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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

AMIGA, INC., a Delaware corporation,

Plaintiffs,

v.

HYPERION VOF, a Belgian corporation,

Defendant.

No. 07-0631-RSM

**DECLARATION OF WILLIAM A.  
KINSEL IN OPPOSITION TO AMIGA  
DELAWARE'S MOTION FOR  
JUDGMENT ON THE PLEADINGS**

**NOTED ON MOTION CALENDAR:  
Friday, July 27, 2007**

William A. Kinsel, under penalty of perjury, declares and states as follows:

1. I am counsel for Hyperion Entertainment, VOF. I am over the age of 18, I have personal knowledge of the matters stated herein and I am competent to testify.

2. In paragraph 25 of Amiga Delaware's Complaint, plaintiff alleges that on July 28, 2006, it filed an application to register its stylized "Amiga" logo mark under Serial Number 78/940,426. On July 18, 2007, I visited the Trademark Electronic Search System ("Tess") to determine the status of that application. Attached hereto as Exhibit A are true and accurate copies of six pages from the TESS system regarding the status of that application. At Exhibit A, p. 8, TESS states that "[a]n office action making FINAL a refusal to register the mark has

**DECLARATION OF WILLIAM A. KINSEL OPPOSING  
MOTION FOR JUDGMENT ON THE PLEADINGS**  
Cause No: 07-0631-RSM

- 1

LAW OFFICES OF  
**WILLIAM A. KINSEL, PLLC**  
MARKET PLACE TOWER  
2025 First Avenue, Suite 440  
SEATTLE, WASHINGTON 98121  
(206) 706-8148

1 been mailed” on July 12, 2007. This final action is also reflected on the prosecution history  
2 that appears at Exhibit A, p. 10.

3 3. In paragraph 25 of Amiga Delaware’s Complaint, plaintiff alleges that on July  
4 28, 2006, it filed an application to register the Amiga “Boing Ball” logo under Serial Number  
5 78/940,434. On July 18, 2007, I visited the Trademark Electronic Search System (“Tess”) to  
6 determine the status of that application. Attached hereto as Exhibit B are true and accurate  
7 copies of six pages from the TESS system regarding the status of that application. At Exhibit  
8 B, p. 14, TESS states that “[a]n office action making FINAL a refusal to register the mark has  
9 been mailed” on July 12, 2007. This final action is also reflected on the prosecution history  
10 that appears at Exhibit B, p. 16.

11 4. Hyperion has located three other trademark applications that were filed by  
12 Amiga Delaware, which applications were not mentioned by Amiga Delaware in its Complaint.  
13 One of them is for the basic word mark “Amiga.” It was also filed on July 28, 2006, under  
14 Serial Number 78940417. On July 18, 2007, I visited the Trademark Electronic Search System  
15 (“Tess”) to determine the status of that application. Attached hereto as Exhibit C are true and  
16 accurate copies of five pages from the TESS system regarding the status of that application. At  
17 Exhibit C, p. 20, TESS states that “[a]n office action making FINAL a refusal to register the  
18 mark has been mailed” on July 11, 2007. This final action is also reflected on the prosecution  
19 history that appears at Exhibit C, p. 22.

20 5. The next trademark application filed by Amiga Delaware that was *not*  
21 mentioned in the Complaint is for the word mark “Amiga Enabled.” It was filed on August 1,  
22 2006, under Serial Number 78942551. On July 18, 2007, I visited the Trademark Electronic  
23 Search System (“Tess”) to determine the status of that application. Attached hereto as Exhibit  
24 D are true and accurate copies of five pages from the TESS system regarding the status of that  
25  
26

1 application. At Exhibit D, p. 25, TESS states that “[a]n office action making FINAL a refusal  
2 to register the mark has been mailed” on July 12, 2007. This final action is also reflected on  
3 the prosecution history that appears at Exhibit D, p. 26.

4         6.         The third trademark application filed by Amiga Delaware that was *not*  
5 mentioned in the Complaint is for the word mark “Amiga Anywhere.” It was also filed on  
6 August 1, 2006, under Serial Number 78942544. On July 18, 2007, I visited the Trademark  
7 Electronic Search System (“Tess”) to determine the status of that application. Attached hereto  
8 as Exhibit E are true and accurate copies of five pages from the TESS system regarding the  
9 status of that application. At Exhibit E, p. 30, TESS states that “[a]n office action making  
10 FINAL a refusal to register the mark has been mailed” on July 12, 2007. This final action is  
11 also reflected on the prosecution history that appears at Exhibit E, p. 31.

12         7.         In paragraph 22 of Amiga Delaware’s complaint, plaintiff implicitly attempts to  
13 lay claim to a trademark filing by an “Amiga” entity that took place on December 4, 1985, and  
14 which was issued registration number 1401045 on July 15, 1986. On July 18, 2007, I visited  
15 the Trademark Electronic Search System (“Tess”) to determine the status of that registration.  
16 Attached hereto as Exhibit F are true and accurate copies of six pages from the TESS system  
17 regarding the status of that application. Page 33 of Exhibit F indicates that the last/current  
18 owner is Amiga, Inc., a Washington corporation. The TESS Trademark Assignment Abstract,  
19 by contrast, lists as its last assignee Amiga, Inc., a Delaware corporation. (See Exhibit F, p. 37,  
20 Assignment 8.) That supposed chain of title, however, includes two “corrective assignments,”  
21 one recorded on June 27, 2007 (Assignment 5 at Exhibit F, p. 36) and one on January 31, 2006  
22 (Assignment No. 8 at Exhibit F, p. 37.)

23         8.         In paragraph 23 of Amiga Delaware’s complaint, plaintiff implicitly attempts to  
24 lay claim to a “Powered by Amiga” trademark filing by an “Amiga” entity that took place on  
25  
26

1 August 19, 1997, and which was issued registration number 2369059. On July 18, 2007, I  
2 visited the Trademark Electronic Search System (“Tess”) to determine the status of that  
3 registration. Attached hereto as Ex. G are true and accurate copies of six pages from the TESS  
4 system regarding the status of that application. Page 39 of Ex. G indicates that the last/current  
5 owner is Amiga, Inc., a Washington corporation. The TESS Trademark Assignment Abstract,  
6 by contrast, lists as its last assignee Amiga, Inc., a Delaware corporation. (See Ex. G, p. 43,  
7 Assignment 9.) That supposed chain of title, however, includes two “corrective assignments,”  
8 one recorded on June 26, 2007 (Assignment 7 at Ex. G, p. 42) and one on January 31, 2006  
9 (Assignment No. 9 at Ex. G, p. 43.) Assignment 7 has Amiga, Inc., a Washington corporation,  
10 confirming on June 26, 2007, that it conducted that assignment. Amiga Washington, however,  
11 had ceased to exist on September 30, 2004. (Dkt. 25, Ex. C, p. 23.)  
12

13 9. In paragraph 24 of Amiga Delaware’s complaint, plaintiff implicitly attempts to  
14 lay claim to another trademark application for the mark “Amiga” that was filed by Amiga  
15 Washington on July 11, 2000, and which was issued registration number 2802748 on January  
16 6, 2004. On July 18, 2007, I visited the Trademark Electronic Search System (“Tess”) to  
17 determine the status of that registration. Attached hereto as Exhibit H are true and accurate  
18 copies of four pages from the TESS system regarding the status of that application. Page 45 of  
19 Exhibit H indicates that the last/current owner is Amiga, Inc., a Washington corporation. The  
20 TESS Trademark Assignment Abstract, by contrast, lists as its last assignee Amiga, Inc., a  
21 Delaware corporation. (See Exhibit H, p. 47, Assignment 3.) A review of that supposed chain  
22 of title, however, includes one “corrective assignment” recorded on January 31, 2006  
23 (Assignment 3), but more importantly, reflects no assignment from Amiga Washington to  
24 KMOS, which assignment would have been necessary to change the original registrant. (See  
25  
26

1 the top of Ex. H, page 47, which reveals the missing gap between the original registrant and  
2 Assignment No. 1.)

3 I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS  
4 OF THE STATE OF WASHINGTON THAT THE FOREGOING IS  
5 TRUE AND CORRECT.

