

EXHIBIT 76

Response to Office Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	85008412
LAW OFFICE ASSIGNED	LAW OFFICE 106
MARK SECTION (no change)	
ARGUMENT(S)	
Please see the actual argument text attached within the Evidence section.	
EVIDENCE SECTION	
EVIDENCE FILE NAME(S)	
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DESCRIPTION OF EVIDENCE FILE	Arguments and Exhibits A through L.
GOODS AND/OR SERVICES SECTION (009)(current)	
INTERNATIONAL CLASS	009
DESCRIPTION	
Computers, computer software, computer application software for mobile phones, portable media players, handheld computers; electronic publication reader software; computer software for authoring, downloading, transmitting, receiving, editing, extracting, encoding, decoding, displaying, storing and organizing text, graphics, images, and electronic publications; downloadable electronic publications in the nature of books, plays, pamphlets, brochures, newsletters, journals, magazines, and periodicals on a wide range of topics of general interest	
FILING BASIS	Section 1(b)
FILING BASIS	Section 44(d)
FOREIGN APPLICATION NUMBER	41872
FOREIGN APPLICATION COUNTRY	Trinidad and Tobago
FOREIGN FILING DATE	01/25/2010
GOODS AND/OR SERVICES SECTION (009)(proposed)	
INTERNATIONAL CLASS	009
TRACKED TEXT DESCRIPTION	
Computers, computer software, computer application software for mobile phones, portable media players, handheld computers; <u>Computers; electronic publication reader software; software for reading electronic publications on digital electronic devices;</u> computer software for authoring, downloading, transmitting, receiving, editing, extracting, encoding, decoding, displaying, storing and organizing text, graphics, images and electronic publications; downloadable electronic publications in the nature of books, plays, pamphlets, brochures, newsletters, journals, magazines, and periodicals on a wide range of topics of general interest	
FINAL DESCRIPTION	
Computers; software for reading electronic publications on digital electronic devices; computer software for authoring, downloading, transmitting, receiving, editing, extracting, encoding, decoding, displaying, storing and organizing text, graphics, images, and electronic publications; downloadable electronic publications in nature of books, plays, pamphlets, brochures, newsletters, journals, magazines, and periodicals on a wide range of topics of general interest	

of topics of general interest

FILING BASIS	Section 1(b)
FILING BASIS	Section 44(d)
FOREIGN APPLICATION NUMBER	41872
FOREIGN APPLICATION COUNTRY	Trinidad and Tobago
FOREIGN FILING DATE	01/25/2010
GOODS AND/OR SERVICES SECTION (016)(current)	
INTERNATIONAL CLASS	016
DESCRIPTION	
Printed matter; printed publications; periodicals; books; magazines; newsletters; brochures; booklets; pamphlets; manuals; journals; leaflets; publications relating to technology, digital technology and gadgets	
FILING BASIS	Section 1(b)
FILING BASIS	Section 44(d)
GOODS AND/OR SERVICES SECTION (016)(proposed)	
INTERNATIONAL CLASS	016
TRACKED TEXT DESCRIPTION	
Printed matter; periodicals, books, magazines, newsletters, brochures, booklets, pamphlets, manuals, journals and leaflets on a wide range of topics of general interest; printed publications; periodicals; books; magazine newsletters; brochures; booklets; pamphlets; manuals; journals; leaflets; publications relating to technology digital technology and gadgets	
FINAL DESCRIPTION	
periodicals, books, magazines, newsletters, brochures, booklets, pamphlets, manuals, journals, and leaflets wide range of topics of general interest	
FILING BASIS	Section 1(b)
FILING BASIS	Section 44(d)
GOODS AND/OR SERVICES SECTION (035)(current)	
INTERNATIONAL CLASS	035
DESCRIPTION	
Advertising and marketing services; sales promotion services; promoting the goods and services of others; conducting market research; retail store services featuring electronic publications provided via the Internet	

other computer, electronic and communications networks; retail store services in the field of books, magazine periodicals, newsletters, journals and other publications on a wide range of topics of general interest, provided via the Internet and other computer, electronic and communications networks; retail store services featuring electronic publications for use on handheld mobile digital electronic devices and other consumer electronic subscription services, namely, providing subscriptions to text, data, image, audio, video, and multimedia content, provided via the Internet and other electronic and communications networks; downloadable pre-recorded text, data, image, audio, video, and multimedia content for a fee or pre-paid subscription, provided via the Internet and other electronic and communications networks; information, advisory and consultancy services relating to all the aforesaid

