N/A-200 80504233953305277

Trademark Snap Shot Amendment & Mail Processing Stylesheet
(Table presents the data on Amendment & Mail Processing Complete)

OVERVIEW

SERIAL NUMBER	76497338	FILING DATE	03/07/2003
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	TRADEMARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	FIRST, VIVIAN M	L.O. ASSIGNED	114

PUB INFORMATION

RUN DATE	06/29/2007		
PUB DATE	N/A		
STATUS	654-REPORT COMPLETED SUSPENSION CHECK - CASE STILL SUSPENDED		
STATUS DATE	12/28/2006		
LITERAL MARK ELEMENT	IPAD		
DATE ABANDONED	N/A	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	REPUB 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	N/A		

FILING BASIS

FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	YES	1 (a)	YES	1 (a)	NO
1 (b)	NO	1 (b)	NO	1 (b)	NO
44D	NO	44D	NO	44D	NO
44E	NO	44E	NO	44E	NO
66A	NO	66A	NO		
NO BASIS	NO	NO BASIS	NO		

MARK DATA

STANDARD CHARACTER MARK	NO

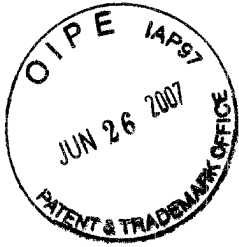
LITERAL MARK ELEMENT	IPAD						
MARK DRAWING CODE	1-TYPESET WORD(S)/LETTER(S)/NUMBER(S)						
COLOR DRAWING FLAG	NO						
CURRENT OWNER INFORMATION							
PARTY TYPE	10-ORIGINAL APPLICANT						
NAME	Fujitsu Transaction Solutions Inc.						
ADDRESS	5429 LBJ Freeway Dallas, TX 75240						
ENTITY	03-CORPORATION						
CITIZENSHIP	Delaware						
GOODS AND SERVICES							
INTERNATIONAL CLASS	009						
DESCRIPTION TEXT	HAND-HELD COMPUTING DEVICE FOR WIRELESS NETWORKING IN A RETAIL ENVIRONMENT						
GOODS AND SERVICES CLASSIFICATION							
INTERNATIONAL CLASS	009	FIRST USE DATE	01/08/2002	FIRST USE IN COMMERCE DATE	01/13/2002	CLASS STATUS	6-ACTIVE
MISCELLANEOUS INFORMATION/STATEMENTS							
CHANGE IN REGISTRATION	NO						
PSEUDO MARK	I PAD						
PROSECUTION HISTORY							
DATE	ENT CD	ENT TYPE	DESCRIPTION				ENT NUM
06/28/2007	CHAN	I	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED				015
06/26/2007	MAIL	I	PAPER RECEIVED				014
02/09/2007	ARAA	I	ATTORNEY REVOKED AND/OR APPOINTED				013
02/09/2007	REAP	I	TEAS REVOKE/APPOINT ATTORNEY RECEIVED				012
12/28/2006	RCSC	S	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED				011
12/28/2006	ALIE	A	ASSIGNED TO LIE				010

06/05/2006	RCSC	S	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	009
12/01/2005	RCSC	S	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	008
06/01/2005	RCSC	S	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	007
12/01/2004	RCSC	S	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	006
04/28/2004	CNSL	S	LETTER OF SUSPENSION MAILED	005
02/27/2004	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	004
02/27/2004	MAIL	I	PAPER RECEIVED	003
08/25/2003	CNRT	F	NON-FINAL ACTION MAILED	002
08/21/2003	DOCK	D	ASSIGNED TO EXAMINER	001

CURRENT CORRESPONDENCE INFORMATION

ATTORNEY	EDWARD A PENNINGTON,
CORRESPONDENCE ADDRESS	EDWARD A PENNINGTON, BINGHAM MCCUTCHEN LLP 2020 K STREET NW 8TH FLOOR WASHINGTON, DC 20006
DOMESTIC REPRESENTATIVE	NONE

BINGHAM



Edward A. Pennington
Direct Phone: (202) 373-6005
Direct Fax: (202) 373-6001
edward.pennington@Bingham.com
Our File No.: 4256330001D

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

Re.: U.S. Trademark Application No. 76/497,338
Mark: iPad

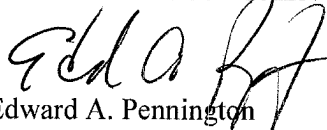
Sir/Madam:

Enclosed please find the following documents in connection with the above-identified matter:

- Revocation and Appointment of Power of Attorney

The Commissioner is hereby authorized to charge any additional fees or credit any overpayment, to Deposit Account No. 50-4047 (Order # 4256330001D) in connection with the charges to this deposit account for the above-identified matter. A duplicate of this letter is submitted for this purpose.

Respectfully submitted,
BINGHAM MCCUTCHEN LLP


Edward A. Pennington

Date: June 26, 2007

Bingham McCutchen LLP
2020 K Street, N.W.
Intellectual Property Law Department
Washington, D.C. 20006-1806
(202) 373-6005

Boston
Hartford
Hong Kong
London
Los Angeles
New York
Orange County
San Francisco
Santa Monica
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F 202.373.6001
bingham.com

A/72070481.1



06-26-2007

U.S. Patent & TMO/TM Mail Rcpt Dt #72

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Fujitsu Transaction Solutions, Inc.
Mark : iPad
Application No . : 76/497,338
Filing Date : March 7, 2003

REVOCATION AND APPOINTMENT OF POWER OF ATTORNEY

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

Sir/Madam:

The Applicant of the above-captioned application, hereby cancels all previous Powers of Attorney in the captioned registration and hereby appoints the following attorneys to prosecute this registration and transact all business in the U.S. Patent and Trademark Office connected therewith: Elizabeth B. Austern; Susan Baker-Manning; Robert C. Bertin; B. Jefferson Boggs, Jr.; Sharon E. Crane, Ph.D.; Erin M. Dunston; Matthew L. Fedowitz; Gary M. Hnath; William N. Hughet; R. Danny Huntington; Chadwick A. Jackson; Krista L. Lynch; Malcolm K. McGowan, Ph.D.; Timothy A. Molino; Daniel S. Nooter; Sean P. O'Hanlon; Siddhesh V. Pandit; Goutam Patnaik; Edward A. Pennington; Michael A. Schwartz; Stephanie D. Scruggs. Kindly direct all correspondence to:

Edward A. Pennington, Esq.
BINGHAM MCCUTCHEN LLP
2020 K Street, N.W., 8th Floor
Washington, D.C. 20006
(202) 373-6000

Attorney Docket No. 4256330001D

Application No. 76/497,338
iPAD

The above-identified attorneys are now to be indicated to have the full power to prosecute the captioned application before the U.S. Patent and Trademark Office.