6 July 20, 2007  
7 Date

William A. Kinsel  
8 William A. Kinsel

9 Seattle, WA  
10 Place

11 521p.doc



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## Trademarks > Trademark Electronic Search System(Tess)

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# AMIGA

**Word Mark** AMIGA

**Translations** "The foreign wording in the mark translates into English as female friend."

**Goods and Services** IC 009. US 021 023 026 036 038. G & S: Computer software used to facilitate development of software applications that can run on multiple platforms and other electronic devices; operating system software for personal computers and other electronic devices; electronic magazines in field of computers and computer technology recorded on computer media; computers, computer peripherals; telecommunications and computer communications equipment, namely, telephones, fax machines, modems and switches; routers, hubs, network switches and communications servers; computer operating systems; computer disk drives; RAM expansion cartridges and external memory devices, namely, drives and memory expansion modules; computer application software, computer operating software and computer operating systems for use in wired and wireless devices for a wide range of audio-visual and multimedia technologies, including cellular and mobile telecommunications, smart phones, PDAs, web-based servers, television entertainment, entertainment, games and gaming consoles, personal computing, word processing, Internet applications including web browsing, calculators and related devices and technologies; developer support kits consisting primarily of computer software development tools, for use in developing computer software

IC 016. US 002 005 022 023 029 037 038 050. G & S: Magazines in the field of computers and computer technology

IC 035. US 100 101 102. G & S: On-line retail and wholesale store services featuring application and operating software and systems for use in wired and wireless devices for a wide range of audio-visual and multimedia technologies

IC 038. US 100 101 104. G & S: Providing on-line forums for transmission of messages among computer users concerning computers and computer technology

IC 042. US 100 101. G & S: Technical support services for software developers, namely, consulting and troubleshooting of computer software problems; computer software consultation

**Mark Drawing Code** (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

**Design** 26.09.21 - Squares that are completely or partially shaded

**Exhibit A, p. 6**

**Search Code** 27.03.01 - Geometric figures forming letters, numerals or punctuation

**Serial Number** 78940426

**Filing Date** July 28, 2006

**Current Filing Basis** 1B

**Original Filing Basis** 1B

**Owner** (APPLICANT) Amiga, Inc. CORPORATION DELAWARE Suite 301 167 Madison Avenue New York NEW YORK 10016

**Attorney of Record** Darren B. Cohen

**Prior Registrations** 1401045;2319266;2369059

**Description of Mark** The mark consists of the stylized word AMIGA.

**Type of Mark** TRADEMARK. SERVICE MARK

**Register** PRINCIPAL

**Live/Dead Indicator** LIVE

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**Exhibit A, p. 7**

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

This page was generated by the TARR system on 2007-07-18 17:43:37 ET

Serial Number: 78940426 Assignment Information

Registration Number: (NOT AVAILABLE)

Mark

**AMIGA**

(words only): AMIGA

Standard Character claim: No

Current Status: An office action making FINAL a refusal to register the mark has been mailed.

Date of Status: 2007-07-12

Filing Date: 2006-07-28

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 101

Attorney Assigned:  
RHIM ANDREW Employee Location

Current Location: LIX -TMEG Law Office 101 - Examining Attorney Assigned

Date In Location: 2007-07-12

---

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

---

1. Amiga, Inc.

**Address:**  
Amiga, Inc.  
Suite 301 167 Madison Avenue  
New York, NY 10016  
United States

**Legal Entity Type:** Corporation  
**State or Country of Incorporation:** Delaware

**Exhibit A, p. 8**



---

**GOODS AND/OR SERVICES**

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**International Class:** 009

**Class Status:** Active

Computer software used to facilitate development of software applications that can run on multiple platforms and other electronic devices; operating system software for personal computers and other electronic devices; electronic magazines in field of computers and computer technology recorded on computer media; computers, computer peripherals; telecommunications and computer communications equipment, namely, telephones, fax machines, modems and switches; routers, hubs, network switches and communications servers; computer operating systems; computer disk drives; RAM expansion cartridges and external memory devices, namely, drives and memory expansion modules; computer application software, computer operating software and computer operating systems for use in wired and wireless devices for a wide range of audio-visual and multimedia technologies, including cellular and mobile telecommunications, smart phones, PDAs, web-based servers, television entertainment, entertainment, games and gaming consoles, personal computing, word processing, Internet applications including web browsing, calculators and related devices and technologies; developer support kits consisting primarily of computer software development tools, for use in developing computer software

**Basis:** 1(b)

**First Use Date:** (DATE NOT AVAILABLE)

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

**International Class:** 016

**Class Status:** Active

Magazines in the field of computers and computer technology

**Basis:** 1(b)

**First Use Date:** (DATE NOT AVAILABLE)

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

**International Class:** 035

**Class Status:** Active

On-line retail and wholesale store services featuring application and operating software and systems for use in wired and wireless devices for a wide range of audio-visual and multimedia technologies

**Basis:** 1(b)

**First Use Date:** (DATE NOT AVAILABLE)

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

**International Class:** 038

**Class Status:** Active

Providing on-line forums for transmission of messages among computer users concerning computers and computer technology

**Basis:** 1(b)

**First Use Date:** (DATE NOT AVAILABLE)

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

**International Class:** 042

**Class Status:** Active

Technical support services for software developers, namely, consulting and troubleshooting of computer software problems; computer software consultation

**Basis:** 1(b)

**First Use Date:** (DATE NOT AVAILABLE)

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

**Exhibit A, p. 9**

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**ADDITIONAL INFORMATION**

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**Description of Mark:** The mark consists of the stylized word AMIGA.

**Translation:** "The foreign wording in the mark translates into English as female friend."

**Design Search Code(s):**

26.09.21 - Squares that are completely or partially shaded

27.03.01 - Geometric figures forming letters, numerals or punctuation

**Prior Registration Number(s):**

1401045

2319266

2369059

---

**MADRID PROTOCOL INFORMATION**

---

(NOT AVAILABLE)

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**PROSECUTION HISTORY**

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2007-07-12 - Notification Of Final Refusal Emailed

2007-07-12 - Final refusal e-mailed

2007-07-12 - Final Refusal Written

2007-06-22 - Teas/Email Correspondence Entered

2007-06-22 - Communication received from applicant

2007-06-22 - TEAS Response to Office Action Received

2006-12-22 - Non-final action e-mailed

2006-12-22 - Non-Final Action Written

2006-12-22 - Assigned To Examiner

2006-08-03 - Notice Of Design Search Code Mailed

2006-08-02 - New Application Entered In Tram

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**ATTORNEY/CORRESPONDENT INFORMATION**

---

**Attorney of Record**

Darren B. Cohen

**Correspondent**

DARREN B. COHEN

REED SMITH LLP

599 LEXINGTON AVE

**Exhibit A, p. 10**

NEW YORK, NY 10022-6030  
Phone Number: (212) 549-0346  
Fax Number: (212) 521-5450

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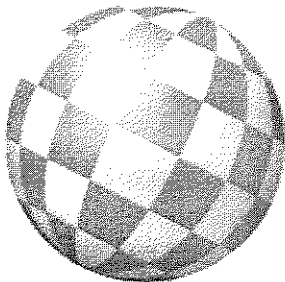
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**Goods and Services** IC 009. US 021 023 026 036 038. G & S: Computer software used to facilitate development of software applications that can run on multiple platforms and other electronic devices; operating system software for personal computers and other electronic devices; electronic magazines in field of computers and computer technology recorded on computer media; computers, computer peripherals; telecommunications and computer communications equipment, namely, telephones, fax machines, modems and switches; routers, hubs, network switches and communications servers; computer operating systems; computer disk drives; RAM expansion cartridges and external memory devices, namely, drives and memory expansion modules; computer application software, computer operating software and computer operating systems for use in wired and wireless devices for a wide range of audio-visual and multimedia technologies, including cellular and mobile telecommunications, smart phones, PDAs, web-based servers, television entertainment, entertainment, games and gaming consoles, personal computing, word processing, Internet applications including web browsing, calculators and related devices and technologies; developer support kits consisting primarily of computer software development tools, for use in developing computer software