FILING BASIS	Section 1(b)
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FILING BASIS	Section 44(d)
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GOODS AND/OR SERVICES SECTION (035)(proposed)

INTERNATIONAL CLASS	035
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TRACKED TEXT DESCRIPTION

Advertising and marketing services; sales promotion services; promoting the goods and services of others; conducting market research; retail store services featuring electronic publications provided via the Internet other computer, electronic and communications networks; retail store services in the field of books, magazine periodicals, newsletters, journals and other publications on a wide range of topics of general interest, provided via the Internet and other computer, electronic and communications networks; retail store services featuring electronic publications for use on handheld mobile digital electronic devices and other consumer electronic subscription services, namely, providing subscriptions to text, data, image, audio, video, and multimedia content, provided via the Internet and other electronic and communications networks; subscriptions to text, data, image, audio, video, and multimedia content, provided via the Internet and other electronic and communications networks; downloadable pre-recorded text, data, image, audio, video, and multimedia content for a fee or pre-paid subscription, provided via the Internet and other electronic and communications networks; information, advisory and consultancy services relating to all the aforesaid

FINAL DESCRIPTION

Advertising and marketing services; sales promotion services; promoting the goods and services of others; conducting market research; retail store services featuring electronic publications provided via the Internet other computer, electronic and communications networks; retail store services in the field of books, magazine periodicals, newsletters, journals and other publications on a wide range of topics of general interest, provided via the Internet and other computer, electronic and communications networks; retail store services featuring electronic publications for use on handheld mobile digital electronic devices and other consumer electronic subscriptions to text, data, image, audio, video, and multimedia content, provided via the Internet and other electronic and communications networks; information, advisory and consultancy services relating to all the aforesaid

FILING BASIS	Section 1(b)
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FILING BASIS	Section 44(d)
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GOODS AND/OR SERVICES SECTION (038)(current)

INTERNATIONAL CLASS	038
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DESCRIPTION

Telecommunication services; communication and telecommunication services; telecommunication access services; communications by computer; communication between computers; electronic sending of data and documentation via the Internet or other databases; supply of data and news by electronic transmission; providing telecommunication access to websites and electronic news services online allowing the download of information and data; providing telecommunication access to web sites on the Internet; delivery of text, data, audio, video, and multimedia content by telecommunications; telecommunication services, namely, electronic transmission of streamed and downloadable electronic publications for browsing over computer networks, namely, books, magazines, periodicals, newsletters, journals, and other publications; provision of connectivity services and access to electronic communications networks, for transmission or reception of electronic publications; providing wireless telecommunications via electronic communications networks; provision of telecommunications access and links to computer databases and the Internet; electronic transmission of streamed and downloadable audio and video files via computer and other communications networks; webcasting services (transmission); provision of connectivity services and access to electronic communication networks, for transmission or reception of audio, video or multimedia content; provision of telecommunications connections to the Internet or computer databases; telecommunication of information (including web pages); streaming of video content via a global computer network; subscription audio broadcasting via a global computer network; audio broadcasting; streaming of audio content via a global computer network; electronic transmission of audio and video files via communications networks; information advisory and consultancy services relating to all the aforesaid

FILING BASIS	Section 1(b)
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FILING BASIS	Section 44(d)
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GOODS AND/OR SERVICES SECTION (038)(proposed)