Respectfully submitted,

For: Fujitsu Transaction Solutions, Inc.

Dated: 6/15/07

By: Rebecca L. Green
Rebecca L. Green, Esq.

Title: Counsel

Revocation of Attorney/Domestic Representative and/or Appointment of Attorney/Domestic Representative

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	76497338
LAW OFFICE ASSIGNED	LAW OFFICE 114
MARK SECTION	
MARK	IPAD
ATTORNEY SECTION	
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NEW ATTORNEY ADDRESS	
STATEMENT TEXT	By submission of this request, the undersigned REVOKES the power of attorney currently of record, as listed above, and hereby APPOINTS the following new attorney:
NAME	Robert R. Seabold
FIRM NAME	Bingham McCutchen

STREET	3000 K Street NW, Suite 300
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STATE	District of Columbia
COUNTRY	United States
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SIGNATURE	/Rebecca L. Greene/
SIGNATORY NAME	Rebecca L. Greene
SIGNATORY DATE	02/09/2007
SIGNATORY POSITION	Counsel
FILING INFORMATION SECTION	
SUBMIT DATE	Fri Feb 09 13:20:39 EST 2007
TEAS STAMP	USPTO/RAA-168.127.0.52-20 070209132039867100-764973 38-3603856695f7ec262c6f19 44343d69f954c-N/A-N/A-200 70209130515647301

Revocation of Attorney/Domestic Representative and/or Appointment of Attorney/Domestic Representative

To the Commissioner for Trademarks:

MARK: IPAD

SERIAL NUMBER: 76497338

The original attorney

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By submission of this request, the undersigned REVOKES the power of attorney currently of record, as listed above, and hereby APPOINTS the following new attorney:

Newly Appointed Attorney:

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Signature: /Rebecca L. Greene/ Date: 02/09/2007

Signatory's Name: Rebecca L. Greene

Signatory's Position: Counsel

Serial Number: 76497338

Internet Transmission Date: Fri Feb 09 13:20:39 EST 2007

TEAS Stamp: USPTO/RAA-168.127.0.52-20070209132039867

100-76497338-3603856695f7ec262c6f1944343

d69f954c-N/A-N/A-20070209130515647301

UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 76/497338

APPLICANT: Fujitsu Transaction Solutions Inc.

CORRESPONDENT ADDRESS:
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P.O. BOX 2786
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If no fees are enclosed, the address should
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MARK: IPAD

CORRESPONDENT'S REFERENCE/DOCKET NO: 920790-90757

Please provide in all correspondence:

CORRESPONDENT EMAIL ADDRESS:

1. Filing date, serial number, mark and applicant's name.
2. Date of this Office Action.
3. Examining Attorney's name and Law Office number.
4. Your telephone number and e-mail address.

Serial Number 76/497338

NOTICE OF SUSPENSION

Action on this application is suspended pending the disposition of:

- Application Serial No(s). **76/162761**

Since applicant's effective filing date is subsequent to the effective filing date of the above-identified application(s), the latter, if and when it registers, may be cited against this application. See 37 C.F.R. §2.83. A copy of information relevant to this pending application(s) **was sent previously**. The applicant may request that the application be removed from suspension by presenting arguments related to the potential conflict between the relevant applications or other arguments related to the ground for suspension. The applicant's election to present or not to present arguments at this time will not affect the applicant's right to present arguments later.

Descriptiveness Refusal Continued

The Section 2(e)(1) refusal is continued.

The applicant argues that the letter "I" in the mark is meant to convey meanings other than "intelligent," such as "internet" and "integrated."

The prefix “i” or “I” would be understood by the purchasing public to signify “Internet,” when used in relation to Internet-related products or services. Therefore, when this prefix is coupled with a descriptive term or terms for the Internet-related goods and/or services, then the entire mark is merely descriptive under Section 2(e)(1). *In re Zanova, Inc.*, 59 USPQ2d 1300 (TTAB 2000) (ITool merely descriptive of computer software for use in creating web pages, and custom designing websites for others).

The previous Office action included information and materials detailing the descriptiveness of the letter “I” in relation to “intelligent” products.

Although there are additional words which can characterize an attribute of the goods which begin with the letter “I,” the letter “I” is merely descriptive of the most significant characteristics of the goods (i.e., intelligent, internet) and, thus, will immediately convey to consumers characteristics of the goods.

The word “PAD” means “keypad” (see dictionary definition attached), which also describes a characteristic of the goods.

Thus, the combination of “I” and “PAD” create a mark which is merely descriptive of the applicant’s goods.

Although the examining attorney has refused registration, the applicant may respond to the refusal to register by submitting evidence and arguments in support of registration.

Remarks

The literature explaining the goods is accepted and entered into the record.

