

EXHIBIT 9

1 Deborah Bailey-Wells (114630)
 2 Kevin C. Trock (161787)
 3 Harold H. Davis, Jr. (235552)
 4 **KIRKPATRICK & LOCKHART NICHOLSON GRAHAM LLP**
 5 Four Embarcadero Center, 10th Floor
 6 San Francisco, CA 94111
 7 Telephone (415) 249-1000
 8 Fax: (415) 249-1001
 9 dbaileywells@kling.com
 10 ktrock@kling.com
 11 hdavis@kling.com

12 Attorneys for HELIO LLC

13 UNITED STATES DISTRICT COURT FOR THE
 14 NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO DIVISION

15 HELIO LLC,

16 Plaintiff,

17 vs.

18 PALM INC.

19 Defendant.

20 Case No. _____

21 **DECLARATION OF KATHYRN M.
 22 WHEBLE IN SUPPPORT OF PLAINTIFF
 23 HELIO LLC'S APPLICATION FOR
 24 TEMPORARY RESTRAINING ORDER
 25 AND FOR ORDER TO SHOW CAUSE
 26 WHY A PRELIMINARY INJUNCTION
 27 SHOULD NOT ISSUE**

28 Date Filed: December 19, 2006

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

I, Kathryn M. Wheble, declare as follows:

1. I am a member of the law firm Kirkpatrick & Lockhart Nicholson Graham LLP.

I make these statements based on my personal knowledge, except for those based on information and belief.

2. Helio has sought registration of DON'T CALL IT A PHONE and DON'T CALL US A PHONE COMPANY (collectively the "Marks") with the United States Patent and Trademark Office ("PTO").

3. On or about October 18, 2005 Helio filed in the PTO applications to register the Marks.

4. The following is a list of the applications for the Marks identified by application serial number and by the goods and services covered by said application:

DON'T CALL IT A PHONE, Application serial number 78/735,805, for computer software programs for use in wireless communication devices for creation and delivery of voice, visual images, audio content, video content and data; computer software for the transmission of voice, visual images, audio content, video content and data; computer software for conducting commercial and financial transactions over electronic communications networks; computer software for providing access to advertising, news, information and entertainment over electronic communications networks; computer game software; word processing software, computer software for global mapping; computer search engine software; computer software utility programs which enhance computer operating system software; consumer electronics devices, namely personal digital assistants (PDAs), telephones, headsets for telephones, computers and cameras.

DON'T CALL IT A PHONE, Application serial number 78/735,810, for communications services, namely transmission of voice, audio content, video content, visual images and data by telecommunications networks, wireless communication networks, global communications networks, information service networks and data networks; providing multiple user access to a global computer network; email services; text and numeric wireless digital messaging services; providing information in the field of electronic messages via the Internet; electronic commerce services, namely dissemination of advertising for others; electronic retail services in the field of software, consumer electronics and mobile telephones; financial information processing.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

DON'T CALL IT A PHONE, Application serial number 78/735,812, for audio broadcasting and video broadcasting via telecommunications networks, wireless communications networks, global communications networks, information service networks and data networks for entertainment and education purposes.

DON'T CALL US A PHONE COMPANY, Application serial number 78/735,814, for computer software programs for use in wireless communication devices for creation and delivery of voice, visual images, audio content, video content and data; computer software for the transmission of voice, visual images, audio content, video content and data; computer software for conducting commercial and financial transactions over electronic communications networks; computer software for providing access to advertising, news, information and entertainment over electronic communications networks; computer game software; word processing software, computer software for global mapping; computer search engine software; computer software utility programs which enhance computer operating system software; consumer electronics devices, namely personal digital assistants (PDAs), telephones, headsets for telephones, computers and cameras.

DON'T CALL US A PHONE COMPANY, Application serial number 78/735,817, for communication services, namely transmission of voice, audio content, video content, visual images and data by telecommunications networks, wireless communication networks, information service networks and data networks; providing multiple user access to a global computer network; email services; text and numeric wireless digital messaging services; providing information in the field of electronic messages via the Internet; electronic commerce services, namely dissemination of advertising for others; electronic retail store services in the field of software, consumer electronics and mobile telephones; financial information processing.

DON'T CALL US A PHONE COMPANY, Application serial number 78/735,819, for audio broadcasting and video broadcasting via telecommunications networks, wireless communications networks, global communications networks, information service networks and data networks for entertainment and education purposes.

Attached as Exhibits A and B are copies of records printed from the PTO website reflecting the status of the applications for the marks **DON'T CALL IT A PHONE** and **DON'T CALL US A PHONE COMPANY**, respectively.

5. The applications for the Marks have been reviewed by examiners at the PTO. The PTO examiners did not object to registration of the Marks on the ground that they are

1 generic or merely descriptive of Helio's goods and services. The PTO examiners required
2 no disclaimers of any portion of the Marks.

3 6. Application serial numbers 78/735,805 and 78/735,812 for DON'T CALL IT A
4 PHONE have been "allowed."

5 7. Application serial number 78/735,810 for DON'T CALL IT A PHONE has been
6 approved for publication.

7 8. Application serial number 78/735,814 for DON'T CALL US A PHONE
8 COMPANY was published for opposition on September 26, 2006.

9 9. Application serial number 78/735,817 for DON'T CALL US A PHONE
10 COMPANY is in the process of examination, but registration has not been refused because
11 the Mark lacks distinctiveness.

12 10. Application serial number 78/735,819 for DON'T CALL US A PHONE
13 COMPANY was published for opposition on October 3, 2006.

14 11. On December 18, 2006 a statement of use was filed for DON'T CALL IT A
15 PHONE, Application serial number 78/735,805, for consumer electronics devices, namely
16 personal digital assistants (PDAs), telephones, headsets for telephones, computers and
17 cameras reflecting a first use date of November 9, 2006.

18 12. On December 18, 2006 a statement of use was filed for DON'T CALL IT A
19 PHONE, Application serial number 78/735,812, for audio broadcasting and video
20 broadcasting via telecommunications networks, wireless communications networks, global
21 communications networks for entertainment and education purposes reflecting a first use
22 date of May 2, 2006.

23 13. Attached as Exhibit C is an article from *The Sherman Foundation*, an online
24 "blog", entitled "Helio. Not your mobile Oldsmobile?"

25 14. Attached as Exhibit D is a true and correct copy of a Palm Inc. press release
26 dated March 27, 2006.

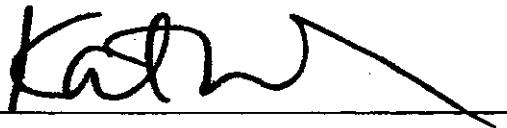
27 15. Attached as Exhibit E is a true and correct copy of a Palm Inc. press release
28 dated November 24, 2003.

1 16. Attached as Exhibit F is a true and correct copy of a Palm Inc. press release
2 dated December 11, 2006

3 17. Attached as Exhibit G is a screen shot of the blog entry of William Lozito, Palm
4 Treo and Helio Follow Same Road, <http://www.namedevelopment.com/blog/>, dated
5 December 12, 2006.

6 18. Attached as Exhibit H is a true and correct copy of an article by Michael Kwan,
7 Palm Goes viral, markets the new Treo 680 smartphone, Mobile Magazine, December 11,
8 2006 (www.mobilemag.com/content/100/333/C10874).

9 I declare under penalty of perjury under the laws of the United States that the
10 foregoing is true and correct. Executed at San Francisco, California, this 18 day of
11 December, 2006.

12
13 

14 KATHRYN M. WHEBLE

15
16
17
18
19
20
21
22
23
24
25
26
27
28

Exhibit A

Latest Status Info

Page 1 of 3

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2006-12-18 14:40:29 ET

Serial Number: 78735805 Assignment Information

Registration Number: (NOT AVAILABLE)

Mark

DON'T CALL IT A PHONE

(words only): DON'T CALL IT A PHONE

Standard Character claim: Yes

Current Status: Opposition period completed, a Notice of Allowance has been issued.

Date of Status: 2006-12-12

Filing Date: 2005-10-18

The Notice of Allowance Date is: 2006-12-12

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 113

Attorney Assigned:
FISHER LA TONIA M Employee Location

Current Location: 700 -Intent To Use Section

Date In Location: 2006-12-12

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. HELIO LLC

Address:
HELIO LLC
10960 WILSHIRE BLVD. SUITE 600
LOS ANGELES, CA 90024

<http://tarr.uspto.gov/servlet/tarr?regser=serial&entry=78735805&action=Request+Status>

12/18/2006

Latest Status Info

Page 2 of 3

United States

Legal Entity Type: Ltd Liab Co

State or Country Where Organized: Delaware

GOODS AND/OR SERVICES**International Class:** 009**Class Status:** Active

Computer software programs for use in wireless communication devices for creation and delivery of voice, visual images, audio content, video content and data; computer software for the transmission of voice, visual images, audio content, video content and data; computer software for conducting commercial and financial transactions over electronic communications networks; computer software for providing access to advertising, news, information and entertainment over electronic communications networks; computer game software; word processing software, computer software for global mapping; computer search engine software; computer software utility programs which enhance computer operating system software; consumer electronics devices, namely personal digital assistants (PDAs), telephones, headsets for telephones, computers and cameras

Basis: 1(b)**First Use Date:** (DATE NOT AVAILABLE)**First Use in Commerce Date:** (DATE NOT AVAILABLE)**ADDITIONAL INFORMATION**

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2006-12-12 - Notice of allowance - mailed

2006-09-19 - Published for opposition

2006-08-30 - Notice of publication

2006-08-08 - Law Office Publication Review Completed

2006-08-07 - Assigned To LIE

2006-07-22 - Approved for Pub - Principal Register (Initial exam)

2006-07-03 - Teas/Email Correspondence Entered

2006-06-26 - Communication received from applicant

2006-06-26 - TEAS Response to Office Action Received

2006-04-27 - Non-final action e-mailed

Latest Status Info

Page 3 of 3

2006-04-27 - Non-Final Action Written

2006-04-20 - Assigned To Examiner

2005-10-25 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Kathryn M. Wheble

Correspondent

KATHRYN M. WHEBLE
KIRKPATRICK & LOCKHART NICHOLSON GRAHAM
4 EMBARCADERO CTR LBBY 10
SAN FRANCISCO, CA 94111-4114
Phone Number: (415) 249-1045
Fax Number: (415) 249-1001

Latest Status Info

Page 1 of 3

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2006-12-18 14:40:50 ET

Serial Number: 78735810 Assignment Information

Registration Number: (NOT AVAILABLE)

Mark

DON'T CALL IT A PHONE

(words only): DON'T CALL IT A PHONE

Standard Character claim: Yes

Current Status: Final review prior to publication has been completed, application will be published for opposition.