IC 016. US 002 005 022 023 029 037 038 050. G & S: Magazines in the field of computers and computer technology

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IC 038. US 100 101 104. G & S: Providing on-line forums for transmission of messages among computer users concerning computers and computer technology

IC 042. US 100 101. G & S: Technical support services for software developers, namely, consulting and troubleshooting of computer software problems; computer software consultation

**Mark Drawing Code** (2) DESIGN ONLY

**Exhibit B, p. 12**

**Design Search** 21.03.01 - Balls including playground balls, beach balls, billiard balls, tennis balls, bingo balls and lottery balls; Beach balls; Billiard balls; Bingo balls; Lottery balls; Paddle balls; Playground balls; Table

**Code** tennis balls; Tennis balls  
25.03.01 - Checker board pattern; Checkerboard patterns

**Serial Number** 78940434

**Filing Date** July 28, 2006

**Current Filing Basis** 1B

**Original Filing Basis** 1B

**Owner** (APPLICANT) Amiga, Inc. CORPORATION DELAWARE Suite 301 167 Madison Avenue New York  
NEW YORK 10016

**Attorney of Record** Darren B. Cohen

**Description of Mark** "The color(s) red and white is/are claimed as a feature of the mark.". "The mark consists of a ball logo, in which the color red appears in the checkered design within the ball design of the mark, and the color white appears in the checkered design within the ball design of the mark."

**Type of Mark** TRADEMARK. SERVICE MARK

**Register** PRINCIPAL

**Live/Dead Indicator** LIVE

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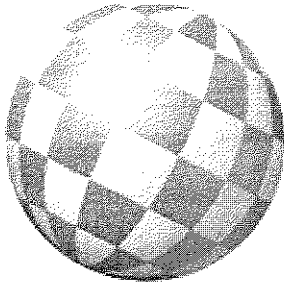
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Serial Number: 78940434 Assignment Information

Registration Number: (NOT AVAILABLE)

Mark



Standard Character claim: No

Current Status: An office action making FINAL a refusal to register the mark has been mailed.

Date of Status: 2007-07-12

Filing Date: 2006-07-28

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 101

Attorney Assigned:  
RHIM ANDREW Employee Location

Current Location: L1X -TMEG Law Office 101 - Examining Attorney Assigned

Date In Location: 2007-07-12

---

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

---

1. Amiga, Inc.

**Address:**

Amiga, Inc.  
Suite 301 167 Madison Avenue  
New York, NY 10016  
United States

**Legal Entity Type:** Corporation

**State or Country of Incorporation:** Delaware

**Exhibit B, p. 14**

**GOODS AND/OR SERVICES**

**International Class:** 009

**Class Status:** Active

Computer software used to facilitate development of software applications that can run on multiple platforms and other electronic devices; operating system software for personal computers and other electronic devices; electronic magazines in field of computers and computer technology recorded on computer media; computers, computer peripherals; telecommunications and computer communications equipment, namely, telephones, fax machines, modems and switches; routers, hubs, network switches and communications servers; computer operating systems; computer disk drives; RAM expansion cartridges and external memory devices, namely, drives and memory expansion modules; computer application software, computer operating software and computer operating systems for use in wired and wireless devices for a wide range of audio-visual and multimedia technologies, including cellular and mobile telecommunications, smart phones, PDAs, web-based servers, television entertainment, entertainment, games and gaming consoles, personal computing, word processing, Internet applications including web browsing, calculators and related devices and technologies; developer support kits consisting primarily of computer software development tools, for use in developing computer software

**Basis:** 1(b)

**First Use Date:** (DATE NOT AVAILABLE)

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

**International Class:** 016

**Class Status:** Active

Magazines in the field of computers and computer technology

**Basis:** 1(b)

**First Use Date:** (DATE NOT AVAILABLE)

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

**International Class:** 035

**Class Status:** Active

On-line retail and wholesale store services featuring application and operating software and systems for use in wired and wireless devices for a wide range of audio-visual and multimedia technologies

**Basis:** 1(b)

**First Use Date:** (DATE NOT AVAILABLE)

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

**International Class:** 038

**Class Status:** Active

Providing on-line forums for transmission of messages among computer users concerning computers and computer technology

**Basis:** 1(b)

**First Use Date:** (DATE NOT AVAILABLE)

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

**International Class:** 042

**Class Status:** Active

Technical support services for software developers, namely, consulting and troubleshooting of computer software problems; computer software consultation

**Basis:** 1(b)

**First Use Date:** (DATE NOT AVAILABLE)

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

**Exhibit B, p. 15**

**ADDITIONAL INFORMATION**

**Color(s) Claimed:** "The color(s) red and white is/are claimed as a feature of the mark."

**Description of Mark:** "The mark consists of a ball logo, in which the color red appears in the checkered design within the ball design of the mark, and the color white appears in the checkered design within the ball design of the mark."

**Design Search Code(s):**

**21.03.01** - Balls including playground balls, beach balls, billiard balls, tennis balls, bingo balls and lottery balls; Beach balls; Billiard balls; Bingo balls; Lottery balls; Paddle balls; Playground balls; Table tennis balls; Tennis balls

**25.03.01** - Checker board pattern; Checkerboard patterns

---

**MADRID PROTOCOL INFORMATION**

(NOT AVAILABLE)

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**PROSECUTION HISTORY**

2007-07-12 - Notification Of Final Refusal Emailed

2007-07-12 - Final refusal e-mailed

2007-07-12 - Final Refusal Written

2007-06-22 - Teas/Email Correspondence Entered

2007-06-22 - Communication received from applicant

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2006-12-28 - Non-Final Action Written

2006-12-22 - Assigned To Examiner

2006-08-03 - Notice Of Design Search Code Mailed

2006-08-02 - New Application Entered In Tram

---

**ATTORNEY/CORRESPONDENT INFORMATION**

**Attorney of Record**

Darren B. Cohen

**Correspondent**

DARREN B. COHEN

REED SMITH LLP

599 LEXINGTON AVE

NEW YORK, NY 10022-6030

Phone Number: (212) 549-0346

Fax Number: (212) 521-5450

**Exhibit B, p. 16**



**Exhibit B, p. 17**



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TARR Status ASSIGH Status TDR TTAB Status ( Use the "Back" button of the Internet Browser to return to TESS)

# AMIGA

**Word Mark** AMIGA

**Translations** "The foreign wording in the mark translates into English as female friend."

**Goods and Services** IC 009. US 021 023 026 036 038. G & S: Computer software used to facilitate development of software applications that can run on multiple platforms and other electronic devices; operating system software for personal computers and other electronic devices; electronic magazines in field of computers and computer technology recorded on computer media; computers, computer peripherals; telecommunications and computer communications equipment, namely, telephones, fax machines, modems and switches; routers, hubs, network switches and communications servers; computer operating systems; computer disk drives; RAM expansion cartridges and external memory devices, namely, drives and memory expansion modules; computer application software, computer operating software and computer operating systems for use in wired and wireless devices for a wide range of audio-visual and multimedia technologies, including cellular and mobile telecommunications, smart phones, PDAs, web-based servers, television entertainment, entertainment, games and gaming consoles, personal computing, word processing, Internet applications including web browsing, calculators and related devices and technologies; developer support kits consisting primarily of computer software development tools, for use in developing computer software

IC 016. US 002 005 022 023 029 037 038 050. G & S: Magazines in the field of computers and computer technology

IC 035. US 100 101 102. G & S: On-line retail and wholesale store services featuring application and operating software and systems for use in wired and wireless devices for a wide range of audio-visual and multimedia technologies

IC 038. US 100 101 104. G & S: Providing on-line forums for transmission of messages among computer users concerning computers and computer technology

IC 042. US 100 101. G & S: Technical support services for software developers, namely, consulting and troubleshooting of computer software problems; computer software consultation

**Standard Characters Claimed**

Exhibit C, p. 18

**Mark Drawing Code** (4) STANDARD CHARACTER MARK

**Design Search Code**

**Serial Number** 78940417

**Filing Date** July 28, 2006

**Current Filing Basis** 1B

**Original Filing Basis** 1B

**Owner** (APPLICANT) Amiga, Inc. CORPORATION DELAWARE Suite 301 167 Madison Avenue New York NEW YORK 10016

**Attorney of Record** Darren B. Cohen

**Prior Registrations** 1401045;2319266;2369059

**Type of Mark** TRADEMARK. SERVICE MARK

**Register** PRINCIPAL

**Live/Dead Indicator** LIVE

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Serial Number: 78940417 Assignment Information

Registration Number: (NOT AVAILABLE)

Mark

# AMIGA

(words only): AMIGA

Standard Character claim: Yes

Current Status: An office action making FINAL a refusal to register the mark has been mailed.