INTERNATIONAL CLASS	038
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TRACKED TEXT DESCRIPTION

~~Telecommunication services; Telecommunication access services; communication and telecommunication services; electronic sending of data and documentation via the Internet or other databases; providing telecommunication access to web sites on the Internet; communications by computer; delivery of text, data, audio, video, and multimedia content by telecommunications; communication between computers; telecommunication services, namely, electronic transmission of streamed and downloadable electronic publications for browsing over computer networks, namely, books, magazines, periodicals, newsletters, journals, and other publications; provision of connectivity services and access to electronic communication networks, for transmission or reception of electronic publications; supply of data and news by electronic transmission; electronic transmission of streamed and downloadable audio and video files via computer and other communications networks; providing telecommunication access to websites and electronic news services online allowing the download of information and data; webcasting services; provision of telecommunication connections to the Internet or computer databases; streaming of video content via a global computer network; subscription audio broadcasting via a global computer network; audio broadcasting; providing wireless telecommunications via electronic communications networks; streaming of audio content via a global computer network; provision of telecommunications access and links to computer databases and the Internet; electronic transmission of audio and video files via communications networks; information, advisory and consultancy services relating to all the aforesaid; webcasting services (transmission); provision of connectivity services and access to electronic communications networks, for transmission or reception of audio, video or multimedia content; telecommunication of information (including web pages)~~

FINAL DESCRIPTION

Telecommunication access services; electronic sending of data and documentation via the Internet or other databases; providing telecommunication access to web sites on the Internet; delivery of text, data, audio, vi and multimedia content by telecommunications; telecommunication services, namely, electronic transmissi of streamed and downloadable electronic publications for browsing over computer networks, namely, book magazines, periodicals, newsletters, journals, and other publications; provision of connectivity services and access to electronic communications networks, for transmission or reception of electronic publications; electronic transmission of streamed and downloadable audio and video files via computer and other communications networks; webcasting services; provision of telecommunications connections to the Intern or computer databases; streaming of video content via a global computer network; subscription audio broadcasting via a global computer network; audio broadcasting; streaming of audio content via a global computer network; electronic transmission of audio and video files via communications networks; informa advisory and consultancy services relating to all the aforesaid

FILING BASIS	Section 1(b)
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FILING BASIS	Section 44(d)
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GOODS AND/OR SERVICES SECTION (041)(current)

INTERNATIONAL CLASS	041
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DESCRIPTION

Educational and entertainment services; providing electronic books, magazines, newspapers, journals, periodicals, and other publications; educational and entertainment services, namely, providing online acces educational and entertainment publications; educational and entertainment services, namely, providing an online portal and non-downloadable software to allow internet users to preview, download and read electro publications; providing information, databases, directories, and podcasts in the fields of entertainment, new current events, history, sports, games, the media, cultural events and activities, hobbies, publications, technology, and other topics; information, advisory and consultancy services relating to all the aforesaid

FILING BASIS	Section 1(b)
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FILING BASIS	Section 44(d)
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GOODS AND/OR SERVICES SECTION (041)(proposed)

INTERNATIONAL CLASS	041
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TRACKED TEXT DESCRIPTION

Educational and entertainment services; Providing online, non-downloadable electronic books, magazines, newspapers, journals, periodicals, plays, pamphlets, brochures, and newsletters on a wide range of topics o general interest; providing electronic books, magazines, newspapers, journals, periodicals, and other publications; educational and entertainment services, namely, providing an online portal to allow internet u to preview, download and read electronic publications; educational and entertainment services, namely, providing online access to educational and entertainment publications; providing information and podcasts the fields of entertainment, current events, history, sports, games, the media, cultural events and activities, hobbies, and publications; educational and entertainment services, namely, providing an online portal and r downloadable software to allow internet users to preview, download and read electronic publications; information, advisory and consultancy services relating to all the aforesaid; providing information, databas

directories, and podcasts in the fields of entertainment, news, current events, history, sports, games, the media, cultural events and activities, hobbies, publications, technology, and other topics

FINAL DESCRIPTION

Providing online, non-downloadable electronic books, magazines, newspapers, journals, periodicals, plays, pamphlets, brochures, and newsletters on a wide range of topics of general interest; educational and entertainment services, namely, providing an online portal to allow internet users to preview, download and read electronic publications; providing information and podcasts in the fields of entertainment, current events, history, sports, games, the media, cultural events and activities, hobbies, and publications; information, advisory and consultancy services relating to all the aforesaid

FILING BASIS Section 1(b)

FILING BASIS Section 44(d)

GOODS AND/OR SERVICES SECTION (042)(current)