/Vivian Micznik First/
Vivian Micznik First
Trademark Attorney, Law Office 114
703-308-9114 ext. 149

▼ All Books

Contents Find Gallery

To see an article, type a word, then click a list item

abc pad

Articles

- pad
- pad (1)
- pad (2)
- Strength: strengthen (verb)
- Abode: place of habitation or ...
- Contents: things contained: lc...
- Expansion: enlarge (verb)
- Base: foot (noun)
- Support: seat (noun)
- Lining: line (verb)
- Land travel: walk (verb)
- Carrier: saddle horse (noun)
- Softness: softness (noun)
- Faintness: faintness (noun)
- Diffuseness: be diffuse (verb)
- Writing: stationery (noun)
- Defense: defend (verb)
- pad on
- pad out
- Padang
- padauk
- padded
- padded cell

Dictionary

pad¹

pad (păd) noun

1. A thin, cushionlike mass of soft material used to fill, to give shape, or to protect against jarring, scraping, or other injury.
2. A flexible saddle without a frame.
3. An ink-soaked cushion used to ink a rubber stamp.
4. A number of sheets of paper of the same size stacked one on top of the other and glued together at one end; a tablet.
5. The broad, floating leaf of an aquatic plant such as the water lily.
6. **a.** The cushionlike flesh on the underpart of the toes and feet of many animals. **b.** The foot of such an animal.
7. The fleshy underside of the end of a finger or toe.
8. **a.** A launch pad. **b.** A helipad.
9. A keypad.
10. *Slang.* One's apartment or room.

verb, transitive

pad-ded, pad-ding, pads

1. To line or stuff with soft material.
2. To lengthen (something written or spoken) with extraneous material: *pad a résumé; pad an expense account.*

— *idiom.*

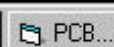
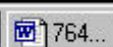
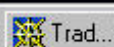
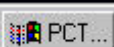
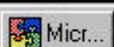
on the pad *Slang.*

Year in Review Preview...

Address Builder Preview...

Advanced Find...

Back



2:57 PM

****of Response to Office Action ONLY.****

Serial Number: 76/497338

[illegible]

IN RE THE APPLICATION OF

)
) Trademark Examining
) Attorney: Vivian Micznick First
) Law Office 114

;

)

;

Name of person signing Jennifer J. Ramirez

Signature

Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513

In response to the office action of August 25, 2003 regarding this application, the applicant has the following information for the examining attorney.

Taking the matters raised in turn, the cited potentially conflicting application is noted. The nature of the goods of the cited application appear not to be the same as the goods of the present application, although obviously the marks are substantially similar. It is noted that the cited application is in suspension, and has been in suspension since March of 2001. Also, the cited application is based upon intention to use, while the mark of the present application is in use. If the cited application matures to registration, the present applicant can deal with that issue at that time.

Regarding the alleged descriptiveness of the mark of the present application, contrary to the assertion of the examining attorney, the mark of the present application was

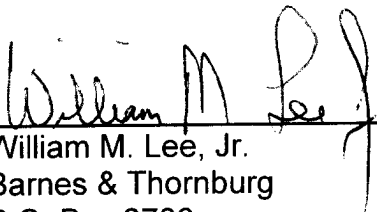
not intended to be a contraction of the words "intelligent" and "pad". Rather, the lower "i" as used in the present application was intended to convey any number of possibilities including "integrated", "intelligent", or "internet". The "pad" portion of the mark is not intended to be the datastream splitting device identified by the examining attorney, but rather is a palm display, as clearly set forth in the attached brochure. Also attached is a print from the website of the applicant with the date of February 24, 2004 in the lower right corner and the full web location set forth to the left, should the examining attorney wish to examine that site. Finally, attached is a copy of an advertisement for the product of the mark of the present application at a recent trade show.

Regarding the informalities noted by the examining attorney, the attachments provide the information needed. There is a photograph of the goods, as well as a complete description, in the attachments.

Given the above, it is submitted that all information has been provided and this application is in acceptable form. Further and favorable reconsideration by the examining attorney is urged.

February 24, 2004

Respectfully submitted,


William M. Lee, Jr.
Barnes & Thornburg
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Chicago, Illinois 60690-2786
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(312) 759-5646 (fax)

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Retailing in the Palm of Your Hand

It takes a great imagination to create

Imagine the Possibilities

From the creative minds at Fujitsu comes an innovation so small, so powerful and so cost-effective that it will truly change the way you do business. The palm-sized iPAD™, Fujitsu's smallest, lightest mobile computer, will enable you to dramatically improve both your level of customer service and the speed it takes your managers and employees to do their jobs.

The iPAD is a rugged, low-cost, all-in-one device that can replace many of the cumbersome – and expensive – devices currently used in retailing.