Date of Status: 2007-07-11

Filing Date: 2006-07-28

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 101

Attorney Assigned:  
RHIM ANDREW Employee Location

Current Location: L1X -TMEG Law Office 101 - Examining Attorney Assigned

Date In Location: 2007-07-11

---

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

---

1. Amiga, Inc.

**Address:**  
Amiga, Inc.  
Suite 301 167 Madison Avenue  
New York, NY 10016  
United States

**Legal Entity Type:** Corporation  
**State or Country of Incorporation:** Delaware

Exhibit C, p. 20

<http://tarr.uspto.gov/servlet/tarr?regser=serial&entry=78940417>

7/18/2007

---

**GOODS AND/OR SERVICES**

---

**International Class:** 009

**Class Status:** Active

Computer software used to facilitate development of software applications that can run on multiple platforms and other electronic devices; operating system software for personal computers and other electronic devices; electronic magazines in field of computers and computer technology recorded on computer media; computers, computer peripherals; telecommunications and computer communications equipment, namely, telephones, fax machines, modems and switches; routers, hubs, network switches and communications servers; computer operating systems; computer disk drives; RAM expansion cartridges and external memory devices, namely, drives and memory expansion modules; computer application software, computer operating software and computer operating systems for use in wired and wireless devices for a wide range of audio-visual and multimedia technologies, including cellular and mobile telecommunications, smart phones, PDAs, web-based servers, television entertainment, entertainment, games and gaming consoles, personal computing, word processing, Internet applications including web browsing, calculators and related devices and technologies; developer support kits consisting primarily of computer software development tools, for use in developing computer software

**Basis:** 1(b)

**First Use Date:** (DATE NOT AVAILABLE)

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

**International Class:** 016

**Class Status:** Active

Magazines in the field of computers and computer technology

**Basis:** 1(b)

**First Use Date:** (DATE NOT AVAILABLE)

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

**International Class:** 035

**Class Status:** Active

On-line retail and wholesale store services featuring application and operating software and systems for use in wired and wireless devices for a wide range of audio-visual and multimedia technologies

**Basis:** 1(b)

**First Use Date:** (DATE NOT AVAILABLE)

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

**International Class:** 038

**Class Status:** Active

Providing on-line forums for transmission of messages among computer users concerning computers and computer technology

**Basis:** 1(b)

**First Use Date:** (DATE NOT AVAILABLE)

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

**International Class:** 042

**Class Status:** Active

Technical support services for software developers, namely, consulting and troubleshooting of computer software problems; computer software consultation

**Basis:** 1(b)

**First Use Date:** (DATE NOT AVAILABLE)

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

**Exhibit C, p. 21**

---

**ADDITIONAL INFORMATION**

---

**Translation:** "The foreign wording in the mark translates into English as female friend."

**Prior Registration Number(s):**

1401045  
2319266  
2369059

---

**MADRID PROTOCOL INFORMATION**

---

(NOT AVAILABLE)

---

**PROSECUTION HISTORY**

---

2007-07-11 - Notification Of Final Refusal Emailed  
2007-07-11 - Final refusal e-mailed  
2007-07-11 - Final Refusal Written  
2007-06-22 - Teas/Email Correspondence Entered  
2007-06-22 - Communication received from applicant  
2007-06-22 - TEAS Response to Office Action Received  
2006-12-22 - Non-final action e-mailed  
2006-12-22 - Non-Final Action Written  
2006-12-22 - Assigned To Examiner  
2006-08-02 - New Application Entered In Tram

---

**ATTORNEY/CORRESPONDENT INFORMATION**

---

**Attorney of Record**

Darren B. Cohen

**Correspondent**

DARREN B. COHEN  
REED SMITH LLP  
599 LEXINGTON AVE  
NEW YORK, NY 10022-6030  
Phone Number: (212) 549-0346  
Fax Number: (212) 521-5450

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# AMIGA ENABLED

**Word Mark** AMIGA ENABLED

**Translations** "The foreign wording in the mark translates into English as female friend."

**Goods and Services** IC 009. US 021 023 026 036 038. G & S: Computer software used to facilitate development of software applications that can run on multiple platforms and other electronic devices; operating system software for personal computers and other electronic devices; electronic magazines in field of computers and computer technology recorded on computer media; computers, computer peripherals; telecommunications and computer communications equipment, namely, telephones, fax machines, modems and switches; routers, hubs, network switches and communications servers; computer operating systems; computer disk drives; RAM expansion cartridges and external memory devices, namely, drives and memory expansion modules; computer application software, computer operating software and computer operating systems for use in wired and wireless devices for a wide range of audio-visual and multimedia technologies, including cellular and mobile telecommunications, smart phones, PDAs, web-based servers, television entertainment, entertainment, games and gaming consoles, personal computing, word processing, Internet applications including web browsing, calculators and related devices and technologies; developer support kits consisting primarily of computer software development tools, for use in developing computer software

**Standard Characters Claimed**

**Mark Drawing Code** (4) STANDARD CHARACTER MARK

**Design Search Code**

**Serial Number** 78942551

**Filing Date** August 1, 2006

**Current Filing Basis** 1B

**Original Filing Basis** 1B

**Owner** (APPLICANT) Amiga, Inc. CORPORATION DELAWARE Suite 301 167 Madison Avenue New York NEW YORK 10016

Exhibit D, p. 23

**Attorney of Record** Darren B. Cohen  
**Prior Registrations** 1401045;2369059;2802748  
**Disclaimer** NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "ENABLED" APART FROM THE MARK AS SHOWN  
**Type of Mark** TRADEMARK  
**Register** PRINCIPAL  
**Live/Dead Indicator** LIVE

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**Exhibit D, p. 24**



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**Serial Number:** 78942551 Assignment Information

**Registration Number:** (NOT AVAILABLE)

**Mark**

# AMIGA ENABLED

**(words only):** AMIGA ENABLED

**Standard Character claim:** Yes

**Current Status:** An office action making FINAL a refusal to register the mark has been mailed.

**Date of Status:** 2007-07-12

**Filing Date:** 2006-08-01

**Transformed into a National Application:** No

**Registration Date:** (DATE NOT AVAILABLE)

**Register:** Principal

**Law Office Assigned:** LAW OFFICE 101

**Attorney Assigned:**  
RHIM ANDREW Employee Location

**Current Location:** L1X -TMEG Law Office 101 - Examining Attorney Assigned

**Date In Location:** 2007-07-12

---

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

---

1. Amiga, Inc.

**Address:**  
Amiga, Inc.  
Suite 301 167 Madison Avenue  
New York, NY 10016  
United States

**Legal Entity Type:** Corporation  
**State or Country of Incorporation:** Delaware

**Exhibit D, p. 25**

**GOODS AND/OR SERVICES**

**International Class:** 009

**Class Status:** Active

Computer software used to facilitate development of software applications that can run on multiple platforms and other electronic devices; operating system software for personal computers and other electronic devices; electronic magazines in field of computers and computer technology recorded on computer media; computers, computer peripherals; telecommunications and computer communications equipment, namely, telephones, fax machines, modems and switches; routers, hubs, network switches and communications servers; computer operating systems; computer disk drives; RAM expansion cartridges and external memory devices, namely, drives and memory expansion modules; computer application software, computer operating software and computer operating systems for use in wired and wireless devices for a wide range of audio-visual and multimedia technologies, including cellular and mobile telecommunications, smart phones, PDAs, web-based servers, television entertainment, entertainment, games and gaming consoles, personal computing, word processing, Internet applications including web browsing, calculators and related devices and technologies; developer support kits consisting primarily of computer software development tools, for use in developing computer software