Date of Status: 2006-12-14

Filing Date: 2005-10-18

The Information will be/was published in the Official Gazette on (DATE NOT AVAILABLE)

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 113

Attorney Assigned:
FISHER LA TONIA M Employee Location

Current Location: M40 -TMO Law Office 113

Date In Location: 2006-12-14

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. HELIO LLC

Address:
HELIO LLC
10960 WILSHIRE BLVD. SUITE 600

LOS ANGELES, CA 90024
United States
Legal Entity Type: Ltd Liab Co
State or Country Where Organized: Delaware

GOODS AND/OR SERVICES

International Class: 035
Class Status: Active
Electronic commerce services, namely dissemination of advertising for others; electronic retail services in the field of software, consumer electronics and mobile telephones
Basis: 1(b)
First Use Date: (DATE NOT AVAILABLE)
First Use in Commerce Date: (DATE NOT AVAILABLE)

International Class: 036
Class Status: Active
Financial information processing
Basis: 1(b)
First Use Date: (DATE NOT AVAILABLE)
First Use in Commerce Date: (DATE NOT AVAILABLE)

International Class: 038
Class Status: Active
Communications services, namely transmission of voice, audio content, video content, visual images and data by telecommunications networks, wireless communication networks, global communications networks, information service networks and data networks; providing multiple user access to a global computer network; email services; text and numeric wireless digital messaging services; providing information in the field of electronic messages via the Internet
Basis: 1(b)
First Use Date: (DATE NOT AVAILABLE)
First Use in Commerce Date: (DATE NOT AVAILABLE)

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2006-12-14 - Law Office Publication Review Completed
2006-12-13 - Assigned To LIE
2006-11-28 - Approved for Pub - Principal Register (Initial exam)
2006-11-07 - Teas/Email Correspondence Entered

Latest Status Info

Page 3 of 3

2006-10-19 - Communication received from applicant
2006-10-19 - TEAS Response to Office Action Received
2006-04-27 - Non-final action e-mailed
2006-04-27 - Non-Final Action Written
2006-04-20 - Assigned To Examiner
2005-10-25 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record
Kathryn M. Wheble

Correspondent
KATHRYN M. WHEBLE
KIRKPATRICK & LOCKHART NICHOLSON GRAHAM
4 EMBARCADERO CTR LBBY 10
SAN FRANCISCO, CA 94111-4114
Phone Number: (415) 249-1045
Fax Number: (415) 249-1001

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2006-12-18 14:41:00 ET

Serial Number: 78735812 Assignment Information

Registration Number: (NOT AVAILABLE)

Mark

DON'T CALL IT A PHONE

(words only): DON'T CALL IT A PHONE

Standard Character claim: Yes

Current Status: Opposition period completed, a Notice of Allowance has been issued.

Date of Status: 2006-12-12

Filing Date: 2005-10-18

The Notice of Allowance Date is: 2006-12-12

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 113

Attorney Assigned:
FISHER LA TONIA M Employee Location

Current Location: 700 -Intent To Use Section

Date In Location: 2006-12-12

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. HELIO LLC

Address:
HELIO LLC
10960 WILSHIRE BLVD. SUITE 600
LOS ANGELES, CA 90024

<http://tarr.uspto.gov/servlet/tarr?regser=serial&entry=78735812&action=Request+Status>

12/18/2006

Latest Status Info

Page 2 of 3

United States

Legal Entity Type: Ltd Liab Co**State or Country Where Organized:** Delaware**GOODS AND/OR SERVICES****International Class:** 038**Class Status:** Active

Audio broadcasting and video broadcasting via telecommunications networks, wireless communications networks, global communications networks, information service networks and data networks for entertainment and education purposes

Basis: 1(b)**First Use Date:** (DATE NOT AVAILABLE)**First Use in Commerce Date:** (DATE NOT AVAILABLE)**ADDITIONAL INFORMATION**

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2006-12-12 - Notice of allowance - mailed

2006-09-19 - Published for opposition

2006-08-30 - Notice of publication

2006-08-08 - Law Office Publication Review Completed

2006-08-07 - Assigned To LIE

2006-07-22 - Approved for Pub - Principal Register (Initial exam)

2006-07-03 - Teas/Email Correspondence Entered

2006-06-26 - Communication received from applicant

2006-06-26 - TEAS Response to Office Action Received

2006-04-27 - Non-final action e-mailed

2006-04-27 - Non-Final Action Written

2006-04-20 - Assigned To Examiner

2005-10-25 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record
Kathryn M. Wheble

Correspondent
KATHRYN M. WHEBLE
KIRKPATRICK & LOCKHART NICHOLSON GRAHAM
4 EMBARCADERO CTR LBBY 10
SAN FRANCISCO, CA 94111-4114
Phone Number: (415) 249-1045
Fax Number: (415) 249-1001

Exhibit B

Latest Status Info

Page 1 of 3

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2006-12-18 14:41:09 ET

Serial Number: 78735814 Assignment Information

Registration Number: (NOT AVAILABLE)

Mark

DON'T CALL US A PHONE COMPANY

(words only): DON'T CALL US A PHONE COMPANY

Standard Character claim: Yes

Current Status: Application has been published for opposition.

Date of Status: 2006-09-26

Filing Date: 2005-10-18

The Information will be/was published in the Official Gazette on 2006-09-26

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 105

Attorney Assigned:
TWOHIG SHANNON MARIE Employee Location

Current Location: 650 -Publication And Issue Section

Date In Location: 2006-08-16

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. HELIO LLC

Address:
HELIO LLC
10960 WILSHIRE BLVD. SUITE 600
LOS ANGELES, CA 90024

Latest Status Info

Page 2 of 3

United States

Legal Entity Type: Ltd Liab Co

State or Country Where Organized: Delaware

GOODS AND/OR SERVICES

International Class: 009**Class Status:** Active

Computer software programs for use in wireless communication devices for creation and delivery of voice, visual images, audio content, video content and data; computer software for the transmission of voice, visual images, audio content, video content and data; computer software for conducting commercial and financial transactions over electronic communications networks; computer software for providing access to advertising, news, information and entertainment over electronic communications networks; computer game software; word processing software, computer software for global mapping; computer search engine software; computer software utility programs which enhance computer operating system software; consumer electronics devices, namely personal digital assistants (PDAs), telephones, headsets for telephones, computers and cameras

Basis: 1(b)**First Use Date:** (DATE NOT AVAILABLE)**First Use in Commerce Date:** (DATE NOT AVAILABLE)

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2006-09-26 - Published for opposition

2006-09-06 - Notice of publication

2006-08-04 - Law Office Publication Review Completed

2006-07-28 - Assigned To LIE

2006-07-27 - Approved for Pub - Principal Register (Initial exam)

2006-07-11 - Teas/Email Correspondence Entered

2006-06-26 - Communication received from applicant

2006-06-26 - TEAS Response to Office Action Received

2006-04-25 - Non-final action e-mailed

2006-04-25 - Non-Final Action Written

Latest Status Info

Page 3 of 3

2006-04-20 - Assigned To Exam

2005-10-25 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Kathryn M. Wheble

Correspondent

KATHRYN M. WHEBLE

KIRKPATRICK & LOCKHART NICHOLSON GRAHAM

4 EMBARCADERO CTR LBBY 10

SAN FRANCISCO, CA 94111-4114

Phone Number: (415) 249-1045

Fax Number: (415) 249-1001

Latest Status Info

Page 1 of 3

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2006-12-18 14:41:20 ET

Serial Number: 78735817 Assignment Information

Registration Number: (NOT AVAILABLE)

Mark

DON'T CALL US A PHONE COMPANY

(words only): DON'T CALL US A PHONE COMPANY

Standard Character claim: Yes

Current Status: An examiner's amendment has been mailed.

Date of Status: 2006-12-14

Filing Date: 2005-10-18

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 105

Attorney Assigned:
TWOHIG SHANNON MARIE Employee Location

Current Location: L5X - TMEG Law Office 105 - Examining Attorney Assigned

Date In Location: 2006-12-14

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. HELIO LLC

Address:
HELIO LLC
10960 WILSHIRE BLVD. SUITE 600
LOS ANGELES, CA 90024
United States
Legal Entity Type: Ltd Liab Co

State or Country Where Organized: Delaware

GOODS AND/OR SERVICES

International Class: 035

Class Status: Active

Electronic commerce services, namely dissemination of advertising for others; electronic retail store services in the field of software, consumer electronics and mobile telephones

Basis: 1(b)

First Use Date: (DATE NOT AVAILABLE)

First Use in Commerce Date: (DATE NOT AVAILABLE)

International Class: 036

Class Status: Active

Financial information processing

Basis: 1(b)

First Use Date: (DATE NOT AVAILABLE)

First Use in Commerce Date: (DATE NOT AVAILABLE)

International Class: 038

Class Status: Active

Communications services, namely transmission of voice, audio content, video content, visual images and data by telecommunications networks, wireless communication networks, global communications networks, information service networks and data networks; providing multiple user access to a global computer network; e-mail services; text and numeric wireless digital messaging services; providing information in the field of electronic messages via the Internet

Basis: 1(b)

First Use Date: (DATE NOT AVAILABLE)

First Use in Commerce Date: (DATE NOT AVAILABLE)

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2006-12-14 - Examiner's Amendment Entered

2006-12-14 - Examiner's Amendment Entered

2006-12-14 - EXAMINERS AMENDMENT E-MAILED

2006-12-14 - Examiners Amendment - Written

2006-11-15 - Teas/Email Correspondence Entered

Latest Status Info

Page 3 of 3

2006-10-24 - Communication received from applicant
2006-10-24 - TEAS Response to Office Action Received
2006-05-03 - Non-final action e-mailed
2006-05-03 - Non-Final Action Written
2006-04-20 - Assigned To Examiner
2006-04-20 - Assigned To Examiner
2005-10-25 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Kathryn M. Wheble

Correspondent

KATHRYN M. WHEBLE
KIRKPATRICK & LOCKHART NICHOLSON GRAHAM
4 EMBARCADERO CTR LBBY 10
SAN FRANCISCO, CA 94111-4114
Phone Number: (415) 249-1045
Fax Number: (415) 249-1001

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2006-12-18 14:41:27 ET

Serial Number: 78735819 Assignment Information

Registration Number: (NOT AVAILABLE)

Mark

DON'T CALL US A PHONE COMPANY

(words only): DON'T CALL US A PHONE COMPANY

Standard Character claim: Yes

Current Status: Application has been published for opposition.

Date of Status: 2006-10-03

Filing Date: 2005-10-18

The Information will be/was published in the Official Gazette on 2006-10-03

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 105

Attorney Assigned:
TWOHIG SHANNON MARIE Employee Location

Current Location: 650 -Publication And Issue Section

Date In Location: 2006-08-22

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. HELIO LLC

Address:
HELIO LLC
10960 WILSHIRE BLVD. SUITE 600
LOS ANGELES, CA 90024

<http://tarr.uspto.gov/servlet/tarr?regser=serial&entry=78735819&action=Request+Status>

12/18/2006

United States
Legal Entity Type: Ltd Liab Co
State or Country Where Organized: Delaware

GOODS AND/OR SERVICES

International Class: 038
Class Status: Active
Audio broadcasting and video broadcasting via telecommunications networks, wireless communications networks, global communications networks, information service networks and data networks for entertainment and education purposes
Basis: 1(b)
First Use Date: (DATE NOT AVAILABLE)
First Use in Commerce Date: (DATE NOT AVAILABLE)

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

- 2006-10-03 - Published for opposition
 - 2006-09-13 - Notice of publication
 - 2006-08-10 - Law Office Publication Review Completed
 - 2006-08-04 - Assigned To LIE
 - 2006-07-31 - Approved for Pub - Principal Register (Initial exam)
 - 2006-07-20 - Teas/Email Correspondence Entered
 - 2006-06-26 - Communication received from applicant
 - 2006-06-26 - TEAS Response to Office Action Received
 - 2006-04-28 - Non-final action e-mailed
 - 2006-04-28 - Non-Final Action Written
 - 2006-04-20 - Assigned To Examiner
 - 2005-10-25 - New Application Entered In Tram
-

ATTORNEY/CORRESPONDENT INFORMATION

<http://tarr.uspto.gov/servlet/tarr?regser=serial&entry=78735819&action=Request+Status>

12/18/2006

Latest Status Info

Page 3 of 3

Attorney of Record

Kathryn M. Wheble

Correspondent

KATHRYN M. WHEBLE

KIRKPATRICK & LOCKHART NICHOLSON GRAHAM

4 EMBARCADERO CTR LBBY 10

SAN FRANCISCO, CA 94111-4114

Phone Number: (415) 249-1045

Fax Number: (415) 249-1001

Exhibit C

| [SEARCH BLOG](#) | [FLAG BLOG](#) | [Next Blog»](#)
[Create Blog](#) | [Sign In](#)

The Sherman Foundation

MONDAY, AUGUST 07, 2006

Helio. Not your mobile Oldsmobile?