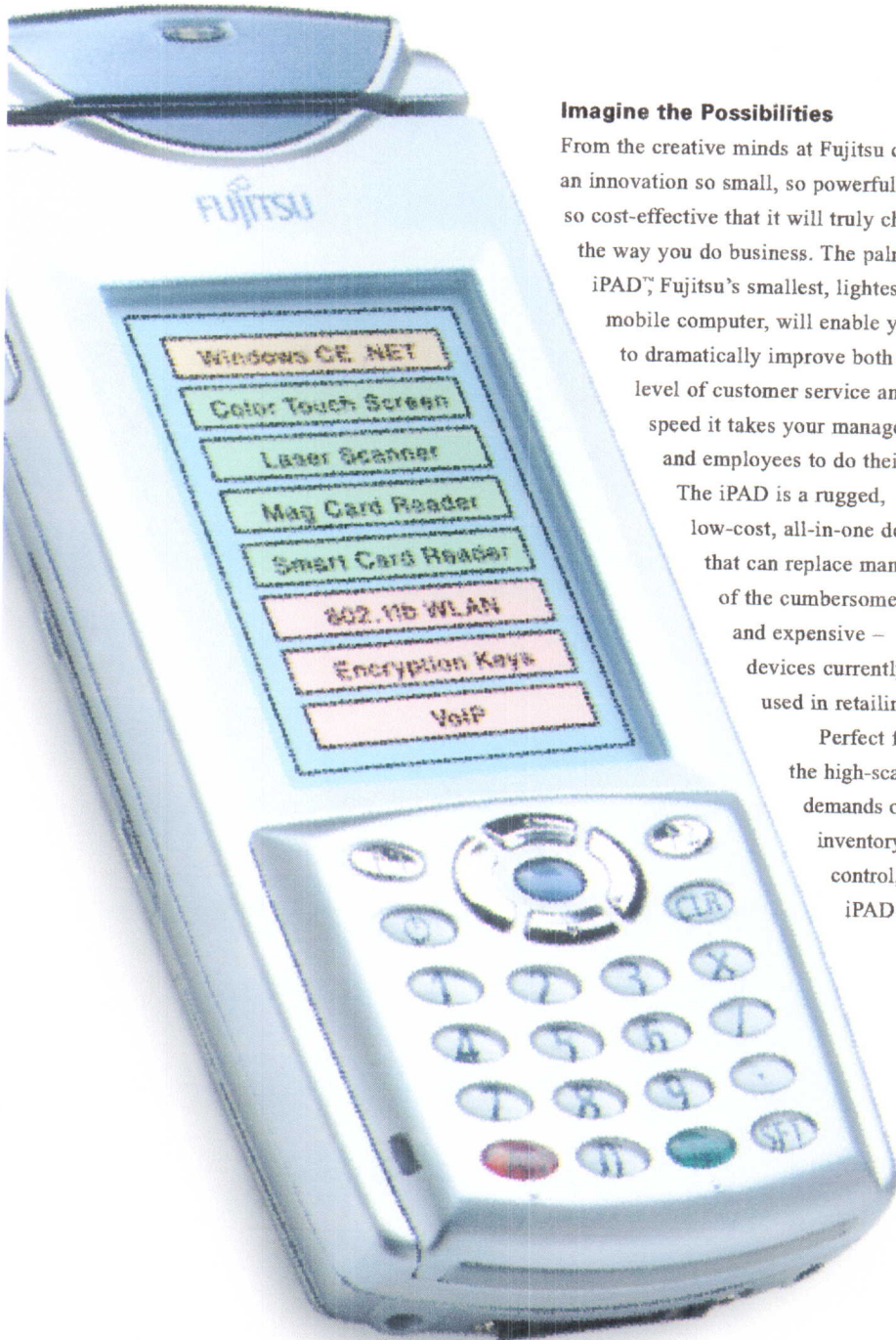
Perfect for the high-scanning demands of inventory control, the iPAD can

also be used to implement a line-busting solution, assist in sidewalk sales and other mobile PoS applications. Create a gift registry, verify prices, or use it for shipping and receiving – the iPAD does it all. And with the iPAD, your managers can spend more time in the store instead of tied to their office PCs. They'll have real-time data at their fingertips any time, anywhere they need it.

Retailing in the palm of your hand. Just imagine the possibilities.

One Small Size Fits All

The wireless iPAD weighs in at only 10 ounces but includes a powerful laser scanner, magnetic stripe reader, smart card reader, and keypad with encryption for secure debit transactions. Its bright color LCD has a reflective TFT touch screen that provides wide angle viewing even in brilliant sunlight. What's more, the iPAD has voice over IP capabilities, eliminating the need and cost of portable phones and pagers.



The iPAD provides information such as price verification anywhere in the store.



something this small, this powerful.

Rugged and reliable, the iPad can withstand a 4-foot drop onto concrete.



Think of it – store employees need only a single, lightweight, low-cost device to do everything, from paging a manager for check verification and price overrides to

contacting other stores for product availability. And managers can use it on the store floor to review reports, initiate store transfers, or even set up a line-busting terminal anywhere within seconds. The iPad's loss-prevention capabilities can even alert managers to suspicious activity such as multiple transaction voids.

Built to Last

Don't let the small size of the iPad fool you. This device meets the same legendary standards for ruggedness and durability that Fujitsu sets for all its products. The iPad can withstand a four-foot drop to concrete from any angle, on any side, and we even include the screen in our standard warranty. Built to rigorous mean-time-between-failure standards, the iPad consistently exceeds them, and this built-to-last design drives down your total cost of ownership.

Mobile Computing Made Easy

The iPad is built on proven, reliable technologies. It runs on a 300 MHz Intel processor and supports any 802.11b wireless LAN infrastructure.

iPAD is one of the first mobile computers to offer Microsoft® Windows® CE .NET, creating a scalable wireless platform that supports all the key mobile communications standards and allows you to easily connect mobile devices to your existing infrastructure.

When you standardize on the iPad, your users have only one device to learn, and your IS manager has only one device to support and maintain.

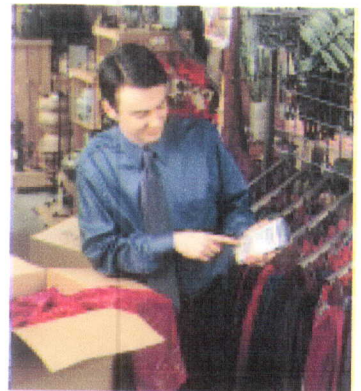
Lifecycle Solutions

At Fujitsu, every customer is a valued partner. Our success is measured by your success – today and tomorrow. That's why our retail and mobile systems – including iPad – are an integral part of Fujitsu's comprehensive lifecycle management solutions that offer service and support – from inception through future generations. Our infrastructure management services include design, maintenance, customer service support, call centers, product staging, integration, rapid response rollout, and automatic call generation to minimize downtime – whatever you need to make your systems work for you, not the other

way around. With Fujitsu's lifecycle solutions, you can stay focused on your core business and eliminate the guesswork, frustration and unnecessary expense of technology management.

Backed by Fujitsu

The lightweight, low-cost, rugged iPad was created to help you drive down costs while improving the way you do business. Best of all, it's backed by Fujitsu's team of experienced, dedicated professionals who are committed to helping you stay profitable and competitive by leveraging all the possibilities of innovative technologies and services. With the Fujitsu iPad in your stores, the possibilities are infinite!



