

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

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

AMIGA, INC., a Delaware corporation,

Plaintiff,

and

HYPERION VOF, a Belgium corporation,

Defendant.

CAUSE NO. CV07-0631RSM

**DECLARATION OF TIM PATERSON RE
TRADEMARK APPLICATIONS**

**DECLARATION OF TIM PATERSON RE TRADEMARK
APPLICATIONS - 1**

Case No. CV07-0631RSM

CABLE, LANGENBACH,
KINERK & BAUER, LLP
SUITE 3500
1000 SECOND AVENUE
BUILDING
SEATTLE, WASHINGTON 98104-
1048
(206) 292-8800

DECLARATION OF TIM PATERSON

DISTRICT OF COLUMBIA §

I, the undersigned Tim Paterson, declare as follows:

1. The facts stated herein are of my personal knowledge and if sworn as a witness, I could testify competently thereto.
2. I am employed by Thomson CompuMark, 1100 13th Street NW, Suite 300, Washington, DC 20005, as Team Leader, Document Services. As such, I performed the research described below.
3. Thomson CompuMark (formerly Thomson & Thomson) has been engaged in trademark and copyright research for over seventy-five years. We are the largest firm of this type in the United States, employing approximately 400 people and using an extensive collection of print and electronic databases. Thomson CompuMark's District of Columbia Office also regularly obtains official documents and files from the United States Patent and Trademark Office and the United States Copyright Office on behalf of our clients.
4. On July 25, 2007, a request was received from our client Steven M. Getzoff of Reed Smith LLP of New York that we ascertain the current status of the following trademark applications:

AMIGA	Serial No. 78940417
AMIGA and design	Serial No. 78940426
"Boing Ball" logo	Serial No. 78940434
AMIGA ANYWHERE	Serial No. 78942544
AMIGA ENABLED	Serial No. 78942551
5. A check of the automated database (The TARR database) of the United States Patent and Trademark Office on July 27, 2007, revealed that the status of all of the above marks is APPROVED FOR PUBLICATION. Copies of abstracts from the TARR database are attached as Exhibit A.

I declare under penalties of perjury that the foregoing is true and correct.



Tim Paterson

7/27/2007 Date

EXHIBIT A

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

This page was generated by the TARR system on 2007-07-27 14:33:51 ET

Serial Number: 78940417 Assignment Information

Registration Number: (NOT AVAILABLE)

Mark

AMIGA

(words only): AMIGA

Standard Character claim: Yes

Current Status: Approved by the examining attorney for publication for opposition. This is NOT the beginning of the Opposition period. In approximately two months, please visit the web site to learn the actual date of publication for opposition in the Trademark Official Gazette.

Date of Status: 2007-07-24

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: 2007-07-24

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

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 telecommunication switches; computer network routers, computer network hubs and computer network switches and communications servers; computer operating systems; computer disk drives; RAM expansion cartridges and external memory devices, namely, optical disc 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)

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

2007-07-24 - Approved for Pub - Principal Register (Initial exam)

2007-07-24 - Examiner's Amendment Entered

2007-07-24 - Notification Of Examiners Amendment E-Mailed

2007-07-24 - EXAMINERS AMENDMENT E-MAILED

2007-07-24 - Examiners Amendment -Written

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

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

This page was generated by the TARR system on 2007-07-27 14:34:00 ET

Serial Number: 78940426 [Assignment Information](#)

Registration Number: (NOT AVAILABLE)

Mark



(words only): AMIGA

Standard Character claim: No

Current Status: Approved by the examining attorney for publication for opposition. This is NOT the beginning of the Opposition period. In approximately two months, please visit the web site to learn the actual date of publication for opposition in the Trademark Official Gazette.

Date of Status: 2007-07-25

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: 2007-07-25

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

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 telecommunication switches; computer network routers, computer network hubs and computer network switches and communications servers; computer operating systems; computer disk drives; RAM expansion cartridges and external memory devices, namely, optical disc 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)

ADDITIONAL INFORMATION

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

Description of Mark: The color black appears in the word AMIGA, and the color red appears in the square design above the letter I of the word AMIGA in the mark.