The advertising for mobile phone company Helio has done an impressive job creating awareness for the brand in a short time. I seem to run into the cool, blue flame logo everywhere I look (outdoor, print, tv spots).



The tagline for the campaign is "Don't call us a phone company. Don't call it a phone". (The old "This is not your father's Oldsmobile" approach.)

Its really a two part tag that addresses two distinct issues. The first part builds on the (obvious) insight that people are frustrated and dissatisfied with their mobile phone providers. Those frustrations center mainly around billing, plans and service. Real cred in this area (especially in this industry) needs to be earned and demonstrated not granted by demand. The tonality reminds me of Sprite's "Obey your thirst" spots and triggers the "don't tell me what to do" gland in my brain. I frequently called Verizon, who burgled me monthly, things other than "phone company" before switching to another provider. Only time will tell if they can live up to this brand promise.

The second part, "Don't call it a phone", seeks to highlight their feature rich mobile devices. Cool, defensible and real. Most of the product reviews I've seen score the devices good to above average. Helio has apparently done an amazing job building in MySpace integration. (They get penalized for no Bluetooth or IM integration). I am very curious to get my hands on one to see how well they deliver on the array of features offered (games, music and video). Content partnerships include MySpace, Yahoo, Fox Sports and MTV.

About Me



Name:
Thomas Sherman
Location:
New York, New York, US

Thomas Sherman. Creative Director, Playboy and International Man of Misery has been called "the most creative man alive" and "cougar bait" on more than one occasion. . . . The Sherman Foundation's Mission: to thicken the plot and to burn cigarette holes in the fabric of conventional, consensus-driven reality. . . . Topics Examined include: Advertising, New Media, Design, Digital Culture, Art and the Culture at Large. . . . The Sherman Foundation encourages you to never stop scraping the bottom.

[View my complete profile](#)

[» Blogs that link here](#)

[» View my profile](#)

 [Technorati](#)

Sherman Foundation T Shirts

[T Shirt #1](#) "I went to the light and all I got was this crap t-shirt"

[T Shirt #2](#)

[T Shirt #3](#)

[Previous Posts](#)

My favorite parts of the campaign are the print ads (take a look at the ad in the latest Rolling Stone) and the copy on the website. Both do a great job of branding Helio as a punky new upstart in the category. The tv spots fall short for me. They are basically setups to deliver the tag as a punchline.



Remember the ads the Sony PSP launched with. They did a great job of highlighting the PSP as a device with multiple features and they were way more cool.

Yahoo's Top Searches of 2006.

Oh my...

Muscle Cars Now Worth Millions

Indian athlete fails gender test

We won!

What about my big dog?

Macaca

The Beat on the Street

Foreign Policy's Top Ten

Overlooked Stories in 200...



The real challenge for Helio comes on Monday when Apple may announce the iPhone. They set the bars for product design and cool very high.

posted by Tom Sherman @ 12:14 AM

[0 comments](#)

0 Comments:

[Post a Comment](#)

[<< Home](#)



DATE METEER

Exhibit D

Press Room

Palm Celebrates 10-Year Anniversary of the Pilot, the Mobile Computer That Changed the Way People Work and Live

SUNNYVALE, Calif.--(BUSINESS WIRE)--March 27, 2006-- From Pilot Connected Organizer to Treo Smartphone, Company Remains Dedicated to Mobile Computing.

Ten years ago, Palm, Inc. (Nasdaq:PALM) captured the imagination of road warriors everywhere with the first Pilot connected organizer, a mighty 5.7-ounce combination of calendar, contacts, to-do lists and notes. Today, having shipped more than 34 million mobile-computing products, the company continues to improve the lives of people and businesses the world over, staying true to one guiding vision: The future of personal computing is mobile computing.

The original Pilot organizer, which sold for \$299, owed its success largely to two breakthrough features: Its ability to synchronize easily with a computer and its unprecedented ease of use -- something often called the Palm experience. As time went on, Palm stayed true to its design philosophy while continuing to innovate, adding numerous new functions such as email and wireless and multimedia capabilities, from images to music. Today's top-of-the-line product is the Treo™ smartphone, which combines the best of a handheld computer with a great phone and email experience on some of the world's largest carrier networks.1

Over the past decade, Palmf products have collected data in space, survived a Mount Everest climb, closed million-dollar deals, entertained young and old, and won the hearts of customers around the globe. From doctors and real estate agents to students, celebrities and CEOs, people have grown to rely on Palm products in work and play.

Multimedia components -- including audio, photos, and a Palm timeline -- are available at www.palm.com/anniversary. The audio component includes reflections from Palm's founders, industry analysts, and long-time Palm employees.

"The first Pilot organizer was such a runaway success, even we were a bit surprised," said Ed Colligan, Palm president and chief executive officer. "But in one of my first conversations with Jeff Hawkins he convinced me that the future of personal computing -- REAL personal computing -- was going to be in these highly mobile devices. That's why he designed the Pilot. And that vision still holds today. The Pilot and its many Palm successors have become an extension of millions of people's lives -- keeping them connected to their work and home, letting them do email and browse the web on the go, allowing them to keep all their favorite files, music, photos and videos with them. I'm enormously proud of what we've accomplished, and I'm even more excited about what's yet to come."

Loyal Customers and Developers

Palm has many important constituencies to thank for its success, including:

- Customers, who have bought more than 34 million Palm devices over the years, including 3 million smartphones. Among these are individual consumers who stay organized and in touch with important information. For many of them, the Palm V handheld -- with sleek style as well as productivity capabilities -- was the first Palm product to charm gadget fans and trendsetters, marking a tipping point for mainstream market adoption. Other customers hail from business and service settings, such as doctors who use decision-support software to improve patient care at the point of care, at the patient's side.
- Developers, who support Palm products with innovative consumer and enterprise software applications that today number more than 29,000 for the Palm OS® platform alone, plus hardware peripherals such as keyboards, GPS devices and barcode readers. When Palm expanded its platform choices for smartphones to include the Windows Mobile® platform, its developer community grew again.
- Retail partners, distributors and resellers, who have sold Palm handheld computers and Treo smartphones the world over. Palm still works with many of the original retailers it began

working with in 1996, including Circuit City, CompUSA, J&R, Fry's and Staples. Palm also has a 10-year history with distributors Ingram and Tech Data, as well as resellers, such as CDW, PC Connection and PC Mall.

- Carrier partners, representing the largest mobile operators and distributors around the world.
- Employees, who have worked passionately to deliver on the company's vision that the future of personal computing is mobile computing.

All of these constituencies have inspired the company and helped it determine its product roadmap.

Today, while Palm continues to offer a wide range of mobile-computing products, from simple and inviting \$99 organizers to powerful mobile computers with wireless capabilities, it is focusing its investment in smartphones. These powerful phones let customers check email, access personal information such as contacts and calendar, listen to music and take and share photos, plus, with additional software, watch live television, listen to podcasts or post to personal blogs.

Palm also has attracted a growing number of enterprise users. More than 8,000 organizations have standardized on the Treo smartphone using GoodLink™ from Good Technology for email. Currently, 40 percent of the Fortune 1000 companies use Treo smartphones, and an additional 35 percent are in testing or trials. Frost & Sullivan recently found that mobile professionals are choosing Treo smartphones over competitive offerings for its abundant business-ready applications, high degree of flexibility, choice of operating systems, and power and convenience.

Palm Factsoids

- Palm's early leaders remain involved in the company's success. Jeff Hawkins helps guide Palm's product roadmap. Donna Dubinsky is a board member. Colligan, now president and chief executive officer, was employee No. 20.
- Palm sold 1 million Pilot organizers in the product's first 18 months -- an adoption rate faster than the IBM PC, Macintosh and even the microwave oven.
- The original Pilot was the first mobile device that worked as a companion to a PC, so customers could synchronize their information and take it with them.
- The first Pilot was built on a processor similar to those used by standard traffic lights and was powered by two AAA batteries (which lasted three months).
- Palm products have touched people's lives, appearing in Broadway shows, major Hollywood movies, reality TV, New Yorker cartoons, and on the red carpet.
- Palm broke new ground, creating many industry product firsts -- including the industry's first integrated wireless handheld to provide email and Internet access, and the first color handheld under \$99.

(1) Within wireless service coverage area only. Availability and coverage depends upon carrier and the geographic scope of international roaming agreements. Email, messaging and web access requires data services from a mobile service provider at an additional cost.

About Palm, Inc.

Palm, Inc., a leader in mobile computing, strives to put the power of computing in people's hands so they can access and share their most important information. The company's products for consumers, mobile professionals and businesses include Palm@ Treo™ smartphones, Palm handheld computers, and Palm LifeDrive™ mobile managers, as well as software, services and accessories.

Palm products are sold through select Internet, retail, reseller and wireless operator channels throughout the world, and at Palm Retail Stores and Palm online stores (<http://www.palm.com/store>).

More information about Palm, Inc. is available at <http://www.palm.com>.

Palm, Palm OS, LifeDrive and Treo, are among the trademarks or registered trademarks owned by or licensed to Palm, Inc. All other brand and product names are or may be trademarks of, and are used to identify products or services of, their respective owners.

© Copyright 2006 Palm, Inc. All rights reserved. | [Legal Notices](#) | [Privacy Policy](#)
[Palm Worldwide](#) | [Contact Us](#) | [Search](#) | [Developers](#) | [About Palm, Inc.](#)



© Copyright 2006 Palm, Inc. All rights reserved.

Exhibit E



www.palm.com

Press Release

AT&T Wireless and palmOne, Inc. Deliver Treo 600 Smartphone to Customers Nationwide

Highly Anticipated Smartphone Combines Powerful Mobile Voice and Data Capabilities, Including Global Roaming and Access to Corporate and Personal Email
Offers Multimedia Applications, Including Built-in VGA Camera and MP3 Playback
REDMOND, Wash. and MILPITAS, Calif., Nov. 24 /PRNewswire-FirstCall/ -- AT&T Wireless (NYSE: AWE) and palmOne, Inc. (Nasdaq: PLMO) today announced the immediate availability of the Treo(TM) 600 smartphone, an integrated wireless smartphone with a built-in QWERTY keyboard that runs over AT&T Wireless Next Generation GSM(TM)/GPRS network. The Treo 600 smartphone combines a world-class phone, a Palm OS(R) organizer, messaging, email, and web-browsing capabilities into a single compact device.

The Treo 600 smartphone is available from AT&T Wireless for \$499.99, after a \$50 instant rebate, when customers purchase qualified service plans starting at \$12.99 per month. The Treo 600 smartphone is available through AT&T Wireless' various sales channels and online from Handspring.com.(1) . For a limited time, palmOne is also offering all Treo communicator owners the ability to upgrade to a Treo 600 smartphone for only \$399 exclusively at www.Handspring.com.