INTERNATIONAL CLASS 042

DESCRIPTION

Design and development of computer hardware and software; computer hardware and software consulting services; computer programming; support and consultation services for developing computer systems, databases and applications; information relating to computer hardware or software provided on-line from a global computer network or the Internet; creating and maintaining web-sites; hosting the web-sites of other providing search engines for obtaining data via communications networks; providing temporary internet access to use on-line non-downloadable software to enable users to program audio, video, text and other multimedia content; providing search engines for obtaining data on a global computer network; information, advisory and consultancy services relating to all the aforesaid; operating search engines; creating indexes of online information, sites and other resources available on global computer networks for others

FILING BASIS Section 1(b)

FILING BASIS Section 44(d)

GOODS AND/OR SERVICES SECTION (042)(proposed)

INTERNATIONAL CLASS 042

TRACKED TEXT DESCRIPTION

Design and development of computer hardware and software; computer hardware and software consulting services; computer programming; support and consultation services for developing computer systems, databases and applications; consultation services for developing computer systems, databases and applications; information relating to computer hardware or software provided on-line from a global computer network or the Internet; technical support services, namely, troubleshooting in the nature of diagnosing computer hardware and software problems during computer systems, databases, and application development; information relating to computer hardware or software development provided on-line from a global computer network or the Internet; creating and maintaining web-sites; hosting the web-sites of others; providing temporary internet access to use on-line non-downloadable software to enable users to program audio, video, text and other multimedia content; providing search engines for obtaining data via communications networks; providing temporary use of online non-downloadable software to enable users to program audio, video, text and other multimedia content; providing an online portal featuring temporary online use of online non-downloadable

software to allow internet users to preview, download, and read electronic publications; operating search engines; providing search engines for obtaining data on a global computer network; information, advisory and consultancy services relating to all the aforesaid; creating indexes of online information, sites and other resources available on global computer networks for others; and providing information and online database the fields of technology development in the field of consumer electronics.

FINAL DESCRIPTION

Design and development of computer hardware and software; computer hardware and software consulting services; computer programming; consultation services for developing computer systems, databases and applications; technical support services, namely, troubleshooting in the nature of diagnosing computer hardware and software problems during computer systems, databases, and application development; information relating to computer hardware or software development provided on-line from a global computer network or the Internet; creating and maintaining web-sites; hosting the web-sites of others; providing search engines for obtaining data via communications networks; providing temporary use of online non-download software to enable users to program audio, video, text and other multimedia content; providing an online page featuring temporary online use of online non-downloadable software to allow internet users to preview, download, and read electronic publications; providing search engines for obtaining data on a global computer network; information, advisory and consultancy services relating to all the aforesaid; creating indexes of information, sites and other resources available on global computer networks for others; and providing information and online databases in the fields of technology development in the field of consumer electronics.

FILING BASIS Section 1(b)

FILING BASIS Section 44(d)

SIGNATURE SECTION

RESPONSE SIGNATURE /Thomas R. La Perle/

SIGNATORY'S NAME Thomas R. La Perle

SIGNATORY'S POSITION Attorney of record, California bar member

DATE SIGNED 12/29/2010

AUTHORIZED SIGNATORY YES

FILING INFORMATION SECTION

SUBMIT DATE Wed Dec 29 17:17:02 EST 2010

TEAS STAMP
 USPTO/ROA-204.155.226.3-2
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**Response to Office Action
To the Commissioner for Trademarks:**

Application serial no. **85008412** has been amended as follows:

ARGUMENT(S)

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

Please see the actual argument text attached within the Evidence section.

EVIDENCE

Evidence in the nature of Arguments and Exhibits A through L, has been attached.

Original PDF file:

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170706939 . guments in Response to Office Action on IBOOKS SN 85008412 .pdf

Converted PDF file(s) (4 pages)

Evidence-1

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Evidence-4

Original PDF file:

evi 2041552263-170706939 . EXHIBIT A IBOOKS-IBOOKSTORE .pdf

Converted PDF file(s) (8 pages)

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Original PDF file:

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Converted PDF file(s) (7 pages)

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CLASSIFICATION AND LISTING OF GOODS/SERVICES

Applicant proposes to amend the following class of goods/services in the application:

Current: Class 009 for Computers, computer software, computer application software for mobile phones, portable media players, and handheld computers; electronic publication reader software; computer software for authoring, downloading, transmitting, receiving, editing, extracting, encoding, decoding, displaying, storing and organizing text, graphics, images, and electronic publications; downloadable electronic publications in the nature of books, plays, pamphlets, brochures, newsletters, journals, magazines, and periodicals on a wide range of topics of general interest

Original Filing Basis:

Filing Basis: Section 1(b), Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. (15 U.S.C. Section 1051(b)).