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)

PROSECUTION HISTORY

2007-07-25 - Approved for Pub - Principal Register (Initial exam)

2007-07-25 - Examiner's Amendment Entered

2007-07-25 - Notification Of Examiners Amendment E-Mailed

2007-07-25 - EXAMINERS AMENDMENT E-MAILED

2007-07-25 - Examiners Amendment -Written

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

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

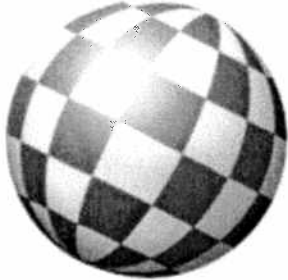
Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2007-07-27 14:34:10 ET

Serial Number: 78940434 Assignment Information

Registration Number: (NOT AVAILABLE)

Mark



Standard Character claim: No

Current Status: Approved by the examining attorney for publication for opposition. This is NOT the beginning of the Opposition period. In approximately two months, please visit the web site to learn the actual date of publication for opposition in the Trademark Official Gazette.

Date of Status: 2007-07-26

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: 2007-07-26

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

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 telecommunication switches; computer network routers, computer network hubs and computer network switches and communications servers; computer operating systems; computer disk drives; RAM expansion cartridges and external memory devices, namely, optical disc 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)

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 the design of a checkered ball. 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)

PROSECUTION HISTORY

2007-07-26 - Approved for Pub - Principal Register (Initial exam)

2007-07-26 - Examiner's Amendment Entered

2007-07-26 - Notification Of Examiners Amendment E-Mailed

2007-07-26 - EXAMINERS AMENDMENT E-MAILED

2007-07-26 - Examiners Amendment -Written

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

2006-12-28 - Non-final action e-mailed

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

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

This page was generated by the TARR system on 2007-07-27 14:34:24 ET

Serial Number: 78942544 Assignment Information

Registration Number: (NOT AVAILABLE)

Mark

AMIGA ANYWHERE

(words only): AMIGA ANYWHERE

Standard Character claim: Yes

Current Status: Approved by the examining attorney for publication for opposition. This is NOT the beginning of the Opposition period. In approximately two months, please visit the web site to learn the actual date of publication for opposition in the Trademark Official Gazette.

Date of Status: 2007-07-27

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: 2007-07-27

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

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 telecommunication switches; computer network routers, computer network hubs and computer network switches and communications servers; computer operating systems; computer disk drives; RAM expansion cartridges and external memory devices, namely, optical disc 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

2007-07-27 - Approved for Pub - Principal Register (Initial exam)

2007-07-27 - Examiner's Amendment Entered

2007-07-27 - Notification Of Examiners Amendment E-Mailed

2007-07-27 - EXAMINERS AMENDMENT E-MAILED

2007-07-27 - Examiners Amendment -Written

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

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

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

This page was generated by the TARR system on 2007-07-27 14:34:31 ET

Serial Number: 78942551 Assignment Information

Registration Number: (NOT AVAILABLE)

Mark

AMIGA ENABLED

(words only): AMIGA ENABLED

Standard Character claim: Yes

Current Status: Approved by the examining attorney for publication for opposition. This is NOT the beginning of the Opposition period. In approximately two months, please visit the web site to learn the actual date of publication for opposition in the Trademark Official Gazette.

Date of Status: 2007-07-27

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: 2007-07-27

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

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 telecommunication switches; computer network routers, computer network hubs and computer network switches and communications servers; computer operating systems; computer disk drives; RAM expansion cartridges and external memory devices, namely, optical disc 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

2007-07-27 - Approved for Pub - Principal Register (Initial exam)

2007-07-27 - Examiner's Amendment Entered
2007-07-27 - Notification Of Examiners Amendment E-Mailed
2007-07-27 - EXAMINERS AMENDMENT E-MAILED
2007-07-27 - Examiners Amendment -Written
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
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