"We are delighted to be working with AT&T Wireless to deliver this world-class smartphone to their customer base nationwide," said Joe Sipher, vice president of product and carrier marketing for palmOne. "Treo 600 represents a breakthrough in the design and functionality of a smartphone device, and we are working closely with AT&T Wireless to make sure our applications are seamlessly integrated into their network services, giving customers the best possible voice and data application experience."

"In today's competitive environment, business customers with the ability to stay connected to their information while mobile have a clear advantage over those who don't," said Jeff Bradley, senior vice president of business data solutions at AT&T Wireless. "With the Treo 600, mobile professionals now have access to one of the most advanced smartphones available -- and a simple and powerful solution to access corporate information throughout North America and across the globe.(2) We're very pleased to add this device to our portfolio, especially ahead of this year's holiday shopping season."

The Treo 600 smartphone is one of the first quad-band smartphones (850/900/1800/1900 MHz) that allows customers to make and receive calls and use data services on GSM/GPRS networks worldwide. A full list of roaming countries is available at

www.attwireless.com/business/plans/international. The Treo 600 smartphone operates on the Palm OS 5.2 operating system, providing everything you need to stay organized, including calendar, contact list, to-do list, and memo pad. The Palm OS allows customers to take advantage of thousands of existing applications, including games, office document readers, multimedia applications, and valuable utilities for both personal and business needs.

The Treo 600 smartphone provides a robust and easy-to-use POP3 email solution and comes preconfigured with settings for several popular ISPs, or users can set up the Treo 600 smartphone to access their own POP3 accounts. The Treo 600 smartphone supports attachment handling, including access to Microsoft Word and Microsoft Excel compatible documents. In addition, through agreements with Good Technology and Visto Corporation, AT&T Wireless is now offering corporate email solutions that provide businesses with access to Microsoft Outlook or Lotus Notes email behind their corporate firewalls. Customers can also send and receive text messages in a powerful new way that allows users to see the "chain" of previous text content -- similar to an instant messaging experience.

The Treo 600 smartphone provides access to a variety of advanced multimedia features. An integrated VGA camera works with AT&T Wireless Multimedia Messaging Services (MMS), which allows customers to send/receive images, annotate messages and add system sounds such as ringtones to their notes. The Treo smartphone includes MP3 playback functionality. Additional information about the Treo 600 smartphone can be found at www.attwireless.com/palm.

About the Treo 600 Smartphone

The Treo 600 smartphone is a small, easy-to-use smartphone with a built-in QWERTY keyboard.

It seamlessly combines a full-featured mobile phone and Palm OS organizer with wireless communication applications, such as email, messaging and web browsing, and even a digital camera -- to simplify customers' business and personal lives. The keyboard, five-way navigation button and other design features make it possible to get more done -- in fewer steps, with just one hand, and without having to swap back and forth between applications. It's lightweight, stylish, and small enough to fit in your pocket.

The Treo 600 smartphone features a bright color screen and an integrated SD Card/MultiMediaCard slot that lets users add memory and content. It operates on the enhanced GSM/GPRS AT&T Wireless network, enabling customers to download games, ringtones and applications directly to the device.

About AT&T Wireless

AT&T Wireless is the second-largest wireless carrier, based on revenues, in the United States. With 21.855 million subscribers as of September 30, 2003, and revenues of more than \$16.5 billion over the past four quarters, AT&T Wireless delivers advanced high-quality mobile wireless communications services, voice and data, to businesses and consumers, in the U.S. and internationally. For more information, please visit us at www.attwireless.com.

This press release contains "forward-looking statements" which are based on management's beliefs as well as on a number of assumptions concerning future events made by management with information that is currently available to management. Forward-looking statements may include, without limitation, management's expectations regarding: our future financial and operating performance and financial condition, including the company's outlook for the fiscal year 2003 and subsequent periods; subscriber growth; industry conditions; the strength of our balance sheet; our liquidity and needs for additional financing; and our ability to generate positive free cash flow.

Readers are cautioned not to put undue reliance on such forward-looking statements, which are not a guarantee of performance and are subject to a number of uncertainties and other factors, many of which are outside AT&T Wireless' control, that could cause actual results to differ materially from such statements. Without limitation these factors include: the risks associated with the implementation of our technology migration strategy, our ability to continue to reduce costs and increase the efficiency of our distribution channels, the potential competitive impacts of industry consolidation or alternative technologies, potential impacts on revenue and ARPU from competitive pricing and slowing penetration in the wireless industry, the effects of vigorous competition in the markets in which we operate, the risk of decreased consumer spending due to softening economic conditions, acts of terrorism, and consumer response to new service offerings.

For a more detailed description of the factors that could cause such a difference, please see AT&T Wireless' filings with the Securities and Exchange Commission, including the information under the heading "Additional Factors That May Affect Our Business, Future Operating Results and Financial Condition" and "Forward Looking Statements" in its quarterly report on Form 10-Q filed on November 14, 2003.

About palmOne, Inc.

palmOne, Inc. delivers what matters most to customers -- whether a single consumer or company of thousands -- improving their personal lives and professional productivity through mobile devices and solutions.

palmOne is the name adopted in October 2003 by Palm, Inc., when it spun off PalmSource, Inc., maker of the Palm OS(R) platform software, and acquired Handspring, Inc. Uniting the Zire(TM), Tungsten(TM) and Treo(TM) subbrands, the creation of palmOne launched a new, stronger market leader in handheld computer and communications hardware and software solutions. More information about palmOne, Inc. is available at <http://www.palmone.com>.

(1) An Internet service provider account, data service and carrier subscription may be required for Internet and email access. These services may need to be purchased separately.

(2) Access available within network coverage areas only.

NOTE: Palm OS is a registered trademark of the Palm Trademark Holding Company. Treo, Zire and Tungsten are trademarks of palmOne, Inc. and its subsidiaries, which may be registered in some countries. Other brands may be trademarks of their respective owners.

SOURCE palmOne, Inc.

Exhibit F



www.palm.com

Palm Kicks Off Worldwide Treo Smartphone Marketing Campaign

New Campaign Illustrates the Power of What's Possible on a Treo Smartphone

SUNNYVALE, Calif., Dec 11, 2006 (BUSINESS WIRE) -- Palm, Inc. (Nasdaq: PALM) today launched a \$25 million worldwide marketing campaign to generate mainstream awareness of and attract new users to the Treo(TM) smartphone line. The six-month campaign highlights Palm's new Treo 680 smartphone and encompasses a fully integrated media mix consisting of print, out-of-home, online, mobile and viral-marketing components. AKQA, a leading interactive marketing agency, developed the campaign, which combines non-traditional marketing approaches with tried and true media.

Palm believes that accessing the web while on the go is the next killer application. The popularity of web services, such as eBay, in combination with a Treo smartphone means that, for example, eBay fans can watch for products they want and monitor auctions of interest while away from their desktop or laptop PCs.(1) The new campaign helps people who aren't necessarily early adopters see how their personal and work lives can be enriched with a mobile computer that also is a great phone.

Over the next few months, consumers and businesses can expect to see the following:

-- Advertising - Palm is working with like-minded passion brands - such as Fandango, Google (TM), The Onion, Orbitz(R) and Yahoo! - in its new ads to demonstrate what makes a Treo smartphone so unique and provide proof behind the category-defining tagline "Not just a cell phone. A Treo." The co-branded ads will run primarily in the United States and Europe in select print and online lifestyle publications, some of which include GQ, Lucky and Real Simple.

-- Interactive Kiosks - The campaign includes Palm's first-ever SMS-activated kiosks, which enable people to select and view category-specific content on larger-than-life Treo smartphones. The kiosks contain a live monitor in place of the Treo screen and displays canned and dynamic content. The interactive kiosks are located at bus stops and window fronts in major metropolitan cities, including Los Angeles, New York and San Francisco.

-- Microsite - The new microsite, www.onTreo.com, is designed to be an engaging and entertaining interactive website that allows users to catch a glimpse of what's possible with a Treo smartphone. Users also have the option to learn more about specific Treo features and related partner content within the microsite. The advertising campaign is tagged with the new URL to give new customer prospects a better understanding of the Treo experience in an interactive, virtual environment.

-- Viral Marketing - Palm street teams wearing bright-colored Treo clothing will be deployed in major metropolitan cities to stimulate buzz and excitement around Treo smartphones. The street teams will interact with passersby and offer services such as making a dinner reservation; checking their eBay accounts; ordering tickets to a show; and getting the weather, news and directions, among other things - all on a Treo smartphone.

"By aligning with passion brands such as Amazon, Orbitz and Yahoo!, we're demonstrating that Treo smartphones do much more than the average cell phone," said Scott Hancock, director of marketing communications, Palm, Inc. "We're showing people how easy it is to interact with these sites while mobile. For instance, one ad might simply say 'Buy tickets on Fandango' or 'Orbitz and go' with the corresponding logo appearing on the home screen of the Treo smartphone."

The Palm Treo marketing campaign will show people what life is like with a Treo smartphone and remind them that they don't have to look for an Internet cafe to access the information they want while on the go.

For sample ads from the new campaign, please contact Erin Freeley, A&R Edelman for Palm, Inc., 650-762-2863, efreeley@ar-edelman.com.

About Palm, Inc.

Palm, Inc., a leader in mobile computing, strives to put the power of computing in people's hands so they can access and share their most important information. The company's products for consumers, mobile professionals and businesses include Palm(R) Treo(TM) smartphones, Palm handheld computers, and Palm LifeDrive(TM) mobile managers, as well as software,

services and accessories.

Palm products are sold through select Internet, retail, reseller and wireless operator channels throughout the world, and at Palm Retail Stores and Palm online stores

(<http://www.palm.com/store>).

More information about Palm, Inc. is available at <http://www.palm.com>.

(1) Within wireless service coverage area only. Availability and coverage depends upon carrier and the geographic scope of international roaming agreements. Email, messaging and web access requires data services from a mobile service provider at an additional cost.

Palm, Treo and LifeDrive are among the trademarks or registered trademarks owned by or licensed to Palm, Inc. All other brand and product names are or may be trademarks of, and are used to identify products or services of, their respective owners.

SOURCE: Palm, Inc.

Palm, Inc.

Marlene Somsak, 408-617-7451

marlene.somsak@palm.com

or

A&R Edelman for Palm, Inc.

Erin Freeley, 650-762-2863

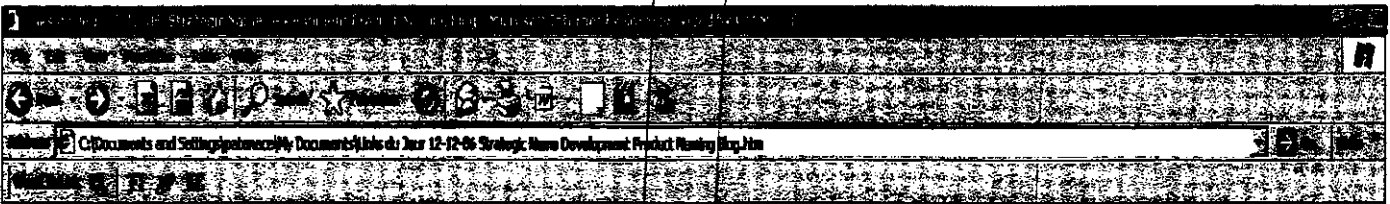
efreeley@ar-edelman.com

Copyright Business Wire 2006
News Provided by COMTEX

[Close window](#) | [Back to top](#)

© Copyright 2006 Palm, Inc. All rights reserved.