Fujitsu's iPad is ideal for the high scanning demands of inventory management or to set up an instant check-out anywhere in your store.

iPAD SPECIFICATIONS

Processor

Intel RISC processor

Memory

RAM: 32MB (SDRAM)

ROM: 32MB (Flash ROM)

8MB user accessible FFS storage

Operating System

Windows CE .NET

Keyboard

10 key plus 14 function keys with LED backlight

Display

3.5" reflective TFT LCD with front light

320 x 240 pixels (QVGA)

Pen I/F

Pressure sensitive touch screen

RF LAN

IEEE 802.11b compact flash RF

Scanner

1D laser scanner

Audio

Speaker, microphone, audio interface for head set

Power

Lithium-ion battery

Environmental

Operating temperature: 0° to 40° C; 32° to 104° F

Storage temperature: -20° to 60° C; -4° to 140° F

Humidity: Up to 95% RH (non-condensing)

Durability

IP54 rating

Minimum 4-foot drop to concrete

Size

3.5" W x 7.3" H x 1.5" D

Weight

10 oz.

Peripherals:

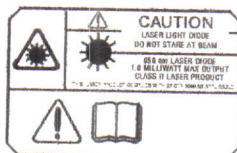
Integrated MCR, integrated smart card I/F, cradle, single battery charger



FUJITSU TRANSACTION SOLUTIONS INC.
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Tired of spinning your wheels in the endless marathon of changing technology? Fujitsu's "lifecycle solutions" give you the edge you need to focus on your core business and compete in the race that really matters to you—your business success. For more than 30 years, leading retailers have relied on Fujitsu's expertise in POS systems, mobile solutions and ATMs to give them the competitive edge. The key to this edge is our lifecycle infrastructure services, including customer-service support, call centers, product staging, integration and rapid-response rollouts. Our solutions provide everything you need from start to finish and beyond.

With Fujitsu you can eliminate the guesswork, frustration and unnecessary expense of technology management all while achieving greater productivity, lower TCO and increased ROI.

Seeing is believing. And Fujitsu has plenty for you to see, including iSTORE™—our new integrated store system with the power to run your store your way, and iPAD™—our palm-size wireless miracle with built-in color touch screen, keypad, laser scanner, magnetic-stripe and Smart-Card readers, and portable phone and paging capability. Fujitsu has all the right gear to make you a winner!

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UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 76/497338

APPLICANT: Fujitsu Transaction Solutions Inc.

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MARK: IPAD

CORRESPONDENT'S REFERENCE/DOCKET NO: 920790-90757 Please provide in all correspondence:

CORRESPONDENT EMAIL ADDRESS:

1. Filing date, serial number, mark and applicant's name.
2. Date of this Office Action.
3. Examining Attorney's name and Law Office number.
4. Your telephone number and e-mail address.

OFFICE ACTION

TO AVOID ABANDONMENT, WE MUST RECEIVE A PROPER RESPONSE TO THIS OFFICE ACTION WITHIN 6 MONTHS OF OUR MAILING OR E-MAILING DATE.

Serial Number 76/497338

The assigned examining attorney has reviewed the referenced application and determined the following.

Pending Conflicting Application

Although the examining attorney has searched the Office records and has found no similar *registered* mark which would bar registration under Trademark Act Section 2(d), 15 U.S.C. §1052(d), the examining attorney encloses information regarding pending Application Serial No. 76/162761. 37 C.F.R. §2.83.

There may be a likelihood of confusion between the applicant's mark and the mark in the above noted application under Section 2(d) of the Act. The filing date of the referenced application precedes the applicant's filing date. If the earlier-filed application matures into a registration, the examining attorney may refuse registration under Section 2(d).

-

Descriptive

- The examining attorney refuses registration on the Principal Register because the proposed mark merely describes the goods/services. Trademark Act Section 2(e)(1), 15 U.S.C. §1052(e)(1); TMEP §§1209 *et seq.*

A mark is merely descriptive under Trademark Act Section 2(e)(1), 15 U.S.C. §1052(e)(1), if it describes an ingredient, quality, characteristic, function, feature, purpose or use of the relevant goods/services. *In re Gyulay*, 820 F.2d 1216, 3 USPQ2d 1009 (Fed. Cir. 1987); *In re Bed & Breakfast Registry*, 791 F.2d 157, 229 USPQ 818 (Fed. Cir. 1986); *In re MetPath Inc.*, 223 USPQ 88 (TTAB 1984); *In re Bright?Crest, Ltd.*, 204 USPQ 591 (TTAB 1979); TMEP §1209.01(b).

The applicant seeks to register the mark “IPAD” for “hand-held computing device for wireless networking in a retail environment.” The letter I means “intelligent”^[1], and PAD means “hardware or software device for splitting a data stream into discrete packets for transmission over some medium and then reforming the stream(s) at the receiver.” See dictionary definitions attached. The mark merely describes the nature and character of the goods and is, therefore, unregistrable on the Principal Register.

Although the examining attorney has refused registration, the applicant may respond to the refusal to register by submitting evidence and arguments in support of registration.

Although the examining attorney has refused registration on the Principal Register, the applicant may amend the application to seek registration on the Supplemental Register. Trademark Act Section 23, 15 U.S.C. §1091; 37 C.F.R. §§2.47 and 2.75(a); TMEP §§801.02(b), 815 and 816 *et seq.*

-

Informalities

- If the applicant chooses to respond to the refusal to register, the applicant must also respond to the following informality.

The nature of the goods on which the applicant uses the mark is not clear from the present record. The applicant must submit samples of advertisements or promotional materials. If such materials are not available, the applicant must submit a photograph of the goods and describe their nature, purpose and channels of trade. 37 C.F.R. §2.61(b); TMEP §§814 and 1402.01(d).

-

/Vivian Micznik First/
Vivian Micznik First
Trademark Attorney, Law Office 114
703-308-9114 ext. 149
ecom114@uspto.gov

How to respond to this Office Action:

To respond formally using the Office's Trademark Electronic Application System (TEAS), visit <http://www.uspto.gov/teas/index.html> and follow the instructions.

To respond formally via E-mail, visit <http://www.uspto.gov/web/trademarks/tmelecresp.htm> and follow the instructions.