Filing Basis: Section 44(d), Priority based on foreign filing: Applicant has a bona fide intention to use the mark in commerce on or in connection with the identified goods and/or services, and asserts a claim of priority based on [Trinidad and Tobago application number 41872 filed 01/25/2010]. 15 U.S.C. Section 1126(d), as amended.

Proposed:

Tracked Text Description: ~~Computers, computer software, computer application software for mobile phones, portable media players, and handheld computers; Computers; electronic publication reader software; software for reading electronic publications on digital electronic devices;~~ computer software for authoring, downloading, transmitting, receiving, editing, extracting, encoding, decoding, displaying, storing and organizing text, graphics, images, and electronic publications; downloadable electronic publications in the nature of books, plays, pamphlets, brochures, newsletters, journals, magazines, and periodicals on a wide range of topics of general interest

Class 009 for Computers; software for reading electronic publications on digital electronic devices; computer software for authoring, downloading, transmitting, receiving, editing, extracting, encoding, decoding, displaying, storing and organizing text, graphics, images, and electronic publications; downloadable electronic publications in the nature of books, plays, pamphlets, brochures, newsletters, journals, magazines, and periodicals on a wide range of topics of general interest

Filing Basis: Section 1(b), Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. (15 U.S.C. Section 1051(b)).

Filing Basis: Section 44(d), Priority based on foreign filing: Applicant has a bona fide intention to use the mark in commerce on or in connection with the identified goods and/or services, and asserts a claim of priority based on [Trinidad and Tobago application number 41872 filed 01/25/2010]. 15 U.S.C. Section 1126(d), as amended.

Applicant proposes to amend the following class of goods/services in the application:

Current: Class 016 for Printed matter; printed publications; periodicals; books; magazines; newsletters; brochures; booklets; pamphlets; manuals; journals; leaflets; publications relating to technology, digital technology and gadgets

Original Filing Basis:

Filing Basis: Section 1(b), Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. (15 U.S.C. Section 1051(b)).

Based on Foreign Application: Applicant has a bona fide intention to use the mark in commerce on or in connection with the identified goods and/or services, and will submit a copy of a foreign registration, and translation thereof, if appropriate. 15 U. S.C. Section 1126(d), as amended.

Proposed:

Tracked Text Description: ~~Printed matter; periodicals, books, magazines, newsletters, brochures, booklets, pamphlets, manuals, journals, and leaflets on a wide range of topics of general interest; printed~~

publications; periodicals; books; magazines; newsletters; brochures; booklets; pamphlets; manuals; journals; leaflets; publications relating to technology, digital technology and gadgets

Class 016 for periodicals, books, magazines, newsletters, brochures, booklets, pamphlets, manuals, journals, and leaflets on a wide range of topics of general interest

Filing Basis: Section 1(b), Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. (15 U.S.C. Section 1051(b)).

Based on Foreign Application: Applicant has a bona fide intention to use the mark in commerce on or in connection with the identified goods and/or services, and will submit a copy of a foreign registration, and translation thereof, if appropriate. 15 U. S.C. Section 1126(d), as amended.

Applicant proposes to amend the following class of goods/services in the application:

Current: Class 035 for Advertising and marketing services; sales promotion services; promoting the goods and services of others; conducting market research; retail store services featuring electronic publications provided via the Internet and other computer, electronic and communications networks; retail store services in the field of books, magazines, periodicals, newsletters, journals and other publications on a wide range of topics of general interest, provided via the Internet and other computer, electronic and communications networks; retail store services featuring electronic publications for use on handheld mobile digital electronic devices and other consumer electronics; subscription services, namely, providing subscriptions to text, data, image, audio, video, and multimedia content, provided via the Internet and other electronic and communications networks; downloadable pre-recorded text, data, image, audio, video, and multimedia content for a fee or pre-paid subscription, provided via the Internet and other electronic and communications networks; information, advisory and consultancy services relating to all the aforesaid

Original Filing Basis:

Filing Basis: Section 1(b), Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. (15 U.S.C. Section 1051(b)).