Exhibit G



Search this blog:

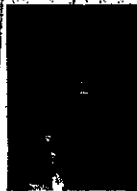
CATEGORIES

- Brand Architecture
- Brand Name Research
- Brand Naming
- Branding
- Company Naming
- Industry
 - Apparel
 - Automotive
 - Beverages
 - Consumer Electronics
 - Durable Goods
 - Financial Services
 - Food
 - Health and Beauty
 - Household Goods
 - Media and Entertainment
 - Pharmaceutical
 - Retail
 - Spirits
 - Sports and Recreation
 - Technology
 - Telecommunications
 - Travel and Tourism
- Linguistics
- Marketing
- Naming
- Naming Rights
- Product Naming
- Slogans
- Taglines
- Trademarking

December 12, 2006

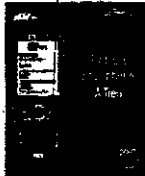
Links du Jour 12-12-06

Mariah Asks Mary Carey for Name Back - The Hollywood Gossip blog has a good post about Mariah Carey having trouble with a porn actress named Mary Carey. I recent wrote about the dangers of porn and brand dilution, but in this case the porn star is not backing down, stating "I'm ready to battle Mariah over this because I've been Mary Carey for a long time."



What's in a name? A lot - Should The Dallas Cowboy's Drop "Dallas" from their name once they move to Arlington? Paul Bourgeois at the Star-Telegram thinks not.

Palm Treo and Hello Follow Same Road - Palm has launched its Treo smartphone campaign under the tagline "Not just a cell phone. A Treo." I've noted that Hello is running a similar campaign under the mantra "Don't call us a phone company." Seems that being a cell phone is no longer the right positioning for these companies. As I've said before, the term "cell phone" is probably on the way out altogether.



Technorati Tags: [Mariah Carey](#), [Mary Carey](#), [Brand Dilution](#), [Dallas Cowboys](#), [Positioning](#), [Palm Treo](#), [Hello](#)

Posted by William Lozho at December 12, 2006 10:44 AM
 Postac to [Brand Naming](#) | [Branding](#) | [Naming](#) | [Naming Rights](#) | [Taglines](#) | [Trademarking](#)

Bookmark this

SUBSCRIBE

Subscribe to get blog updates in your favorite news reader.

Trackback Pings

Trackback URL for this entry:
<http://www.namedevlopment.com/inovablotype/at-tb.cgi/3646>



Exhibit H

mobile™
magazine

Ads by Google Camera Phone T Mobile Treo Cingular PDA Palm Phone



Mobile Magazine > Handhelds

Palm goes viral, markets the new Treo 680 smartphone

New! Comment | Email | Print | Rate

Monday December 11, 2006 6:03 PM EST - By: Michael Kwan




I'm a little (or a lot) disappointed that the new Treo 680 costs as much as it does, but Palm is going full steam ahead marketing their new smartphone, taking just about every route possible to get in your face (and in your pocket), including viral marketing techniques.

Never before have we seen Palm take such a concerted effort in selling a new product, but for the Treo 680 they will be trying their darndest. They'll be advertising with like-minded passion brands such as Fandango, Google, and Orbitz (interestingly, the tagline – Not just a cell phone. A Treo – is a little too much like Helio's "Don't call us a phone company. Don't call it a phone"). Other techniques include interactive kiosks, the ontreo.com microsite, and, oh yes, viral marketing via "Palm street teams wearing bright-colored Treo clothing."

Remember, when we thought this entry-level PDA phone might even be free? And then Cingular decides that it costs \$199? Top bad for us poor Canadians, it runs a cool \$300 from Rogers Wireless. Maybe this six-month campaign will convince me that the Treo 680 is worth that much.




Read [Via businesswire.com]



and go.

Not just a cell phone.
A Treo.



Reader Ratings

Be the first to rate this article.

1 2 3 4 5 6 7 8 9 10

Comments


Name

Email (will not be shown online)

Homepage

Comment

To prevent automated Bots from form spamming, please enter the text you see in the image below. The strings must match and your browser must support and accept cookies, or your comment cannot be verified correctly.



Recent Headlines

- FCC gives go-ahead to AudioMate wireless audio system- posted on *Monday December 18, 2006 4:29 PM EST*
- Sony Ericsson W200a caught naked at FCC- posted on *Monday December 18, 2006 3:58 PM EST*
- Mitsubishi getting close to Evo X, unveiling cars in Detroit- posted on *Monday December 18, 2006 3:53 PM EST*
- Googlephone in the works?- posted on *Monday December 18, 2006 3:47 PM EST*
- iPhone officially announced, but not by Apple- posted on *Monday December 18, 2006 3:42 PM EST*
- Samsung SCH-W531: CDMA and GSM in one tight FCC-approved package- posted on *Monday December 18, 2006 3:42 PM EST*
- Matracks literally makes a tank out of your SUV (Video)- posted on *Monday December 18, 2006 3:23 PM EST*
- Video: A "monster" of a Zune ad- posted on *Monday December 18, 2006 3:19 PM EST*

Picture-happy Voxel W740 smartphone packs 4 megapixel cam- posted on Monday December 18, 2006 3:11 PM E
USB shaver recharges at your desk- posted on Monday December 18, 2006 2:47 PM EST
NYC cabs to get entertainment suite- posted on Monday December 18, 2006 2:42 PM EST
Nissan working on successor to Silvia/240SX/200SX- posted on Saturday December 16, 2006 12:46 PM EST
The world's first 2.5 gigapixel digital picture- posted on Saturday December 16, 2006 12:46 PM EST
Ford: No to Mustang sedan, wagon. Yes to Interceptor- posted on Saturday December 16, 2006 12:46 PM EST
Ultra packs 8GB into compact SDHC package- posted on Saturday December 16, 2006 12:45 PM EST
Video: UMPC running Mac OS X- posted on Saturday December 16, 2006 12:45 PM EST
Top Tech of the week - 12.15.2006- posted on Saturday December 16, 2006 9:25 AM EST
Kontron NotePAC weighs a ton, is one crazy laptop- posted on Saturday December 16, 2006 7:54 AM EST
Ultra-rugged Hammerhead Tablet PC gets FCC nod- posted on Saturday December 16, 2006 7:33 AM EST
Total recall: Nintendo edition- posted on Saturday December 16, 2006 7:33 AM EST
Apples and Oranges, together at last- posted on Saturday December 16, 2006 7:33 AM EST
Sexy portable storage from extra shiny BlackBox- posted on Friday December 15, 2006 9:16 PM EST
Million-dollar cell phone encrusted with diamonds- posted on Friday December 15, 2006 4:59 PM EST
Go Skype-ing anywhere with Asus AiGuru S1 wireless music phone- posted on Friday December 15, 2006 4:47 PM
Belkin SleeveTop protects lap from flaming laptop- posted on Friday December 15, 2006 4:47 PM EST



**Sony VGN-FS660P/W Vaio
Notebook PC**

Infinity Micro

Lowest Price, In Stock at Infinity Micro

Description Best Deals Search Chitika L.

Lowest Price, In Stock at Infinity Micro

Powered by

Mobile Magazine ▶ [XML](#) XML Feed ▶ Top 100 Content ▶ Newest 100 ▶ Contact Us ▶ Advertise

© Copyright 2000-2006, Broadband Media Corporation. All Rights Reserved.
Your use of this website constitutes acceptance of the [website](#) [Privacy Policy](#).
All trademarks, trade names, service marks, and logos referenced on this site belong to their respective companies.

Fabrizio Pilato

Fabrizio Pilato Fabrizio Pilato Fabrizio Pilato fabrizio pilato fabrizio pilato

EXHIBIT 10

**THIS EXHIBIT IS FILED
UNDER SEAL PURSUANT TO A
PENDING PROTECTIVE ORDER**

EXHIBIT 11

**THIS EXHIBIT IS FILED
UNDER SEAL PURSUANT TO A
PENDING PROTECTIVE ORDER**

EXHIBIT 12

**THIS EXHIBIT IS FILED
UNDER SEAL PURSUANT TO A
PENDING PROTECTIVE ORDER**

EXHIBIT 13

**THIS EXHIBIT IS FILED
UNDER SEAL PURSUANT TO A
PENDING PROTECTIVE ORDER**

EXHIBIT 14

COPY

1 QUINN EMANUEL URQUHART OLIVER & HEDGES, LLP
 2 Claude M. Stern (Bar No. 96737)
 3 Brian Cannon (Bar No. 193071)
 4 Doug Colt (Bar No. 210915)
 5 claudestern@quinnemanuel.com
 6 briancannon@quinnemanuel.com
 7 dougcolt@quinnemanuel.com
 8 555 Twin Dolphin Drive, Suite 560
 9 Redwood Shores, California 94065-2139
 10 Telephone: (650) 801-5000
 11 Facsimile: (650) 801-5100

12 Attorneys for Defendant Palm, Inc.

13 UNITED STATES DISTRICT COURT
 14 NORTHERN DISTRICT OF CALIFORNIA
 15 SAN FRANCISCO DIVISION

16 CASE NO. C 067754 SBA

17 **DECLARATION OF SCOTT HANCOCK
 18 IN SUPPORT OF PALM, INC.'S
 19 OPPOSITION TO PLAINTIFF'S
 20 APPLICATION FOR TEMPORARY
 21 RESTRAINING ORDER AND ORDER TO
 22 SHOW CAUSE WHY A PRELIMINARY
 23 INJUNCTION SHOULD NOT ISSUE**

quinn emanuel

24 HELIO LLC
 25 Plaintiff,
 26 vs.
 27 PALM, INC.
 28 Defendant.

1 I, Scott Hancock, declare as follows:

2 1. I have personal knowledge of the matters stated herein, and if called as a witness, I could
 3 testify competently thereto.

4 **BACKGROUND**

5 2. I am the Director of Marketing and Communications for Palm, Inc. and have been
 6 employed by Palm since October 2001. My duties and responsibilities include oversight over
 7 Palm's marketing policies, strategies, and advertising. I was responsible for the oversight of the
 8 development and execution of Palm's current advertising campaign (hereinafter the "Campaign")
 9 that is the subject of Helio LLC's complaint filed on December 19, 2006.

1 3. Palm, Inc., headquartered in Sunnyvale, California, is a leader in mobile computing that
2 was founded in 1992. The company's products include Palm® Treo™ smartphones, Palm
3 LifeDrive™ mobile managers and Palm handheld computers, as well as software, services and
4 accessories. Palm sells its products through select Internet, retail, reseller, and wireless operator
5 channels throughout the world, and at Palm Retail Stores and Palm online stores. For nearly 15
6 years, Palm has developed, supported, and protected a brand that is known worldwide for
7 innovation and quality. Since its founding, Palm has shipped more than 34 million mobile-
8 computing products. Attached hereto as Exhibit A is a true and correct copy of a printout from the
9 United States Patent and Trademark Office indicating that the "Palm" trademark was registered on
10 August 29, 2001.