To respond formally via regular mail, your response should be sent to the mailing Return Address listed above and include the serial number, law office and examining attorney's name on the upper right corner of each page of your response.

To check the status of your application at any time, visit the Office's Trademark Applications and Registrations Retrieval (TARR) system at <http://tarr.uspto.gov/>

For general and other useful information about trademarks, you are encouraged to visit the Office's web site at <http://www.uspto.gov/main/trademarks.htm>

FOR INQUIRIES OR QUESTIONS ABOUT THIS OFFICE ACTION, PLEASE CONTACT THE ASSIGNED EXAMINING ATTORNEY.

1 of 1 DOCUMENT

In re **Advanced Ordnance** Corporation

Serial No. 75/758,240

Trademark Trial and Appeal Board

2002 TTAB LEXIS 81

April 23, 2002, Decided

[*1]

Before Cissel, Chapman and Bucher, Administrative Trademark Judges.

COUNSEL:

Donald S. Holland of Holland & Bonzagni, P.C. for **Advanced Ordnance** Corporation.

Barbara A. Gaynor, Trademark Examining Attorney, Law Office 104 (Sidney I. Moskowitz, Managing Attorney).

OPINIONBY: BUCHER

OPINION:

THIS DISPOSITION IS NOT CITABLE AS PRECEDENT OF THE TTAB

Opinion by Bucher, Administrative Trademark Judge:

Advanced Ordnance Corporation seeks registration on the Principal Register of the term I GUN (with a disclaimer of the word "GUN" apart from the mark as shown) for goods identified as "firearms, namely, handguns, rifles and shotguns with personalized recognition parts therefor," in International Class 13. n1

n1 Application Serial No. 75/758,240 was filed on July 23, 1999, based upon applicant's allegation of a *bona fide* intention to use the mark in commerce.

The Examining Attorney refused registration under Section 2(e)(1) of the Act on the ground that applicant's mark is merely descriptive of the goods specified in the application because in the context of "smart" firearms, the letter "I" placed before the generic word "GUN" will immediately be perceived by prospective consumers as an abbreviation for "intelligence" [*2] or "intelligent," as in "intelligent gun."

Attached to the Office actions in which the refusal to register was made and maintained were copies of excerpts from published articles retrieved from the Lexis/Nexis database which show that the abbreviation "I," when used in conjunction with microprocessor-controlled goods, is frequently an abbreviation for "intelligent."

Applicant responded to the refusal to register with arguments that its proposed mark is not merely descriptive, but rather only suggestive. Applicant contended that the Office has allowed other marks of third parties where "I" precedes other matter, as well as marks wherein the letter "I" is registered alone.

The Trademark Examining Attorney was not persuaded, and she made the refusal to register final in her second Office action. In response to applicant's request for reconsideration, she attached to that action further evidence from the Lexis/Nexis database demonstrating a variety of usages where the letter "I" precedes the name of a product having microprocessor controls, with further clarification in each case that the letter "I" stands for "intelligent."

Applicant timely filed a Notice of Appeal on July 30, 2001. [*3] Both applicant and the Trademark Examining Attorney filed briefs, but applicant did not request an oral hearing before the Board.

We affirm the refusal of registration.

A mark is merely descriptive of the goods on which it is used if it immediately and forthwith conveys information about the product's character, function, features or purpose. *See In re Bright-Crest, Ltd.*,

204 USPQ 591 (TTAB 1979). It is not necessary that a term describe all of the purposes, functions, characteristics or features of the goods in order for it to be merely descriptive of them. *See In re H.U.D.D.L.E.*, 216 USPQ 358 (TTAB 1982).

The Trademark Examining Attorney has placed into the record portions of applicant's Web site:

The iGun is a precision-machined firearm with a sophisticated computer and recognition system housed inside. Many people have said that it is a gun with a laptop computer inside and they are not far off...

The iTC iGun TM (patents pending) works on mechanisms that block the trigger while the gun is at rest. The user wears a ring with a special system that triggers power to the iGun system when the ring comes in [*4] close range to the normal ring-finger placement on the firearm's stock. When the iGun senses that the ring is near enough, it compares a unique code (billions of combinations) from the ring to the gun to see if there is a match. If the code matches and certain other conditions are met, an electric current from the battery bank actuates a mechanism to unblock the trigger... .

<<<http://www.iguntech.com/what.html>>> and <<<http://www.iguntech.com/how.html>>>

The record also contains a variety of stories retrieved from the Lexis/Nexis database, where it is clear how the letter "I," especially as a prefix for trademarks affixed to "smart" products, has a readily understood meaning (emphasis supplied):

Nanao has decided to break with the tradition of using the multiplicity of switches, buttons, and dials that typically accompany high tech monitors. ***The "i" designation indicates that this monitor employs intelligent microprocessor controls*** to adjust many of the display features and to remember those adjustments after you've turned off the monitor. ("Flexscan 9400i: brains and beauty..." *PC Sources*, March 1991)

The engine adopts VVT-i, a continuously variable [*5] intake valve timing (***"i" is for intelligent***), signifying electronic control, which alters the intake valve timing for a maximum value of 40 [degrees] of crankshaft revolution). ("Toyota Prius; gasoline-electric hybrid car ...," *Automotive Engineering*, January 1998)

Also on tap is a massive sales and marketing effort - all under the company's new ***I-business ("I" for intelligent)*** initiative. ("Business Intelligence for E-Business," *Information Week*, October 25, 1999)

[Subaru] has updated this CVT, giving it a ***prefix of "i," short for intelligent***. (Tech Briefs, *Automotive Engineering International*, March 1, 1999)

The "i" (for intelligent) digital series has a computer PCMCIA memory card interface and is an ultra-compact, ultra-thin design... ("Lathes given the Latin touch," *What's New in Industry*, April 1998)

We conclude that the mark sought to be registered in the instant case, I GUN, is merely descriptive of applicant's firearms because the mark identifies a significant feature or characteristic of these goods. The materials made of record by the Trademark Examining Attorney make it clear that when the letter

[*6] "I" is used immediately before a generic term, where that named item is "smart" (i.e., has microprocessor controls), it will readily be understood to refer to the word "intelligent."