**Basis:** 1(b)

**First Use Date:** (DATE NOT AVAILABLE)

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

**ADDITIONAL INFORMATION**

**Disclaimer:** "ENABLED"

**Translation:** "The foreign wording in the mark translates into English as female friend."

**Prior Registration Number(s):**

1401045

2369059

2802748

**MADRID PROTOCOL INFORMATION**

(NOT AVAILABLE)

**PROSECUTION HISTORY**

2007-07-12 - Notification Of Final Refusal Emailed

2007-07-12 - Final refusal e-mailed

2007-07-12 - Final Refusal Written

2007-06-22 - Teas/Email Correspondence Entered

2007-06-22 - Communication received from applicant

2007-06-22 - TEAS Response to Office Action Received

**Exhibit D, p. 26**

2006-12-27 - Non-final action e-mailed

2006-12-27 - Non-Final Action Written

2006-12-22 - Assigned To Examiner

2006-08-04 - New Application Entered In Tram

---

**ATTORNEY/CORRESPONDENT INFORMATION**

---

**Attorney of Record**

Darren B. Cohen

**Correspondent**

DARREN B. COHEN

REED SMITH LLP

599 LEXINGTON AVE

NEW YORK, NY 10022-6030

Phone Number: (212) 549-0346

Fax Number: (212) 521-5450

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# AMIGA ANYWHERE

**Word Mark** AMIGA ANYWHERE

**Translations** "The foreign wording in the mark translates into English as female friend."

**Goods and Services** IC 009. US 021 023 026 036 038. G & S: Computer software used to facilitate development of software applications that can run on multiple platforms and other electronic devices; operating system software for personal computers and other electronic devices; electronic magazines in field of computers and computer technology recorded on computer media; computers, computer peripherals; telecommunications and computer communications equipment, namely, telephones, fax machines, modems and switches; routers, hubs, network switches and communications servers; computer operating systems; computer disk drives; RAM expansion cartridges and external memory devices, namely, drives and memory expansion modules; computer application software, computer operating software and computer operating systems for use in wired and wireless devices for a wide range of audio-visual and multimedia technologies, including cellular and mobile telecommunications, smart phones, PDAs, web-based servers, television entertainment, entertainment, games and gaming consoles, personal computing, word processing, Internet applications including web browsing, calculators and related devices and technologies; developer support kits consisting primarily of computer software development tools, for use in developing computer software

**Standard Characters Claimed**

**Mark Drawing Code** (4) STANDARD CHARACTER MARK

**Design Search Code**

**Serial Number** 78942544

**Filing Date** August 1, 2006

**Current Filing Basis** 1B

**Original Filing Basis** 1B

**Owner** (APPLICANT) Amiga, Inc. CORPORATION DELAWARE Suite 301 167 Madison Avenue New York NEW YORK 10016

**Exhibit E, p. 28**

**Attorney of Record** Darren B. Cohen  
**Prior Registrations** 1401045;2369059;2802748  
**Type of Mark** TRADEMARK  
**Register** PRINCIPAL  
**Live/Dead Indicator** LIVE

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Serial Number: 78942544 Assignment Information

Registration Number: (NOT AVAILABLE)

Mark

# AMIGA ANYWHERE

(words only): AMIGA ANYWHERE

Standard Character claim: Yes

Current Status: An office action making FINAL a refusal to register the mark has been mailed.

Date of Status: 2007-07-12

Filing Date: 2006-08-01

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 101

Attorney Assigned:  
RHIM ANDREW Employee Location

Current Location: L1X -TMEG Law Office 101 - Examining Attorney Assigned

Date In Location: 2007-07-12

---

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

---

1. Amiga, Inc.

**Address:**  
Amiga, Inc.  
Suite 301 167 Madison Avenue  
New York, NY 10016  
United States

**Legal Entity Type:** Corporation  
**State or Country of Incorporation:** Delaware

Exhibit E, p. 30

---

**GOODS AND/OR SERVICES**

---

**International Class:** 009

**Class Status:** Active

Computer software used to facilitate development of software applications that can run on multiple platforms and other electronic devices; operating system software for personal computers and other electronic devices; electronic magazines in field of computers and computer technology recorded on computer media; computers, computer peripherals; telecommunications and computer communications equipment, namely, telephones, fax machines, modems and switches; routers, hubs, network switches and communications servers; computer operating systems; computer disk drives; RAM expansion cartridges and external memory devices, namely, drives and memory expansion modules; computer application software, computer operating software and computer operating systems for use in wired and wireless devices for a wide range of audio-visual and multimedia technologies, including cellular and mobile telecommunications, smart phones, PDAs, web-based servers, television entertainment, entertainment, games and gaming consoles, personal computing, word processing, Internet applications including web browsing, calculators and related devices and technologies; developer support kits consisting primarily of computer software development tools, for use in developing computer software

**Basis:** 1(b)

**First Use Date:** (DATE NOT AVAILABLE)

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

---

**ADDITIONAL INFORMATION**

---

**Translation:** "The foreign wording in the mark translates into English as female friend."

**Prior Registration Number(s):**

1401045

2369059

2802748

---

**MADRID PROTOCOL INFORMATION**

---

(NOT AVAILABLE)

---

**PROSECUTION HISTORY**

---

2007-07-12 - Notification Of Final Refusal Emailed

2007-07-12 - Final refusal e-mailed

2007-07-12 - Final Refusal Written

2007-06-22 - Teas/Email Correspondence Entered

2007-06-22 - Communication received from applicant

2007-06-22 - TEAS Response to Office Action Received

2006-12-27 - Non-final action e-mailed

**Exhibit E, p. 31**

2006-12-27 - Non-Final Action Written

2006-12-22 - Assigned To Examiner

2006-08-04 - New Application Entered In Tram

---

**ATTORNEY/CORRESPONDENT INFORMATION**

---

**Attorney of Record**

Darren B. Cohen

**Correspondent**

DARREN B. COHEN

REED SMITH LLP

599 LEXINGTON AVE

NEW YORK, NY 10022-6030

Phone Number: (212) 549-0346

Fax Number: (212) 521-5450

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## Trademarks > Trademark Electronic Search System(Tess)

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### Typed Drawing

Word Mark	AMIGA
Translations	FRIENDLY
Goods and Services	IC 009. US 026 038. G & S: COMPUTERS, COMPUTER DISK DRIVES, RAM EXPANSION CARTRIDGES, COMPUTER MONITORS, AND COMPUTER MODEMS. FIRST USE: 19850723. FIRST USE IN COMMERCE: 19850806
Mark Drawing Code	(1) TYPED DRAWING
Design Search Code	
Serial Number	73571532
Filing Date	December 4, 1985
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	April 22, 1986
Registration Number	1401045
Registration Date	July 15, 1986
Owner	(REGISTRANT) COMMODORE-AMIGA, INC. CORPORATION CALIFORNIA 983 UNIVERSITY AVENUE LOS GATOS CALIFORNIA 95030  (LAST LISTED OWNER) AMIGA, INC. CORPORATION WASHINGTON Suite 301 167 Madison Avenue NEW YORK NEW YORK 10016
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	Darren B. Cohen
Type of Mark	TRADEMARK
Register	PRINCIPAL
Affidavit Text	SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20060926.
Renewal	1ST RENEWAL 20060926
Live/Dead	

Exhibit F, p. 33

Indicator LIVE

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Assignments on the Web > Trademark Query

Trademark Assignment Abstract of Title

Total Assignments: 8

Serial #: 73571532 Filing Dt: 12/04/1985 Reg #: 1401045 Reg. Dt: 07/15/1986
Registrant: COMMODORE-AMIGA, INC.
Mark: AMIGA

Assignment: 1

Reel/Frame: 1366/0596 Received: 07/31/1995 Recorded: 06/26/1995 Pages: 8
Conveyance: ASSIGNMENT OF AN UNDIVIDED PART OF ASSIGNORS INTEREST
Assignors: COMMODORE ELECTRONICS LIMITED

COMMODORE AMIGA, INC.