11 **DEVELOPMENT OF THE PALM CAMPAIGN**

12 4. The development of Palm's current advertising Campaign began nearly two years ago at
13 the beginning of 2005, prior to Helio's existence. At that point, Palm's advertising agency,
14 AKQA first developed the slogan, "NOT A CELL PHONE. A TREO" and presented it to Palm.
15 Attached hereto as Exhibit B is a true and correct copy of 14 advertising mockups that were
16 created by AKQA in January 2005. Each mockup contains the tagline "not a cell phone. a Treo."
17 This tagline provided the foundation of Palm's current advertising slogan, "NOT JUST A CELL
18 PHONE. A TREO." This final language was adopted by Palm in May 2006. The Campaign is
19 highly stylized and each advertisement features bold orange coloring along with the Palm logo.

20 5. During the Digital Life electronics expo in New York City on October 12, 2006, a
21 significant electronics-industry event, Palm publicly launched the slogan, "NOT JUST A CELL
22 PHONE. A TREO." The Digital Life expo is a major industry event that is billed as "the ultimate
23 consumer technology, gaming & entertainment event of the year." In 2006, more than 100
24 vendors participated in the expo, including companies such as Dell, Intel, Kodak, Logitech,
25 Napster, and Microsoft. Attached hereto as Exhibit C is a color representation of the banner that
26 adorned Palm's display booth at the expedition. Attached hereto as Exhibit D is a true and correct
27 copy of an October 12, 2006 article from "PDA Street" entitled "Treo 680 Cost Model Targets
28 Wider Audience." The article states, "To support the roll out of the Treo 680, Palm is going to

quinn emanuel

quinn emanuel

1 roll out \$25 million advertising and marketing campaign. The main tag line will be 'Not Just A
2 Cell Phone. A Treo.'"

3 6. I have reviewed Helio's complaint and its claim that "Defendant's advertising...is
4 designed to confuse consumers as to the source of Defendant's products and services and to
5 suggest some affiliation or sponsorship between Plaintiff and Defendant where there is none."
6 This claim is false. At no point during the development of the Campaign were Helio's current
7 claims, "Don't call it a phone" and "Don't call us a phone company" ever discussed, considered,
8 or raised by Palm. In summary, Palm's Campaign was never intended to have any relationship to
9 Helio's current advertising claims, nor was Palm's Campaign ever intended or expected to suggest
10 any relationship between Palm's well-known products and those of Helio. Palm's Campaign and
11 its original slogan, "not just a phone. a Treo," was conceived prior to Helio's existence, let alone
12 Helio's current advertising campaign.

13 7. Helio's repeated use of the phrase "NOT JUST A CELL PHONE" to refer to Palm's
14 current Campaign is incomplete and misleading. Palm's Campaign always includes the full
15 slogan, "NOT JUST A CELL PHONE. A TREO." Nowhere in the Campaign is the phrase "not
16 just a cell phone" used in isolation without the additional phrase, "a Treo."

17 **COST AND SCOPE OF THE PALM CAMPAIGN**

18 8. The slogan "NOT JUST A CELL PHONE. A TREO." is part of a \$25 million print,
19 outdoor and online advertising campaign designed to promote Palm's Treo 680 smartphone. The
20 Campaign includes significant expenditures on outdoor advertising through billboards, bus
21 shelters, taxi-tops and "wild postings" as well as on print advertising through newspapers and
22 magazines, in both the United States and Europe. Outdoor advertising was launched on
23 November 27, 2006 and is scheduled to terminate on December 31, 2006.

24 9. Billboard, mass-transit station and taxi-top displays have already been launched in the top
25 10 advertising markets throughout the United States at a cost of more than \$3,500,000. Print has
26 also begun to run, of which approximately \$3,500,000 has been spent to date. Palm has also begun
27 using "street teams" that utilize the slogan in New York, Los Angeles and San Francisco. As
28

quinn emanuel

1 stated above, the slogan always includes the Palm mark "Treo", is stylized to emphasize the Palm
2 mark and uses a unique orange color.

3 10. All outdoor advertising associated with the Campaign, including billboards, taxi-top
4 displays and mass-transit displays, is scheduled to run only through December 31, 2006. Palm
5 does not intend to run any such advertising beyond that date.

6 11. At a cost of more than \$400,000, the Campaign also includes custom-designed and
7 manufactured interactive kiosks, which permit people to select and view category-specific content
8 on larger-than-life Treo smartphones. These kiosks contain a live monitor in place of the Treo
9 screen and are located at bus stops and window fronts in major metropolitan cities, including Los
10 Angeles, New York, and San Francisco.

11 12. At a cost of approximately \$2,000,000 thus far, the Campaign also includes significant
12 expenditures on online advertising, including materials on Fandango, Google, The Onion, Orbitz,
13 and Yahoo!

14 13. The billboards, taxi-top and mass-transit advertising has been posted since November 27,
15 2006. There are over 21,000 of these outdoor units that can not be removed before the scheduled
16 media contract expiration date of December 31, 2006. Print insertions in weekly publications
17 typically require at least six weeks' notice for removal, depending on the publication. Online
18 publication typically requires at least two weeks' written notice for removal.

19 **RESPONSE TO CLAIMS MADE IN DECLARATION OF JESSICA WEEKS**

20 14. I have reviewed the Declaration of Jessica Weeks submitted by Helio in support of its
21 application.

22 15. Ms. Weeks stated that Helio's "DON'T CALL IT A PHONE" advertising has also been
23 featured on MTV, the Cartoon Network, Spike TV, VH-1, and other television networks. Palm's
24 Campaign does not include any television advertising and Palm has no plans to broadcast any such
25 materials in connection with the Campaign.

26 16. Ms. Weeks claims that Palm "intentionally adopted its tagline to confuse consumers into
27 believing that there is some relationship between the two companies." This claim is false. Palm
28 first considered the tagline "not a cell phone" in January 2005, prior to Helio's existence. I am

1 unaware of a single consumer who has expressed any confusion regarding Palm's Campaign and
2 Helio's advertising, nor am I aware of a single consumer who has confused Palm's and Helio's
3 products, services, or relationship.

4 **NOTICE OF APPLICATION BY HELIO**

5 17. I have discussed with Palm's legal department the issue of notice provided by Helio in
6 connection with its application for a temporary restraining order. I have been informed that the
7 first instance in which Helio expressed any concerns with the Campaign was on December 19,
8 2006 when counsel for Helio sent a copy of the complaint and moving papers. I am unaware of
9 Helio ever having expressed any concerns with the Campaign prior to that date.

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

quinn emanuel

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

quinn emanuel

I declare under penalty of perjury of the laws of the United States that the foregoing is true and correct. Executed on December 20, 2006, at Hayward, California.

Scott Hancock

Digitally signed by Scott Hancock
DN: cn=Scott Hancock, c=US, o=Palm, Inc.,
ou=Marketing Communications, email=scott.
hancock@palm.com
Location: Hayward, CA
Date: 2006.12.20 06:35:02 -08'00'

EXHIBIT 15

**THIS EXHIBIT IS FILED
UNDER SEAL PURSUANT TO A
PENDING PROTECTIVE ORDER**

EXHIBIT 16

**THIS EXHIBIT IS FILED
UNDER SEAL PURSUANT TO A
PENDING PROTECTIVE ORDER**

EXHIBIT 17

**THIS EXHIBIT IS FILED
UNDER SEAL PURSUANT TO A
PENDING PROTECTIVE ORDER**

EXHIBIT 18

**THIS EXHIBIT IS FILED
UNDER SEAL PURSUANT TO A
PENDING PROTECTIVE ORDER**

EXHIBIT 19

**THIS EXHIBIT IS FILED
UNDER SEAL PURSUANT TO A
PENDING PROTECTIVE ORDER**

EXHIBIT 20

**THIS EXHIBIT IS FILED
UNDER SEAL PURSUANT TO A
PENDING PROTECTIVE ORDER**

EXHIBIT 21

**THIS EXHIBIT IS FILED
UNDER SEAL PURSUANT TO A
PENDING PROTECTIVE ORDER**

EXHIBIT 22

**THIS EXHIBIT IS FILED
UNDER SEAL PURSUANT TO A
PENDING PROTECTIVE ORDER**

EXHIBIT 23

**THIS EXHIBIT IS FILED
UNDER SEAL PURSUANT TO A
PENDING PROTECTIVE ORDER**

EXHIBIT 24

**THIS EXHIBIT IS FILED
UNDER SEAL PURSUANT TO A
PENDING PROTECTIVE ORDER**

EXHIBIT 25

**THIS EXHIBIT IS FILED
UNDER SEAL PURSUANT TO A
PENDING PROTECTIVE ORDER**

EXHIBIT 26

**THIS EXHIBIT IS FILED
UNDER SEAL PURSUANT TO A
PENDING PROTECTIVE ORDER**

EXHIBIT 27

**THIS EXHIBIT IS FILED
UNDER SEAL PURSUANT TO A
PENDING PROTECTIVE ORDER**

EXHIBIT 28

**THIS EXHIBIT IS FILED
UNDER SEAL PURSUANT TO A
PENDING PROTECTIVE ORDER**

EXHIBIT 29

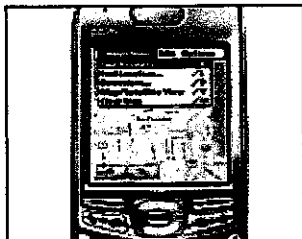
**THIS EXHIBIT IS FILED
UNDER SEAL PURSUANT TO A
PENDING PROTECTIVE ORDER**

EXHIBIT 30

Fresh Push Begins for Palm's Treo 680

December 12, 2006

By Gregory Solman, *Adweek*



LOS ANGELES -- Palm is launching a \$25 million campaign today featuring the Treo 680, according to Scott Hancock, director of marketing communications for the company.

"This is the most significant [marketing] effort behind Treo to date," said Hancock, who is based in Palm's Sunnyvale, Calif., office. "And the holiday is the peak season. It has reached the price point for purchase as a gift."

In addition to cellular communications, the new model offers a proprietary Web browser (Blazer) for viewing Internet content via a touch-screen interface.

The campaign, out of AKQA, San Francisco, is comprised of outdoor, print, online, and interactive kiosks rather than broadcast, because, Hancock said, "We need the frequency to tout our ability."

The tagline is "Not just a cell phone. A Treo."

Hancock acknowledged the similarity to the positioning of rival Helio, which in ads from IPG's Deutsch bills itself as more than just a cell phone, but noted that the two devices pursue "different markets. We're going after the multimedia player."

Treo efforts include interactive advertising with what Hancock called "passion brands: Amazon, eBay, Google, the Onion, Orbitz, iVo, Yahoo and the product's own microsite.

"We're reaching out to a broader audience. We're communicating what life is like with a Treo in eight different vignettes with the theme, 'Tell me more.'"

The SMS-activated kiosks in L.A., San Francisco and New York allow shoppers at point of sale, bus stops and windows to manipulate an outsized Treo device in a monitor.

Street teams touting the devices will show off the ability to use the Web while on the road by stopping people on the street and allowing them to perform interactions (such as making travel arrangements or dinner reservations) on the spot.

Links referenced within this article

Find this article at:

http://www.brandweek.com/bw/news/recent_display.jsp?vnu_content_id=1003495944

Uncheck the box to remove the list of links referenced in the article.

© 2006 VNU eMedia Inc. All rights reserved.

EXHIBIT 31

[SEARCH](#) [Advanced Search](#) [Archives](#)[Home](#) > [All Archives](#) > [Marketing Daily Archives](#) > [Thursday, Dec 14, 2006](#)Welcome [Sign-in](#) | [Register](#). Mon, Dec 18,[EMAIL THIS ARTICLE](#) [PRINT](#) [REPLY](#) [SUBSCRIBE](#) [TODAY'S EDITION](#)

Palm Launches \$25 Million Campaign For Treo

by Emily Burg, Thursday, Dec 14, 2006 5:00 AM ET

PALM IS THE LATEST SMARTPHONE maker to remind you it's "not just a cell phone" in a six-month, \$25 million campaign that broke this week for the Treo 680.