Based on Foreign Application: Applicant has a bona fide intention to use the mark in commerce on or in connection with the identified goods and/or services, and will submit a copy of a foreign registration, and translation thereof, if appropriate. 15 U. S.C. Section 1126(d), as amended.

Proposed:

Tracked Text Description: Advertising and marketing services; sales promotion services; promoting the goods and services of others; conducting market research; retail store services featuring electronic publications provided via the Internet and other computer, electronic and communications networks; retail store services in the field of books, magazines, periodicals, newsletters, journals and other publications on a wide range of topics of general interest, provided via the Internet and other computer, electronic and communications networks; retail store services featuring electronic publications for use on handheld mobile digital electronic devices and other consumer electronics; subscription services, namely, providing subscriptions to text, data, image, audio, video, and multimedia content, provided via the Internet and other electronic and communications networks; subscriptions to text, data, image, audio, video, and multimedia content, provided via the Internet and other electronic and communications networks; downloadable pre-recorded text, data, image, audio, video, and multimedia content for a fee or pre-paid subscription, provided via the Internet and other electronic and communications networks; information, advisory and consultancy services relating to all the aforesaid

Class 035 for Advertising and marketing services; sales promotion services; promoting the goods and

services of others; conducting market research; retail store services featuring electronic publications provided via the Internet and other computer, electronic and communications networks; retail store services in the field of books, magazines, periodicals, newsletters, journals and other publications on a wide range of topics of general interest, provided via the Internet and other computer, electronic and communications networks; retail store services featuring electronic publications for use on handheld mobile digital electronic devices and other consumer electronics; subscriptions to text, data, image, audio, video, and multimedia content, provided via the Internet and other electronic and communications networks; information, advisory and consultancy services relating to all the aforesaid

Filing Basis: Section 1(b), Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. (15 U.S.C. Section 1051(b)).

Based on Foreign Application: Applicant has a bona fide intention to use the mark in commerce on or in connection with the identified goods and/or services, and will submit a copy of a foreign registration, and translation thereof, if appropriate. 15 U. S.C. Section 1126(d), as amended.

Applicant proposes to amend the following class of goods/services in the application:

Current: Class 038 for Telecommunication services; communication and telecommunication services; telecommunication access services; communications by computer; communication between computers; electronic sending of data and documentation via the Internet or other databases; supply of data and news by electronic transmission; providing telecommunication access to websites and electronic news services online allowing the download of information and data; providing telecommunication access to web sites on the Internet; delivery of text, data, audio, video, and multimedia content by telecommunications; telecommunication services, namely, electronic transmission of streamed and downloadable electronic publications for browsing over computer networks, namely, books, magazines, periodicals, newsletters, journals, and other publications; provision of connectivity services and access to electronic communications networks, for transmission or reception of electronic publications; providing wireless telecommunications via electronic communications networks; provision of telecommunications access and links to computer databases and the Internet; electronic transmission of streamed and downloadable audio and video files via computer and other communications networks; webcasting services (transmission); provision of connectivity services and access to electronic communications networks, for transmission or reception of audio, video or multimedia content; provision of telecommunications connections to the Internet or computer databases; telecommunication of information (including web pages); streaming of video content via a global computer network; subscription audio broadcasting via a global computer network; audio broadcasting; streaming of audio content via a global computer network; electronic transmission of audio and video files via communications networks; information, advisory and consultancy services relating to all the aforesaid

Original Filing Basis:

Filing Basis: Section 1(b), Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. (15 U.S.C. Section 1051(b)).

Based on Foreign Application: Applicant has a bona fide intention to use the mark in commerce on or in connection with the identified goods and/or services, and will submit a copy of a foreign registration, and translation thereof, if appropriate. 15 U. S.C. Section 1126(d), as amended.