COMMODORE BUSINESS MACHINES, INC.

Exec Dt: 05/01/1995

Entity Type: CORPORATION

Citizenship: DELAWARE

Exec Dt: 05/01/1995

Entity Type: CORPORATION

Citizenship: CALIFORNIA

Exec Dt: 05/01/1995

Entity Type: CORPORATION

Citizenship: DELAWARE

Entity Type: CORPORATION

Citizenship: GERMANY

Assignee: ESCOM AG

PIERGARTENSTRASSE 9
HEPPENHEIM, GERMANY D-64646

Correspondent: ALLAN RATNER

RATNER & PRESTIA
500 NORTH GULPH ROAD, P.O. BOX 980
VALLEY FORGE, PA 19482

Assignment: 2

Reel/Frame: 1746/0455 Received: 06/30/1998 Recorded: 06/09/1998 Pages: 3
Conveyance: ASSIGNS THE ENTIRE INTEREST
Assignor: ESCOM AG

Assignee: AMIGA DEVELOPMENT LLC

600 NORTH DERBY LANE
NORTH SIOUX CITY, SOUTH DAKOTA 57049

Correspondent: JENKENS & GILCHRIST, P.C.

P. WESTON MUSSELMAN, JR.
1445 ROSS AVENUE, STE. 3200
DALLAS, TX 75202-2799

Exec Dt: 05/19/1998

Entity Type: CORPORATION

Citizenship: GERMANY

Entity Type: A DELAWARE LIMITED LIABILITY COMPANY

Citizenship: NONE

Assignment: 3

Reel/Frame: 2037/0095 Received: 03/21/2000 Recorded: 02/15/2000 Pages: 3
Conveyance: ASSIGNS THE ENTIRE INTEREST
Assignor: AMIGA DEVELOPMENT LLC

Assignee: AMINO DEVELOPMENT CORPORATION

23800 SE KENT KANGLEY ROAD, SUITE 3
MAPLE VALLEY, WASHINGTON 98038

Correspondent: JENKENS & GILCHRIST, P.C.

P. WESTON MUSSELMAN, JR.
1445 ROSS AVENUE, STE. 3200

Exec Dt: 12/29/1999

Entity Type: CORPORATION

Citizenship: DELAWARE

Entity Type: CORPORATION

Citizenship: WASHINGTON

Exhibit F, p. 35

DALLAS, TEXAS 75202-2799

**Assignment: 4**

**Reel/Frame:** 2037/0080 **Received:** 03/21/2000 **Recorded:** 02/15/2000 **Pages:** 2

**Conveyance:** CHANGE OF NAME

**Assignor:** AMINO DEVELOPMENT CORPORATION

**Exec Dt:** 01/07/2000

**Entity Type:** CORPORATION

**Citizenship:** WASHINGTON

**Assignee:** AMIGA, INC.

**Entity Type:** CORPORATION

**Citizenship:** WASHINGTON

23800 SE KENT KANGLEY ROAD, SUITE 3  
MAPLE VALLEY, WASHINGTON 98038

**Correspondent:** JENKENS & GILCHRIST, P.C.

P. WESTON MUSSELMAN, JR.  
1445 ROSS AVENUE, STE. 3200  
DALLAS, TEXAS 75202-2799

**Assignment: 5**

**Reel/Frame:** 3569/0638 **Received:** 06/27/2007 **Recorded:** 06/25/2007 **Pages:** 6

**Conveyance:** CORRECTIVE ASSIGNMENT TO CORRECT THE ADDRESS FOR THE RECEIVING PARTY ON CHANGE OF NAME DOCUMENT PREVIOUSLY RECORDED ON REEL 002037 FRAME 0080. ASSIGNOR(S) HEREBY CONFIRMS THE CHANGE OF NAME.

**Assignors:** AMINO DEVELOPMENT CORPORATION

**Exec Dt:** 01/07/2000

**Entity Type:** CORPORATION

**Citizenship:** NONE

AMIGA, INC.

**Exec Dt:** 08/30/2004

**Entity Type:** CORPORATION

**Citizenship:** NONE

**Assignees:** AMIGA, INC.

24403 256TH AVENUE SE, P.O. BOX 887  
RAVENSDALE, WASHINGTON 98051

**Entity Type:** CORPORATION

**Citizenship:** NONE

KMOS INC.

225 FOSTER AVENUE  
KENTFIELD, CALIFORNIA 94904

**Entity Type:** CORPORATION

**Citizenship:** NONE

**Correspondent:** DARREN B. COHEN

599 LEXINGTON AVENUE  
29TH FLOOR  
NEW YORK, NEW YORK 10022-7650

**Assignment: 6**

**Reel/Frame:** 3211/0093 **Received:** 12/15/2005 **Recorded:** 12/15/2005 **Pages:** 14

**Conveyance:** ACQUISITION OF INTELLECTUAL PROPERTY

**Assignor:** KMOS INC.

**Exec Dt:** 08/30/2004

**Entity Type:** CORPORATION

**Citizenship:** DELAWARE

**Assignee:** AMIGA, INC.

24403 256TH AVENUE SE, P.O. BOX 887  
RAVENSDALE, WASHINGTON 98051

**Entity Type:** CORPORATION

**Citizenship:** WASHINGTON

**Correspondent:** DARREN B. COHEN

599 LEXINGTON AVENUE  
29TH FLOOR  
NEW YORK, NY 10022-7650

**Assignment: 7**

**Reel/Frame:** 3211/0156 **Received:** 12/15/2005 **Recorded:** 12/15/2005 **Pages:** 3

**Conveyance:** CHANGE OF NAME

**Assignor:** KMOS INC.

**Exec Dt:** 01/31/2005

**Entity Type:** CORPORATION

**Citizenship:** CALIFORNIA

**Assignee:** AMIGA, INC.

24403 256TH AVENUE SE, P.O. BOX 887  
RAVENSDALE, WASHINGTON 98051

**Entity Type:** CORPORATION

**Citizenship:** WASHINGTON

**Exhibit F, p. 36**

**Correspondent:** DARREN B. COHEN  
599 LEXINGTON AVENUE  
29TH FLOOR  
NEW YORK, NM 10022-7650

**Assignment: 8**

**Reel/Frame:** 3237/0792      **Received:** 01/31/2006      **Recorded:** 01/31/2006      **Pages:** 7

**Conveyance:** CORRECTIVE ASSIGNMENT TO CORRECT THE ADDRESS AND STATE OF INCORPORATION FOR THE RECEIVING PARTY ON CHANGE OF NAME DOCUMENT PREVIOUSLY RECORDED ON REEL 003211 FRAME 0156. ASSIGNOR(S) HEREBY CONFIRMS THE CHANGE OF NAME.

**Assignor:** KMOS, INC.

**Exec Dt:** 01/31/2005

**Entity Type:** CORPORATION

**Citizenship:** CALIFORNIA

**Entity Type:** CORPORATION

**Citizenship:** DELAWARE

**Assignee:** AMIGA, INC.

167 MADISON AVENUE  
SUITE 301  
NEW YORK, NEW YORK 10016

**Correspondent:** DARREN B. COHEN  
599 LEXINGTON AVENUE  
29TH FLOOR  
NEW YORK, NY 10022-7650

Search Results as of: 07/18/2007 05:13 PM

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Trademark Assignment Details

Reel/Frame: 3237/0792

Pages: 7

Received: 01/31/2006

Recorded: 01/31/2006

Attorney Dkt #: 999906/00810

Conveyance: CORRECTIVE ASSIGNMENT TO CORRECT THE ADDRESS AND STATE OF INCORPORATION FOR THE RECEIVING PARTY ON CHANGE OF NAME DOCUMENT PREVIOUSLY RECORDED ON REEL 003211 FRAME 0156. ASSIGNOR(S) HEREBY CONFIRMS THE CHANGE OF NAME.

Total properties: 4

Table with 4 rows of trademark data including Serial #, Filing Dt, Reg #, and Reg. Dt.