AKQA developed the Treo 680 campaign, which incorporates a media mix of print, out-of-home, online, mobile and viral advertising. This includes a Palm street team in major metropolitan markets to show passersby how to use the Treo 680 to check their eBay accounts, order movie tickets or make dinner reservations.

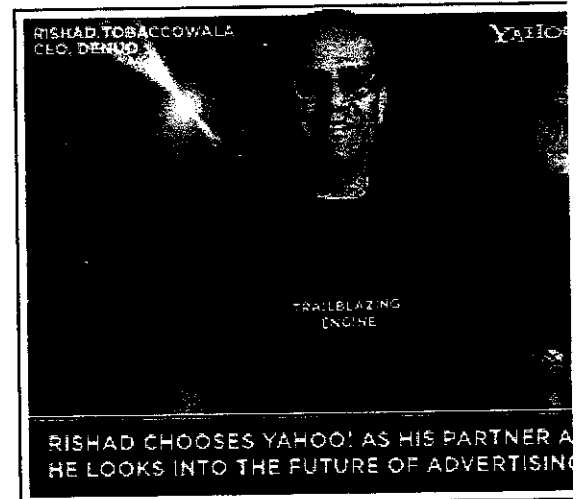
Palm will be running co-branded ads with Fandango, Orbitz, and the Onion, among others, and in select print and online publications in the U.S. and Europe including *GQ*, *Lucky* and *Real Simple*.

"By aligning with such brands as Amazon, Orbitz and Yahoo, we're demonstrating that Treo smartphones do much more than the average cell phone. We're showing people how easy it is to interact with these sites while mobile," said Scott Hancock, director of marketing communications, Palm, Inc. in a statement.

SMS-activated kiosks at bus stops and window fronts in San Francisco, Los Angeles and New York will also enable people to view category-specific Web content on larger-than-life models of the Treo 680.

Palm seeks to widen the appeal of its Treo 680 smartphone beyond its traditional customer base of business users, and narrow the competition between itself and BlackBerry, whose top-selling Pearl has targeted the same hybrid business-lifestyle wireless consumer for whom the Treo 680 is designed.

The tagline, "Not just a cell phone. A Treo," rings familiar to that



Today's Most Read

1. The Consumer: Reining in the Flog
2. Fast Forward: Is Mass Marketing History About To Repeat Itself?
3. VNU Unveils New Org Structure: Nielsen Moves Center Stage, Whiting Too
4. Sony Shuttles PSP Flog
5. AOL Loses Three Top Execs

of wireless upstart Helio, whose tagline is "Don't call it a phone." Helio has built its marketing on social networking properties, such as the ability to locate another user through a Buddy Beacon, and to log on to MySpace pages.

Palm is also launching a flagship store in New York's Rockefeller Center. The store will feature the entire Palm product line, and through Dec. 17 will give away a Palm Z22 handheld with the purchase of any Treo smartphone.

Palm also announced this week that it brought on Brodie C. Keast, a one-time Apple product marketer, as SVP marketing to run a worldwide branding and marketing initiative.

Emily Burg can be reached via email at emily@mediapost.com

Recent Marketing Daily Articles

What's Trendy In Dining Out For 2007 Dec 18, 5:01 AM

[Restaurants] Americans are slowing down a little and doing less on-the-go eating in their cars. That's...

Census Shows Americans Turn To Home Dec 18, 5:01 AM

[Research] Americans spent \$159.5 billion to improve and repair their homes last year, and are staying...

SAB Miller Heads Into Inner Mongolia Dec 18, 5:01 AM

[Beverages] In what SAB Miller says is the first move by an international brewer into the...

Schwab Ties Positive Gains To Chuck Dec 18, 5:01 AM

[Financial Services] Charles Schwab Corp. expects to stay the course in 2007 with its asset-building "Talk...

White Rock Claims Santa Bragging Rights From Coke Dec 18, 5:01 AM

[Beverages] Heading into the home stretch to Christmas--a slow-ho-ho news week--White Rock issued a challenge to...

Procter & Gamble Has Its Eye On Beauty Dec 18, 5:01 AM

[Packaged Goods] Procter & Gamble is making quiet inroads to prestige cosmetics, and is likely to...

Citi To Drop Quirky 'Rewarding' Campaign Three Months Early Dec 15, 5:00 AM

[Financial Services] Citi's new ads featuring a quirky duo touting the "very, very, very rewarding" benefits...

Auto Show: Who's Revealing What In Detroit Dec 15, 5:00 AM

[Automotive] The North American International Auto Show in Detroit next month will feature more than 45...

Ethnic Food Sales On The Upswing In Supermarkets Dec 15, 5:00 AM

[Food] Ethnic food sales, particularly Asian and Hispanic frozen entrees, were on the rise in supermarkets...

Aflac Duck May Quack En Espanol Dec 15, 5:00 AM

[Multicultural] Supplementary insurance company Aflac, known for its memorable quacking duck, is training its sights on...

>> [Marketing Daily Archives](#)

ABOUT MEDIAPOST • MEDIA KIT • PRIVACY • TERMS & CONDITIONS



©2006 MediaPost Communications. All rights reserved.
1140 Broadway, 4th Floor, New York, NY 10001
tel. 212-204-2000, fax 212-204-2038, feedback@mediapost.com

Ads Powered by
ACCIPIT

EXHIBIT 32

mobileTM
magazine

Ads by Google

Camera Phone

T Mobile Treo

Cingular PDA

Palm Phone

(
W

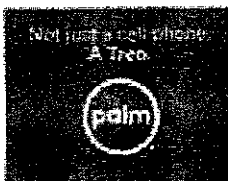


Mobile Magazine > Handhelds

Palm goes viral, markets the new Treo 680 smartphone

New! Comment | Email | Print | Rate

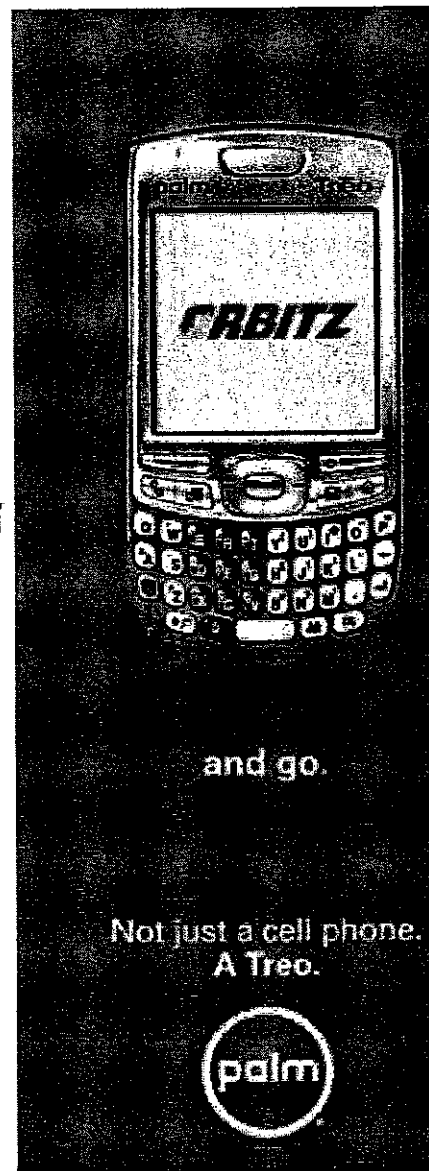
Monday December 11, 2006 6:03 PM EST - By: Michael Kwan



I'm a little (or a lot) disappointed that the new Treo 680 costs as much as it does, but Palm is going full steam ahead marketing their new smartphone, taking just about every route possible to get in your face (and in your pocket), including viral marketing techniques.

Never before have we seen Palm take such a concerted effort in selling a new product, but for the Treo 680 they will be trying their darndest. They'll be advertising with like-minded passion brands such as Fandango, Google, and Orbitz (interestingly, the tagline -- Not just a cell phone. A Treo -- is a little too much like Hello's "Don't call us a phone company. Don't call it a phone"). Other techniques include interactive kiosks, the ontreo.com microsite, and, oh yes, viral marketing via "Palm street teams wearing bright-colored Treo clothing."

Remember, when we thought this entry-level PDA phone might even be free? And then Cingular decides that it costs \$199? Too bad for us poor Canadians, it runs a cool \$300 from Rogers Wireless. Maybe this six-month campaign will convince me that the Treo 680 is worth that much.



Read [Via businesswire.com]



Reader Ratings

Be the first to rate this article.

1 2 3 4 5 6 7 8 9 10

Comments

Name

Email (Will not be shown online)

Homepage

Comment

To prevent automated Bots from form spamming, please enter the text you see in the image below. The strings must match and your browser must support and accept cookies, or your comment cannot be verified correctly.



Recent Headlines

- FCC gives go-ahead to AudioMate wireless audio system- posted on *Monday December 18, 2006 4:29 PM EST*
- Sony Ericsson W200a caught naked at FCC- posted on *Monday December 18, 2006 3:58 PM EST*
- Mitsubishi getting close to Evo X, unveiling cars in Detroit- posted on *Monday December 18, 2006 3:53 PM EST*
- Googlephone in the works?- posted on *Monday December 18, 2006 3:47 PM EST*
- iPhone officially announced, but not by Apple- posted on *Monday December 18, 2006 3:42 PM EST*
- Samsung SCH-W531: CDMA and GSM in one tight FCC-approved package- posted on *Monday December 18, 2006 3:39 PM EST*
- Matracks literally makes a tank out of your SUV (Video)- posted on *Monday December 18, 2006 3:23 PM EST*
- Video: A "monster" of a Zune ad- posted on *Monday December 18, 2006 3:19 PM EST*

Picture-happy Voxtel W740 smartphone packs 4 megapixel cam- posted on *Monday December 18, 2006 3:11 PM E*
 USB shaver recharges at your desk- posted on *Monday December 18, 2006 2:47 PM EST*
 NYC cabs to get entertainment suite- posted on *Monday December 18, 2006 2:42 PM EST*
 Nissan working on successor to Silvia/240SX/200SX- posted on *Saturday December 16, 2006 12:46 PM EST*
 The world's first 2.5 gigapixel digital picture- posted on *Saturday December 16, 2006 12:46 PM EST*
 Ford: No to Mustang sedan, wagon. Yes to Interceptor- posted on *Saturday December 16, 2006 12:46 PM EST*
 Ultra packs 8GB into compact SDHC package- posted on *Saturday December 16, 2006 12:45 PM EST*
 Video: UMPC running Mac OS X- posted on *Saturday December 16, 2006 12:45 PM EST*
 Top Tech of the week - 12.15.2006- posted on *Saturday December 16, 2006 9:25 AM EST*
 Kontron NotePAC weighs a ton, is one crazy laptop- posted on *Saturday December 16, 2006 7:54 AM EST*
 Ultra-rugged Hammerhead Tablet PC gets FCC nod- posted on *Saturday December 16, 2006 7:33 AM EST*
 Total recall: Nintendo edition- posted on *Saturday December 16, 2006 7:33 AM EST*
 Apples and Oranges, together at last- posted on *Saturday December 16, 2006 7:33 AM EST*
 Sexy portable storage from extra shiny BlackBox- posted on *Friday December 15, 2006 9:16 PM EST*
 Million-dollar cell phone encrusted with diamonds- posted on *Friday December 15, 2006 4:59 PM EST*
 Go Skype-ing anywhere with Asus AiGuru S1 wireless music phone- posted on *Friday December 15, 2006 4:47 PM*
 Belkin SleeveTop protects lap from flaming laptop- posted on *Friday December 15, 2006 4:47 PM EST*



**Sony VGN-FS660P/W Vaio
 Notebook PC**

Infinity Micro

Lowest Price, In Stock at Infinity Micro

Description [Best Deals](#) [Search](#) [Chitika |](#)

Lowest Price, In Stock at Infinity Micro

Powered by

[Mobile Magazine](#) ▶ [RSS XML Feed](#) ▶ [Top 100 Content](#) ▶ [Newest 100](#) ▶ [Contact Us](#) ▶ [Advertise](#)

© Copyright 2000-2006, Broadband Media Corporation, All Rights Reserved.
 Your use of this website constitutes acceptance of the website [Privacy Policy](#).
 All trademarks, trade names, service marks, and logos referenced on this site belong to their respective companies.