Proposed:

Tracked Text Description: ~~Telecommunication services; Telecommunication access services; communication and telecommunication services;~~ electronic sending of data and documentation via the

Internet or other databases; providing telecommunication access to web sites on the Internet; ~~communications by computer~~; delivery of text, data, audio, video, and multimedia content by telecommunications; ~~communication between computers~~; telecommunication services, namely, electronic transmission of streamed and downloadable electronic publications for browsing over computer networks, namely, books, magazines, periodicals, newsletters, journals, and other publications; provision of connectivity services and access to electronic communications networks, for transmission or reception of electronic publications; ~~supply of data and news by electronic transmission~~; electronic transmission of streamed and downloadable audio and video files via computer and other communications networks; ~~providing telecommunication access to websites and electronic news services online allowing the download of information and data~~; webcasting services; provision of telecommunications connections to the Internet or computer databases; streaming of video content via a global computer network; subscription audio broadcasting via a global computer network; audio broadcasting; ~~providing wireless telecommunications via electronic communications networks~~; streaming of audio content via a global computer network; ~~provision of telecommunications access and links to computer databases and the Internet~~; electronic transmission of audio and video files via communications networks; information, advisory and consultancy services relating to all the aforesaid; ~~webcasting services (transmission)~~; ~~provision of connectivity services and access to electronic communications networks, for transmission or reception of audio, video or multimedia content~~; telecommunication of information (including web pages)

Class 038 for Telecommunication access services; electronic sending of data and documentation via the Internet or other databases; providing telecommunication access to web sites on the Internet; delivery of text, data, audio, video, and multimedia content by telecommunications; telecommunication services, namely, electronic transmission of streamed and downloadable electronic publications for browsing over computer networks, namely, books, magazines, periodicals, newsletters, journals, and other publications; provision of connectivity services and access to electronic communications networks, for transmission or reception of electronic publications; electronic transmission of streamed and downloadable audio and video files via computer and other communications networks; webcasting services; provision of telecommunications connections to the Internet or computer databases; streaming of video content via a global computer network; subscription audio broadcasting via a global computer network; audio broadcasting; streaming of audio content via a global computer network; electronic transmission of audio and video files via communications networks; information, advisory and consultancy services relating to all the aforesaid

Filing Basis: Section 1(b), Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. (15 U.S.C. Section 1051(b)).

Based on Foreign Application: Applicant has a bona fide intention to use the mark in commerce on or in connection with the identified goods and/or services, and will submit a copy of a foreign registration, and translation thereof, if appropriate. 15 U. S.C. Section 1126(d), as amended.

Applicant proposes to amend the following class of goods/services in the application:

Current: Class 041 for Educational and entertainment services; providing electronic books, magazines, newspapers, journals, periodicals, and other publications; educational and entertainment services, namely, providing online access to educational and entertainment publications; educational and entertainment services, namely, providing an online portal and non-downloadable software to allow internet users to preview, download and read electronic publications; providing information, databases, directories, and podcasts in the fields of entertainment, news, current events, history, sports, games, the media, cultural events and activities, hobbies, publications, technology, and other topics; information, advisory and consultancy services relating to all the aforesaid

Original Filing Basis:

Filing Basis: Section 1(b), Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. (15 U.S.C. Section 1051(b)).

Based on Foreign Application: Applicant has a bona fide intention to use the mark in commerce on or in connection with the identified goods and/or services, and will submit a copy of a foreign registration, and translation thereof, if appropriate. 15 U. S.C. Section 1126(d), as amended.

Proposed:

Tracked Text Description: ~~Educational and entertainment services; Providing online, non-downloadable electronic books, magazines, newspapers, journals, periodicals, plays, pamphlets, brochures, and newsletters on a wide range of topics of general interest; providing electronic books, magazines, newspapers, journals, periodicals, and other publications; educational and entertainment services, namely, providing an online portal to allow internet users to preview, download and read electronic publications; educational and entertainment services, namely, providing online access to educational and entertainment publications; providing information and podcasts in the fields of entertainment, current events, history, sports, games, the media, cultural events and activities, hobbies, and publications; educational and entertainment services, namely, providing an online portal and non-downloadable software to allow internet users to preview, download and read electronic publications; information, advisory and consultancy services relating to all the aforesaid; providing information, databases, directories, and podcasts in the fields of entertainment, news, current events, history, sports, games, the media, cultural events and activities, hobbies, publications, technology, and other topics~~

Class 041 for Providing online, non-downloadable electronic books, magazines, newspapers, journals, periodicals, plays, pamphlets, brochures, and newsletters on a wide range of topics of general interest; educational and entertainment services, namely, providing an online portal to allow internet users to preview, download and read electronic publications; providing information and podcasts in the fields of entertainment, current events, history, sports, games, the media, cultural events and activities, hobbies, and publications; information, advisory and consultancy services relating to all the aforesaid

Filing Basis: Section 1(b), Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. (15 U.S.C. Section 1051(b)).