Assignor

1 KMOS INC.

Exec Dt: 01/31/2005
Entity Type: CORPORATION
Citizenship: CALIFORNIA

Assignee

1 AMIGA, INC.
167 MADISON AVENUE
SUITE 301
NEW YORK, NEW YORK 10016

Entity Type: CORPORATION
Citizenship: DELAWARE

Correspondence name and address

DARREN B. COHEN
599 LEXINGTON AVENUE
29TH FLOOR
NEW YORK, NY 10022-7650

Search Results as of: 07/18/2007 05:15 PM
If you have any comments or questions concerning the data displayed, contact PRD / Assignments at 571-272-3350. v.2.0.1
Web interface last modified: April 20, 2007 v.2.0.1

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Exhibit F, p. 38



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## Trademarks > Trademark Electronic Search System(Tess)

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<b>Word Mark</b>	POWERED BY AMIGA
<b>Goods and Services</b>	IC 009. US 021 023 026 036 038. G & S: computers, computer peripherals, and computer operating systems. FIRST USE: 19970900. FIRST USE IN COMMERCE: 19970900
<b>Mark Drawing Code</b>	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
<b>Design Search Code</b>	01.07.08 - Globes with bars, bands or wavy lines, excluding meridian or parallel lines 26.17.01 - Bands, straight; Bars, straight; Lines, straight; Straight line(s), band(s) or bar(s)
<b>Serial Number</b>	75343350
<b>Filing Date</b>	August 19, 1997
<b>Current Filing Basis</b>	1A
<b>Original Filing Basis</b>	1B
<b>Published for Opposition</b>	May 4, 1999
<b>Registration Number</b>	<b>2369059</b>
<b>Registration Date</b>	July 18, 2000
<b>Owner</b>	(REGISTRANT) AMIGA DEVELOPMENT LLC LTD LIAB CO DELAWARE 600 NORTH DERBY LANE NORTH SIOUX CITY SOUTH DAKOTA 57049  (LAST LISTED OWNER) AMIGA, INC. CORPORATION WASHINGTON Suite 301 167 Madison Avenue New York WASHINGTON 10016
<b>Assignment Recorded</b>	ASSIGNMENT RECORDED
<b>Attorney of Record</b>	Darren B. Cohen
<b>Description of Mark</b>	Stippling in the drawing is a feature of the mark and is not intended to indicate color.

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Type of Mark TRADEMARK  
Register PRINCIPAL  
Affidavit Text SECT 15. SECT 8 (6-YR).  
Live/Dead Indicator LIVE

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Assignments on the Web > Trademark Query

Trademark Assignment Abstract of Title

Total Assignments: 9

Serial #: 75343350 Filing Dt: 08/19/1997 Reg #: 2369059 Reg. Dt: 07/18/2000

Registrant: AMIGA DEVELOPMENT LLC

Mark: POWERED BY AMIGA

Assignment: 1

Reel/Frame: 1672/0340 Received: 01/13/1998 Recorded: 12/29/1997 Pages: 2

Conveyance: ASSIGNS THE ENTIRE INTEREST

Assignor: AMIGA, INC.

Exec Dt: 12/11/1997

Entity Type: CORPORATION

Citizenship: DELAWARE

Entity Type: A DELAWARE LIMITED LIABILITY COMPANY

Citizenship: NONE

Assignee: AMIGA DEVELOPMENT LLC  
600 NORTH DERBY LANE  
NORTH SIOUX CITY, SOUTH DAKOTA 57049

Correspondent: JENKENS & GILCHRIST, P.C.  
P. WESTON MUSSELMAN, JR.  
1445 ROSS AVENUE  
SUITE 3200  
DALLAS, TX 75202-2799

Assignment: 2

Reel/Frame: 2037/0095 Received: 03/21/2000 Recorded: 02/15/2000 Pages: 3

Conveyance: ASSIGNS THE ENTIRE INTEREST

Assignor: AMIGA DEVELOPMENT LLC

Exec Dt: 12/29/1999

Entity Type: CORPORATION

Citizenship: DELAWARE

Entity Type: CORPORATION

Citizenship: WASHINGTON

Assignee: AMINO DEVELOPMENT CORPORATION  
23800 SE KENT KANGLEY ROAD, SUITE 3  
MAPLE VALLEY, WASHINGTON 98038

Correspondent: JENKENS & GILCHRIST, P.C.  
P. WESTON MUSSELMAN, JR.  
1445 ROSS AVENUE, STE. 3200  
DALLAS, TEXAS 75202-2799

Assignment: 3

Reel/Frame: 2037/0080 Received: 03/21/2000 Recorded: 02/15/2000 Pages: 2

Conveyance: CHANGE OF NAME

Assignor: AMINO DEVELOPMENT CORPORATION

Exec Dt: 01/07/2000

Entity Type: CORPORATION

Citizenship: WASHINGTON

Entity Type: CORPORATION

Citizenship: WASHINGTON

Assignee: AMIGA, INC.  
23800 SE KENT KANGLEY ROAD, SUITE 3  
MAPLE VALLEY, WASHINGTON 98038

Correspondent: JENKENS & GILCHRIST, P.C.  
P. WESTON MUSSELMAN, JR.  
1445 ROSS AVENUE, STE. 3200  
DALLAS, TEXAS 75202-2799

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Assignment: 4

Reel/Frame: 3569/0654 Received: 06/27/2007 Recorded: 06/27/2007 Pages: 4

Conveyance: CORRECTIVE ASSIGNMENT TO CORRECT THE ADDRESS FOR THE RECEIVING PARTY PREVIOUSLY RECORDED ON REEL 002037 FRAME 0080. ASSIGNOR(S) HEREBY CONFIRMS THE CHANGE OF NAME.

Assignor: AMINO DEVELOPMENT CORPORATION

Exec Dt: 01/07/2000

**Assignee:** AMIGA, INC.  
24403 256TH AVENUE, SE  
P.O. BOX 887  
RAVENSDALE, WASHINGTON 98051

**Entity Type:** CORPORATION  
**Citizenship:** NONE  
**Entity Type:** CORPORATION  
**Citizenship:** NONE

**Correspondent:** DARREN B. COHEN, ESQ.  
599 LEXINGTON AVENUE  
NEW YORK, NEW YORK 10022

**Assignment: 5**

**Reel/Frame:** 3569/0661      **Received:** 06/27/2007      **Recorded:** 06/26/2007      **Pages:** 4

**Conveyance:** CORRECTIVE ASSIGNMENT TO CORRECT THE ASSIGNEE'S ADDRESS PREVIOUSLY RECORDED ON REEL 002037, FRAME 0080. ASSIGNOR HEREBY CONFIRMS THE CHANGE OF NAME.

**Assignor:** AMINO DEVELOPMENT CORPORATION

**Exec Dt:** 01/07/2000

**Entity Type:** CORPORATION  
**Citizenship:** NONE  
**Entity Type:** CORPORATION  
**Citizenship:** NONE

**Assignee:** AMIGA, INC.  
24403 2565TH AVENUE, SE  
P.O. BOX 887  
RAVENSDALE, WASHINGTON 98051

**Correspondent:** DARREN B. COHEN, ESQ.  
599 LEXINGTON AVENUE  
NEW YORK, NY 10022

**Assignment: 6**

**Reel/Frame:** 3211/0093      **Received:** 12/15/2005      **Recorded:** 12/15/2005      **Pages:** 14

**Conveyance:** ACQUISITION OF INTELLECTUAL PROPERTY

**Assignor:** KMOS INC.

**Exec Dt:** 08/30/2004

**Entity Type:** CORPORATION  
**Citizenship:** DELAWARE  
**Entity Type:** CORPORATION  
**Citizenship:** WASHINGTON

**Assignee:** AMIGA, INC.  
24403 256TH AVENUE SE, P.O. BOX 887  
RAVENSDALE, WASHINGTON 98051

**Correspondent:** DARREN B. COHEN  
599 LEXINGTON AVENUE  
29TH FLOOR  
NEW YORK, NY 10022-7650

**Assignment: 7**

**Reel/Frame:** 3567/0962      **Received:** 06/26/2007      **Recorded:** 06/26/2007      **Pages:** 22

**Conveyance:** CORRECTIVE ASSIGNMENT TO CORRECT THE THE ACQUISITION OF INTELLECTUAL PROPERTY PREVIOUSLY RECORDED ON REEL 003211 FRAME 0093. ASSIGNOR(S) HEREBY CONFIRMS THE ACQUISITION OF INTELLECTUAL PROPERTY.

