

Int. Cl.: 41

Prior U.S. Cls.: 100, 101 and 107

United States Patent and Trademark Office

Reg. No. 3,663,282

Registered Aug. 4, 2009

**SERVICE MARK
PRINCIPAL REGISTER**

EntrepreNeurology

CASTRO, DANIEL R. (UNITED STATES INDIVIDUAL)
BUILDING I, SUITE 450
12401 RESEARCH BLVD
AUSTIN, TX 78759

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

FOR: CONDUCTING WORKSHOPS AND SEMINARS IN INNOVATION AND STRATEGIC PLANNING, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

SER. NO. 77-651,410, FILED 1-16-2009.

FIRST USE 1-7-2009; IN COMMERCE 1-7-2009.

NICHOLAS COLEMAN, EXAMINING ATTORNEY

EXHIBIT 1

FILED AND RECORDED

OFFICIAL PUBLIC RECORDS

Dana DeBeauvoir

2009 Oct 12 03:48 PM 2009171356

HAYWOODK \$16.00

DANA DEBEAUVOIR COUNTY CLERK

TRAVIS COUNTY TEXAS

EXHIBIT 2

ESTTA Tracking number: **ESTTA367112**

Filing date: **09/07/2010**

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

Applicant: **Daniel R. Castro**
Application Serial Number: **77964153**
Application Filing Date: **03/20/2010**
Mark: **ENTREPRENEUR.OLGY**
Date of Publication: **08/10/2010**

First 90 Day Request for Extension of Time to Oppose for Good Cause

Pursuant to 37 C.F.R. Section 2.102, Entrepreneur Media, Inc., 2445 McCabe Way, Irvine, CA 92614, UNITED STATES, a corporation organized under the laws of California, respectfully requests that it be granted a 90-day extension of time to file a notice of opposition against the above-identified mark for cause shown.

Potential opposer believes that good cause is established for this request by:

- The potential opposer needs additional time to investigate the claim

The time within which to file a notice of opposition is set to expire on 09/09/2010. Entrepreneur Media, Inc. respectfully requests that the time period within which to file an opposition be extended until 12/08/2010.

Respectfully submitted,

/dag/

09/07/2010

Deborah A. Gubernick

Latham & Watkins LLP

650 Town Center Drive, Suite 2000

Costa Mesa, CA 92626

UNITED STATES

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7145401235

EXHIBIT

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LATHAM & WATKINS LLP

September 7, 2010

VIA FACSIMILE: 512-732-0115 AND U.S. MAIL

Daniel R. Castro
 Castro & Baker, LLP
 10509 Pointevue Dr
 Austin, TX 78738-5522

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File No. 027788-22-US000

Re: Infringement of the **ENTREPRENEUR** Trademark

Dear Mr. Castro:

This firm represents Entrepreneur Media, Inc. ("Entrepreneur Media") in connection with its intellectual property enforcement matters. Entrepreneur Media is the owner of numerous trademark registrations for the mark **ENTREPRENEUR**[®], as well as several other marks that include the "ENTREPRENEUR" term. Entrepreneur Media uses its **ENTREPRENEUR** trademarks in connection with various goods and services including its publication, *Entrepreneur* magazine, and corresponding web site at *entrepreneur.com*. Entrepreneur Media's publications and web site provide start-ups, small businesses, and small business owners with information and various business services regarding starting and operating a successful business. The **ENTREPRENEUR**[®] mark has become well-known and distinctive including within the small business industry. Indeed, a Federal Court recently ruled that "the mark **ENTREPRENEUR** is a strong, distinctive mark, deserving of significant protection," which ruling was upheld by the Ninth Circuit. See attached.

To protect these valuable rights, Entrepreneur Media has obtained federal trademark registrations for its **ENTREPRENEUR**[®] mark pursuant to Certificate of Registration Numbers 1,453,968, 2,263,883, 2,502,032, and 3,520,633 in International Classes 9, 16, 35, and 41. Entrepreneur Media also has common law rights in its **ENTREPRENEUR**[®] mark.

It has come to our attention that you filed a trademark application for the mark "ENTREPRENEUR.OLGY" in connection with *conducting workshops and seminars in entrepreneurship* in Class 41, which has now published for opposition. We also understand that you own and operate the www.entrepreneurology.com domain name and website, which uses the mark.

EXHIBIT 4

September 7, 2010
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LATHAM & WATKINS LLP


Your application to register a mark that is nearly identical to Entrepreneur Media's **ENTREPRENEUR**[®] mark in connection with services that are nearly identical to Entrepreneur Media's services is likely to cause confusion, mistake, and/or deception regarding the source of the services. Accordingly, Entrepreneur Media hereby demands that you immediately withdraw your application to register the mark **ENTREPRENEUR.OLGY**.

It also has come to our attention that you have registered the *entrepreneurology.com* domain name. Your unauthorized registration and use of a domain name encompassing Entrepreneur Media's famous trademark and trade name violates the Anticybersquatting Consumer Protection Act, which expressly creates liability for the bad faith registration of a domain name that is similar to another's mark, and constitutes trademark infringement, dilution, unfair competition, deceptive acts and practices, and misappropriation of the valuable goodwill, reputation, and business property of Entrepreneur Media, in violation of federal and state trademark and unfair competition laws. Accordingly, Entrepreneur Media hereby demands that you immediately cease and desist from further use of the *entrepreneurology.com* domain name, and that you transfer the domain name to Entrepreneur Media in accordance with the policies and procedures of the applicable Registrar. Entrepreneur Media also demands that you agree not to register additional domain names that contain the mark "ENTREPRENEUR."

Please confirm whether you intend to cooperate by ceasing all use of **ENTREPRENEUR** and of the *entrepreneurology.com* domain name, and by entering a written settlement agreement with Entrepreneur Media to that effect. If you fail to abide by these demands, Entrepreneur Media will have no choice but to take appropriate action to prevent continued use of an infringing mark and domain name. By providing you with this notice, we are hopeful that you can choose a new mark and domain name with as little disruption to your business as possible.

If you would like to discuss this matter, please give me a call. We look forward to receiving a response by **September 21, 2010**.

Very truly yours,



Deborah A. Gubernick
of LATHAM & WATKINS LLP

Enclosure

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Deborah A. Gubernick
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Mailed: September 7, 2010

Serial No.: 77964153
ESTTA TRACKING NO: ESTTA367112

The request to extend time to oppose is granted until
12/8/2010 on behalf of potential opposer **Entrepreneur
Media, Inc.**

Please do not hesitate to contact the Trademark Trial and
Appeal Board at (571)272-8500 if you have any questions
relating to this extension.

Note from the Trademark Trial and Appeal Board

TTAB forms for electronic filing of extensions of time to
oppose, notices of opposition, petition for cancellation, notice
of ex parte appeal, and inter partes filings are now available
at <http://estta.uspto.gov>. Images of TTAB proceeding files can
be viewed using TTABVue at <http://ttabvue.uspto.gov>.

EXHIBIT 5