Based on Foreign Application: Applicant has a bona fide intention to use the mark in commerce on or in connection with the identified goods and/or services, and will submit a copy of a foreign registration, and translation thereof, if appropriate. 15 U. S.C. Section 1126(d), as amended.

Applicant proposes to amend the following class of goods/services in the application:

Current: Class 042 for Design and development of computer hardware and software; computer hardware and software consulting services; computer programming; support and consultation services for developing computer systems, databases and applications; information relating to computer hardware or software provided on-line from a global computer network or the Internet; creating and maintaining web-sites; hosting the web-sites of others; providing search engines for obtaining data via communications networks; providing temporary internet access to use on-line non-downloadable software to enable users to program audio, video, text and other multimedia content; providing search engines for obtaining data on a global computer network; information, advisory and consultancy services relating to all the aforesaid; operating search engines; creating indexes of online information, sites and other resources available on global computer networks for others

Original Filing Basis:

Filing Basis: Section 1(b), Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. (15 U.S.C. Section 1051(b)).

Based on Foreign Application: Applicant has a bona fide intention to use the mark in commerce on or in connection with the identified goods and/or services, and will submit a copy of a foreign registration, and translation thereof, if appropriate. 15 U. S.C. Section 1126(d), as amended.

Proposed:

Tracked Text Description: Design and development of computer hardware and software; computer hardware and software consulting services; computer programming; ~~support and consultation services for developing computer systems, databases and applications;~~ consultation services for developing computer systems, databases and applications; ~~information relating to computer hardware or software provided on-line from a global computer network or the Internet;~~ technical support services, namely, troubleshooting in the nature of diagnosing computer hardware and software problems during computer systems, databases, and application development; ~~information relating to computer hardware or software development provided on-line from a global computer network or the Internet;~~ creating and maintaining web-sites; hosting the web-sites of others; providing temporary internet access to use on-line non-downloadable software to enable users to program audio, video, text and other multimedia content; providing search engines for obtaining data via communications networks; providing temporary use of online non-downloadable software to enable users to program audio, video, text and other multimedia content; providing an online portal featuring temporary online use of online non-downloadable software to allow internet users to preview, download, and read electronic publications; operating search engines; providing search engines for obtaining data on a global computer network; information, advisory and consultancy services relating to all the aforesaid; creating indexes of online information, sites and other resources available on global computer networks for others; and providing information and online databases in the fields of technology development in the field of consumer electronics.

Class 042 for Design and development of computer hardware and software; computer hardware and software consulting services; computer programming; consultation services for developing computer systems, databases and applications; technical support services, namely, troubleshooting in the nature of diagnosing computer hardware and software problems during computer systems, databases, and application development; information relating to computer hardware or software development provided on-line from a global computer network or the Internet; creating and maintaining web-sites; hosting the web-sites of others; providing search engines for obtaining data via communications networks; providing temporary use of online non-downloadable software to enable users to program audio, video, text and other multimedia content; providing an online portal featuring temporary online use of online non-downloadable software to allow internet users to preview, download, and read electronic publications; providing search engines for obtaining data on a global computer network; information, advisory and consultancy services relating to all the aforesaid; creating indexes of online information, sites and other resources available on global computer networks for others; and providing information and online databases in the fields of technology development in the field of consumer electronics.

Filing Basis: Section 1(b), Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. (15 U.S.C. Section 1051(b)).

Based on Foreign Application: Applicant has a bona fide intention to use the mark in commerce on or in connection with the identified goods and/or services, and will submit a copy of a foreign registration, and translation thereof, if appropriate. 15 U. S.C. Section 1126(d), as amended.

SIGNATURE(S)

Response Signature

Signature: /Thomas R. La Perle/ Date: 12/29/2010

Signatory's Name: Thomas R. La Perle

Signatory's Position: Attorney of record, California bar member

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

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