**Assignor:** AMIGA, INC.

**Exec Dt:** 08/30/2004

**Entity Type:** CORPORATION  
**Citizenship:** NONE  
**Entity Type:** CORPORATION  
**Citizenship:** NONE

**Assignee:** KMOS, INC.  
225 FOSTER AVENUE  
KENTFIELD, CALIFORNIA 94904

**Correspondent:** DARREN B. COHEN, ESQ.  
599 LEXINGTON AVENUE  
NEW YORK, NY 10022

**Assignment: 8**

**Reel/Frame:** 3211/0156      **Received:** 12/15/2005      **Recorded:** 12/15/2005      **Pages:** 3

**Conveyance:** CHANGE OF NAME

**Assignor:** KMOS INC.

**Exec Dt:** 01/31/2005

**Entity Type:** CORPORATION  
**Citizenship:** CALIFORNIA  
**Entity Type:** CORPORATION  
**Citizenship:** WASHINGTON

**Assignee:** AMIGA, INC.  
24403 256TH AVENUE SE, P.O. BOX 887

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RAVENSDALE, WASHINGTON 98051

**Citizenship:**

**Correspondent:** DARREN B. COHEN  
599 LEXINGTON AVENUE  
29TH FLOOR  
NEW YORK, NM 10022-7650

**Assignment: 9**

**Reel/Frame:** 3237/0792      **Received:** 01/31/2006      **Recorded:** 01/31/2006      **Pages:** 7

**Conveyance:** CORRECTIVE ASSIGNMENT TO CORRECT THE ADDRESS AND STATE OF INCORPORATION FOR THE RECEIVING PARTY ON CHANGE OF NAME DOCUMENT PREVIOUSLY RECORDED ON REEL 003211 FRAME 0156. ASSIGNOR(S) HEREBY CONFIRMS THE CHANGE OF NAME.

**Assignor:** KMOS, INC.

**Exec Dt:** 01/31/2005

**Entity Type:** CORPORATION

**Citizenship:** CALIFORNIA

**Entity Type:** CORPORATION

**Citizenship:** DELAWARE

**Assignee:** AMIGA, INC.

167 MADISON AVENUE  
SUITE 301  
NEW YORK, NEW YORK 10016

**Correspondent:** DARREN B. COHEN  
599 LEXINGTON AVENUE  
29TH FLOOR  
NEW YORK, NY 10022-7650

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Web interface last modified: April 20, 2007 v.2.0.1

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Trademark Assignment Details

Reel/Frame: 3567/0962

Pages: 22

Received: 06/26/2007

Recorded: 06/26/2007

Attorney Dkt #: 503370

Conveyance: CORRECTIVE ASSIGNMENT TO CORRECT THE THE ACQUISITION OF INTELLECTUAL PROPERTY PREVIOUSLY RECORDED ON REEL 003211 FRAME 0093. ASSIGNOR(S) HEREBY CONFIRMS THE ACQUISITION OF INTELLECTUAL PROPERTY.

Total properties: 1

1 Serial #: 75343350 Filing Dt: 08/19/1997 Reg #: 2369059 Reg. Dt: 07/18/2000 Mark: POWERED BY AMIGA

Assignor

1 AMIGA, INC.

Exec Dt: 08/30/2004 Entity Type: CORPORATION Citizenship: NONE

Assignee

1 KMOS, INC. 225 FOSTER AVENUE KENTFIELD, CALIFORNIA 94904

Entity Type: CORPORATION Citizenship: NONE

Correspondence name and address

DARREN B. COHEN, ESQ. 599 LEXINGTON AVENUE NEW YORK, NY 10022

Search Results as of: 07/18/2007 05:24 PM If you have any comments or questions concerning the data displayed, contact PRD / Assignments at 571-272-3350. v.2.0.1 Web interface last modified: April 20, 2007 v.2.0.1

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#### Typed Drawing

<b>Word Mark</b>	AMIGA
<b>Goods and Services</b>	IC 009. US 021 023 026 036 038. G & S: computer software used to facilitate development of software applications that can run on multiple platforms and other electronic devices; operating system software for personal computers and other electronic devices. FIRST USE: 19991227. FIRST USE IN COMMERCE: 19991227
<b>Mark Drawing Code</b>	(1) TYPED DRAWING
<b>Design Search Code</b>	
<b>Serial Number</b>	76096557
<b>Filing Date</b>	July 11, 2000
<b>Current Filing Basis</b>	1A
<b>Original Filing Basis</b>	1B
<b>Published for Opposition</b>	April 9, 2002
<b>Registration Number</b>	2802748
<b>Registration Date</b>	January 6, 2004
<b>Owner</b>	(REGISTRANT) Amiga, Inc. CORPORATION WASHINGTON 34935 SE Douglas Street, Suite 210 Snoqualmie WASHINGTON 98065  (LAST LISTED OWNER) AMIGA, INC. CORPORATION WASHINGTON 24403 256TH AVENUE SE, P.O. BOX 887 RAVENSDALE WASHINGTON 98051
<b>Assignment Recorded</b>	ASSIGNMENT RECORDED
<b>Attorney of Record</b>	Darren B. Cohen
<b>Prior Registrations</b>	2319266;2369059
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	PRINCIPAL
<b>Live/Dead</b>	LIVE

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Indicator

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Assignments on the Web > Trademark Query

Trademark Assignment Abstract of Title

Total Assignments: 3

Serial #: 76096557 Filing Dt: 07/11/2000 Reg #: 2802748 Reg. Dt: 01/06/2004

Registrant: Amiga, Inc.

Mark: AMIGA

Assignment: 1

Reel/Frame: 3211/0093 Received: 12/15/2005 Recorded: 12/15/2005 Pages: 14

Conveyance: ACQUISITION OF INTELLECTUAL PROPERTY

Assignor: KMOS INC.

Exec Dt: 08/30/2004

Entity Type: CORPORATION

Citizenship: DELAWARE

Entity Type: CORPORATION

Citizenship: WASHINGTON

Assignee: AMIGA, INC.

24403 256TH AVENUE SE, P.O. BOX 887  
RAVENSDALE, WASHINGTON 98051

Correspondent: DARREN B. COHEN  
599 LEXINGTON AVENUE  
29TH FLOOR  
NEW YORK, NY 10022-7650

Assignment: 2

Reel/Frame: 3211/0156 Received: 12/15/2005 Recorded: 12/15/2005 Pages: 3

Conveyance: CHANGE OF NAME

Assignor: KMOS INC.

Exec Dt: 01/31/2005

Entity Type: CORPORATION

Citizenship: CALIFORNIA

Entity Type: CORPORATION

Citizenship: WASHINGTON

Assignee: AMIGA, INC.

24403 256TH AVENUE SE, P.O. BOX 887  
RAVENSDALE, WASHINGTON 98051

Correspondent: DARREN B. COHEN  
599 LEXINGTON AVENUE  
29TH FLOOR  
NEW YORK, NY 10022-7650

Assignment: 3

Reel/Frame: 3237/0792 Received: 01/31/2006 Recorded: 01/31/2006 Pages: 7

Conveyance: CORRECTIVE ASSIGNMENT TO CORRECT THE ADDRESS AND STATE OF INCORPORATION FOR THE RECEIVING PARTY ON CHANGE OF NAME DOCUMENT PREVIOUSLY RECORDED ON REEL 003211 FRAME 0156. ASSIGNOR(S) HEREBY CONFIRMS THE CHANGE OF NAME.

Assignor: KMOS INC.

Exec Dt: 01/31/2005

Entity Type: CORPORATION

Citizenship: CALIFORNIA

Entity Type: CORPORATION

Citizenship: DELAWARE

Assignee: AMIGA, INC.

167 MADISON AVENUE  
SUITE 301  
NEW YORK, NEW YORK 10016

Correspondent: DARREN B. COHEN  
599 LEXINGTON AVENUE  
29TH FLOOR  
NEW YORK, NY 10022-7650

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