Applicant argues that this term is at worst suggestive inasmuch as reaching any conclusions about the goods from consideration of the mark cannot be accomplished without "some thought on the part of the customer." (Applicant's appeal brief, p. 5). Applicant proposes a number of alternate words that might well be abbreviated herein by the letter "I," such as "instant" or "individual." However, like the Trademark Examining Attorney, we do not find applicant's argument to be persuasive. The entire thrust of applicant's Web site is an emphasis on how its "iGun" is a state-of-the-art firearm having a "computer inside." As touted on its Web pages, the fact that these weapons are "intelligent" is a prominent feature of applicant's goods. Hence, a prospective purchaser of applicant's firearms who knows that these guns come "with personalized recognition parts therefor" (as the identification-of-goods clause puts it) will immediately and forthwith understand from the mark that these personalized firearms are being [*7] sold as "intelligent guns," "smart guns" or "I guns."

Applicant argues that the third-party registrations of other marks for different goods support the proposition that the mark in the instant application is not merely descriptive of the goods named in this application. It is well settled, however, that each case must be decided on its own merits, based on the record in each particular application. As the Trademark Examining Attorney points out, a mark which is merely descriptive is not somehow registrable simply because other allegedly similar marks are registered. *In re Scholastic Testing Services, Inc.*, 196 USPQ 517 (TTAB 1977). It is true that third-party registrations, when they are properly of record, can be useful in establishing the meanings of terms used in them, but applicant did not make of record any of the registrations it argues support the registration of its mark. The Board does not take judicial notice of registrations. *In re Duofold Inc.*, 184 USPQ 638 (TTAB 1974).

Furthermore, as noted by the Trademark Examining Attorney, the fact that the letter "I" is registered alone for a wide variety of goods [*8] and services is largely irrelevant to the current dispute. In the context of marks for the single letter "I," we note that many of these marks, as reflected in applicant's trademark search report, are presented in a distinctive font and/or are intertwined with prominent design features within a composite, special-form drawing. Moreover, the letter "I," when presented as a lone figurative element, has an entirely different connotation from the single letter "I" when used in a composite term like I GUN (or iGun), iSolution, I-business, iCAM, iCAD, iNODE, etc. When the letter "I" is combined with other arbitrary letter strings, or with inherently distinctive suffixes (e.g., applicant's example of IMAC), it also provides no support for applicant's position. And finally, when the letter "I" is used immediately before the common name of "dumb" goods (i.e., goods like cardboard and meat that clearly do not possess microprocessors), applicant's references to such registered mark, even if the registrations had been properly made of record, would be of little probative value in deciding the instant case.

When the mark in this application is considered in conjunction with the goods identified [*9] therein, it is clear that the mark conveys specific information about a feature or characteristic of the goods, as discussed above.

Decision: The refusal to register under Section 2(e) (1) of the Act is affirmed.

^[1] See attached copy of *In re Advanced Ordnance Corp.*, 2002 TTAB LEXIS 81 slip opinion, discussing descriptive meaning of “I” in the field of microprocessor/chip operated goods.

<http://foldoc.doc.ic.ac.uk/foldoc/foldoc.cgi?PAD>

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PAD ==>

Packet Assembler/Disassembler

(PAD) Hardware or software device for splitting a data stream into discrete packets for transmission over some medium and then reforming the stream(s) at the receiver.

The term is most often used for interfaces to X.25 lines.

(1995-01-31)

Try this search on [OneLook](#) / [Google](#)

Nearby terms: [packed decimal](#) « [Packed Encoding Rules](#) « [packet](#) « **[Packet Assembler/Disassembler](#)** » [packet driver](#) » [Packet in Plastic Grid Array](#) » [Packet InterNet Groper](#)

IPAD

Serial Number

76162761

Status

REPORT COMPLETED SUSPENSION CHECK - CASE STILL SUSPENDED

Word Mark

IPAD

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(1) TYPED DRAWING

Owner

MAG-TEK, INC. CORPORATION CALIFORNIA 20725 South Annalee Avenue Carson
CALIFORNIA 90746

Goods/Services

Class Status -- ACTIVE. IC 009. US 021 023 026 036 038. G & S:
KEYPADS FOR ENTRY OF PERSONAL IDENTIFICATION NUMBERS IN E-COMMERCE.

Filing Date

2000/11/10

Examining Attorney

CHISOLM, KEVON

Attorney of Record

Robert A Green

*** User: vfirst ***

#	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/ Search Duration	Search
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Session started 8/22/03 3:39:52 PM

Session finished 8/22/03 3:40:01 PM

Total search duration 0 minutes 5 seconds

Session duration 0 minutes 9 seconds

Default NEAR limit= 1 ADJ limit= 1

Sent to TICRS as Serial Number: 76497338

*** User: vfirst ***

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Session finished 8/22/03 3:39:33 PM

Total search duration 0 minutes 5 seconds

Session duration 0 minutes 45 seconds

Default NEAR limit= 1 ADJ limit= 1

Sent to TIGRS as Serial Number: 76497338

MARK: IPAD

CLASS: 9

APPLICANT: Fujitsu Transaction Solutions Inc.
5429 LBJ Freeway
Dallas, Texas 75240

First use on about January 8, 2002

First use in interstate commerce on about January 13, 2002

Goods: Hand-held computing device for wireless networking in a retail environment.