Fabrizio Pilato

Fabrizio Pilato Fabrizio Pilato Fabrizio Pilato fabrizio pilato fabrizio pilato



EXHIBIT 33

**THIS EXHIBIT IS FILED
UNDER SEAL PURSUANT TO A
PENDING PROTECTIVE ORDER**

EXHIBIT 34

**THIS EXHIBIT IS FILED
UNDER SEAL PURSUANT TO A
PENDING PROTECTIVE ORDER**

EXHIBIT 35



www.palm.com

Palm Kicks Off Worldwide Treo Smartphone Marketing Campaign

New Campaign Illustrates the Power of What's Possible on a Treo Smartphone

SUNNYVALE, Calif., Dec 11, 2006 (BUSINESS WIRE) -- Palm, Inc. (Nasdaq: PALM) today launched a \$25 million worldwide marketing campaign to generate mainstream awareness of and attract new users to the Treo(TM) smartphone line. The six-month campaign highlights Palm's new Treo 680 smartphone and encompasses a fully integrated media mix consisting of print, out-of-home, online, mobile and viral-marketing components. AKQA, a leading interactive marketing agency, developed the campaign, which combines non-traditional marketing approaches with tried and true media.

Palm believes that accessing the web while on the go is the next killer application. The popularity of web services, such as eBay, in combination with a Treo smartphone means that, for example, eBay fans can watch for products they want and monitor auctions of interest while away from their desktop or laptop PCs.(1) The new campaign helps people who aren't necessarily early adopters see how their personal and work lives can be enriched with a mobile computer that also is a great phone.

Over the next few months, consumers and businesses can expect to see the following:

-- Advertising - Palm is working with like-minded passion brands - such as Fandango, Google (TM), The Onion, Orbitz(R) and Yahoo! - in its new ads to demonstrate what makes a Treo smartphone so unique and provide proof behind the category-defining tagline "Not just a cell phone. A Treo." The co-branded ads will run primarily in the United States and Europe in select print and online lifestyle publications, some of which include GQ, Lucky and Real Simple.

-- Interactive Kiosks - The campaign includes Palm's first-ever SMS-activated kiosks, which enable people to select and view category-specific content on larger-than-life Treo smartphones. The kiosks contain a live monitor in place of the Treo screen and displays canned and dynamic content. The interactive kiosks are located at bus stops and window fronts in major metropolitan cities, including Los Angeles, New York and San Francisco.

-- Microsite - The new microsite, www.onTreo.com, is designed to be an engaging and entertaining interactive website that allows users to catch a glimpse of what's possible with a Treo smartphone. Users also have the option to learn more about specific Treo features and related partner content within the microsite. The advertising campaign is tagged with the new URL to give new customer prospects a better understanding of the Treo experience in an interactive, virtual environment.

-- Viral Marketing - Palm street teams wearing bright-colored Treo clothing will be deployed in major metropolitan cities to stimulate buzz and excitement around Treo smartphones. The street teams will interact with passersby and offer services such as making a dinner reservation; checking their eBay accounts; ordering tickets to a show; and getting the weather, news and directions, among other things - all on a Treo smartphone.

"By aligning with passion brands such as Amazon, Orbitz and Yahoo!, we're demonstrating that Treo smartphones do much more than the average cell phone," said Scott Hancock, director of marketing communications, Palm, Inc. "We're showing people how easy it is to interact with these sites while mobile. For instance, one ad might simply say 'Buy tickets on Fandango' or 'Orbitz and go' with the corresponding logo appearing on the home screen of the Treo smartphone."

The Palm Treo marketing campaign will show people what life is like with a Treo smartphone and remind them that they don't have to look for an Internet cafe to access the information they want while on the go.

For sample ads from the new campaign, please contact Erin Freeley, A&R Edelman for Palm, Inc., 650-762-2863, efreeley@ar-edelman.com.

About Palm, Inc.

Palm, Inc., a leader in mobile computing, strives to put the power of computing in people's hands so they can access and share their most important information. The company's products for consumers, mobile professionals and businesses include Palm(R) Treo(TM) smartphones, Palm handheld computers, and Palm LifeDrive(TM) mobile managers, as well as software,

services and accessories.

Palm products are sold through select Internet, retail, reseller and wireless operator channels throughout the world, and at Palm Retail Stores and Palm online stores (<http://www.palm.com/store>).

More information about Palm, Inc. is available at <http://www.palm.com>.

(1) Within wireless service coverage area only. Availability and coverage depends upon carrier and the geographic scope of international roaming agreements. Email, messaging and web access requires data services from a mobile service provider at an additional cost.

Palm, Treo and LifeDrive are among the trademarks or registered trademarks owned by or licensed to Palm, Inc. All other brand and product names are or may be trademarks of, and are used to identify products or services of, their respective owners.

SOURCE: Palm, Inc.

Palm, Inc.

Marlene Somsak, 408-617-7451

marlene.somsak@palm.com

or

A&R Edelman for Palm, Inc.

Erin Freeley, 650-762-2863

efreeley@ar-edelman.com

Copyright Business Wire-2006
News Provided by COMTEX

[Close window](#) | [Back to top](#)

© Copyright 2006 Palm, Inc. All rights reserved.

EXHIBIT 36

**THIS EXHIBIT IS FILED
UNDER SEAL PURSUANT TO A
PENDING PROTECTIVE ORDER**

EXHIBIT 37

**THIS EXHIBIT IS FILED
UNDER SEAL PURSUANT TO A
PENDING PROTECTIVE ORDER**

EXHIBIT 38



www.palm.com

Treo 680

SMARTPHONE

[overview](#) | [details](#) | [specs](#) | [options](#) | [compare](#) | [tour](#)



It's time to expect more from your phone.



Colors: Arctic, Copper, Graphite, and Crimson

special offers

service plans

Cingular Wireless—
as low as ¹
\$199 USD/ESP

[buy now](#)

Unlocked (what's this?)

\$399 USD/ESP ²

Available in Graphite only ³

[buy now](#)

order by phone

800-881-7256

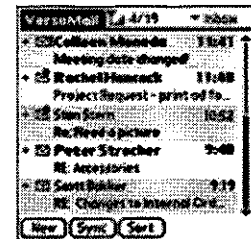
Say hello to the Palm® Treo™ 680 smartphone. It's your phone along with email, messaging, and web access⁴. Not to mention your contacts, calendar, photos, and songs. Sounds like a lot. And it is. But everything's so easy to learn that you'll actually use it, which makes it anything but a typical phone.

The same goes for design. Pick it up and you'll notice a large color touchscreen and an easy-type keyboard. Since the Treo 680 is just the right size, you have the freedom to take it anywhere and still be connected to friends, work, and family⁵. Of course, there's also something called an "off" button, for when you don't want to be connected at all.

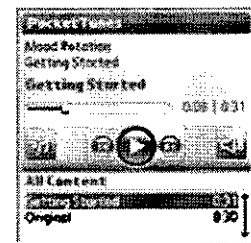
Why a smartphone? See how it's perfect for work and play.

It pays to own a Treo. Here's how to convince the boss to buy yours.

Read the Treo 680 brochure. Or take a product tour.



Get Direct Push Technology for your Outlook email^{4,6}. Software update.



Listen to songs and podcasts.



- 1 Offers vary by mobile service provider and require new service activation. Additional restrictions may apply. Price shown may be after service credit or mail-in rebate.
- 2 Offers vary by mobile service provider. Additional restrictions may apply. Price shown may be after service credit or mail-in rebate.
- 3 Effective February 15, Palm will begin selling Cingular-branded Treo 680 models in crimson, arctic and copper colors. Previously, those colored models were available only in unlocked versions from Palm. The unlocked Treo 680 graphite version will continue to be sold in the United States.
- 4 Email, web, and messaging require data services from a mobile service provider at an additional cost. ISP and/or VPN may also be required. Direct Push Technology requires Microsoft Exchange Server 2003 with SP2 or Exchange Server 2007.
- 5 Within wireless service coverage area only.
- 6 Update not available for Cingular customers.

Palm, Palm OS, and Treo are among the trademarks or registered trademarks owned or licensed to Palm, Inc. All other brand and product names are or may be trademarks of, and are used to identify products or services of, their respective owners.

© Copyright 2007 Palm, Inc. All rights reserved.

EXHIBIT 39

**THIS EXHIBIT IS FILED
UNDER SEAL PURSUANT TO A
PENDING PROTECTIVE ORDER**

EXHIBIT 40

Search this blog:

Search

December 12, 2006

Links du Jour 12-12-06

Mariah Asks Mary Carey for Name Back - The Hollywood Gossip blog has a good post about Mariah Carrey having trouble with a porn actress named Mary Carey. I recent wrote about the dangers of porn and brand dilution, but in this case the porn star is not backing down, stating "I'm ready to battle Mariah over this because I've been Mary Carey for a long time."



CATEGORIES

- Brand Architecture
Brand Name Research
Brand Naming
Branding
Company Naming
Industry
Apparel
Automotive
Beverages
Consumer Electronics
Durable Goods
Financial Services
Food
Health and Beauty
Household Goods
Media and Entertainment
Pharmaceutical
Retail
Spirits
Sports and Recreation
Technology
Telecommunications
Travel and Tourism
Linguistics
Marketing
Naming
Naming Rights
Product Naming
Slogans
Taglines
Trademarking



What's in a name? A lot - Should The Dallas Cowboy's Drop "Dallas" from their name once they move to Arlington? Paul Bourgeois at the Star-Telegram thinks not.

Palm Treo and Hello Follow Same Road - Palm has launched its Treo smartphone campaign under the tagline "Not just a cell phone. A Treo." I've noted that Hello is running a similar campaign under the mantra "Don't call us a phone company." Seems that being a cell phone is no longer the right positioning for these companies. As I've said before, the term "cell phone" is probably on the way out altogether.



Technical Tags: Mariah Carey, Mary Carey, Brand Dilution, Dallas Cowboy, Positioning, Palm Treo, Hello

Posted to Brand Naming, Branding, Naming, Naming Rights, Taglines, Trademarking

SUBSCRIBE

Bookmark this

Subscribe to get blog updates in your favorite news reader.

Trackback Pings

TrackBack URL for this entry: http://www.namedevelopment.com/movabtype/mt-tb.cgi/3645