IPAD



03-07-2003

U.S. Patent & TMOfc/TM Mail Rcpt Dt. #51

U.S. Patent & TM Ofc/TM



76497338

76497338

TRADEMARK APPLICATION SERIAL NO. _____

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE
FEE RECORD SHEET

03/19/2003 SWILSON1 00000082 76497338

01 FC:6001

335.00 OP

BARNES & THORNBURG

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209 South LaSalle Street
Chicago, Illinois 60604-1202 U.S.A.
(312) 368-1300
Fax (312) 368-0034

www.btlaw.com

March 6, 2003

Assistant Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513

Re: United States Trademark Application
Our File No. 920790-907579

Dear Sir:

We enclose herewith the following trademark or service mark application:

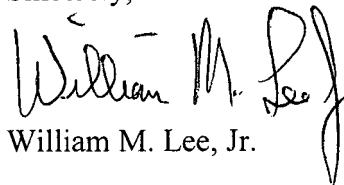
Applicant: Fujitsu Transaction Solutions, Inc.

Mark: iPad

1 (one) specimen – 1 for each class

Filing Fee of \$335.00

Sincerely,



William M. Lee, Jr.

WMLJR:jjr
Enclosures

TRADEMARK/SERVICE MARK APPLICATION
Use in Commerce (15 U.S.C. §1051(a))

MARK: IPAD

INTERNATIONAL CLASS NO.: 9

TO THE COMMISSIONER FOR TRADEMARKS

STATEMENT AND POWER OF ATTORNEY

Applicant, Fujitsu Transaction Solutions Inc., a corporation duly organized and existing under the laws of the State of Delaware, having an office and principal place of business at 5429 LBJ Freeway, Dallas, Texas 75240, has adopted and is using the mark shown in the accompanying drawing in commerce on or in connection with the below-identified goods and/or services (15 U.S.C. §1051(a)):

HAND-HELD COMPUTING DEVICE FOR WIRELESS
NETWORKING IN A RETAIL ENVIRONMENT

in International Class 9.

Applicant presents herewith one specimen for each class of goods and/or services showing the mark as it is actually used in commerce on or in connection with such goods and/or services, and requests registration of the above-identified mark in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. §1051 et seq.) for the above-identified goods and/or services.

The mark was first used anywhere on or in connection with the goods on about January 8, 2002 and was first used in interstate commerce on or in connection with the goods on about January 13, 2002; and is now in use in such commerce.

Applicant hereby appoints Thomas E. Smith, Dennis M. McWilliams, James R. Sweeney,

William M. Lee, Jr., Glenn W. Ohlson, David C. Brezina, Jeffrey R. Gray, Gerald S. Geren, Robert F. I. Conte, Timothy J. Engling, James B. Conte, Howard B. Rockman, Peter J. Shakula, Mark J. Nahnsen, John W. Hayes, Bradley A. Ullrick and Mark A. Hagedorn, all of Barnes & Thornburg, PO Box 2786, Chicago, Illinois 60690-2786, and all of whom are members of the Bar of the State of Illinois, its attorneys, with full power of substitution and revocation, to prosecute this application, to make alterations and amendments therein, to transact all business in the Patent and Trademark Office in connection therewith, and to receive the Certificate of Registration.

All correspondence concerning this application should be addressed to:

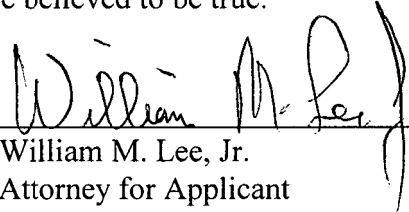
William M. Lee, Jr.
Barnes & Thornburg
P.O. Box 2786
Chicago IL 60690-2786
Telephone: (312) 368-1300
Facsimile: (312) 368-0034

DECLARATION

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. §1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used

connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true and that all statements made on information and belief are believed to be true.

Date: March 6, 2003



William M. Lee, Jr.
Attorney for Applicant

Express Mail" mailing label number

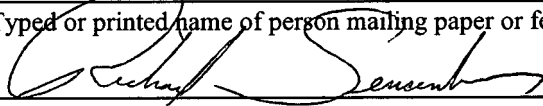
EV 227 988 075 US

Date of deposit: March 6, 2003

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513

Richard Sensenbrenner

(Typed or printed name of person mailing paper or fee)

A handwritten signature in black ink, appearing to read "Richard Sensenbrenner", is written over a horizontal line.

(Signature of person mailing paper or fee)

MARK: IPAD

CLASS: 9

APPLICANT: Fujitsu Transaction Solutions Inc.
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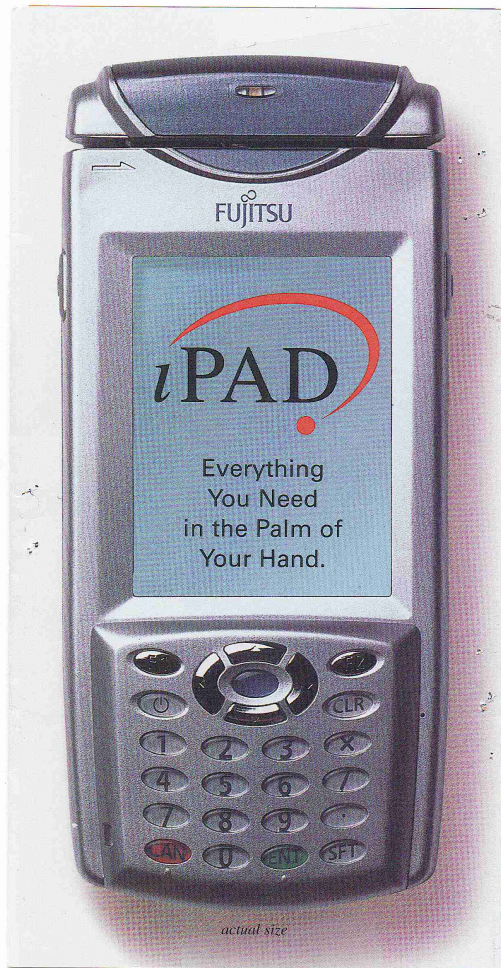
03-07-2003

U.S. Patent & TMOfc/TM Mail Rcpt Dt. #51

U.S. Patent & TM Ofc/TM



76497338



Barnes & Thornburg
P.O. Box 2786
Chicago, Illinois 60690-2786
(312) 368-1300

Docket No. 920790-907579
Specimen for Class 9